



ORDINANCE NO. 2016- 10

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, specifically related to easements 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 March 15, 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 March 15, 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:

Subsection 6-3-D-12 of the Utah County Land Use Ordinance is hereby amended to read as follows:

6-3: PLANNED SUBDIVISIONS

D. STANDARDS AND CONDITIONS

12. Utilities and 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. Easements of not less than ten (10) feet in width shall be required for all irrigation channels and ditches, pressurized irrigation lines, and drains. The location of the easements shall be approved by the County Engineer.
- d. No structure shall be placed within the required easements except utility structures, irrigation and drainage facilities, and pump and well houses, or other structures or facilities approved by the County Engineer.
- e. The applicant shall provide a service letter from each utility provider, which shall include all costs associated with installing or upgrading the utility.

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 22nd day of March 2016.

UTAH COUNTY COMMISSION

VOTE

Larry A. Ellertson
LARRY A. ELLERTSON, CHAIR

Aye

William C. Lee
WILLIAM C. LEE, VICE-CHAIR

Aye

Greg Graves
GREG GRAVES, COMMISSIONER

Aye

ATTEST:
BRYAN E. THOMPSON
County Clerk/Auditor

APPROVED AS TO FORM:
JEFFREY R. BUHMAN
County Attorney

By: *Linda Strickland*
Deputy

Approved

Disapproved

By: *Jeffrey R. Buhman*
Deputy

Date of Publication: Once only, as soon as possible

March 15, 2016

UTAH COUNTY PLANNING COMMISSION STAFF REPORT

- I. APPLICATION:** (Public Hearing)
- A. APPLICANT** - Utah County Planning Commission
- B. REQUEST** - Proposed amendment of Section 6-3 of the Utah County Land Use Ordinance related to requirements for Planned Subdivisions
- C. LOCATION** - Unincorporated Utah County

II. STAFF ANALYSIS:

Recently, the County adopted an amendment to the Utah County Land Use Ordinance that changed the requirements for utility easements for planned subdivisions and made the requirements similar to those required for planned unit developments (PUD's). Since 2009, the subsection of the Ordinance that contains the requirements for utility easements for planned subdivisions has also contained a requirement for irrigation easements. However, with the aforementioned recent amendment, the requirement for utility easements was inadvertently excluded from the subsection of the Ordinance that contains the requirements for utility easements.

The purpose of this proposal is to add a requirement for irrigation easements in connection with planned subdivisions. The previous irrigation easement requirement required easements of not less than ten (10) feet in width around all lots. This proposal includes a requirement for irrigation easements of not less than ten (10) feet in width for all irrigation channels and ditches, pressurized irrigation lines, and drains (i.e., the open and closed drains that are common in the Lake Shore and Benjamin area of Utah County) located within a new planned subdivision. The applicant of a planned subdivision would be required to obtain approval from the County Engineer for the location of easements for irrigation channels and ditches, pressurized irrigation lines, and drains.

With the requirement that an irrigation plan for a new planned subdivision allow for the independent irrigation of each lot in the development, it is anticipated that most planned subdivision lots would have at least one or more easements for irrigation channels and ditches and/or pressurized irrigation lines. However, this proposal appears to be flexible enough to not necessarily require irrigation easements for those subdivisions with small (in area) lots connected to a water system that receive, or will receive, their irrigation water through such a system. The lots in these types of developments would likely be irrigated by a standard residential irrigation system.

This proposal also expands (to a limited degree) and/or clarifies the type of uses, structures, or facilities allowed to be utilized, constructed, and/or established within an easement for utilities lines, irrigation channels and ditches, pressurized irrigation lines, and drains.

The heading for this subsection of the Ordinance is proposed to be amended to clarify the fact that it contains general requirements for utilities. The new heading also refers to easements in a more general sense, since this proposal would not only require utility easements, but also easements for irrigation channels and ditches, pressurized irrigation lines, and drains.

Subsection 6-3-D-12 of Utah County Land Use Ordinance is proposed to be amended as follows (additions are in *bold italics* and deletions are ~~crossed-out~~):

6-3: PLANNED SUBDIVISIONS

D. STANDARDS AND CONDITIONS

12. ~~Utility Easements~~ Utilities and 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. *Easements of not less than ten (10) feet in width shall be required for all irrigation channels and ditches, pressurized irrigation lines, and drains. The location of the easements shall be approved by the County Engineer.*
- d. No structure shall be placed within the ~~designated~~ *required* easements except utility structures, *irrigation and drainage facilities, and pump and well houses, or other structures or facilities approved by the County Engineer.*
- e. The applicant shall provide a service letter from each utility provider, which shall include all costs associated with installing or upgrading the utility.

Applicable Ordinances and Statutes

1. **Subsection 1-2** of the Utah County Land Use Ordinance identifies the intent and purposes of the Ordinance.
2. **Section 6-3** of the Utah County Land Use Ordinance establishes requirements for Planned Subdivisions.
3. **Subsections 7-23-C and 7-25** establish the criteria for Planning Commission recommendation of approval to the County Commission for any land use ordinance or zone map amendment.

III. STAFF RECOMMENDATION

That the Utah County Planning Commission recommend to the Utah County Commission approval of the proposed amendments to Section 6-3, related to requirements for Planned Subdivisions, based on the following finding:

1. That the proposed amendments appears to meet the criteria for approval, as per Subsection 7-23-C and Section 7-25 of the Utah County Land Use Ordinance.

UTAH COUNTY PLANNING COMMISSION

**Minutes
March 15, 2016**

Present: Thomas Liddle, Chair
Mike Stansfield
Stanford Sainsbury
Blaine Thatcher
Robert McMullin

Excused: Karen McCandless
Vern Keeslar

Bryce Armstrong, Associate Director, Community Development
Robert Moore, Deputy County Attorney
Joshua Ivie, Secretary

OTHERS PRESENT: Peggy Kelsey, Brandon Larsen, Robert May, Utah County Community Development; Jack Snow, Utah County Fire Marshal's Office; Robert J Stevens, applicant; Ryan Noorda.

The meeting was called to order at 5:30 PM by Thomas Liddle, Chairman of the Utah County Planning Commission at 100 E Center St, Room 1400, of the Utah County Administration Building, located in Provo, Utah. Mike Stansfield led the assembled body in the Pledge of Allegiance.

LAND USE ORDINANCE TEXT AMENDMENT

Utah County Planning Commission - Proposed amendment of Section 6-3 of the Utah County Land Use Ordinance related to requirements for Planned Subdivisions [Public Hearing]

Brandon Larsen introduced the proposed text amendment. Larsen explained that the purpose of the text amendment is to include easements related to irrigation, as well as clarify what types of structures can be placed within the required easements.

There was some brief discussion about how the proposed text amendment compared to the current ordinance.

Blaine Thatcher asked if this contemplates a perimeter easement. Larsen explained that perimeter easements would not be required anymore.

Thomas Liddle clarified for the record that there were no members of the public present who wished to speak to the Planning Commission regarding this item.

Motion: Stanford Sainsbury

Second: Mike Stansfield

Motion that the Utah County Planning Commission recommend to the Utah County Commission **approval** of the proposed amendments to Section 6-3, related to requirements for Planned Subdivisions, based on the following finding:

1. That the proposed amendments appears to meet the criteria for approval, as per Subsection 7-23-C and Section 7-25 of the Utah County Land Use Ordinance.

The motion passed by the following vote: "Aye", Thomas Liddle, Mike Stansfield, Stanford Sainsbury, Blaine Thatcher, Robert McMullin; "Nay", none.

ENT 27914:2016 PG 7 of 7

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