

**AN ORDINANCE AMENDING SECTION 6-1 OF THE UTAH COUNTY LAND USE ORDINANCE, RELATED TO REQUIREMENTS FOR PLAT AMENDMENTS AND LOT LINE ADJUSTMENTS**

**WHEREAS**, the Planning Commission initiated a review of the Utah County Land Use Ordinance (UCLUO), dealing with amending Section 6-1, related to requirements for plat amendments and lot line adjustments; 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 August 16, 2016, and made a recommendation to the Board of County Commissioners regarding the proposed amendments; and

**WHEREAS**, a public hearing regarding the proposed amendments was scheduled and held during the regularly scheduled meeting of the Planning Commission, on August 16, 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 of the August 16, 2016, 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 6-1-E-26 of the Utah County Land Use Ordinance is hereby amended to read as follows:

6-1: GENERAL PROVISIONS

E. PROCEDURES

26. Amendments to Large Scale Development Plats

a. Unrecorded Plats

If the applicant desires to make changes to an unrecorded large scale development plat that has received a recommendation from the Utah County Planning Commission and/or approval by the Utah County Commission, the applicant must file a new application which complies with the procedures and requirements for a new application, and which application must contain all of the elements required for a new application, provided, however, that the Zoning Administrator can waive any procedures or application elements which the Zoning Administrator determines to be inapplicable to the amended application, or contained in the original application and not requiring amendment or a new submission. The application must then be submitted to the Planning Commission for a new recommendation and to the Utah County Commission for approval or denial.

b. Recorded Conforming Plats

Amendments to approved recorded plats of large scale developments which are not nonconforming uses under this Land Use Ordinance shall comply with the procedures and requirements contained in the Utah Code for plat amendments. In addition, the applicant shall comply with the procedures and requirements for a new large scale development application, and which application must contain all of the elements required for a new application, provided, however, that the Zoning Administrator can waive any procedures or application elements which the Zoning Administrator determines to be inapplicable to the plat amendment application, except for those procedures and requirements contained in the Utah Code for plat amendments. The application must then be submitted to the Planning Commission for a recommendation and to the Utah County Commission for approval or denial.

c. Recorded Nonconforming Plats

Amendments to approved recorded plats of subdivisions and large scale developments which are nonconforming uses (plats approved as previously permitted conditional uses under the land use ordinance, or plats approved prior to the enactment of County plat requirements, but, because of one or more subsequent land use ordinance change, do not conform to the regulations that now govern the use of the land) shall comply with the procedure and requirements contained in the Utah Code for plat amendments. In addition, the applicant shall comply with the procedures and requirements applicable to the specific development type which was originally approved (now a nonconforming use). Any amendment must comply with all of the parameters, requirements, and restrictions applicable to the original approved development. No such plat amendment can be approved which would increase the number of dwelling units in the plat, increase the number of lots in the plat, increase the

number of lots available for residential use in the plat, or add additional land area to the plat. Consistent with the limitations contained herein, the Zoning Administrator can waive any procedures or application elements which the Zoning Administrator determines to be inapplicable to the plat amendment application, except for those procedures and requirements contained in the Utah Code for plat amendments. The application must then be submitted to the Planning Commission for a recommendation and to the Utah County Commission for approval or denial.

d. Minimum Requirements

Notwithstanding the forgoing plat amendment requirements, all plat amendment applications shall include the following documentation and shall not be waived by the Zoning Administrator:

- i. A petition that meets the requirements of Title 17, Chapter 27a of the Utah Code Annotated, 1953 as amended, or successor code, for vacating or amending a subdivision plat.
- ii. 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.
- iii. A recent policy of title insurance or preliminary report of title verifying the owners who executed the owners' dedication on the plat have sufficient control to effectuate the dedication without boundary exceptions. All easements and other title restrictions shall be located and identified on the plat, including the recording information. All blanket easements shall be identified on the plat, by note, including the recording information. Lien holder consent and subordination shall be obtained, provided on forms approved by the County Attorney's Office, and submitted for review.
- iv. A reproducible plat 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 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 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:
    - (1). The certificate of survey accuracy by the surveyor or engineer preparing the plat.
    - (2). The owner's dedication of land for public use, and the owner's conveyance of easements and parcels for utilities or other special use.
    - (3). 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).
    - (4). 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.
    - (5). Certifications required by State Law and other certifications if required by the County Commission.
  - v. Written statements from the following County agencies or officials that address the proposed plat amendment and identify any requirements or recommendations relative to the proposal:
    - (A). County Health Department
    - (B). County Engineer
    - (C). County Fire Marshal
  - vi. Written statements from the electrical service provider, and natural gas service provider where available, which service the land described on the plat, which statements address the proposed plat amendment and identify any recommendations relative to the proposal. If recommendations are received from an electrical or natural gas service provider, the County Commission, based on the findings of the County Engineer, shall determine whether the recommendations will be incorporated into the proposal.
  - vii. A tax clearance 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.
  - e. A proposed plat amendment that includes the adjustment of a lot line shall not be required to also meet the lot line adjustment requirements found in this Land Use Ordinance.

## **Part II:**

Subsection 6-1-E-27 of the Utah County Land Use Ordinance is hereby amended to read as follows:

- 6-1: GENERAL PROVISIONS
- E. PROCEDURES
- 27. Lot Line Adjustments

- a. The owners of record of adjacent lots that are described by either a metes and bounds description or by a recorded plat may exchange title to portions of such lots and/or make lot line adjustments by complying with the provisions of the Utah Code Annotated 1953, as amended, and the regulations of this ordinance, including the submittal of the following documents:
  - i. A lot line adjustment 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.
  - ii. A metes and bounds description of each lot prior to and after the exchange of title and/or lot line adjustment.
  - iii. A recent policy of title insurance or preliminary report of title, one for each lot, verifying the owners who will execute the notice of approval of exchange of title and/or lot line adjustment have sufficient control to effectuate such without boundary exceptions. Lien holder consent shall be obtained, provided on forms approved by the County Attorney's Office, and submitted for review.
  - iv. Written statements from the following County agencies or officials that address the proposed exchange of title and/or lot line adjustment and identify any requirements or recommendations relative to the proposal:
    - (A) County Health Department
    - (B) County Engineer
    - (C) County Fire Marshal
  - v. Written statements from the electrical service provider, and natural gas service provider where available, which service the lots included in the lot line adjustment application, which statements address the proposed exchange of title and/or lot line adjustment and identify any recommendations relative to the proposal. If recommendations are received from an electrical or natural gas service provider, the County Commission, based on the findings of the County Engineer, shall determine whether the recommendations will be incorporated into the proposal.
  - vi. A site plan that has been dated, stamped, and signed by a land surveyor licensed in the State of Utah showing the current and proposed configuration of each lot; the location of all structures; the front, side, and rear setback requirements applicable to the lots; the width of the lots along the frontage of the road(s); the location of all wells; the location of septic tanks and leach fields; the location of any buried or above ground LPG tanks; the location of utility lines and utility easements; the location of irrigation water lines, facilities, and irrigation easements; and the location of drainage lines.
  - vii. The document that will be used to convey title, which document reflects the lot line adjustment.

- viii. Any additional information or documentation requested by the Planning Commission or County Commission, only if the lot line adjustment application must be forwarded to the Planning Commission for a recommendation and to the County Commission for approval or denial.
- b. The Zoning Administrator shall approve a lot line adjustment application under this subsection if such will not result in a violation of this Land Use Ordinance. However, the Zoning Administrator may require a lot line adjustment application to be forwarded to the Planning Commission for a recommendation and to the Utah County Commission for approval or denial, if he/she determines the proposed adjustment may impact the health, safety, or welfare of the public.
- c. If a lot line adjustment application is approved under this subsection:
  - i. A notice of approval shall be recorded in the office of the County Recorder which:
    - (A) is executed by each owner included in the exchange of title and/or lot line adjustment and by the County land use authority;
    - (B) contains an acknowledgment for each party executing the notice in accordance with the applicable provisions of the Utah Code Annotated 1953, as amended ; and
    - (C) recites the descriptions of both the original lots and the lots created by the exchange of title; and
  - ii. A document of conveyance of title reflecting the approved change shall be recorded in the office of the County Recorder.

### **Part III:**

Subsection 6-1-E-28 of the Utah County Land Use Ordinance is hereby established to read as follows:

#### 6-1: GENERAL PROVISIONS

##### E. PROCEDURES

##### 28. Building Permits

No building permit shall be issued until the plat is recorded. After the plat is recorded, no building permit shall be issued for any structure within the development, other than utility related structures, until

- a. all of the roads, streets, street signs, traffic control signs and devices, and information signs, have been constructed, inspected, and approved;
- b. the central culinary water system, if one is proposed or required for the development, is constructed, inspected, approved and is operational, including the issuance of all required operational permits from the State of Utah and other entities having jurisdiction;

- c. the private culinary well, if one is proposed or required for the lot, has been drilled, tested, and approved as a culinary water source, meeting all applicable requirements for use, flow, quantity, and quality;
- d. the central sewer system, if one is proposed or required for the development, is constructed, inspected, approved and is operational, including the issuance of all required operational permits from the State of Utah and other entities having jurisdiction; and
- e. all other required utility systems have been constructed, inspected, approved and are operational, including the issuance of all required operational permits from the State of Utah and other entities having jurisdiction, provided that if the sewer treatment method is by private septic systems entirely located on each lot, the permit for the construction of the dwelling may be issued concurrent with the issuance of the required permits for construction of the private septic system serving that dwelling.

**Part IV:**

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 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 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 30th day of August 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: *Renee DeCaron*  
Deputy

Approved

Disapproved

By: *Jeffrey R. Buhman*  
Deputy

Date of Publication: Once only, as soon as possible