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JEFFERY SMITH
UTAH COUNTY RECORDER
2017 Sep 08 4:36 pm FEE 0.00 BY BA
RECORDED FOR UTAH COUNTY COMMISSIONERS

ORDINANCE NO. 2017- 17

AN ORDINANCE AMENDING SECTIONS 6-3, 6-4, 6-5, AND 6-6 OF THE UTAH COUNTY LAND USE ORDINANCE, RELATED TO SETBACK AND NOXIOUS WEEDS CERTIFICATION REQUIREMENTS FOR PLATS

WHEREAS, the Planning Commission initiated a review of the Utah County Land Use Ordinance (UCLUO), dealing with amending Sections 6-3, 6-4, 6-5, and 6-6 of the Utah County Land Use Ordinance, related to setback and noxious weeds certification requirements for plats; 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 July 18, 2017, 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 July 18, 2017; 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 July 18, 2017 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 is 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-C-7-j of the Utah County Land Use Ordinance is hereby amended to read as follows:

6-3: PLANNED SUBDIVISIONS
 C. APPLICATION REQUIREMENTS

7. Documentation

- 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 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.

Part II:

Subsection 6-3-C-8 of the Utah County Land Use Ordinance is hereby amended to read as follows:

6-3: PLANNED SUBDIVISIONS
 C. APPLICATION REQUIREMENTS

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/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.

Part III:

Subsection 6-3-D-13 of the Utah County Land Use Ordinance is hereby amended to read as follows:

- 6-3: PLANNED SUBDIVISIONS
 D. STANDARDS AND CONDITIONS
 13. Setback Distances

Each lot in a planned subdivision shall meet the applicable setback requirements of this Ordinance, or successor ordinance. A note shall be placed on the plat that states the following: "Each lot shall be required to meet the applicable setback requirements of the Utah County Land Use Ordinance, or successor ordinance."

Part IV:

Subsection 6-4-C-7-i of the Utah County Land Use Ordinance is hereby amended to read as follows:

- 6-4: MOUNTAIN HOME DEVELOPMENTS
 C. APPLICATION REQUIREMENTS
 7. Documentation

- i. 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 public utility and irrigation easements shall be shown on the plat (minimum width of 10 feet on all sides of each lot), 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 public streets and other public areas as indicated hereon, for the perpetual use of the public, the private streets and other private open space and common areas as indicated hereon for the perpetual use of all lot owners, and their successors and assigns in perpetuity, 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.

Part V:

Subsection 6-4-C-8 of the Utah County Land Use Ordinance is hereby amended to read as follows:

6-4: MOUNTAIN HOME DEVELOPMENTS
C. APPLICATION REQUIREMENTS

8. Plat

The plat shall be reproducible and shall 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/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 the restrictions imposed by the open space preservation agreement or any other limitations, or which are subject to conditions of approval which

- are 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, the owner's conveyance of easements and parcels for utilities or for common use by the residents of the development, and the owner's acceptance of the limitations or conditions of approval.
 - 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.

Part VI:

Subsection 6-4-D-17 of the Utah County Land Use Ordinance is hereby amended to read as follows:

6-4: MOUNTAIN HOME DEVELOPMENTS

D. STANDARDS AND CONDITIONS

17. Setback Distances

Each lot in a mountain home development shall meet the applicable setback requirements of this Ordinance, or successor ordinance. A note shall be placed on the plat that states the following: "Each lot shall be required to meet the applicable setback requirements of the Utah County Land Use Ordinance, or successor ordinance."

Part VII:

Subsection 6-5-C-7-i of the Utah County Land Use Ordinance is hereby amended to read as follows:

6-5: RECREATIONAL RESORTS

C. APPLICATION REQUIREMENTS

7. Documentation

- i. 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 public utility and irrigation easements shall be shown on the plat (minimum width of 10 feet on all sides of each lot), 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 public streets and other public areas as indicated hereon, for the perpetual use of the public, the private streets and other private open space and common areas as indicated hereon for the perpetual use of all lot owners, and their successors and assigns in perpetuity, 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.

Part VIII:

Subsection 6-5-C-8 of the Utah County Land Use Ordinance is hereby amended to read as follows:

6-5: RECREATIONAL RESORTS

C. APPLICATION REQUIREMENTS

8. Plat

The plat shall be reproducible and shall 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 the restrictions imposed by the open space preservation agreement or any other limitations, or which are subject to conditions of approval which are 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, the owner's conveyance of easements and parcels for utilities or for common use by the residents of the development, and the owner's acceptance of the limitations or conditions of approval.
 - 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.

Part IX:

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

6-6: PLANNED NONRESIDENTIAL SUBDIVISION

C. APPLICATION REQUIREMENTS

7. Plat

The plat shall be reproducible and 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/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, if applicable.
- 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, the owner's conveyance of easements and parcels for utilities or other special use, and the owner's acceptance of the limitations or conditions of approval.
 - 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.

Part X:

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

6-6: PLANNED NONRESIDENTIAL SUBDIVISION

D. STANDARDS AND CONDITIONS

12. Setback Distances

Each lot in a planned nonresidential subdivision shall meet the applicable setback requirements of this Ordinance, or successor ordinance. A note shall be placed on the plat that states the following: "Each lot shall be required to meet the applicable setback requirements of the Utah County Land Use Ordinance, or successor ordinance."

Part XI:

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 XII:

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 XIII:

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 8th day of August 2017.



WILLIAM C. LEE, CHAIR

VOTE

aye



GREG GRAVES, VICE-CHAIR

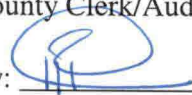
aye



NATHAN IVIE, 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