

AN ORDINANCE AMENDING CHAPTERS 2, 4, AND 6 OF THE UTAH COUNTY LAND USE ORDINANCE, RELATIVE TO REQUIREMENTS FOR LARGE-SCALE DEVELOPMENTS

WHEREAS, the Planning Commission initiated a review of the Utah County Land Use Ordinance (UCLUO), dealing with amending Chapters 2, 4, and 6 of the Utah County Land Use Ordinance, relative to requirements for Large-Scale Developments; 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 October 16, 2018, 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 October 16, 2018; 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 October 16, 2018 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.

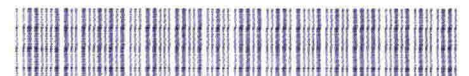
NOW, THEREFORE, THE COUNTY LEGISLATIVE BODY OF UTAH COUNTY ORDAINS AS FOLLOWS:

Part I:

Subsection 2-2-A of the Utah County Land Use Ordinance is hereby amended to read as follows:

2-2: DEFINITIONS

A.



ENT 2725:2019 PG 1 of 10
JEFFERY SMITH
UTAH COUNTY RECORDER
2019 Jan 11 11:11 am FEE 0.00 BY MA
RECORDED FOR UTAH COUNTY COMMISSIONERS

87. **Lot:** Any parcel of land owned in fee, lying in a solid body, whose boundaries constitute a closure or purported closure as the legal description of said parcel of land; or when land is surveyed and subdivided according to an approved plat, the lot shall mean a parcel of land as designated on said recorded, approved plat.
- a. **Lot of Record:** A lot designated on a subdivision plat or shown by metes and bounds, duly recorded pursuant to statute in the County Recorder's Office or other official record. A lot of record may or may not coincide with a zoning lot.
 - b. **Nonconforming Lot of Record:** A lot which does not conform to the area and/or width requirements of this ordinance for a zoning lot, but which was shown continuously on the records of the County Clerk or Recorder as an independent parcel since before the effective date of this ordinance and which did qualify for building prior to such date. A nonconforming lot of record that is diminished in area by the deeding and dedication of a portion of the lot to the respective governmental entity for a federal highway, a state highway, a county road, or a city street, if the respective governmental entity accepts the dedication, shall continue as a nonconforming lot of record.
 - c. **Zoning Lot:** A lot occupied by, or which is qualified to be occupied by, a building or use of land, or a group of buildings or uses, which meets all of the applicable requirements for area, buildable area, frontage, width, yard, setback, subdivision, and all other requirements set forth in this ordinance, for such use. (A lot which is a part or parcel in an unapproved and/or illegally recorded subdivision shall not qualify as a zoning lot under the terms of this definition.) A zoning lot that is diminished in area by the deeding and dedication of a portion of the lot to the respective governmental entity for a federal highway, a state highway, a county road, or a city street, if the respective governmental entity accepts the dedication, shall continue as a zoning lot if the frontage, width of lot, and area of lot are not reduced below the minimum frontage, width, and area requirements of the zone in which the lot is located, provided that:
 - i. if the dedication reduces the area of the lot below the minimum requirements for area of the zone in which it is located, the lot shall be considered a legal nonconforming lot of record if the amount of the reduction in area is less than 15% of the area of the original lot of record; and
 - ii. if the lot is located within a subdivision plat, the subdivision plat that contains the lot is amended to indicate the new description of the lot.

90. **Minor Subdivision:** A planned subdivision consisting of no more than five (5) lots, which subdivision has been approved by the County Commission and finalized by the recording of a subdivision plat with the Utah County Recorder's Office.

Part II:

Chapter 4 of the Utah County Land Use Ordinance is hereby amended to read as follows:

CHAPTER 4

ESTABLISHMENT OF ZONES

4-5: AREA AND WIDTH REQUIREMENTS

Chapter 5 contains the area and width requirements for zoning lots within the applicable zones established herein; however, lots within large scale developments shall be subject to the lot area and lot width requirements established by Chapter 6, and not by any other conflicting lot area or lot width requirements of this Ordinance.

Part III:

Subsection 6-1-E-16 of the Utah County Land Use Ordinance is hereby amended to read as follows:

6-1: GENERAL PROVISIONS

E. PROCEDURES

Any person wishing to obtain approval to construct a large-scale development shall comply with the following procedure.

16. Minor Subdivisions

- a. The County Commission is authorized to take action on minor subdivisions, as follows:
 - i. Approve minor subdivisions if they find that all requirements have been met;
 - ii. Approve minor subdivisions subject to specified conditions and requirements, as permitted by applicable law, which conditions and requirements shall be placed on the plat, if they find that all requirements have been met; or
 - iii. The County Commission may disapprove the development. A disapproval shall be supported by findings, which findings may include any of the following:
 - (A) The plans, documents, or statements were incomplete, ambiguous, unclear, erroneous, or inconsistent with one another.
 - (B) The development proposal was found to be inconsistent with either the requirements of this land use ordinance, or other applicable requirements, regulations, codes, ordinances, or statutes.
- b. A minor subdivision application is exempt from the timing requirements for submittals relative to being calendared for a Planning Commission meeting and the Planning Commission review and recommendation requirements of Chapter 6 of this Ordinance, unless the County Commission requires the application to be forwarded to the Planning Commission for review and a recommendation because the application does not meet the requirements for approval as a minor subdivision.
- c. A minor subdivision shall not be a part or phase of a larger planned subdivision. All of the land involved in an approved and recorded planned subdivision plat, including excluded areas, shall not be allowed to be further divided through the minor subdivision process, beyond the five (5)-lot maximum, for a period of five (5) years commencing on the date of approval of the minor subdivision plat.

Part IV:

Subsection 6-2-C-6-g of the Utah County Land Use Ordinance is hereby amended to read as follows:

6-2: PLANNED UNIT DEVELOPMENT

C. APPLICATION REQUIREMENTS

6. Documentation

- 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. However, the County Engineer shall determine that no statement of acceptance is required for a natural or well-established drainage—which drainage has been identified in the drainage and flood plan and flowed off-site prior to development activity, and will continue to do so—if the County Engineer finds that the drainage and flood plan demonstrates such drainage has not and will not be substantially altered, and drainage water volumes have not and will not be increased, through development activity.
 - 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.

****In connection with Part IV of this Ordinance, Subsection 6-2-D-9 of the Utah County Land Use Ordinance is deleted in its entirety and Subsection 6-2-D of the Utah County Land Use Ordinance is renumbered accordingly.****

Part V:

Subsection 6-2-C of the Utah County Land Use Ordinance is hereby amended to read as follows:

6-2: PLANNED UNIT DEVELOPMENT

C. APPLICATION REQUIREMENTS

8. 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 County Commission. A certification is considered valid if it has been signed and dated by an individual who is competent in the identification of noxious weeds, which person has been approved by the Utah County Weed Control Board. Such competent individual (Inspector) shall inspect the subject land and ensure the appropriate treatment has been applied to it, as necessary, prior to issuing the certification. The certification shall remain viable for a period of two (2) years from the date applied to the certification by the Inspector. 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 County Commission in the amount of \$500.00 per acre with a maximum bond amount of \$5000.00. 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.

****In connection with Part V of this Ordinance, Subsection 6-2-C-7-i of the Utah County Land Use Ordinance is deleted in its entirety.****

Part VI:

Subsection 6-3-C-7-g of the Utah County Land Use Ordinance is hereby amended to read as follows:

6-3: PLANNED SUBDIVISIONS

C. APPLICATION REQUIREMENTS

7. Documentation

- 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. However, the County Engineer shall determine that no statement of acceptance is required for a natural or well-established drainage—which drainage has been identified in the drainage and flood plan and flowed off-site prior to development activity, and will continue to do so—if the County Engineer finds that the drainage and flood plan demonstrates such drainage has not and will not be substantially altered, and drainage water volumes have not and will not be increased, through development activity.

- 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.

Part VII:

Subsection 6-3-C-9 of the Utah County Land Use Ordinance is hereby amended to read as follows:

6-3: PLANNED SUBDIVISIONS

C. APPLICATION REQUIREMENTS

- 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 County Commission. A certification is considered valid if it has been signed and dated by an individual who is competent in the identification of noxious weeds, which person has been approved by the Utah County Weed Control Board. Such competent individual (Inspector) shall inspect the subject land and ensure the appropriate treatment has been applied to it, as necessary, prior to issuing the certification. The certification shall remain viable for a period of two (2) years from the date applied to the certification by the Inspector. 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 County Commission in the amount of \$500.00 per acre with a maximum bond amount of \$5000.00. 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.

Part VIII:

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

6-4: MOUNTAIN HOME DEVELOPMENTS

C. APPLICATION REQUIREMENTS

7. Documentation

- f. 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. However, the County Engineer shall determine that no statement of acceptance is required for a natural or well-established drainage—which drainage has been identified in the drainage and flood plan and flowed off-site prior to development activity, and will continue to do so—if the County Engineer finds that the drainage and flood plan demonstrates such drainage has not and will not be substantially altered, and drainage water volumes have not and will not be increased, through development activity.
- 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.

****In connection with Part VIII of this Ordinance, Subsection 6-4-D-9 of the Utah County Land Use Ordinance is deleted in its entirety and Subsection 6-4-D of the Utah County Land Use Ordinance is renumbered accordingly.****

Part IX:

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

6-5: RECREATIONAL RESORTS

C. APPLICATION REQUIREMENTS

7. Documentation

- f. 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. However, the County Engineer shall determine that no statement of acceptance is required for a natural or well-established drainage—which drainage has been identified in the drainage and flood plan and flowed off-site prior to development activity, and will continue to do so—if the County Engineer finds that the drainage and flood plan demonstrates such drainage has not and will not be substantially altered, and drainage water volumes have not and will not be increased, through development activity.
- 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.

****In connection with Part IX of this Ordinance, Subsection 6-5-D-9 of the Utah County Land Use Ordinance is deleted in its entirety and Subsection 6-5-D of the Utah County Land Use Ordinance is renumbered accordingly.****

Part X:

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

6-6: PLANNED NONRESIDENTIAL SUBDIVISION

C. APPLICATION REQUIREMENTS

6. Documentation

- e. 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. However, the County Engineer shall determine that no statement of acceptance is required for a natural or well-established drainage—which drainage has been identified in the drainage and flood plan and flowed off-site prior to development activity, and will continue to do so—if the County Engineer finds that the drainage and flood plan demonstrates such drainage has not and will not be substantially altered, and drainage water volumes have not and will not be increased, through development activity.
- 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.

****In connection with Part X of this Ordinance, Subsection 6-6-D-5 of the Utah County Land Use Ordinance is deleted in its entirety and Subsection 6-6-D of the Utah County Land Use Ordinance is renumbered accordingly.****

Part XI:

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

6-6: PLANNED NONRESIDENTIAL SUBDIVISION

C. APPLICATION REQUIREMENTS

6. Documentation

- 1. 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 County Commission. A certification is considered valid if it has been signed and dated by an individual who is competent in the identification of noxious weeds, which person has been approved by the Utah County Weed Control Board. Such competent individual (Inspector) shall inspect the subject land and ensure the appropriate treatment has been applied to it, as necessary, prior to issuing the certification. The certification shall remain viable for a period of two (2) years from the date applied to the certification by the Inspector. 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 County Commission in the amount of \$500.00 per acre with a maximum bond amount of \$5000.00. 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.

Part XII:

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 XIII:

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 XIV:

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 6th day of November 2018.

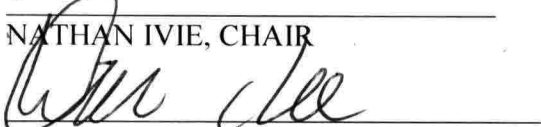
UTAH COUNTY COMMISSION

VOTE



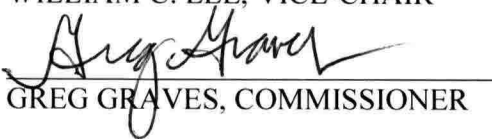
aye

NATHAN IVIE, CHAIR



aye

WILLIAM C. LEE, VICE-CHAIR



aye

GREG GRAVES, COMMISSIONER

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