

ENT 9632:2019 PG 1 of 4
JEFFERY SMITH
UTAH COUNTY RECORDER
2019 Feb 04 3:23 pm FEE 0.00 BY MA
RECORDED FOR UTAH COUNTY COMMISSION

ORDINANCE NO. 2019- 1

AN ORDINANCE AMENDING SECTION 6-3-D-14 OF THE UTAH COUNTY LAND USE ORDINANCE RELATED TO A PROPOSED EXCEPTION TO COMMON AREA REQUIREMENTS FOR PLANNED SUBDIVISIONS

WHEREAS, the Utah County Commission initiated a review of Section 6-3-D-14 of the Utah County Land Use Ordinance (UCLUO) related to a proposed exception to common area requirements for planned subdivisions; and

WHEREAS, the Utah County Planning Commission addressed the proposed amendment to the Utah County Land Use Ordinance during the regularly scheduled meeting of the Planning Commission on December 18, 2018, held a public hearing regarding the proposed amendment, and made a recommendation to the Board of County Commissioners regarding the proposed amendment; and

WHEREAS, the Board of County Commissioners has received and carefully reviewed the recommendation from the Planning Commission regarding the proposed amendment, and the minutes of the Planning Commission meeting and the public hearing regarding the proposed amendment 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 amendment to the Utah County Land Use Ordinance; and

WHEREAS, the Board of County Commissioners finds the proposed amendment to the Utah County Land Use Ordinance conforms 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 amendment to the Utah County Land Use Ordinance is 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-D-14 of the Utah County Land Use Ordinance is hereby amended to read as follows:

6-3-D-14:

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.

Exception: The common area requirements shall be waived if the proposed subdivision abuts a public park, public land managed by the United States Bureau of Land Management (BLM) available for recreational use by the public, or a United

States National Forest available for recreational use by the public, and the following conditions are met:

1. The abutting public park, BLM land, or National Forest exceeds the size of the proposed subdivision;
2. A minimum of one(1) access easement to the abutting public park, BLM land, or National Forest is provided from an abutting side, and;
3. Any existing access to public land is maintained;
4. If the proposed subdivision abuts a public park, written acknowledgement shall be provided from the agency or government which operates the abutting public park which acknowledges the proposed subdivision as it relates to this exception.

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 29th day of January 2019.

UTAH COUNTY COMMISSION



 WILLIAM C. LEE, CHAIR

VOTE

Aye



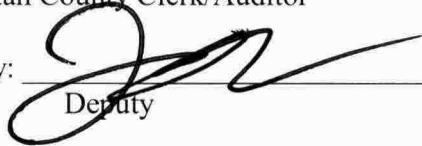
 NATHAN IVIE, COMMISSIONER

Aye

 TANNER AINGE, VICE CHAIR

Aye

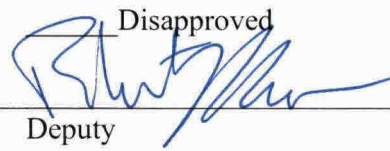
ATTEST:
AMELIA A. POWERS
Utah County Clerk/Auditor

By: 
Deputy

APPROVED AS TO FORM:
DAVID O. LEAVITT
Utah County Attorney

Approved

Disapproved

By: 
Deputy

Date of Publication: Once only, as soon as possible

Ordinance 2019-1

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

Deseret News



The Salt Lake Tribune

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100 E CENTER ST STE 3600

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DATE

PROVO UT 84606

3/5/2019

ACCOUNT NAME

UTAH COUNTY AUDITOR,

TELEPHONE

8018518238

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2019-1024

CAPTION

PUBLIC NOTICE ORDINANCE NO. 2019-1 WAS ADOPTED BY THE BOARD OF COUN

SIZE

28 LINES 1 COLUMN(S)

TIMES

2

TOTAL COST

34.40

PUBLIC NOTICE
ORDINANCE NO. 2019-1 WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, ON JANUARY 29, 2019, AMENDING SECTION 6-3-D-14 OF THE UTAH COUNTY LAND USE ORDINANCE RELATED TO A PROPOSED EXCEPTION TO COMMON AREA REQUIREMENTS FOR PLANNED SUBDIVISIONS.
A COMPLETE COPY OF THE ORDINANCE IS AVAILABLE AT THE UTAH COUNTY CLERK/AUDITOR'S OFFICE, COMMISSIONER WILLIAM C. LEE AND COMMISSIONER NATHAN IVIE VOTED IN FAVOR OF THE ORDINANCE AND COMMISSIONER TANNER AINCE VOTED AGAINST THE ORDINANCE.
1245988 UPALP

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba UTAH MEDIA GROUP LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF **PUBLIC NOTICE ORDINANCE NO. 2019-1 WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, ON JANUARY 29, 2019, AMENDING SECTION 6-3-D-14 OF THE** 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 INDEFINITELY. COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101; 46-3-104.

PUBLISHED ON Start 03/05/2019 End 03/05/2019

DATE 3/5/2019

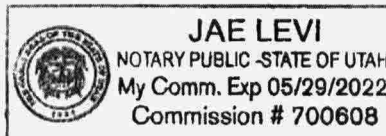
SIGNATURE

STATE OF UTAH)

COUNTY OF SALT LAKE)

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS 5TH DAY OF MARCH IN THE YEAR 2019

BY LORRAINE GUDMUNDSON.



Jae Levi
NOTARY PUBLIC SIGNATURE