



AN ORDINANCE AMENDING CHAPTER 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 Chapter 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 a regularly scheduled meeting of the Planning Commission, on June 18, 2019, 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 a regularly scheduled meeting of the Planning Commission, on June 18, 2019; 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 June 18, 2019 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:

Chapter 6 of the Utah County Land Use Ordinance is hereby amended to read as follows:

**CHAPTER 6
LARGE-SCALE DEVELOPMENTS**

ENT 76578:2019 PG 1 of 90
JEFFERY SMITH
UTAH COUNTY RECORDER
2019 Aug 12 3:04 pm FEE 0.00 BY SW
RECORDED FOR UTAH COUNTY COMMISSIONERS

6-1: **GENERAL PROVISIONS**

- A. The intent and purposes of the large-scale development section are:
 - 1. To provide a means for the efficient and orderly residential, commercial and industrial

- development of the county in accordance with the county general plan.
2. To facilitate the appropriate use of water, soil, scenic vistas, recreational amenities, and natural resources.
 3. To facilitate an economic arrangement of buildings, circulation systems, land use, drainage, and utilities.
 4. To provide for various types of residential styles and living environments.
- B. **MINIMUM REQUIREMENTS**
- The requirements and conditions set forth in this ordinance pertaining to each type of large-scale development are the minimum requirements which must be imposed in order to achieve the intent and purpose as set forth above, and are not designed to be varied. Where an applicant finds the requirements unsuited to his particular property, he may use the land for one of the other land uses permitted within the zone.
- C. **SCOPE**
1. Essential Requirements
Any person, partnership, firm, or corporation wishing to construct a large-scale development in Utah County shall file an application with the Zoning Administrator and shall comply with all the requirements set forth in this land use ordinance.
 2. Types of Large-scale Developments
The following types of large-scale developments may be constructed, but only in the zones as indicated:
Planned Unit Developments: (RR-5, TR-5, PC)
Planned Subdivisions: (RA-5, RR-5, TR-5, CE-1, CE-2, M&G-1, A-40, PC)
Planned Nonresidential Subdivisions: (NC-1, HS-1, I-1, PC)
Mountain Home Developments: (CE-2)
Recreational Resorts: (CE-2)
- D. **PLAN COORDINATING COMMITTEE CREATED**
- In order to facilitate the process of plan consideration and approval, there is hereby created a Plan Coordinating Committee composed of representatives from:
1. Utah County Community Development (Community Development)
 2. Utah County Health Department (Health Department)
 3. Utah County Public Works Department (Public Works Department)
 4. Utah County Fire Marshal's Office (Fire Marshal)
 5. Utah County Attorney's Office (County Attorney)
 6. Utah County Recorder's Office (Recorder's Office)
 7. Any other party having pertinent information, when requested by the Zoning Administrator.
- E. **PROCEDURES**
- Any person wishing to obtain approval to construct a large-scale development shall comply with the following procedure.
1. Initial Conference with Community Development Staff
A prospective developer shall obtain from Community Development staff, information concerning the procedures, requirements, and documents relating to the approval of a large-scale development.
 2. Developer Prepares for Preliminary Application Conference
 - a. Preliminary Application Conference as Prerequisite.
A preliminary application conference shall be held before any application for a large-scale development can be filed. Said conference shall consist of a meeting between the developer or agent and the designated members of the Plan Coordinating Committee along with any other entities requested by the Zoning Administrator. The purpose of the conference shall be to convey to the developer

or agent information pertaining to the procedure, requirements, and standards relating to approval of a large-scale development and to help define the most expeditious way of obtaining approval.

b. Plan and Other Written Documents.

After meeting with Community Development staff, the developer prepares the following documents to be available at the preliminary application conference:

- i. A plan showing the location and layout of the proposed development, including the proposed lots, roads, existing structures, waterways and proposed drainage, common areas, etc.
- ii. Method of bonding for required improvements, land ownership, and water right ownership and quantity.
- iii. Potential environmental, social, and domestic impacts, which the development might have on the land within the development and on the county as a whole.

3. Preliminary Application Conference

- a. Upon the request of the developer, Community Development shall schedule a preliminary application conference and shall invite the designated members of the Plan Coordinating Committee and any other needed parties to attend. The developer should attend with its project engineer or surveyor. During the conference, the developer shall make a presentation to the committee of its sketch plan and other materials; and the committee shall provide information regarding procedures, requirements, and standards that relate to the development proposed. In no way shall this conference be construed to constitute approval of the plan.
- b. Where the developer owns or controls more land than it wishes to file a plat for immediately, the Zoning Administrator may require the developer to prepare a concept plan of the whole area, in which case the developer shall indicate on the plan the portion to be developed immediately and the portion to be held for future development.
- c. The sole purpose in holding the conference is to aid the developer in the preparation of its plans and documents. Responses from members of the committee shall not be deemed to substitute for, or relieve the developer of the necessity of complying with the provisions of this ordinance.

4. Developer Prepares Application for Plan Coordinating Committee Review

After the preliminary application conference has been held, the developer shall complete an application using the forms furnished by Community Development staff and shall prepare the maps, plats, drawings and other documents for submission to the Plan Coordinating Committee for review (the "submittal"). The submittal shall include all of the maps, plats, drawings, documents, and other information required under the applicable type of large-scale development, as set forth in this Ordinance. Prior to submission of the submittal to Community Development for dissemination of the submittal to the Plan Coordinating Committee, or those members of the Plan Coordinating Committee, as set forth in this Ordinance, the applicant shall meet with the Public Works Department, the Health Department, and the Fire Marshal and shall submit all documentation to these respective departments or offices that may be required to begin a development review process with their department or office.

5. Submission to the Plan Coordinating Committee for Review

Copies (four [4] hard copies and one [1] electronic copy) of the submittal (excluding the conditional use permit application and fee, title report, and statements from the Fire Marshal, Health Department, and Public Works Department) shall be submitted by the developer to Community Development who will forward the submittal to the

Fire Marshal, Health Department, and Public Works Department for review and comment. Each recipient shall review the submitted materials and issue a written and/or electronic statement regarding whether the development complies with the standards within the purview of such party, or what deficiencies exist. These written and/or electronic review statements will be forwarded to Community Development who will forward all the review comments from the Plan Coordinating Committee to the applicant. Because the development cannot be approved if the County Commission finds that it is not in compliance with the standards of approval, the developer must remedy any deficiencies before proceeding.

6. Submittal of Complete Application to Community Development

After review by the Plan Coordinating Committee, the developer shall submit to Community Development one (1) hard copy and one (1) electronic copy of the complete submittal, including the conditional use permit application, title report and statements from the Fire Marshal, Health Department, and Public Works Department (the "submittal"), together with a review fee in the amount set by the County Commission. The complete submittal, and supporting documents, must be received by Community Development at least forty-five (45) days prior to the regularly scheduled meeting of the Planning Commission at which the application is requested to be considered. Corrections or revisions of the submittal must be pursued diligently. Those applications found needing corrections or revisions ninety (90) days after submittal shall be returned to the applicant(s) and such applications shall not be accepted for resubmittal until all required corrections and revisions are accomplished. Applications which have not been approved by the County Commission within one (1) year from the date of submittal shall expire and no review fee shall be refunded.

7. Community Development Review

The submittal shall be reviewed by Community Development to determine if the submittal appears to be complete. If the submittal does not appear to be complete, the matter will be postponed until the next submission deadline. If the submittal appears to be complete, Community Development shall do the following:

- a. Distribute the submittal to the County Attorney for review and comment.
- b. Review and coordinate recommendations pertaining to the development which have been received from the Plan Coordinating Committee members.
- c. Confer with the developer to address deficiencies in the submittal. The developer may submit corrected and/or supplemental documents until fifteen (15) days prior to the Planning Commission meeting at which the application is requested to be considered. In order for the development to be placed on the Planning Commission agenda, Community Development staff must determine that all issues raised in their review, County Attorney's review, and Committee Reports have been resolved, or, if not resolved, that the issues remaining should be submitted to the Planning Commission for consideration.
- d. Prepare a staff report, which includes findings and recommendations, for consideration by the Planning Commission.
- e. Provide the submittal for public review.

8. Review by County Attorney

The submittal shall be reviewed by the County Attorney who shall offer his/her written opinion on whether the submittal is in compliance with the requirements of this ordinance and other applicable law. The County Attorney shall prepare a written opinion detailing the findings of his/her review and forward this opinion to

Community Development. The submittal shall not be calendared for any requested Planning Commission meeting unless Community Development receives the written opinion from the County Attorney at least twenty (20) days prior to any requested Planning Commission meeting.

9. Planning Commission Recommendation

At the meeting, the Planning Commission shall review the application, the Community Development staff report, hear any presentation from the applicant, and may receive any public comments. The Planning Commission may recommend approval of the application to the County Commission if it finds all requirements have been met, it may recommend approval to the County Commission subject to certain conditions being identified, as permitted by applicable law, it may continue the applicant's proposal to a date certain for additional information, or it may recommend disapproval, based on findings. A recommendation of 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.

10. Conditions and Limitations to be Placed on Plat

The Planning Commission may recommend to the County Commission certain binding conditions and limitations, as permitted by applicable law, which are to be written on the recorded plat.

11. Effect of the Planning Commission Recommendation

The recommendation of the Planning Commission is a recommendation only and does not constitute an approval and does not create any vested rights.

12. Community Development Transmits the Application and the Planning Commission's Recommendation to the County Commission

After the Planning Commission has made a recommendation regarding the application, Community Development shall transmit the application and recommendation from the Planning Commission to the County Commission.

13. County Commission Agenda

Upon receipt of the application and Planning Commission recommendation from Community Development, the County Commission shall place the matter on its agenda for review and action.

14. County Commission Review

The County Commission shall review the application and Planning Commission recommendation. The County Commission may refer the matter back to the Planning Commission, or other appropriate department or official, to address issues, may state a time to bring the matter back for further review, or may take action to approve or deny the application.

15. Final Action by County Commission

The County Commission may approve the development, approve the development subject to specified conditions and requirements, as permitted by applicable law, which shall be placed on the plat, accept improvement bonds, accept dedication of streets, easements, and other places or rights in behalf of the public, and authorize and sign all related documents, if it finds that all requirements have been met; or it 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.

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 two (2) lot maximum, for a period of five (5) years commencing on the date of approval of the minor subdivision plat.

17. Limited Period of Viability

- a. The approval of the development by the County Commission shall be valid for a period of one year from the date of the County Commission's approval. The plat must be recorded within such one-year period. If the plat is not recorded within such one year period, the approval of the County Commission, the recommendation of the Planning Commission, and the developer's application, automatically expire and become null and void.

EXCEPTION ONE:

In the event that any person or entity files an appeal or legal action challenging the County Commission's approval of the development, the one-year period during which the plat may be recorded and during which the approval remains viable shall not commence on the date of the County Commission's approval, but shall commence on the date that the appeal or legal action is finally resolved. This Exception One shall apply to any development approved by the County Commission on or after January 1, 2014.

EXCEPTION TWO:

The County Commission, may, for good cause shown, extend the one-year period during which the plat may be recorded and during which the approval remains

viable. Any such extension of time must be approved by the County Commission prior to the expiration of the one-year period. This Exception Two shall apply to any development approved by the County Commission on or after January 1, 2014.

EXCEPTION THREE:

In planned unit developments only, the developer may request approval of a phased planned unit development by complying with all of the following requirements:

- i. The developer shall request approval of a phased planned unit development in the initial application filed with Community Development.
- ii. In the request for approval of a phased planned unit development, the developer shall describe, as to each proposed phase, the size in area of each phase (which size of the initial phase shall not be less than twenty acres and each phase after the initial phase shall not be less than ten acres), the number and type of dwelling units in each phase, the order of phasing, the projected time for recording the plat for each phase, a description and estimated cost for all required improvements for each phase, a detailed description of how the initial phase independently meets all of the requirements for a planned unit development, and how each subsequent phase, together with the previously recorded phases, will meet all of the requirements for a planned unit development.
- iii. For phased planned unit developments, the approval of the County Commission for the initial phase plat and for all other phase plats shall automatically expire and become null and void if the initial plat is not recorded within eighteen months from the date of the County Commission approval. After the eighteen month period, the approval of the County Commission, the recommendation of the Planning Commission, and the developer's application, for the phased planned unit development (including the initial phase plat and all other phase plats), automatically expire and become null and void.
- iv. For all phase plats subsequent to the initial phase plat, the approval of the County Commission for all unrecorded phase plats shall automatically expire and become null and void eighteen months from the date of the recording of the most recently approved phase plat, unless the next phase plat is approved and recorded prior to the end of said eighteen month period. After the eighteen month period, the approval of the County Commission, the recommendation of the Planning Commission, and the developer's application, as to all unrecorded phase plats, automatically expire and become null and void.
- v. Each phase must be submitted, reviewed, approved, and recorded in the order of phasing established in the initial approval process. No phase plat can be recorded unless the preceding phase plat has been recorded.
- vi. The initial bond amount shall be set for only the plat for the first phase to be recorded. The bond amount for each subsequent phase shall be determined prior to the recording of the plat for each such phase.
- vii. No plat shall be approved or recorded for the initial phase unless the initial plat meets all of the requirements of this land use ordinance for a planned unit development, except the minimum size for the initial plat may be reduced to not less than twenty acres.
- viii. No plat shall be approved or recorded for any subsequent phase unless the subsequent phase plat, together with the previously recorded phase plats,

meets all of the requirements of this land use ordinance for a planned unit development, except the minimum size for any subsequent phase plat may be reduced to not less than ten acres.

- ix. No plat shall be approved or recorded for any subsequent phase unless all requirements, conditions of approval, and agreements related to any previously recorded phase plat have been met, and the developer is not in violation of any provision of this land use ordinance.
- x. The application process described in this land use ordinance for planned unit developments, including the payment of all related fees, shall apply to all submitted plats.
- xi. When the developer desires to record a plat for the subsequent phase, in compliance with the approved order of phasing, the developer shall pay the applicable fee, shall meet with the Zoning Administrator and shall submit the following:
 - (A.) A title report with an effective date not earlier than thirty (30) days prior to the submittal date, verifying that the owners who will execute the owner's dedication on the plat have sufficient control to effectuate the dedication without exceptions or limitations. The title report shall be a full report (title policy commitment quality and form), including a judgment search of all owners. All owners as shown on the title report shall sign the plat. If the property is owned in trust, a copy of the trust document shall be provided for review. The legal description of the property in the title report shall match exactly the legal description as contained on the plat. The plat description shall include all areas dedicated to the public, including streets. If the streets are not being dedicated to the public, the developer shall establish that the streets have previously been deeded to the County. All boundary disputes and boundary exceptions shall be resolved and deleted from the title report before it is submitted to the County (the only exceptions are the standard printed exceptions). All easements and other title restrictions shall be located on the plat and identified on the plat, including the recording information. All blanket easements shall be identified on the plat, by note, including the recording information. Partial deeds of re-conveyance shall be provided, reviewed, approved and recorded, to release all liens, including all trust deeds and mortgages, from the portion of property being dedicated for streets, easements, common areas, and public areas. If the plat is approved, the applicant shall provide an update letter from the title company, amending the prior title report effective date to the date of the recording of the plat.
 - (B.) A dated, signed and stamped itemized estimate from an engineer licensed by the State of Utah, verified by the County Engineer, stating the cost of installing all required improvements related to the phase plat.
 - (C.) A tax clearance from the County Treasurer indicating that all taxes, interest, and penalties owing on parcels within the proposed phase plat perimeter boundary have been paid, including greenbelt rollback taxes.
- xii. If the Zoning Administrator finds that the approval of the proposed phase plat has not expired, that any title, bond and tax issues have been resolved, that all requirements, conditions of approval, and agreements related to any

previously recorded phase plat have been met, that the developer is not in violation of any provision of this land use ordinance, and that the proposed phase plat meets all of the requirements of this section for a phased planned unit development, the Zoning Administrator shall transmit the materials and the proposed plat for the phase to the County Commission for review and consideration. The County Commission shall approve the phase plat if the County Commission finds that the approval of the proposed phase plat has not expired, that any title, bond and tax issues have been resolved, that all requirements, conditions of approval, and agreements related to any previously recorded phase plat have been met, that the developer is not in violation of any provision of this land use ordinance, and that the proposed phase plat meets all of the requirements of this section for a phased planned unit development, unless the County Commission, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the proposed phase plat.

- b. After approval by the County Commission, the Zoning Administrator shall keep the signed plat and documents to be recorded until the time the applicant records them, to insure compliance with this section.

18. Construction of Required Improvements

- a. After receiving final approval from the County Commission, the developer shall execute a subdivision improvement and warranty agreement, in the form approved by the County, and
 - i. prior to recording the plat and prior to any development activity, the developer shall, within a period of time not to exceed one year from the date of the approval of the development by the County Commission, or within such extended period of time during which the approval of the development remains viable as provided in Subsection 6-1-E-16 of this land use ordinance, construct and complete all required improvements and post a cash warranty bond with the County; or
 - ii. upon request by the developer, the developer may post a cash construction bond with the County before recording the plat, in an amount equal to 125% of the estimated cost of the required improvements, as determined by the County Engineer, to guarantee the installation of the required improvements without cost to Utah County, and a cash warranty bond.

The final plat shall not be recorded until the developer has executed a subdivision improvement and warranty agreement, in the form approved by the County, and the improvements are either constructed or the construction bond and the warranty bond are delivered to and approved by the County. The construction bond, however, shall not limit the liability of the developer to install improvements, for the developer shall be obligated to the full extent of the cost of installing the improvements required by this ordinance. Private parties shall not be deemed third-party beneficiaries of the construction bond or of the warranty bond.

- b. All required improvements shall be constructed in accordance with approved plans and Utah County development standards and inspected by the County Engineer. The developer shall pay an inspection fee to the County in the amount set by the County.

19. Duration of Bonds

The bonds required under the provisions of this ordinance shall not expire.

20. Default

In the event the developer fails to satisfactorily construct the required improvements

within the period required, fails to pay all costs of materials and labor for the improvements, or otherwise fails to comply with the subdivision improvement and warranty agreement, Utah County may send a notice of default, take action to collect the bonds, and install or cause the required improvements to be installed, using the proceeds from the bonds to defray the expense thereof.

21. Timing of Construction

- a. All required improvements shall be constructed and completed by the developer within one (1) year from the date of the approval of the development by the County Commission, or within such extended period of time during which the plat may be recorded and during which the approval of the development remains viable as provided in Subsection 6-1-E-16 of this land use ordinance. However, the County Commission may require the developer to install what it determines to be critical improvements on all or part of an approved large-scale development within a time period which is less than the maximum time period specified.
- b. The County Commission may, upon the favorable written recommendation of the County Engineer, who shall consult with the owner of the applicable utility poles, allow for a period of time in excess of one (1) year from the date of the approval of the development by the County Commission, but not more than ten (10) years from the date of the approval of the development by the County Commission, unless a further extension of time is subsequently approved by the County Commission, to relocate existing utility poles from their current location to the newly created lot line, if the County Engineer and the County Commission find that all of the following conditions exist:
 - i. The large-scale development is a one or two lot subdivision;
 - ii. The owner of the poles has provided a written statement to the County indicating that the pole relocation is not necessary at the present time;
 - iii. The County Engineer has provided a written statement to the County that the delayed relocation of the poles will not constitute any additional hazard to public safety than what currently exists;
 - iv. The developer has posted a cash bond with the County in an amount of not less than 125% of the estimated cost to relocate the poles, if the poles were being relocated at the time that the poles prior to the subdivision location and after the subdivision location were also being relocated to a single alignment; provided however, that the County Commission may waive the bond requirement, upon favorable recommendation of the County Engineer, if the County Commission finds that it is improbable that the poles will need to be relocated in the near future; and
 - v. The developer and the owner of the property have executed a Restrictive Covenant and Lien Agreement, in a form acceptable to the County, agreeing to indemnify and hold the County and its agents, officials, and employees harmless from any claim or liability related to or arising out of, directly or indirectly, the failure to relocate the poles, including defense costs and attorney's fees, and further agreeing to relocate the poles, at developer's and owner's sole expense, to the lot line upon the earliest to occur of (I) sixty (60) days from the date of written demand by the County to relocate the poles, (ii) the date established by the County Commission for completion of the relocation, and (iii) ten (10) years from the date of the approval of the development by the County Commission, unless a further extension of time is

subsequently approved by the County Commission, which Restrictive Covenant and Lien Agreement shall run with the land, shall be recorded in the records of the County Recorder, and shall be secured by a first position Trust Deed on the subdivision lots with the developer providing to Utah County a Lender's Extended Policy of Title Insurance in an amount not less than the fair market value of the lots. The Restrictive Covenant and Lien Agreement shall preclude any human occupancy of the development property if the poles are not timely relocated.

- c. An extension of time for construction of required improvements (including the relocation of existing utility poles) may be granted by the County Commission upon application by the developer and good cause shown. Any request for an extension shall be in writing, shall be accompanied with a processing fee in such sum as determined by the County Engineer to cover the costs associated with the review and processing of the request for extension, but not less than the minimum processing fee of \$100.00, and shall be supported by a then current estimate prepared and signed by the Developer's engineer, or the applicable utility company, which describes the improvements which remain to be constructed, and the estimated cost to construct the remaining improvements. The request shall be supported by such other documentation as the County Engineer deems necessary. If an extension of time is granted, the County Commission shall require that the bond amount be increased to reflect the increased cost of the remaining improvements; provided however, that the County Commission may waive the bond requirement for the relocation of existing utility poles, upon favorable recommendation of the County Engineer, if the County Commission finds that it is improbable that the poles will need to be relocated in the near future.

22. Construction to be in Accordance with Plats, Plans and Documents

All large-scale developments shall be constructed in accordance with the approved final plats, plans, and documents, and all final plats, plans, and documents shall be binding on the developer, its successors, grantees, and assigns and shall limit the use of the land and structures in the development as set forth in the approved plans and the recorded plats, and documents. In the event that the developer or its successors, grantees, or assigns performs construction or uses the land in a way which is not in accordance with approved final plats, plans or documents, or fails to perform according to the agreements or covenants required by chapter 6 of this land use ordinance for plat approval, compliance may be obtained through the use of the funds of the improvement bond and warranty bond, and /or through legal action.

23. Plan and Documents to be Recorded

The Zoning Administrator shall verify that the developer has recorded the plat and documents with the County Recorder in the form in which such were approved. No lot or building (or interest therein) shall be sold, no building permit shall be issued, and no occupancy permits shall be issued for any buildings within a large-scale development until the final plans and documents have been approved and recorded as set forth in this ordinance.

24. Warranty Bond

- a. As an assurance that the developer shall warrant the improvements for the warranty period, the developer shall deposit with the County a cash warranty bond, as approved by the County Engineer, in the amount of up to 10% of the lesser of the:

- i. original estimated cost of completion of the required improvements, as determined by the County Engineer, or
 - ii. developer's reasonable proven cost of completion of the required improvements.
- b. The developer shall be responsible for the installation of all required improvements and for the quality of all labor, materials, and workmanship used therein. Upon completion of the improvements, the developer shall submit a written request to the County Engineer to make an inspection of the improvements. After the inspection of the improvement, the County Engineer shall submit a report to the County Commission, setting forth the condition of the improvements. If all improvements have been constructed in strict conformance with the approved plans and Utah County development standards, and to a quality and standard not less than generally accepted construction standards, no liens have been filed, all costs of labor and materials have been paid, lien releases have been provided and all other requirements have been satisfactorily completed, the County Commission shall formally accept the improvements and authorize the commencement of the warranty period, which warranty period shall be for one year after final acceptance of the improvement or warranty work; or two years after final acceptance of the improvement or warranty work, if the County:
- i. determines for good cause that a one year period would be inadequate to protect the public health, safety, and welfare; and
 - ii. the County has substantial evidence on record, of:
 - (A) prior poor performance by the developer; or
 - (B) that the area upon which the infrastructure will be constructed contains soil that has
 - (1) a high susceptibility for volumetric change, typically clay rich, having more than a 3% swell potential;
 - (2) bedrock units with high shrink or swell susceptibility; or
 - (3) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly associated with dissolution and collapse features; and the County has not otherwise required the developer to mitigate the suspect soil.
- c. Developer shall repair, within sixty days from the date of written notice by the County to the Developer, any defects, normal wear and tear excepted, which, in the opinion of the County Engineer, have developed in the improvements during the warranty period.

25. Partial Release of Construction Bond

Partial releases of the construction bond may be made when a portion of the required improvements have been satisfactorily installed, but only if the amount of the bond which is retained is equal to or greater than one-hundred twenty five percent (125%) of the cost of installing the uncompleted improvements. Any request for a partial release shall be in writing, shall be accompanied with a processing fee in such sum as determined by the County Engineer to cover the costs associated with the review and processing of the request for partial release, but not less than the minimum processing fee of \$100.00, and shall be supported by an estimate prepared and signed by the developer's engineer which describes the improvements which have been constructed, the cost to construct the improvements which have been completed, and the estimated cost to construct the remaining improvements. The request shall be supported by

actual invoices for materials and installation costs, together with such other documentation as the County Engineer deems necessary. Submission of invoices by developer shall constitute an express warranty by developer to County that the items described on the invoices have been completely installed on the project and will not be removed by the developer (materials delivered to the site but not installed shall not be included). Any such partial release shall be made after inspection by the County Engineer, and authorization by the County Commission. If at the end of the one-year construction period, the required improvements are not complete, or if the improvements at the end of the warranty period show defects, unusual depreciation, do not comply with the applicable standards, or if any outstanding costs or liens are not paid, Utah County may send a notice of default and take action to collect the bonds and/or action against the developer to remedy the deficiency.

26. Continuing Obligation

It shall be the obligation and duty of the developer and its successors and assigns to carry out the conditions made applicable to the development. In case of failure or neglect to comply with any and all of the conditions and regulations as herein established, and as made applicable to a specific large-scale development, the Zoning Administrator shall not issue a certificate of zoning compliance for the development. Such failure or neglect to comply with the requirements or to maintain the buildings and premises in accordance with the conditions of approval of the plans and documents shall also be deemed to be a violation of this ordinance.

27. Amendments to Large Scale Development Plats

- a. Amendments to plats shall comply with the following requirements and procedures:
 - i. Amendments to recorded plats shall comply with the procedure and requirements contained in the Utah Code for plat amendments.
 - ii. No plat amendment shall be approved that violates the current development requirements, standards, and conditions of this Ordinance. However, submittal of a plat amendment application does not subject the existing development to a new, full development review. Only those elements of the development proposed to be amended shall be considered in the plat amendment application and subject to current development requirements, standards, and conditions. The current requirements, standards, and conditions of mountain home developments shall be used for review of applications to amend an element of a Planned Dwelling Group or Seasonal Homes Development (nonconforming development types). However, previously approved or required occupancy limitations or restrictions for lots in a development (i.e., the occupancy limitations related to a Seasonal Homes Development) shall not be changed through a plat amendment application. Further, the requirements of this subsection shall not preclude the combining of existing platted lots or the addition of land to platted lots, nor shall such requirements render an existing platted lot unbuildable because it does not meet the lot area or width requirements of the current development requirements.
 - iii. 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, or increase the number of lots available for residential use in the plat.
 - iv. The application shall be submitted to the Utah County Commission for final action, however, the County Commission may require an application that includes more than two (2) lots to be reviewed by, and receive a

recommendation from, the Planning Commission.

- v. Modification of large scale development plats—prior to recording of the plat, but after plat approval—must be approved by the County Commission; however, minor modifications to notations on the plat are permissible, as determined by the Zoning Administrator.

b. 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/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.
 - viii. A restrictive covenant, on a form approved by the Utah County Attorney's Office, to bind the plat to all previously recorded declarations, covenants, conditions, restrictions, maintenance agreements, and all other recorded documents and agreements related to the original development. A note shall be included on the plat that gives notice of the restrictive covenant, required by this subsection of the Ordinance, and that explains the restrictive covenant has been recorded in the Utah County Recorder's Office.
- 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.

28. 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.

29. 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.

6-2: PLANNED UNIT DEVELOPMENT

A. GENERAL PROVISIONS

1. Declaration of Legislative Intent

The intent of this section is to establish guidelines which will facilitate the approval of a proposed planned unit development plat.

2. Scope

The owner of a tract of land containing the required amount of land as set forth in the zones in which planned unit developments are permitted may construct a planned unit development thereon by complying with the regulations and standards of this section, in addition to all other requirements of the land use ordinance and other applicable law.

a. Requirements Minimum.

The requirements of this section, in addition to all other requirements of the land use ordinance and other applicable law, shall be the minimum requirements for the preparation, submission, and recording of all plans, plats, and supporting documents relating to planned unit developments.

b. Standards May Be Increased.

The County Commission reserves the right to approve a development subject to certain conditions and limitations that will be written on the plat and recorded in the Utah County Recorder's office. Furthermore, the County Commission may, as a condition of approval, restrict recordation of the planned unit development until a development agreement is formed and executed between the developer/land owner(s) and Utah County. The development agreement will outline specific conditions, covenants, rights, and obligations of the parties. The agreement may require standards which are greater, but not less than, those required in this section including, but not limited to, the following:

1. The mandatory creation of governmental districts and/or assessment areas to offset the fiscal impact of the planned unit development upon the County;
2. The creation of additional on-site and/or off-site facilities and improvements necessary for the planned unit development and/or the expansion of the proposed community;
3. The creation of additional utility easements within the development;
4. Additional requirements for moderate income housing units;
5. Additional restrictions on the location and slopes of roadways, and;
6. Any other additional condition or limitation necessary to ensure the implementation of generally accepted principles of good planning necessary for the health, safety, and welfare of County residents.

c. Exemption from Rules of Property.

The rule of property known as the rule against perpetuities and the rule of property known as the rule restricting unreasonable restraints on alienation shall not be applied to defeat any of the provisions of this ordinance or any declaration, bylaw, or other document executed in accordance with this ordinance.

B. PERMITTED USES

Uses permitted in planned unit developments shall be limited to the residential, recreational, and supportive facilities listed below:

1. One-, two-, three-, and multiple-family dwellings, including residential condominium projects; town homes; manufactured home parks; and manufactured homes.
2. Residential accessory structures, when located on the same lot as the dwelling to which such structures are appurtenant.
3. Family day-care centers, residential facilities for handicapped persons, and residential

facilities for elderly persons.

4. Primary and secondary schools and preschools.
5. Churches and other structures for religious worship.
6. Common indoor storage areas and screened or walled common outdoor storage areas.
7. Common areas and common recreational facilities for use of the residents.
8. Convenience establishments.
9. Driveways, streets, fences, walls, new underground utilities, utility distribution lines and facilities, solid waste collection areas, sewage treatment facilities, ponds, landscape features, and similar uses and structures incidental to the main use.

C. APPLICATION REQUIREMENTS

The application shall consist of the following elements.

1. Application and Fee

A standard conditional use permit application shall be obtained from the Planning Commission staff 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.

2. Developmental Impact Statement

The statement shall be prepared by an engineer licensed by the State of Utah, who has signed and dated the statement. See Appendix A of this chapter for a complete list of items that shall be addressed in this statement.

3. Layout Map

A layout map (which may consist of several sheets and may be in blueprint or other non-reproducible form) shall be drawn to a scale of not smaller than one inch equals one hundred feet (1"=100'), or as determined by the Zoning Administrator, and shall show all of the following items. If any of the specified items do not exist, the layout map shall list the item and state "none exist":

- a. Type of development.
- b. Name and address of developer.
- c. Name and address of designer.
- d. Date.
- e. North point, scale, and vicinity map.
- f. Township, range, and section lines.
- g. Zone designation.
- h. Perimeter boundary of the development.
- i. Name and address of adjacent property owners.
- j. Contour intervals.
- k. Location of all existing buildings and structures within the perimeter boundary, and the location of existing public utility easements, railroads, street locations and names, power lines, culverts, drain pipes, drainage channels, flood channels, areas where ground water rises periodically to within five feet of the surface of the ground, and any area within the boundary of the development in a 100 year or greater flood area.
- l. Existing water and sewer mains and lines--location and size.
- m. Source of water and place of sewage disposal.
- n. Proposed lot and location layout for the development, including lots, building sites, open space, parks, common areas, common facilities, common storage areas, common recreational facilities and structures.
- o. Number of dwelling units within each building.
- p. Dimensioned parking layout showing the location of parking stalls and all areas of

ingress or egress.

- q. Proposed pedestrian walkways, streets and roads--location and identification.
- r. Cross-section of proposed streets and roads, as per county standards.
- s. Proposed underground power lines, gas lines, water lines, bridges, utilities, and utility easements.
- t. Intended source of water, location of proposed fire hydrants, and location of proposed lighting systems.
- u. Place of sewage disposal and location of solid waste collection points.
- v. Landscape layout and irrigation system.
- w. Any additional information which the Plan Coordinating Committee may require.

4. Tabulations

A list of tabulations shall be individually listed on the plat and shall include:

- a. Total number of acres in the proposed development (including any road dedication areas).
- b. Total number of lots or building sites.
- c. Number of lots for one and two-family detached dwellings.
- d. Number of lots for multiple-family dwellings.
- e. Total number of dwelling units.
- f. Total number of dwelling units for moderate income housing.
- g. Percentage of each of the proposed dwelling types.
- h. Number of off-street parking spaces.
- i. Percentage of area to be used for off-street parking.
- j. Percentage of area and acres to be devoted to roadways.
- k. Percentage of area to be devoted to open space (twenty percent minimum).
- l. Percentage of area covered by buildings.
- m. Percentage of total area covered with impermeable surfaces.

5. Engineering Drawings

The following engineering drawings, unless deemed to be inapplicable by the County Engineer, shall be properly dated, stamped and signed by an engineer licensed by the State of Utah and submitted with the application:

- a. Plan and profile drawings pertaining to the water system, fire suppression system, sewage system, street system, drainage system, irrigation system, utilities, and any other engineered drawings required by the County Engineer in order to determine compliance with the County Public Works standards, this ordinance, or other applicable requirements. Engineered drawings shall be reviewed and approved by the County Engineer.

6. Documentation

The application shall include the following documents which shall be prepared in accordance with Utah County standards and forms:

- a. Executed articles of incorporation and bylaws of the property owners' association.
- b. A fiscal impact report consisting of an analysis of projected revenues and costs to Utah County for governmental services, on-site improvements, off-site improvements, including county road usage to the nearest state or federal road or highway and the utilization of Utah County mandated fire and life safety services.
- c. An executed (except by Utah County) open space preservation and maintenance agreement among the developer, the property owners' association, and Utah County, based on the Utah County format. (These must be recorded at the time the plat is recorded.)
- d. A title report with an effective date not earlier than thirty (30) days prior to the submittal date of a complete application, verifying that the owners who will execute

the owner's dedication on the plat have sufficient control to effectuate the dedication without exceptions or limitations. The title report shall be a full report (title policy commitment quality and form), including a judgment search of all lot owners. All owners as shown on the title report shall sign the plat. If the property is owned in trust, a copy of the trust document shall be provided for review. The legal description of the property in the title report shall match exactly the legal description as contained on the plat. The plat description shall include all areas dedicated to the public, including streets. If the streets are not being dedicated to the public, the developer shall establish that the streets have previously been deeded to the County. All boundary disputes and boundary exceptions shall be resolved and deleted from the title report before it is submitted to the County (the only exceptions are the standard printed exceptions). All easements and other title restrictions shall be located on the plat 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, subordination, and if applicable, release, shall be obtained, provided on forms approved by the County Attorney's Office, and submitted for review. If the plat is approved, the applicant shall provide an update letter from the title company, amending the prior title report effective date to the date of the recording of the plat.

- e. If the proposed central water source is an existing public water system, an agreement from the provider to permanently provide the required quantity of water. Water right documentation shall establish the approved type of use of the water, the authorized quantity of acre feet, and authorization to use the water within the area of the planned dwelling unit.
- f. An engineering study signed, dated, and stamped by a professional engineer licensed by the State of Utah demonstrating that the applicable standards of this ordinance for water supply, water source, and water system will be met (see Subsection D below). The County Engineer shall determine whether the engineering study meets the applicable standards of this Section.
- 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.

- h. A dated, signed and stamped itemized estimate from an engineer licensed by the State of Utah, verified by the County Engineer, stating the cost of installing all required improvements related to the development. The cost estimate shall include the cost of all improvements, including but not limited to all irrigation plan facilities and improvements to independently irrigate each lot, any fire-break clearing, surface water facilities, canal covering, road improvements, utility relocation, inspections, utilities, and survey monument costs.
- i. A statement addressing the proposed bonding method or a statement that the applicant will construct all improvements prior to plat recordation.
- j. A statement from the County Health Department certifying that the proposed central water supply and central sewage disposal system conforms to the pertinent state and county health regulations.
- k. A statement from the County Engineer certifying that the proposal conforms to the pertinent provisions of the Utah County development standards ordinance and the road and other improvement standards of the land use ordinance.
- l. A statement from the County Fire Marshal certifying that the proposal conforms to the pertinent regulations of the adopted county fire codes and the fire-protection provisions of the land use ordinance.
- m. A tax clearance from the County Treasurer indicating that all taxes, interest, and penalties owing on parcels within the proposed development perimeter boundary have been paid, including greenbelt rollback taxes.

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 include 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 location and identification of the building sites of common facilities, recreational structures and service buildings.
- d. 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.
- e. The location and identification of all easements and their specific use.
- f. 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 limitations and conditions of approval written on the plat.
- g. 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.

D. STANDARDS AND CONDITIONS

All planned unit developments shall conform to all of the requirements of this land use ordinance and the following standards and conditions.

1. Design

- a. The plans shall be prepared by an engineer licensed to practice in the State of Utah.
- b. The developer is encouraged to stagger the front setback of individual lots as shown on the plat, to create a diversified streetscape.
- c. Spacing of development clusters, dwelling units and residential structures is encouraged to allow for uninterrupted common area and the utilization of integrated open space; and each development cluster shall be not less than 200 feet from an adjacent development cluster as measured between the nearest structures.
- d. At least ten (10) percent of the dwellings or units shall meet the moderate income housing criteria, as defined in the Utah Code.
- e. The suitability and capability of soils, the enhancement of aesthetic and scenic values, the convenience of access, the preservation of bodies of water, and other significant features are factors to consider in the design of the development.
- f. Individual building lots within the planned unit development shall average a minimum of 10,000 square feet per lot.

2. Landscape Layout

- a. All areas not included within designated open space and not covered by buildings, off-street parking or driveways, shall be landscaped and shall be maintained in accordance with good landscape practice, or maintained in natural vegetation found on the site. The layout shall include both existing and proposed landscape areas and shall specify the general types of plants and architectural features to be used.
- b. The installation of permanent sprinkler or irrigation systems are required when necessary to sustain planted areas.

3. Open Space, Parks, Playgrounds, and Facilities

- a. At least twenty percent (20%) of the area in the proposed development shall be designated for open space. The land covered by vehicular roads, off-street parking, yard areas around the dwellings, common storage facilities, and service buildings shall not be included in the area used to meet the open space requirement.
- b. As assurance that the designated area will remain in open space, the developers shall execute an open space preservation and maintenance agreement with the county in which the developer and the home owner's association to maintain the open space and agree to refrain from constructing dwellings or other structures on the designated open space areas.
- c. The open space shall not be a separate or unimproved parcel of land, but 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 minimum of at least twenty-five percent (25%) of the total open space shall be landscaped and suitable for both active and passive recreational use.
- d. All flood plain areas, if any, natural or man-made streams, ponds or other water features or any riparian habitat shall be identified and preserved as common open space.
- e. Construction of all common areas and facilities shall be provided by the developer and shall be maintained by the property owners' association.
- f. A lot for a commercial convenience establishment may be permitted if approved by the County Commission.

4. Size

The minimum acreage required to qualify for a planned unit development shall be twenty (20) acres. The maximum size of a planned unit development shall be seventy-five (75) acres.

5. Density

The dwelling units may be situated in one or more buildings and the building locations are encouraged to be clustered, provided that the total number of dwelling units within the development shall not exceed two (2) times the number of acres within the development. The ratio of dwelling units per acre may be increased from two (2) times the number of acres in the development to three (3) times the number of acres in the development by the County Commission, if any of the following are provided in the development:

- a. the amount of open space is increased from the minimum of twenty percent (20%) of the area of the development to at least thirty percent (30%) of the area;
- b. where the number of moderate income housing units is increased from the minimum of ten percent (10%) of the total dwelling units to at least twenty percent (20%) of the total dwelling units; or
- c. the open space is open for the use of the general public and provides amenities to the general public, such as a trail that is part of an adopted state or county trail system.

6. Paved Road Access

All planned unit developments shall abut on and shall have access to a hard-surfaced public street that is part of the paved official county, state or municipal road system. However, a planned unit development that is an extension of a previously approved plat may obtain paved road access through said prior plat.

7. Street System

- a. All public streets shall conform to the official road standards for public streets as adopted by Utah County, including the full width of pavement for county roads bordering the development.
- b. In the event that the land within the proposed development is traversed by a proposed street that is shown on the transportation element map of the county general plan, a note shall be placed on the plat that (1) explains that the development is traversed by a proposed street shown on the transportation element map of the county general plan, (2) establishes that dwellings shall not be constructed within fifty (50) feet of the proposed street, and (3) strongly discourages the construction of any permanent structure within one-hundred (100) feet of the proposed street.
- c. The street system of the development shall conform to the officially approved county standards for planned unit developments with respect to width, alignment, grades, length of cul-de-sacs, size of turnarounds, and other features of design.
- d. The street system should be designed in such a way as to avoid, where possible, the fronting of residential dwellings on collector or arterial streets.
- e. No vehicular road shall have a grade of more than eight (8) percent.
Exception: A grade of ten (10) percent may be approved, upon recommendation of the County Engineer, when the County Commission finds all of the following criteria are met:
 - i. The grade is necessary to eliminate extra cuts, fills, or circuitous routes.
 - ii. No section of road which exceeds 8 percent grade is longer than one thousand (1000) feet in length.
 - iii. The total distance of roadways which exceeds 8 percent grade is less than five (5) percent of the total road system in the development.
 - iv. Police, fire, ambulance, snow removal, and other essential services can be

provided at an equal level of quality.

- v. No section of road exceeding a grade of 8 percent is located within two hundred (200) feet of an intersection, or is on a curve having a radius of one hundred fifty (150) feet or less for the curve of the inside street line.
 - f. All vehicular roads in the development shall be paved with a three (3) inch asphaltic surface over a six (6) inch crushed gravel base, and suitable sub-base, or the equivalent in concrete surfacing, in accordance with the Utah County development standards ordinance.
 - g. Each intersection shall bear permanent street name signs sufficient in design for easy identification for emergency vehicles and others
 - h. The maximum length of any dead-end road or cul-de-sac shall be seven hundred and fifty (750) feet, measured from the nearest edge of right-of-way from the connecting through road to the center of the cul-de-sac or turn-around, except that an additional 750 feet may be approved by the Utah County Fire Marshal when the design of such extension is in compliance with currently adopted fire codes.
 - i. Any development that abuts on public land which has an existing access to the public land shall maintain the access by providing a public access road through the development to the public land.
 - j. If access is on a state highway, a letter shall be provided from UDOT granting the access onto the state highway, with the location of the access shown on the plat. The County Engineer must approve the plans.
8. Curbs, Gutters and Sidewalks
Curbs, gutters, and sidewalks meeting the Utah County development standards shall be constructed by the developer along county roads located within the development and along the abutting side of county roads adjoining the development. Curbs, gutters, sidewalks, and walkways not along or abutting county roads shall be provided within the development according to the developer's circulation plan and storm drainage plan as approved by the County Commission.

The applicable standards of the next three (3) subsections (Water Supply, Water Source, and Water System) are those that must be addressed in the engineering study referenced above in Subsection C.

9. Water Supply

a. Water Rights

The property within all plats shall be provided by the developer with perpetual water rights meeting the following standards:

- i. Culinary-quality water for use inside the dwelling shall be provided to each dwelling unit at a flow rate of at least .015 cubic feet per second per dwelling unit and a quantity of at least .45 acre-feet per year per dwelling unit. Where the development is not limited to dwelling use alone, culinary-quality water shall be provided for occupied structures other than dwellings in the amount determined by the County Commission after receiving an engineering study of water use from the developer and the advice of the planning commission.
- ii. Water for maintaining landscaping and fuel-breaks around dwellings and occupied structures shall be provided at the rate of at least 1 acre-foot per year per occupied structure (including dwellings) and building site, which water shall be available from April 30 to October 1 annually.
- iii.

Water for irrigation shall be provided as follows:

- (A) Irrigation water shall be provided at a rate of at least 1.5 acre-feet per acre per year for the entire area of each lot and parcel of the development beyond the first 10,000 square feet of area of each lot and parcel, which quantity of water must be available from April 30 to October 1 annually. However, at the applicant's request, the County Commission may adjust the required quantity of irrigation water if it makes any one of the following findings:
 - (1) that more or less water is needed to establish and to meet the green plant needs of alfalfa due to the depth of the water table.
 - (2) that less water is needed for each lot because of an average slope of eight (8)-percent or greater on each lot and environmental conditions are not suitable for cultivation and irrigation of crops on at least 45-percent of each lot.
 - (3) that less water is needed because of the incorporation of water conservation techniques into the irrigation plan for each lot or parcel.
 - (B) If an applicant requests an adjustment of the required quantity of irrigation water, the engineering study shall (1) recommend the quantity of irrigation water needed for each lot and parcel, (2) examine the following for the land included in the proposed development: depth of the water table, annual precipitation, topography, cultivation suitability, the incorporation of any water conservation techniques in the irrigation plan, and any applicable fire codes, and (3) examine impacts to the aquifer(s) supplying water to the development should the adjustment be granted.
 - (C) Prior to adjusting the required quantity of irrigation water, the County Commission shall obtain the recommendation of the County Engineer regarding adjusting the required amount of irrigation water.
 - (D) The irrigation water quantity requirement is met even if the water rights from some sources are restricted as to coverage, such that the water cannot be applied to the entire area of the lot.
- b. Water Quality
 - i. Culinary water for use inside the dwelling and water for fire protection shall be provided by a central water system, approved as a public water system by the Utah Department of Environmental Quality, Division of Drinking Water.
 - c. Types and Duration of Rights
 - i. The developer must present an engineering study demonstrating that the standards of this ordinance for water rights and water systems will be met.
 - ii. Where water rights are to be supplied by a municipality, district, water company or other supplier which serves users outside as well as inside the development, the study shall show that the supplier can meet its commitments outside the subject development while meeting the standards of this ordinance within the development.
10. Water Source
- a. The engineer shall confirm that the proposed source water has been tested and found to comply with all applicable, adopted Utah County standards for delivery, flow, and quality, and shall provide his/her opinion on the water system's ability to meet Utah County standards when the project is complete. The engineer's opinion shall be based on best available data.
 - b. If wells are proposed to provide the water for a central water system, the wells must

be drilled and tested to establish that the wells will be able to provide the required flow, quality, and quantity of water, as per the applicable, adopted Utah County standards.

11. Water System

- a. All planned unit developments shall have a central water system that supplies culinary quality water for culinary use and provides flow for fire protection, which system meets the applicable, current Series 500 rules of Title R309 of the Utah Administrative Code, and any other current, applicable State of Utah drinking water rules and policies, as well as the applicable, adopted county fire codes. If a central water system is proposed to service a planned unit development, but has not yet been constructed, plat application approval shall not occur until water system plan approval has been obtained from the Utah Department of Environmental Quality, Division of Drinking Water; the central water system shall not be put into service until an operating permit has been obtained from the Utah Department of Environmental Quality, Division of Drinking Water.
- b. Irrigation systems need not have a central storage facility, but must be designed to provide the required irrigation water flows and coverage.

12. Sewage Disposal

Each planned unit development shall be provided with and served by a central sewage disposal system which is approved by the State of Utah and the County Health Department.

13. Fire Protection

Fire hydrants and other fire protection shall be determined by the Fire Marshal using applicable adopted codes.

- a. The proposed development shall provide two off-street parking spaces for each dwelling unit.
- b. Additional off-street parking spaces for visitors shall be provided at a ratio of one-half parking space per dwelling unit, which shall be located within 400 feet from the dwelling unit it is intended to serve.
- c. Additional off-street parking spaces for other uses shall also be required as set forth in this land use ordinance.

14. Off-Street Parking

- a. The proposed development shall provide two off-street parking spaces for each dwelling unit.
- b. Additional off-street parking spaces for visitors shall be provided at a ratio of one-half space per dwelling unit, which shall be located within 400 feet from the dwelling unit it is intended to serve.
- c. Additional off-street parking spaces for other uses shall also be required as set forth in this land use ordinance.

15. Utilities

- a. All new utilities shall be installed underground. Existing above-ground 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.
- b. No structure shall be placed within the designated easements except utility structures.
- c. A renewable source energy production plant such as solar or geothermal may be installed if more than sixty percent (60%) of the energy produced is consumed within

the development and if the County Commission finds that the appearance of the plant is compatible with the overall design of the planned unit development.

16. Location Requirements for Buildings and Structures

The location of all buildings and structures not located on a separate platted lot shall be shown on the plat, along with the building's proposed use. Where the developer elects to plat separate lots, setback lines shall be shown on the final plat, along with the specified use for the separate lots. Setback distances shall conform to the following standards:

a. Front and Rear Setback.

All buildings and structures shall have a combined front and rear setback of at least thirty (30) feet, but not less than ten (10) feet from the front and ten (10) feet from the rear unless a greater setback is required by chapter 3 of this land use ordinance. The developer/builder is encouraged to stagger the front setbacks to create a diversified streetscape.

b. Side Setback.

All buildings and structures shall be set back from a side property line a distance of at least five (5) feet. The side setback from any street shall be not less than ten (10) feet unless a greater setback is required by chapter 3 of this land use ordinance. Townhomes with a common wall between units shall be construed as a single structure for setback calculations.

17. Outdoor Storage Facility

A common outdoor storage area may be provided for the planned unit development and designed in accordance with the following standards:

- a. The facility shall be enclosed within a sight-obscuring fence or wall not less than six (6) feet in height
- b. The facility shall be readily accessible from the street system of the planned unit development.

E. REQUIRED IMPROVEMENTS

All improvements which are required under the terms of this ordinance shall be shown on the layout map, engineered drawings, or recorded plat. Such improvements shall be constructed by the developer in accordance with the Utah County Development Standards Ordinance and inspected by the County Engineer. For planned unit developments, the required improvements include all improvements required by the terms of this land use ordinance, and the following:

1. Streets, driveways, and parking areas which shall be graded, graveled, and hard-surfaced as per the approved street plan and street cross-sections.
2. Walkways, street signs, and traffic control devices.
3. An approved surface water, drainage, and flood control system, including both off-site and on-site facilities.
4. An approved central culinary water and fire suppression water supply system, including both off-site and on-site facilities.
5. An approved central sewer system, including both off-site and on-site facilities.
6. Fire hydrants.
7. Permanent survey monuments.
8. Installed underground utilities, including natural gas (where available), electrical supply lines, and telephone lines.
9. Landscaping in common areas.
10. An approved landscape watering and irrigation system, including both off-site and on-site facilities.

11. Coverings or fencing for safety of canals and streams, when applicable.
12. All facilities and amenities shown for common use, including all fences, walls and other common area improvements and structures.
13. Other improvements required by the County Commission.

6-3: PLANNED SUBDIVISIONS

A. GENERAL PROVISIONS

1. Declaration of Legislative Intent

The intent of this section is to establish requirements for the approval of a proposed planned subdivision plat.

2. Scope

The owner of a tract of land containing the required amount of land as set forth in the zones in which planned subdivisions are permitted may construct a planned subdivision thereon by complying with the regulations and standards of this section, in addition to all other requirements of the land use ordinance and other applicable law.

a. Requirements Minimum.

The requirements of this section, in addition to all other requirements of the land use ordinance and other applicable law, shall be the minimum requirements for the preparation, submission, and recording of all plans, plats, and supporting documents relating to planned subdivisions.

b. Standards May Be Increased.

The County Commission reserves the right to approve a development subject to certain conditions and limitations, as permitted by applicable law, which conditions and limitations shall be written on the plat and recorded in the Utah County Recorder's office. Furthermore, the County Commission may, as a condition of approval, restrict recordation of a subdivision plat until a development agreement is formed and executed between the developer/land owner(s) and Utah County. The development agreement will outline specific conditions, covenants, rights, and obligations of the parties. The agreement may require standards which are greater, but not less than, those required in this section including, but not limited to, the following:

- i. The mandatory creation of governmental districts and/or assessment areas to offset the fiscal impact of the planned subdivision upon the County;
- ii. The creation of additional on-site and/or off-site facilities and improvements necessary for the planned subdivision;
- iii. The creation of additional utility easements within the development;
- iv. Additional requirements for moderate income housing units; and
- v. Additional restrictions on the location and slopes of roadways.

c. Exemptions from Rule of Property.

The rule of property known as the rule against perpetuities and the rule of property known as the rule restricting unreasonable restraints on alienation shall not be applied to defeat any of the provisions of this ordinance or any declaration, bylaw, or other document executed in accordance with this ordinance.

B. PERMITTED USES

A planned subdivision shall consist of the platting of real property into one or more lots, parcels, or other division of land, following the procedure outlined in this ordinance. Land uses permitted on the lots of a subdivision shall be limited to those listed as permitted uses or permitted conditional uses for the zoning district in which the subdivision plat is located.

C. APPLICATION REQUIREMENTS

The application shall consist of the following elements.

1. Application and Fee

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.

2. Developmental Impact Statement

The statement shall be dated, stamped and signed by an engineer licensed by the State of Utah. See Appendix A of this chapter for a complete list of items that shall be addressed in this statement.

3. Layout Map

A layout map that has been dated, stamped and signed by an engineer or land surveyor licensed by the State of Utah (which may consist of several sheets and may be in blueprint or other non-reproducible form) shall be drawn to a scale of not smaller than one inch equals one hundred feet (1"=100'), or as determined by the Zoning Administrator, and shall show all of the following items. If any specified item does not exist, or is not applicable, a brief explanatory note shall be placed on the layout map explaining that the item does not exist or why it is not applicable:

- a. Type of development.
- b. Name and address of developer.
- c. Name and address of designer.
- d. Date.
- e. North point, scale, and vicinity map.
- f. Township, range, and section lines.
- g. Zone designation.
- h. Perimeter boundary of the development.
- i. Name and address of adjacent property owners.
- j. Contour intervals.
- k. Location of all existing buildings and structures within the perimeter boundary, and the location of existing public utility easements, railroads, street locations and names, power lines, culverts, drain pipes, drainage channels, flood channels, areas where ground water rises periodically to within five feet of the surface of the ground, and any area within the boundary of the development in a 100 year flood area.
- l. Existing water and sewer mains and lines--location and size.
- m. Source of water and place of sewage disposal.
- n. Proposed lot and location layout for the development including lots, streets, street names, utility easements, building sites, common areas, common recreational facilities and structures, and building setback lines.
- o. Cross-section of proposed new streets.
- p. Proposed power lines, bridges, utilities, and utility easements.
- q. Proposed water, sewage lines--location and size and place of sewage disposal, and location of solid waste collection points.
- r. Intended source of water, if private wells, must be one well per lot for culinary use, location of proposed fire hydrants, and location of any proposed lighting systems.
- s. Layout of irrigation system if required, showing how water will be delivered and distributed on the lots.
- t. Any additional information which the Plan Coordinating Committee may require. Exception: Unless requested by the Planning Commission or County Commission, no layout map is required for a planned subdivision having 5 or fewer lots when each lot is five acres or larger in area, will utilize individual wells and septic tanks on each lot.

4. Excluded Portions of Parcels

The portion of a parcel of land which is not included within a proposed planned subdivision plat must qualify for, and be approved as, an agricultural land exemption from the subdivision plat requirements, as provided in chapter 3 of this land use ordinance.

5. Tabulations

A list of tabulations shall be individually listed on the plat and shall include:

- a. Total number of acres in the proposed development (including any road dedication area).
- b. Total number of lots or building sites.
- c. Percentage of area and acres to be devoted to roadways.
- d. Percentage of area and acres to be devoted to common area.

6. Engineering Drawings

The following engineering drawings, unless deemed to be inapplicable by the County Engineer, shall be properly dated, stamped and signed by an engineer licensed by the State of Utah and submitted with the application:

- a. Plan and profile drawings pertaining to the water system, fire suppression system, sewage system, street system, drainage system, irrigation system, utilities, and any other engineered drawings required by the County Engineer in order to determine compliance with the County Public Works standards, this ordinance, or other applicable requirements. Engineered drawings shall be reviewed and approved by the County Engineer.

7. Documentation

The application shall include the following documents which shall be prepared in accordance with Utah County standards and forms:

- a. Executed articles of incorporation and bylaws of the homeowner association. (This requirement only applies to Planned Subdivisions with common area).
- b. An executed (except by Utah County) common area preservation agreement and an executed maintenance agreement among the developer, the homeowner association, and Utah County, based on the Utah County format. (These agreements must be recorded at the time the plat is recorded and are only required for those Planned Subdivisions with common area).
- c. A title report with an effective date not earlier than thirty (30) days prior to the submittal date of a complete application, verifying that the owners who will execute the owner's dedication on the plat have sufficient control to effectuate the dedication without exceptions or limitations. The title report shall be a full report (title policy commitment quality and form), including a judgment search of all lot owners. All owners as shown on the title report shall sign the plat. If the property is owned in trust, a copy of the trust document shall be provided for review. The legal description of the property in the title report shall match exactly the legal description as contained on the plat. The plat description shall include all areas dedicated to the public, including streets. If the streets are not being dedicated to the public, the developer shall establish that the streets have previously been deeded to the County. All boundary disputes and boundary exceptions shall be resolved and deleted from the title report before it is submitted to the County (the only exceptions are the standard printed exceptions). All easements and other title restrictions shall be located on the plat 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, subordination, and

if applicable, release, shall be obtained, provided on forms approved by the County Attorney's Office, and submitted for review. If the plat is approved, the applicant shall provide an update letter from the title company, amending the prior title report effective date to the date of the recording of the plat.

- d. If the proposed water source is an existing public water system, an agreement from the provider to permanently provide the required quantity of water. If the proposed central water source is not an existing public water system, documents from the Utah Division of Drinking Water approving the proposed public water system. If the proposed water source is not a public water system, each lot shall have a well located on the lot and the applicant shall provide a water right issued by the State Engineer for a permanent source of water which meets County standards. Copies of all applicable state water rights documentation, including applications and memorandum decisions shall be provided. All water rights shall be segregated for each lot within the proposed subdivision. Each lot shall have a separate water right. Water right documentation shall establish the approved type of use of the water, the authorized quantity of acre feet, and authorization to use the water on the lot. All irrigation water rights shall be accompanied by a letter from the irrigation company establishing the average number of acre-feet delivered per share of water stock. Water share certificates shall be separated and allocated to each lot within a subdivision (with separate certificates and certificate numbers). Copies of the share certificates shall be provided and submitted along with the application. The applicant shall be shown as the owner of all water rights. If the water rights are attached to a specific property (i.e. Strawberry water) the irrigation company shall provide an overlay on a copy of the plat showing the area covered by the irrigation water, together with a letter from the water company assigning a separate water right or serial number to each lot and identifying the ownership and acre feet of water provided to each lot.
- e. An engineering study signed, dated, and stamped by a professional engineer, licensed by the State of Utah, demonstrating that the applicable standards of this Section for water supply, water source, and water system will be met (see Subsection D below). The County Engineer shall determine whether the engineering study meets the applicable standards of this Section.
- f. A Declaration and Dedication of Water in the approved format, which has been signed by all owners of the water rights and of the property, shall be used to tie the water to each individual lot and to ensure a sufficient amount of culinary, landscaping and irrigation water is attached to each lot. The Declaration shall separately identify the amount of culinary water, landscaping water, and irrigation water required to be attached to each lot. This document shall also separately identify the culinary water, landscaping water, and irrigation water being attached to each lot, and shall identify the share certificate serial numbers, water right and change application numbers, together with the number of annual acre-feet of water associated with each water right. The plat shall contain a note identifying the quantity of culinary water, landscaping water, and irrigation water required to be attached to each lot. The plat shall also contain a note that states any transfer or purported transfer of the required water rights apart from the lots, or the lots apart from the water rights, without the express written consent of the Zoning Administrator, shall be null and void, and all residential use of any such lot shall cease. After the Declaration and the Plat are recorded, a copy of the Declaration

shall be provided to the State Engineer's Office to be filed with the water right file.

- 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.

- h. A dated, signed and stamped itemized estimate from an engineer licensed by the State of Utah, verified by the County Engineer, stating the cost of installing all required improvements related to the development. The cost estimate shall include the cost of all improvements, including but not limited to all irrigation plan facilities and improvements to independently irrigate each lot, any fire-break clearing, surface water facilities, canal covering, street improvements, utility relocation, inspections, utilities, and survey monument costs.
 - i. A statement addressing the proposed bonding method or a statement that the applicant will construct all improvements prior to plat recordation.
 - j. A statement from the County Health Department certifying that the proposed central water supply or water from wells on each lot and central sewage disposal system or septic tank sewage disposal system on each lot conforms to the pertinent state and county health regulations. The letter shall approve the culinary water and sewage facilities and shall include a verification that the water quality tests have been reviewed and approved, and all culinary water feasibility tests have been

satisfactorily completed. Any conditions, limitations, or restrictions shall be added as a note on the Plat. If septic systems are proposed, the plat shall contain the following note:

Individual lots have neither been tested nor approved for septic systems. No building permit will be issued until septic system approval is granted by the County Health Department, any lot not approved will not be approved for a dwelling.

If individual wells located on each lot are proposed, but are not yet drilled, the plat shall contain the following note:

Individual wells located on each lot have neither been drilled nor found to produce the required quality, quantity and flow of water. No building permit for a dwelling or other occupied building will be issued until the wells are drilled and found to produce the required quality, quantity and flow of water. Any lot with a well that has not been drilled and found to produce the required quality, quantity and flow of water will not be approved for a dwelling.

- k. 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.

- l. A statement from the County Fire Marshal certifying that the proposal conforms to the pertinent regulations of the adopted county fire codes and the fire-protection provisions of the land use ordinance; however, despite any other requirement in this Ordinance, the statement from the Fire Marshal is not required for a planned subdivision that meets the following criteria:
- i. all lots have a minimum area of five (5) acres;
 - ii. no lot is connected to a central water system; and
 - iii. fire hydrants are not required, nor provided, for the planned subdivision.
- m. A tax clearance from the Utah County Treasurer. The tax clearance shall be provided 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 and shall be updated to show the payment of all taxes due as of the date the plat is recorded, including greenbelt rollback taxes for all road dedications, rollback taxes for any lot less than 5.25 acres in area, and for any other area of the plat if required by the Utah County Commission.

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 and seal 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 and stamp of the County Clerk/Auditor. The plat shall include the following signature block for these purposes:

ACCEPTANCE BY COUNTY COMMISSION

The County Commission of Utah County approves this subdivision and hereby accepts the dedication of all streets, easements, and other parcels of land intended for public purposes for the perpetual use of the public this ____ day of _____ A.D. ____.

Commissioner

Commissioner

Commissioner

Attest: _____
Clerk / Auditor

- v. The County Engineer's certification and stamp that the approved plans for the development conform to the Utah County standards and requirements for roads and other improvements. The plat shall include the following signature

block for these purposes:

COUNTY ENGINEER CERTIFICATION

The County Engineer of Utah County certifies the plans for this development conform to the Utah County standards and requirements for roads and other improvements.

Sign _____ *Date*

- vi. The culinary water and sanitary sewer authority’s approval of the culinary water and sanitary sewer facilities of the development. The plat shall include the following signature blocks for these purposes:

APPROVAL BY THE CULINARY WATER AUTHORITY

The undersigned culinary water authority approves this plat for culinary water purposes, subject to the conditions stated on this plat.

Sign _____ *Date*

APPROVAL BY THE SANITARY SEWER AUTHORITY

The undersigned sanitary sewer authority approves this plat for sanitary sewer purposes, subject to the conditions stated on this plat.

Sign _____ *Date*

- vii. The utility owners’ and/or operators’ approval of the applicable underground utilities, other utility facilities, easements, rights-of-way, etc., of the development; however, Utah County shall not require the plat to be approved or signed by a person or entity who does not provide a utility or other service directly to the lots within the development, unless provided or required by the Utah Code Annotated 1953, as amended. The plat shall include the following signature block for this purpose:

APPROVAL BY OWNERS AND OPERATORS OF UNDERGROUND UTILITIES AND OTHER UTILITY FACILITIES

The undersigned owners or operators of the underground utilities and other utility facilities located on this plat hereby approve the boundary, course, dimensions, and intended use of the right-of-way and easement grants of record; hereby approve the location of existing underground and utility facilities; and hereby approve the conditions or restrictions governing the location of the facilities within the right-of-way, and easement grants of records, and utility facilities within the development, as shown on this plat.

Utility Provider

Utility Provider

Utility Provider

Utility Provider

viii. Certifications required by State Law and other certifications if required by the County Commission, as permitted by this land use ordinance or other applicable law.

Exception: The County Commission in consultation with the County Attorney's Office may approve modifications to the required certifications, as needed, to address the individual circumstances of applications.

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.

D. STANDARDS AND CONDITIONS

All planned subdivisions shall conform to all of the requirements of this land use ordinance and the following standards and conditions.

1. Design

- a. The plans shall be prepared by an engineer licensed to practice in the State of Utah.
- b. The design of subdivisions shall conform to County Public Works standards, requirements of this land use ordinance and other applicable law.

2. Size of Development.

The minimum acreage required to qualify for a planned subdivision shall be in accordance with the following schedule:

Zone	Area (in acres)	Zone	Area (in acres)
RA-5	5	M&G-1	50
RR-5	5*	NC-1	1
TR-5	5*	HS-1	1
CE-1	50	I-1	1
CE-2	20	A-40	40

Exception: In the RR-5 or TR-5 Zones, the County Commission may approve a planned subdivision for a smaller parcel, provided that:

- a. Such parcel is a nonconforming lot of record as defined by this ordinance; and
- b. Such parcel cannot be added to an existing subdivision or combined with other parcels to make a combined lot area which conforms to this schedule.

3. Lot Area and Width Requirements

The area and width of individual lots within planned subdivisions shall be in accordance with the following schedule.

Zone	Minimum Lot Area	Minimum Lot Width
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		at any point between the frontage and the front of the primary structure
RA-5	5 acres	250 feet
RR-5	20,000 sq ft	100 feet
TR-5	20,000 sq ft	100 feet
CE-1	50 acres	330 feet
CE-2	20 acres	330 feet
M&G-1	50 acres	330 feet
A-40	40 acres	330 feet
PC	As per the PC Zone Dev. Standards	As per the PC Zone Dev. Standards

4. Paved Road Access

All planned subdivisions, and each lot within a subdivision, shall abut on and shall have access to a hard-surfaced public street that connects to and is part of the paved official county, state, or municipal road system, and contains no unpaved section.

5. Street System

- a. All new streets shall be constructed to conform to the road standards for public streets as adopted by Utah County. Existing streets shall be improved to the standards for public roads as adopted by Utah County unless the County Engineer finds that a modified standard will provide a more efficient means of managing the street system given the existing road construction.
- b. In the event that the land within the proposed development is traversed by a proposed street that is shown on the transportation element map of the county general plan, a note shall be placed on the plat that (1) explains that the development is traversed by a proposed street shown on the transportation element map of the county general plan, (2) establishes that dwellings shall not be constructed within fifty (50) feet of the proposed street, and (3) strongly discourages the construction of any permanent structure within one-hundred (100) feet of the proposed street.
- c. No vehicular road shall have a grade of more than eight (8) percent.
Exception: A grade of ten (10) percent may be approved, upon recommendation of the County Engineer, when the County Commission finds all of the following criteria are met:
 - i. the grade is necessary to eliminate extra cuts, fills, or circuitous routes;
 - ii. no section of road which exceeds 8 percent grade is longer than one thousand (1000) feet in length
 - iii. the total distance of roadways which exceeds 8 percent grade is less than five (5) percent of the total road system in the development;
 - iv. police, fire, ambulance, snow removal, and other essential services can be provided at a substantially equal level of quality; and
 - v. no section of road exceeding a grade of 8 percent is located within two hundred (200) feet of an intersection, or is on a curve having a radius of one hundred fifty (150) feet or less for the curve of the inside street line.
- d. All vehicular roads shall be paved to meet the minimum requirements of the Utah County Public Works Department. Where an existing county, city, or state road borders the subdivision, the road shall be paved to the full standard width even if the applicant has record title to only a portion of the road easement, unless the County Engineer finds that a modified paving standard will provide a more efficient means of managing the street system given the existing road construction. The applicant shall be required to dedicate ownership of the portion of the required

right-of-way which he or she owns to the County or other applicable governmental entity.

- e. Each intersection shall bear permanent signs sufficient in design for easy identification of street names by emergency vehicles and other motorists, as approved by the County Engineer.
- f. Subdivisions may abut an existing dead-end paved county road, but the road system within the subdivision shall consist of through roads, with two access points to the existing official county, state, or municipal road. No cul-de-sac or bulb roads are permitted.
- g. Any development that abuts on public land which has an existing access to the public land shall maintain the access by providing a public access road through the development to the public land.
- h. If accesses for individual lots are on a state highway, a letter shall be provided from UDOT granting the accesses onto the state highway, with the location of the accesses shown on the plat. The County Engineer must approve the plans.

6. Sidewalks

If one or more of the lots in the subdivision has frontage of less than 150 feet, sidewalks, dedicated to the public, shall be installed on both sides of all new streets, both sides of all streets located within the subdivision, and on the development side of existing streets bounding the subdivision, unless the County Engineer finds that a modified standard will provide a more efficient means of managing pedestrian traffic.

7. Curbs and Gutters

If one or more of the lots in the subdivision has frontage of less than 150 feet, curbs and gutters shall be installed on both sides of all new streets, both sides of all streets located within the subdivision, and on the development side of existing streets bounding the subdivision, unless the County Engineer finds that a modified standard will provide a more efficient means of managing drainage and road functions.

The applicable standards of the next three (3) subsections (Water Supply, Water Source, and Water System) are those that must be addressed in the engineering study referenced above in Subsection C.

8. Water Supply

a. Water Rights

The property within all plats shall be provided by the developer with perpetual water rights meeting the following standards:

- i. Culinary-quality water for use inside the dwelling shall be provided to each lot and dwelling unit at a flow rate of at least .015 cubic feet per second per dwelling unit and a quantity of at least .45 acre-feet per year per lot and dwelling unit. Where the development is not limited to dwelling use alone, culinary-quality water shall be provided for occupied structures other than dwellings in the amount determined by the County Commission after receiving an engineering study of water use from the developer and the advice of the planning commission.
- ii. Water for maintaining landscaping and fuel-breaks around dwellings and occupied structures shall be provided at the rate of at least 1 acre-foot per year per lot and occupied structure (including dwellings) and building site, which water shall be available from April 30 to October 1 annually.
- iii. Water for irrigation shall be provided as follows:

- (A) Irrigation water shall be provided at a rate of at least 1.5 acre-feet per acre per year for the entire area of each lot and parcel of the development beyond the first 10,000 square feet of area of each lot and parcel, which quantity of water must be available from April 30 to October 1 annually. However, at the applicant's request, the County Commission may adjust the required quantity of irrigation water if it makes any one of the following findings:
- (1) that more or less water is needed to establish and to meet the green plant needs of alfalfa due to the depth of the water table.
 - (2) that less water is needed for each lot because of an average slope of eight (8)-percent or greater on each lot and environmental conditions are not suitable for cultivation and irrigation of crops on at least 45-percent of each lot.
 - (3) that less water is needed because of the incorporation of water conservation techniques into the irrigation plan for each lot or parcel.
- (B) If an applicant requests an adjustment of the required quantity of irrigation water, the engineering study shall (1) recommend the quantity of irrigation water needed for each lot and parcel, (2) examine the following for the land included in the proposed development: depth of the water table, annual precipitation, topography, cultivation suitability, the incorporation of any water conservation techniques in the irrigation plan, and any applicable fire codes, and (3) examine impacts to the aquifer(s) supplying water to the development should the adjustment be granted.
- (C) Prior to adjusting the required quantity of irrigation water, the County Commission shall obtain the recommendation of the County Engineer regarding adjusting the required amount of irrigation water.
- (D) The irrigation water quantity requirement is met even if the water rights from some sources are restricted as to coverage, such that the water cannot be applied to the entire area of the lot.

Exception 1 to part 'iii' above: Where all of the following conditions are met, the quantity of 1.5 acre feet per acre per year for irrigation water shall not be required:

- (A) the area to be excepted is part of a lot or site for a one-family dwelling or mobile home;
- (B) no lot or dwelling site in the subject plat has an area of less than 50 acres;
- (C) each building on the lot is surrounded by an irrigated band of landscaping that is no narrower than 30 feet at any point and no smaller than 10,000 square feet in area;
- (D) the irrigated band of landscaping is surrounded by a platted, maintained fuel break easement which is 100 feet in width (or less than 100 feet when, based on the findings of the county fire marshal, the county commission determines that specific peculiarities of the site permit a lesser fuel break); and
- (E) the flammable native species have been thinned and/or replaced in accordance with terms recommended by the fire marshal and stated or referred to on the plat.

b. Water Quality

- i. Culinary quality water for use inside each dwelling shall either be provided by

a central water system, approved as a public water system by the Utah Department of Environmental Quality, Division of Drinking Water, or by individually owned wells, one well located on each lot included in the subdivision. If water is to be provided by individual wells located on each lot, the water shall meet the water quality standards of the Utah County Health Department.

c. Types and Duration of Rights

- i. Water rights sufficient to meet quantity requirements shall be tied to each lot. Water rights shall not be transferred separate from lots, unless replacement water rights sufficient to meet quantity requirements are first provided. Any transfer of the water rights shall first be approved by the Zoning Administrator.
- ii. Where water rights are to be supplied by a municipality, district, water company or other supplier which serves users outside as well as inside the development, the engineering study shall demonstrate that the supplier can meet its commitments outside the subject development while meeting the standards of this ordinance within the development.

Exception 1 to part 'iii' above: Where the number of lots in the development will be five (5) or less and the water supplier is a municipality with a population over 5,000, the engineering study need not address whether the supplier can meet its commitments outside the subject development while meeting the standards of this ordinance within the development.

9. Water Source

- a. If the water source is a public water system, the engineer shall confirm that the proposed source water has been tested and found to comply with applicable, adopted Utah County standards for delivery, flow, and quality, and shall provide his/her opinion on the water system's ability to meet Utah County standards when the project is complete. The engineer's opinion shall be based on best available data.
- b. If wells are proposed to provide the water for a central water system, the wells must be drilled and tested to establish that the wells will be able to provide the required flow, quality, and quantity of water.
- c. Where existing wells are proposed as the source of water, the engineer shall confirm that each existing well meets the flow, quality, and quantity requirements of Utah County; if wells have not yet been drilled, in lieu of testing, the engineer shall study well logs in the area and state his/her opinion, based on best available data, that the wells will be able to provide the required flow, quality, and quantity of water.

Exception 1: An existing culinary water well that serves an existing legal dwelling which is located on a parcel of land which is being incorporated as a lot on the proposed subdivision plat is not required to have the water quality or flow from the existing well tested, unless so required by the Utah County Health Department, provided that a note is placed on the plat stating: "The water quality and flow of the existing culinary water well serving the existing dwelling located on Lot ____ have not been tested."

10. Water System

- a. All planned subdivisions having one or more lots or platted building sites under five (5) acres in area, or planned subdivisions that elect to connect to a central water system, shall be serviced by a central water system that supplies culinary quality water for culinary use and provides flow for fire protection, which system meets the applicable, current Series 500 rules of Title R309 of the Utah Administrative

Code, and any other current, applicable State of Utah drinking water rules and policies, as well as the applicable, adopted county fire codes. If a central water system is proposed to service a planned subdivision, but has not yet been constructed, plat application approval shall not occur until water system plan approval has been obtained from the Utah Department of Environmental Quality, Division of Drinking Water; the central water system shall not be put into service until an operating permit has been obtained from the Utah Department of Environmental Quality, Division of Drinking Water.

- b. Irrigation systems need not have a central storage facility, but must be designed to provide the required irrigation water flows and coverage.
- c. A statement from the irrigation water delivery entity, on County approved form, determining that the proposed on-site irrigation system can connect to the delivery system, and approving the irrigation plan.
- d. A statement, which has been dated, stamped and signed by an engineer licensed by the State of Utah, which confirms the irrigation plan will allow for the independent irrigation of each lot in the plat.
- e. Existing and proposed irrigation structures located within an existing or proposed road right-of-way, such as concrete or earth channels, ditches, pipes, head-gate structures, and any other facilities pertaining to irrigation systems, shall be relocated outside of all existing or proposed road rights-of-way, unless the County Engineer determines that the closed, below-grade, existing or proposed irrigation structures or facilities may lie within the portion of the existing or proposed right-of-way that separates the clear zone from the right-of-way line, only, and the location of such structures or facilities, in that portion of the existing or proposed right-of-way that separates the clear zone from the right-of-way line, will not impair the right-of-way. Irrigation pipes, piped irrigation channels, and piped ditches may cross under a public street provided that the entry and exit of such lies outside of the right-of way and that such crossing meets all applicable road standards adopted by Utah County. If an irrigation company is supplying the irrigation water, the design and construction of all new and existing irrigation channels, ditches, structures, and other facilities shall be: pre-approved in a written signed document from said irrigation company, and approved by the Utah County Engineer. The written document shall include approval of adequate ditch sizes, location of the irrigation system within the subdivision, and the materials to be used to construct the irrigation system. The irrigation system shall be designed to allow for each lot to be watered independently. Any open irrigation channels or ditches which are adjacent to the county right of way shall be lined with concrete or with some other impermeable material approved by the Utah County Engineer. Closed irrigation channels or ditches, which are adjacent to the county right of way shall be reviewed and approved by the Utah County Engineer for adequate construction, pipe type and diameter. The design, layout, construction, facilities, construction materials, ditch sizes, and component elements, of the proposed irrigation system, shall be reviewed and approved by the Utah County Engineer.

11. Sewage Disposal

Each planned subdivision shall be provided with and served by a central public sewage disposal system or by individual wastewater disposal systems entirely located on each lot which are approved by the County Health Department.

12. Fire Protection

All planned subdivisions having one or more lots under five (5) acres in area shall have fire hydrants installed as required by the County Fire Marshal using applicable adopted codes.

13. Utility 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.

14. 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."

15. 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

E. REQUIRED IMPROVEMENTS

All improvements which are required under the terms of this ordinance shall be shown on the layout map, engineered drawings, or recorded plat. Such improvements shall be constructed by the developer in accordance with the County Public Works standards, requirements of this ordinance, and other applicable requirements, and inspected by the County Engineer. The required improvements include all improvements required by the terms of this ordinance, including the following:

1. Water system improvements.
2. Sewage system improvements.
3. Street system improvements.
4. Drainage system improvements.
5. Irrigation system improvements.
6. Utility improvements, including electrical service, and natural gas service where available, which shall be made accessible to, and at the front of each lot.
7. Permanent survey markers.
8. Other improvements, if required by the County Commission.

6-4: MOUNTAIN HOME DEVELOPMENTS

A. GENERAL PROVISIONS

1. Declaration of Legislative Intent

The intent of this section is to establish guidelines which will facilitate the approval of a proposed mountain home development plat.

2. Scope

The owner of a tract of land containing the required amount of land as set forth in the zone in which mountain home developments are permitted, may construct a mountain home development thereon by complying with the regulations and standards of this section, in addition to all other requirements of the land use ordinance and other applicable law.

a. Requirements Minimum.

The requirements of this section, in addition to all other requirements of the land use ordinance and other applicable law, shall be the minimum requirements for the preparation, submission, and recording of all plans, plats, and supporting documents relating to mountain home developments.

b. Standards May Be Increased.

The County Commission reserves the right to approve a development subject to certain conditions and limitations that will be written on the plat and recorded in the Utah County Recorder's office. Furthermore, the County Commission may, as a condition of approval, restrict recordation of the subdivision plat until a development agreement is formed and executed between the developer/land owner(s) and Utah County. The development agreement will outline specific conditions, covenants, rights, and obligations of the parties. The agreement may require standards which are greater, but not less than, those required in this section including, but not limited to, the following:

- i. The mandatory creation of governmental districts and/or assessment areas to offset the fiscal impact of the mountain home development upon the County;
- ii. The creation of additional on-site and/or off-site facilities and improvements necessary for the mountain home development;
- iii. The creation of additional utility easements within the development;
- iv. Additional requirements for moderate income housing units;
- v. Additional restrictions on the location and slopes of roadways, and;
- vi. Any other additional condition or limitation necessary to ensure the implementation of generally accepted principles of good planning necessary for the health, safety, and welfare of County residents.

c. Exemption from Rules of Property.

The rule of property known as the rule against perpetuities and the rule of property known as the rule restricting unreasonable restraints on alienation shall not be applied to defeat any of the provisions of this ordinance or any declaration, bylaw, or other documents executed in accordance with this ordinance.

B. PERMITTED USES

Uses permitted in mountain home developments shall be limited to the following:

1. One-family dwellings or manufactured homes.
2. Residential facilities for handicapped persons and residential facilities for elderly persons.
3. Residential accessory structures, when located on the same lot as the dwelling to which such structures are appurtenant.
4. Common areas and common recreational facilities for the exclusive use of the residents of the mountain home development. Driveways, streets, fences, walls, new underground utilities, utility distribution lines and facilities, solid waste collection areas, sewage

treatment facilities, ponds, landscape features, and similar uses and structures incidental to the main use.

C. APPLICATION REQUIREMENTS

The application shall consist of the following elements.

1. Application and Fee

A standard conditional use permit application shall be obtained from the Community Development Department 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.

2. Developmental Impact Statement

The statement shall be prepared by an engineer licensed by the State of Utah, who has signed and dated the statement. See Appendix A of this chapter for a complete list of items that shall be addressed in this statement.

3. Layout Map

A layout map (which may consist of several sheets and may be in blueprint or other non-reproducible form) shall be drawn to a scale of not smaller than one inch equals one hundred feet (1"= 100'), or as determined by the Zoning Administrator, and shall show all of the following items. If any of the specified items do not exist, the layout map shall list the item and state "none exists":

- a. Type of development.
- b. Name and address of developer.
- c. Name and address of designer.
- d. Date.
- e. North point, scale, and vicinity map.
- f. Township, range, and section lines.
- g. Zone designation.
- h. Perimeter boundary of the development.
- i. Name and address of adjacent property owners.
- j. Contour intervals Location of all existing buildings and structures within the perimeter boundary, and the location of existing public utility easements, railroads, street locations and names, power lines, culverts, drain pipes, drainage channels, flood channels, areas where ground water rises periodically to within five feet of the surface of the ground, and any areas within the boundary of the development in a 100 year flood area.
- k. Existing water and sewer mains and lines--location and size.
- l. Source of water and place of sewage disposal, and solid waste collection points.
- m. Proposed lot and location layout for the development, including lots, building sites, street names, open space, common areas, parks, common recreational facilities and structures, and building setback lines.
- n. Proposed new streets and cross-section of any proposed new streets.
- o. Location of proposed pedestrian walkways, hiking and equestrian trails.
- p. Proposed power lines, bridges, utilities, and utility easements.
- q. Proposed water and sewage lines by location and size.
- r. Garbage collection points.
- s. Proposed fire hydrants.
- t. Proposed street lights and flood lights.
- u. Irrigation system layout, unless an exception to the irrigation system requirement is approved, showing how water will be delivered and distributed on the lots and common areas.

v. Any additional information which the Plan Coordinating Committee may require.

4. Excluded Portions of Parcels

The portion of a parcel of land which is not included within a proposed mountain home development plat must qualify for, and be approved as, an agricultural land exemption from the subdivision plat requirements, as provided in chapter 3 of this land use ordinance.

5. Tabulations

A list of tabulations shall be individually listed on the plat and shall include:

- a. Total number of acres in the proposed development (including any road dedication area).
- b. Total number of lots or building sites.
- c. Number of off-street parking spaces.
- d. Percentage of area to be used for off-street parking.
- e. Percentage of area and acres to be devoted to roadways.
- f. Percentage of area and acres to be devoted to open space (twenty-five percent (25%) minimum).

6. Engineering Drawings

The following engineering drawings, unless deemed to be inapplicable by the County Engineer, shall be properly dated, stamped and signed by an engineer licensed by the State of Utah and submitted with the application:

- a. Plan and profile drawings pertaining to the water system, fire suppression system, sewage system, street system, drainage system, irrigation system, utilities, and any other engineered drawings required by the County Engineer in order to determine compliance with the County Public Works standards, this ordinance, or other applicable requirements. Engineered drawings shall be reviewed and approved by the County Engineer.

7. Documentation

The application shall include the following documents which shall be prepared in accordance with Utah County standards and forms:

- a. Executed articles of incorporation and bylaws of the property owners' association.
- b. An executed (except by Utah County) open space preservation agreement and an executed maintenance agreement among the developer, the property owners' association, and Utah County, based on the Utah County format. (These must be recorded at the time the plat is recorded.)
- c. A title report with an effective date not earlier than thirty (30) days prior to the submittal date of a complete application, verifying that the owners who will execute the owner's dedication on the plat have sufficient control to effectuate the dedication without exceptions or limitations. The title report shall be a full report (title policy commitment quality and form), including a judgment search of all lot owners. All owners as shown on the title report shall sign the plat. If the property is owned in trust, a copy of the trust document shall be provided for review. The legal description of the property in the title report shall match exactly the legal description as contained on the plat. The plat description shall include all areas dedicated to the public, including streets. If the streets are not being dedicated to the public, the developer shall establish that the streets have previously been deeded to the County. All boundary disputes and boundary exceptions shall be resolved and deleted from the title report before it is submitted to the County (the only exceptions are the standard printed exceptions). All easements and other title restrictions shall be located on the plat 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, subordination, and if

applicable, release, shall be obtained, provided on forms approved by the County Attorney's Office, and submitted for review. If the plat is approved, the applicant shall provide an update letter from the title company, amending the prior title report effective date to the date of the recording of the plat.

- d. If the proposed water source is an existing public water system, an agreement from the provider to permanently provide the required quantity of water. Water right documentation shall establish the approved type of use of the water, the authorized quantity of acre feet, and authorization to use the water within the area of the Mountain Home Development.
- e. An engineering study signed, dated, and stamped by a professional engineer licensed by the State of Utah demonstrating that the applicable standards of this ordinance for water supply, water source, and water system will be met (see Subsection D below). The County Engineer shall determine whether the engineering study meets the applicable standards of this Section.
- 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.

- g. A dated, signed and stamped itemized estimate from an engineer licensed by the State of Utah, verified by the County Engineer, stating the cost of installing all required improvements related to the development. The cost estimate shall include the cost of all improvements, including but not limited to all water delivery plan facilities and

improvements, any fire-break clearing, surface water facilities, canal covering, street improvements, utility relocation, inspections, utilities, and survey monument costs.

- h. A statement addressing the proposed bonding method or a statement that the applicant will construct all improvements prior to plat recordation.
- i. A statement from the County Health Department certifying that the proposed central water supply and central sewage disposal system or septic tank sewage disposal system on each lot conforms to the pertinent state and county health regulations. The letter shall approve the culinary water and sewage facilities and shall include a verification that the water quality tests have been reviewed and approved. Any conditions, limitations, or restrictions shall be added as a note on the Plat. If individual septic system are proposed, the plat shall contain the following note:

Individual lots have neither been tested nor approved for septic systems. No building permit will be issued until septic system approval is granted by the County Health Department, any lot not approved will not be approved for a dwelling.

- 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 (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.

- k. A statement from the County Fire Marshal certifying that the proposal conforms to the pertinent regulations of the adopted county fire codes and the fire-protection provisions of the land use ordinance.
- l. A tax clearance from the Utah County Treasurer. The tax clearance shall be provided 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 and shall be updated to show the payment of all taxes due as of the date the plat is recorded, and greenbelt rollback taxes for all road dedications, rollback taxes for any lot less than 5.25

acres in area, and for any other area of the plat if required by the Utah County Commission.

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 include 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 and seal 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 and stamp of the County Clerk/Auditor. The plat shall include the following signature block for these purposes:

ACCEPTANCE BY COUNTY COMMISSION

The County Commission of Utah County approves this mountain home development and hereby accepts the dedication of all streets, easements, and other parcels of land intended for public purposes for the perpetual use of the public this _____ day of _____ A.D. _____.

Commissioner

Commissioner

Commissioner

Attest: _____
Clerk / Auditor

- v. The County Engineer's certification and stamp that the approved plans for the development conform to the Utah County standards and requirements for roads and other improvements. The plat shall include the following signature block for these purposes:

COUNTY ENGINEER CERTIFICATION

The County Engineer of Utah County certifies the plans for this development conform to the Utah County standards and requirements for roads and other improvements.

_____, _____
Sign Date

- vi. The culinary water and sanitary sewer authority's approval of the culinary water and sanitary sewer facilities of the development. The plat shall include the following signature blocks for these purposes:

APPROVAL BY THE CULINARY WATER AUTHORITY

The undersigned culinary water authority approves this plat for culinary water purposes, subject to the conditions stated on this plat.

_____, _____
Sign Date

APPROVAL BY THE SANITARY SEWER AUTHORITY

The undersigned sanitary sewer authority approves this plat for sanitary sewer purposes, subject to the conditions stated on this plat.

_____, _____
Sign Date

- vii. The utility owners' and/or operators' approval of the applicable underground utilities, other utility facilities, easements, rights-of-way, etc., of the development; however, Utah County shall not require the plat to be approved or signed by a person or entity who does not provide a utility or other service directly to the lots within the development, unless provided or required by the Utah Code Annotated 1953, as amended. The plat shall include the following signature block for this purpose:

APPROVAL BY OWNERS AND OPERATORS OF UNDERGROUND UTILITIES AND OTHER UTILITY FACILITIES

The undersigned owners or operators of the underground utilities and other utility facilities located on this plat hereby approve the boundary, course, dimensions, and intended use of the right-of-way and easement grants of record; hereby approve the location of existing underground and utility facilities; and hereby approve the conditions or restrictions governing the location of the facilities within the right-of-way, and easement grants of records, and utility facilities within the development, as shown on this plat.

Utility Provider

Utility Provider

Utility Provider

Utility Provider

- viii. Certifications required by State Law and other certifications if required by the County Commission, as permitted by this land use ordinance or other applicable law.

Exception: The County Commission in consultation with the County Attorney's Office may approve modifications to the required certifications, as needed, to address the individual circumstances of applications.

D. STANDARDS AND CONDITIONS

All mountain home developments shall conform to all of the requirements of this land use ordinance and the following standards and conditions.

1. Design

- a. The plans shall be prepared by an engineer licensed to practice in the State of Utah.
- b. Residential development clusters are encouraged.
- c. The suitability and capability of soils, the enhancement of aesthetic and scenic values, the ability to meet road access requirements and maximum grade requirements, the preservation of bodies of water, the preservation of streams and riparian habitat, topography, and other site location features, will be reviewed as a part of the development design review.

2. Landscape Plan

- a. All areas not covered by buildings or off-street parking or driveways shall be maintained in indigenous vegetation, or where the native vegetation is removed, shall be landscaped and maintained by the lot owner or by the body identified in the open space and maintenance agreement.
- b. The installation of permanent sprinkler or other irrigation systems are required when necessary to sustain planted areas.
- c. A fuel break approved by the Utah County Fire Marshal shall be maintained around residential lots or residential development clusters.

3. Open Space, Parks, Playgrounds, and Facilities

- a. At least twenty-five (25) percent of the area in the development shall be designated as natural open space for the common use of the occupants of the development. The land covered by streets and off-street parking facilities, the lot and yard area of individual dwellings sites, the area covered by common facilities, and improved areas, shall not be included in the area used to meet the 25 percent amount set aside as natural open space.
- b. As assurance that the designated area will remain as natural open space, the owner and the homeowner's association shall execute an open space preservation agreement with the county, in which the owner and the homeowner's association agree for themselves and their successors and assigns to refrain from constructing dwellings or other structures the designated open space areas.
- c. All flood plain areas and floodways, if any, all streams, ponds, other water features, and riparian habitat, shall be identified, and shall be included as part of the common open space.
- d. Construction of all common areas and facilities shall be provided by the developer and shall be maintained by the homeowner's association.

4. Size

The minimum acreage required to qualify for a mountain home development shall be twenty (20) acres.

5. Density

d. Number of Units Permitted.

The maximum number of dwellings units permitted within a mountain home development shall be determined by the slope of the land within the development

according to the following schedule:

- i. One dwelling per acre having a slope of ten (10) percent or less.
 - ii. One dwelling per ten (10) acres having a slope of more than ten (10) percent but less than thirty (30) percent.
 - iii. One dwelling per twenty (20) acres having a slope of more than thirty (30) percent. The determination of slope within a development shall be based upon a detailed slope analysis. The slope analysis shall be conducted using the contour maps prepared by the U.S. Geological Survey; however, other more detailed contour maps may be used when approved by the Zoning Administrator.
- b. **Development Credits Increased.**
The number of dwelling units permitted within a mountain home development may be increased by the transfer of residential development credits from lands located within an adjacent CE-1 Critical Environmental Zone, subject to the following conditions.
- i. The land from which the development credits are transferred:
 - (A) Is situated entirely within the CE-1 Critical Environmental Zone;
 - (B) Is located contiguous to or within two miles of a boundary of the mountain home development; and
 - (C) Is shown on the plans and documents as part of the open space area of the development and subject to the open space preservation agreement, but will not be part of the minimum 25% natural open space required within the perimeter boundary of the development.
 - ii. The number of residential development credits received shall be at the rate of one dwelling unit per each full twenty (20) acres of land in the CE-1 zone covered by the transfer of development credits agreement.
 - iii. There is sufficient area for development within the plat to accommodate the increased number of dwelling units and meet the common open space requirement.
 - iv. Whenever the terms of this ordinance shall permit or authorize a property owner to transfer development credits, such transfer shall be accompanied by an agreement by the owner indicating the extent of the credit transfer and agreeing to refrain from construction of dwellings or other buildings or from exercising any of the entitlements so transferred. Said agreement shall be made between the owner (and his heirs and assigns) and the County Commission, and shall be recorded in the office of the County Recorder.
- c. **Maximum Slope.**
No dwelling unit shall be constructed on an area which exceeds thirty (30) percent slope as shown on the detailed slope analysis.
- d. **Density and Building Lot Size.**
Individual building lots shall not be less than ten thousand (10,000) square feet in area.

6. Paved Road Access

All mountain home developments shall abut on, and shall have two separate road access locations to, a hard-surfaced public street that connects to and is part of the paved official county, state, or municipal road system. However, a mountain home development may obtain paved road access through a previously approved development with a hard surfaced road system, provided a road maintenance agreement is established between the proposed and existing development. There shall be no unpaved section of road from the county, state, or municipal hard-surfaced road to the proposed development, and any proposed road within the proposed development shall be a through road connected to the county, state, or municipal hard-surfaced road at two different access locations.

7. Street System

- a. All public and private streets shall conform to the official road standards as required by the Utah County Public Works Department.
- b. The road system of the development shall conform to the land use ordinance for mountain home developments with respect to grades, and length of cul-de-sacs.
- c. In the event that land within the proposed development is traversed by a proposed street that is shown on the transportation element map of the county general plan, a note shall be placed on the plat that (1) explains that the development is traversed by a proposed street shown on the transportation element map of the county general plan, (2) establishes that dwellings shall not be constructed within fifty (50) feet of the proposed street, and (3) strongly discourages the construction of any permanent structure within one-hundred (100) feet of the proposed street.
- d. No vehicular road shall have a grade of more than eight (8) percent.
Exception: A grade of up to twelve (12) percent may be approved, upon recommendation of the County Engineer, when the County Commission finds all of the following criteria are met:
 - i. the grade is necessary to eliminate extra cuts, fills, or circuitous routes;
 - ii. no section of road which exceeds 8 percent grade is longer than one thousand (1000) feet in length;
 - iii. the total distance of roadways which exceeds 8 percent grade is less than five (5) percent of the total road system in the development;
 - iv. police, fire, ambulance, snow removal, and other essential services can be provided at a substantiality equal level of quality; and
 - v. no section of road exceeding a grade of 8 percent is located within two hundred (200) feet of an intersection, or is on a curve, having a radius of one hundred fifty (150) feet or less for the curve of the inside street line.
- e. No street or road shall be constructed in a location or in such a manner which produces a slope face which exceeds the critical angle of repose, provided that the County Commission may approve a road producing such a slope face where it finds:
 - i. a road is necessary to the development, and the proposed road follows the most appropriate alignment;
 - ii. the road and slope will not produce an undue hazard to the environment or adjacent properties; and
 - iii. the road is engineered and constructed to prevent the soil from moving.
- f. All vehicular roads shall be paved to meet the minimum requirements of the Utah County Public Works Department.
- g. Where an existing county road borders the subdivision, the road shall be paved to the full standard width even if the applicant has record title to only a portion of the road easement. The applicant shall be required to dedicate ownership of the portion of the required right-of-way which he owns to the County.
- h. Each intersection shall bear permanent signs sufficient in design for easy identification of street names by emergency vehicles and other motorists, as approved by the County Engineer.
- i. The maximum length of any dead-end road or cul-de-sac shall be seven hundred and fifty (750) feet, measured from the nearest edge of right-of-way from the connecting through road to the center of the cul-de-sac or turn-around, except that an additional 750 feet may be approved by the Utah County Fire Marshal when the design of such extension is in compliance with currently adopted fire codes.
- j. Any development that abuts on public land which has an existing access to the public land shall maintain the access by providing a public access road through the

development to the public land.

- k. If access is on a state highway, a letter shall be provided from UDOT granting the access onto the state highway, with the location of the access shown on the plat. The County Engineer must approve the plans.
8. Sidewalks
Sidewalks shall not be required.

The applicable standards of the next three (3) subsections (Water Supply, Water Source, and Water System) are those that must be addressed in the engineering study referenced above in Subsection C.

9. Water Supply

a. Water Rights

The property within all plats shall be provided by the developer with perpetual water rights meeting the following standards:

- i. Culinary-quality water for use inside the dwelling shall be provided to each lot and dwelling unit at a flow rate of at least .015 cubic feet per second per dwelling unit and a quantity of at least .45 acre-feet per year per lot and dwelling unit. Where the quantity of at least .45 acre-feet per year is not limited to dwelling use alone, culinary-quality water shall be provided for occupied structures other than dwellings in the amount determined by the County Commission after receiving an engineering study of water use from the developer and the advice of the planning commission.
- ii. Water for maintaining landscaping and fuel-breaks around dwellings and occupied structures shall be provided at the rate of at least 1 acre-foot per year per lot and occupied structure (including dwellings) and building site, which water shall be available from April 30 to October 1 annually.
- iii. Water for irrigation shall be provided as follows:
 - (A) Irrigation water shall be provided at a rate of at least 1.5 acre-feet per acre per year for the entire area of each lot and parcel of the development beyond the first 10,000 square feet of area of each lot and parcel, which quantity of water must be available from April 30 to October 1 annually. However, at the applicant's request, the County Commission may adjust the required quantity of irrigation water if it makes any one of the following findings:
 - (1) that more, less water, or no water is needed for each lot and parcel to maintain the native vegetation in a green condition or to establish and maintain planted vegetation in a green condition.
 - (2) that less water is needed for each lot because of an average slope of eight (8)-percent or greater on each lot and environmental conditions are not suitable for cultivation and irrigation of crops on at least 45-percent of each lot.
 - (3) that less water is needed because of the incorporation of water conservation techniques into the irrigation plan for each lot or parcel.
 - (B) If an applicant requests an adjustment of the required quantity of irrigation water, the engineering study shall (1) recommend the quantity of irrigation water needed for each lot and parcel, (2) examine the following for the land included in the proposed development: depth of the water table, annual precipitation, topography, cultivation suitability, the incorporation of any water conservation techniques in the irrigation plan, and any applicable fire codes, and (3) examine impacts to the aquifer(s) supplying water to the

development should the adjustment be granted.

- (C) Prior to adjusting the required quantity of irrigation water, the County Commission shall obtain the recommendation of the County Engineer regarding adjusting the required amount of irrigation water.
- (D) The irrigation water quantity requirement is met even if the water rights from some sources are restricted as to coverage, such that the water cannot be applied to the entire area of the lot.

b. Water Quality

Culinary quality water for use inside each dwelling shall be provided by a central water system, approved as a public water system by the Utah Department of Environmental Quality, Division of Drinking Water.

c. Types and Duration of Rights

- i. Where water rights are to be supplied by a municipality, district, water company or other supplier which serves users outside as well as inside the development, the engineering study shall show that the supplier can meet its commitments outside the subject development while meeting the standards of this ordinance within the development.

10. Water Source

- a. The engineer shall confirm that the proposed source water has been tested and found to comply with all applicable, adopted Utah County standards for delivery, flow, and quality, and shall provide his/her opinion on the water system's ability to meet Utah County standards when the project is complete. The engineer's opinion shall be based on best available data.
- b. If wells are proposed to provide the water for a central water system, the wells must be drilled and tested to establish that the wells will be able to provide the required flow, quality, and quantity of water, as per the applicable, adopted Utah County standards.

11. Water System

- a. All mountain home developments shall have a central water system that supplies culinary quality water for culinary use and provides flow for fire protection, which system meets the applicable, current Series 500 rules of Title R309 of the Utah Administrative Code, and any other current, applicable State of Utah drinking water rules and policies, as well as the applicable, adopted county fire codes. If a central water system is proposed to service a mountain home developments, but has not yet been constructed, plat application approval shall not occur until water system plan approval has been obtained from the Utah Department of Environmental Quality, Division of Drinking Water; the central water system shall not be put into service until an operating permit has been obtained from the Utah Department of Environmental Quality, Division of Drinking Water.
- b. Irrigation systems need not have a central storage facility, but must be designed to provide the required irrigation water flows and coverage.
- c. A statement from the irrigation water delivery entity, on County approved form, determining that the proposed on-site irrigation system can connect to the delivery system, and approving the irrigation plan.
- d. A statement, which has been dated, stamped and signed by an engineer licensed by the State of Utah, which confirms the irrigation plan will allow for the independent irrigation of each lot in the plat.

12. Sewage Disposal

Each mountain home development shall be provided with and served by a central public sewage disposal system or by individual wastewater disposal systems entirely located on

each lot which are approved by the County Health Department.

13. Fire Protection

- a. Fire hydrants shall be installed as required by the Utah County Fire Marshal using applicable adopted codes.
- b. Roofs and exteriors of buildings shall be of fire resistant materials as approved by the County Building Official and County Fire Marshal.
- c. All highly flammable weeds and plant material shall be removed and shall be kept removed from occupied structures (including dwellings) as determined by the County Fire Marshal using applicable adopted codes.

14. Off-street Parking and Driveways

- a. At least two off-street parking spaces shall be provided for each dwelling unit.
- b. Additional off-street parking spaces shall be required for other uses as set forth in chapter 3 of this land use ordinance.
- c. Written verification by an engineer licensed to practice in the State of Utah that the driveway access for each lot can meet the minimum requirements of this land use ordinance and other adopted applicable codes shall be provided and must be approved by the County Engineer.
- d. All cut or fill slopes made in the construction of driveways from the development road to the dwelling shall be less than the critical angle of repose of the soil, unless engineered and approved retaining structures are installed.

15. Utility Easements

To serve each lot, utility easements and irrigation easements of not less than (10) feet in width shall be required around all lots, and all new utilities to be installed shall be placed underground within the mountain home development boundaries. Existing above-ground utilities that must be relocated are not required to be placed underground, unless required by the utility provider in writing. No structure shall be constructed within the designated easements, except for the related utility structures.

16. Location of Common Facilities and Structures

The location of all common facilities and structures shall be shown on the detailed site plan.

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."

E. REQUIRED IMPROVEMENTS

All improvements which are required under the terms of this ordinance shall be shown on the layout map, engineered drawings, or recorded plat. Such improvements shall be constructed by the developer in accordance with the Utah County development standards and inspected by the County Engineer. For mountain home developments, the required improvements include all improvements required by the terms of this land use ordinance, and the following:

1. Hard-surfaced streets as per the approved street plan and street cross-sections.
2. Street signs, and traffic control devices.
3. An approved surface water, drainage, and flood control system, including both off-site and on-site facilities.
4. An approved central culinary water and fire suppression water supply system, including both off-site and on-site facilities.
5. An approved central sewer system, including both off-site and on-site facilities, unless all lots are served by individual septic systems located on each lot.
6. Fire hydrants and fuel breaks.

7. Permanent survey monuments.
8. Installed underground utilities, including natural gas (where available), electrical supply lines, and telephone lines.
9. Landscaping in common areas, as required.
10. An approved landscape watering and irrigation system, including both off-site and on-site facilities, as described in the approved irrigation plan.
11. Coverings or fencing for safety of canals and streams, when applicable and required by the County Commission.
12. All facilities and amenities shown for common use, including all fences, walls and other common area improvements and structures.
13. Other improvements required by the County Commission.

6-5: RECREATIONAL RESORTSA. GENERAL PROVISIONS1. Declaration of Legislative Intent

The intent of this section is to establish guidelines which will facilitate the approval of a proposed recreational resort plat.

2. Scope

The owner of a tract of land containing the required amount of land as set forth in the zones in which recreational resorts are permitted may construct a recreational resort thereon by complying with the regulations and standards of this section, in addition to all other requirements of the land use ordinance and other applicable law.

a. Requirements Minimum.

The requirements of this section, in addition to all other requirements of the land use ordinance and other applicable law, shall be the minimum requirements for the preparation, submission, and recording of all plans, plats, and supporting documents relating to recreational resorts.

b. Standards May Be Increased.

The County Commission reserves the right to approve a development subject to certain conditions and limitations that will be written on the plat and recorded in the Utah County Recorder's office. Furthermore, the County Commission may, as a condition of approval, restrict recordation of the recreational resort plat until a development agreement is formed and executed between the developer/land owner(s) and Utah County. The development agreement will outline specific conditions, covenants, rights, and obligations of the parties. The agreement may require standards which are greater, but not less than, those required in this section including, but not limited to, the following:

1. The mandatory creation of governmental districts and/or assessment areas to offset the fiscal impact of the recreational resort upon the County;
2. The creation of additional on-site and/or off-site facilities and improvements necessary for the recreational resort;
3. The creation of additional utility easements within the development;
4. Additional requirements for moderate income housing units;
5. Additional restrictions on the location and slopes of roadways, and;
6. Any other additional condition or limitation necessary to ensure the implementation of generally accepted principles of good planning necessary for the health, safety, and welfare of County residents.

c. Exemption from Rules of Property.

The rule of property known as the rule against perpetuities and the rule of property known as the rule restricting unreasonable restraints on alienation shall not be applied to defeat any of the provisions of this ordinance or any declaration, bylaw, or other document executed in accordance with this ordinance.

B. PERMITTED USES

Uses permitted in recreational resorts shall be limited to the following:

1. One-, two-, three-, and multiple-family dwellings, including residential condominium projects; hotels; and manufactured homes.
2. Residential accessory structures.
3. Residential facilities for handicapped persons and residential facilities for elderly persons.
4. Recreational and cultural areas and facilities, including, but not limited to, ski lifts and trails; ice skating rinks; swimming pools; tennis courts; central horse stables,

- arenas, and corrals; golf courses; outdoor theaters; playgrounds; and landscape parks.
5. Cafes, restaurants, sporting goods stores, clothing stores, camera and curio shops, gasoline service stations, and similar retail stores which are cognate to the recreational resort
 6. Horse rental and trail-ride outfitter headquarters.
 7. Camping and picnic facilities.
 8. Recreation vehicle courts and commercial campgrounds, subject to the standards for such uses as set forth in zoning section 3-51-C.
 9. Driveways, streets, parking areas, common storage areas.
 10. Common areas and common recreational facilities for the exclusive use of the residents of the recreational resort.
 11. Public, primary or secondary schools, approved by a school district or state charter and when adequate safety services and infrastructure is provided as required for a school structure.
 12. Fences, walls, new underground utilities, utility distribution lines and facilities, solid waste collection areas, sewage treatment facilities for treatment of sewage generated exclusively from the recreational resort, ponds, landscape features, and similar uses and structures incidental to the main use.
 13. Administrative offices accessory to uses associated with the recreational resort.
 14. A cemetery, which has been approved as a conditional use by the Board of Adjustment according to the provisions of chapters 3 and 7 of this land use ordinance.
 15. A hunting preserve or shotgun, pistol, or rifle shooting range, and accessory structures and uses; subject to the provisions of chapter 3 of this land use ordinance.

C. APPLICATION REQUIREMENTS

The application shall consist of the following elements.

1. Application and Fee

A standard conditional use permit application shall be obtained from the Community Development Department 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.

2. Developmental Impact Statement

The statement shall be prepared by an engineer licensed by the State of Utah, who has signed and dated the statement. See Appendix A of this chapter for a complete list of items that shall be addressed in this statement.

3. Layout Map

A layout map (which may consist of several sheets and may be in blueprint or other non-reproducible form) shall be drawn to a scale of not smaller than one inch equals one hundred feet (1"=100'), or as determined by the Zoning Administrator, and shall show all of the following items. If any of the specified items do not exist, the layout map shall list the item and state "none exists".

- a. Type of development.
- b. Name and address of developer.
- c. Name and address of designer.
- d. Date.
- e. North point, scale, and vicinity map.
- f. Township, range, and section lines.
- g. Zone designation.

- h. Perimeter boundary of the development.
 - i. Name and address of adjacent property owners.
 - j. Contour intervals.
 - k. Location of all existing buildings and structures within the perimeter boundary, and the location of existing public utility easements, railroads, street locations and names, power lines, culverts, drain pipes, drainage channels, flood channels, areas where ground water rises periodically to within five feet of the surface of the ground, and any areas within the boundary of the development in a 100 year flood area.
 - l. Existing water and sewer mains and lines by location and size.
 - m. Source of water and place of sewage disposal, and solid waste collection points.
 - n. Proposed lot and location layout for the development, including lots, building sites, street names, open space, common areas, parks, common recreational facilities and structures, and building setback lines.
 - o. Number of dwelling and/or sleeping units within each building used for dwelling and sleeping purposes.
 - p. Proposed new streets and cross-section of any new proposed streets by location and identification.
 - q. Location of proposed pedestrian walkways, hiking and equestrian trails.
 - r. Proposed power lines, bridges, utilities, and utility easements.
 - s. Proposed water and sewage lines by location and size.
 - t. Proposed fire hydrants.
 - u. Proposed street lights, security lights, flood lights, and other lighted areas.
 - v. Irrigation system layout, unless an exception to the irrigation system requirement is approved, showing how water will be delivered and distributed on the lots and common areas.
 - w. Any additional information which the Plan Coordinating Committee may require.
4. Excluded Portions of Parcels
The portion of a parcel of land which is not included within a proposed recreational resort plat must qualify for, and be approved as, an agricultural land exemption from the subdivision plat requirements, as provided in chapter 3 of this land use ordinance.
5. Tabulations
A list of tabulations shall be individually listed on the plat and shall include:
- a. Total number of acres in the proposed development (including any road dedication area).
 - b. Total number of lots or building sites.
 - c. Number of lots for one- and two-family detached dwellings.
 - d. Number of lots for multiple-family dwellings.
 - e. Total number of dwelling and sleeping units, contained in, bunkhouses, lodges, hotels, and similar group housing.
 - f. The percentage of each of the proposed dwelling types.
 - g. The number of square feet of area to be occupied by commercial establishments.
 - h. The number of off-street parking spaces.
 - i. The number of square feet of development area to be used for off-street parking.
 - j. The number of square feet of development area to be devoted to roadways.
 - k. Percentage of area and acres to be devoted to open space (twenty-five percent minimum).
 - l. Percentage of the development area and acres to be covered by buildings, roofs, driveways, and other material that prevents the infiltration of surface water into

the soil.

- m. The design capacities of each of the activities within the recreational resort and the total capacity of all activities.
- n. An estimate of the average and maximum daily and monthly number of users, according to activity, and all activities combined.

6. Engineering Drawings

The following engineering drawings, unless deemed to be inapplicable by the County Engineer, shall be properly dated, stamped and signed by an engineer licensed by the State of Utah and submitted with the application:

- a. Plan and profile drawings pertaining to the water system, fire suppression system, sewage system, street system, drainage system, irrigation system, utilities, and any other engineered drawings required by the County Engineer in order to determine compliance with the County Public Works standards, this ordinance, or other applicable requirements. Engineered drawings shall be reviewed and approved by the County Engineer.

7. Documentation

The application shall include the following documents which shall be prepared in accordance with Utah County standards and forms:

- a. Executed articles of incorporation and bylaws of the property owners' association.
- b. An executed (except by Utah County) open space preservation agreement and an executed maintenance agreement among the developer, the property owners' association, and Utah County, based on the Utah County format. (These must be recorded at the time the plat is recorded.)
- c. A title report with an effective date not earlier than thirty (30) days prior to the submittal date of a complete application, verifying that the owners who will execute the owner's dedication on the plat have sufficient control to effectuate the dedication without exceptions or limitations. The title report shall be a full report (title policy commitment quality and form), including a judgment search of all lot owners. All owners as shown on the title report shall sign the plat. If the property is owned in trust, a copy of the trust document shall be provided for review. The legal description of the property in the title report shall match exactly the legal description as contained on the plat. The plat description shall include all areas dedicated to the public, including streets. If the streets are not being dedicated to the public, the developer shall establish that the streets have previously been deeded to the County. All boundary disputes and boundary exceptions shall be resolved and deleted from the title report before it is submitted to the County (the only exceptions are the standard printed exceptions). All easements and other title restrictions shall be located on the plat 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, subordination, and if applicable, release, shall be obtained, provided on forms approved by the County Attorney's Office, and submitted for review. If the plat is approved, the applicant shall provide an update letter from the title company, amending the prior title report effective date to the date of the recording of the plat.
- d. If the proposed water source is an existing public water system, an agreement from the provider to permanently provide the required quantity of water. Water right documentation shall establish the approved type of use of the water, the

authorized quantity of acre feet, and authorization to use the water within the area of the Recreational Resort.

- e. An engineering study signed, dated, and stamped by a professional engineer licensed by the State of Utah demonstrating that the applicable standards of this ordinance for water supply, water source, and water system will be met (see Subsection D below). The County Engineer shall determine whether the engineering study meets the applicable standards of this Section.
- 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.
- g. A dated, signed and stamped itemized estimate from an engineer licensed by the State of Utah, verified by the County Engineer, stating the cost of installing all required improvements related to the development. The cost estimate shall include the cost of all improvements, including but not limited to all water delivery plan facilities and improvements, any fire-break clearing, surface water facilities, canal covering, street improvements, utility relocation, inspections, utilities, and survey monument costs.
- h. A statement addressing the proposed bonding method or a statement that the applicant will construct all improvements prior to plat recordation.
- i. A statement from the County Health Department certifying that the proposed

central water supply and central sewage disposal system or septic tank sewage disposal system on each lot conforms to the pertinent state and county health regulations. The letter shall approve the culinary water and sewage facilities and shall include a verification that the water quality tests have been reviewed and approved. Any conditions, limitations, or restrictions shall be added as a note on the Plat. If individual septic systems are proposed, the plat shall contain the following note:

Individual lots have neither been tested nor approved for septic systems. No building permit will be issued until septic system approval is granted by the County Health Department, any lot not approved will not be approved for a dwelling.

- 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 (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.

- k. A statement from the County Fire Marshal certifying that the proposal conforms to the pertinent regulations of the adopted county fire codes and the fire-protection provisions of the land use ordinance.
- l. A tax clearance from the Utah County Treasurer. The tax clearance shall be provided 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 and shall be updated to show the payment of all taxes due as of the date the plat is recorded, and greenbelt rollback taxes for all road dedications, rollback taxes for any lot less than 5.25 acres in area, and for any other area of the plat if required by the Utah County Commission.
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 include 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 and seal 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 and stamp of the County Clerk/Auditor. The plat shall include the following signature block for these purposes:

ACCEPTANCE BY COUNTY COMMISSION

The County Commission of Utah County approves this recreational resort and hereby accepts the dedication of all streets, easements, and other parcels of land intended for public purposes for the perpetual use of the public this _____ day of _____ A.D. _____.

Commissioner

Commissioner

Commissioner

Attest: _____

Clerk / Auditor

- v. The County Engineer's certification and stamp that the approved plans for the development conform to the Utah County standards and requirements for roads and other improvements. The plat shall include the following signature block for these purposes:

COUNTY ENGINEER CERTIFICATION

The County Engineer of Utah County certifies the plans for this development conform to the Utah County standards and requirements for roads and other improvements.

_____, _____
Sign Date

- vi. The culinary water and sanitary sewer authority's approval of the culinary water and sanitary sewer facilities of the development. The plat shall include the following signature blocks for these purposes:

APPROVAL BY THE CULINARY WATER AUTHORITY

The undersigned culinary water authority approves this plat for culinary water purposes, subject to the conditions stated on this plat.

_____, _____
Sign Date

APPROVAL BY THE SANITARY SEWER AUTHORITY

The undersigned sanitary sewer authority approves this plat for sanitary sewer purposes, subject to the conditions stated on this plat.

_____, _____
Sign Date

- vii. The utility owners' and/or operators' approval of the applicable underground utilities, other utility facilities, easements, rights-of-way, etc., of the development; however, Utah County shall not require the plat to be approved or signed by a person or entity who does not provide a utility or other service directly to the lots within the development, unless provided or required by the Utah Code Annotated 1953, as amended. The plat shall include the following signature block for this purpose:

APPROVAL BY OWNERS AND OPERATORS OF UNDERGROUND UTILITIES AND OTHER UTILITY FACILITIES

The undersigned owners or operators of the underground utilities and other utility facilities located on this plat hereby approve the boundary, course, dimensions, and intended use of the right-of-way and easement grants of record; hereby approve the location of existing underground and utility facilities; and hereby approve the conditions or restrictions governing the location of the facilities within the right-of-way, and easement grants of records, and utility facilities within the development, as shown on this plat.

Utility Provider

Utility Provider

Utility Provider

Utility Provider

- viii. Certifications required by State Law and other certifications if required by the County Commission, as permitted by this land use ordinance or other

applicable law.

Exception: The County Commission in consultation with the County Attorney's Office may approve modifications to the required certifications, as needed, to address the individual circumstances of applications.

D. STANDARDS AND CONDITIONS

All recreational resorts shall conform to the following standards and conditions.

1. Design

- a. The plans shall be prepared by an engineer licensed to practice in the State of Utah.
- b. Clustering and spacing of dwelling units and other structures to foster adequate fire protection and a restful and uncrowded environment are encouraged.
- c. A mixture of dwelling units as found in the permitted uses is encouraged.
- d. The suitability and capability of soils, the enhancement of aesthetic and scenic values, the ability to meet road access requirements and maximum grade requirements, the preservation of bodies of water, the preservation of streams and riparian habitat, topography, and other site location features, will be reviewed as a part of the development design review.

2. Landscape Plan

- a. All areas not covered by buildings or off-street parking or driveways shall be maintained in indigenous vegetation, or where the native vegetation is removed, shall be landscaped and maintained by the lot owner or by the body identified in the open space and maintenance agreement.
- b. The installation of permanent sprinkler systems is required when necessary to sustain planted areas.
- c. A fuel break approved by the Utah County Fire Marshal shall be maintained around residential lots or residential/commercial development clusters.

3. Open Space, Parks, Playgrounds, and Facilities

- a. At least twenty-five (25) percent of the area in a recreational resort shall be designated as natural open space for the common use of the occupants and patrons of the development. The land covered by vehicular roads, off-street parking, the lot and yard area of individual dwelling sites, service buildings, the area covered by common facilities, and improved areas, shall not be included in the area used to meet the 25 percent amount set aside as natural open space.
- b. As assurance that the designated area will remain as natural open space, the owner and the homeowner's association (if applicable) shall execute an open space preservation agreement with the county in which the owner and the homeowner's association agree for themselves and their successors and assignees to refrain from constructing dwellings or other structures within the designated open space areas.
- c. All flood plain areas and floodways, if any, all streams, ponds, other water features, and riparian habitat, shall be identified, and shall be included as part of the common open space.
- d. Construction and maintenance of all common areas and facilities shall be provided by the resort owner except, costs may be proportionately shared by the resort owner and the homeowner's association where lots or condominium units which are part of the approved resort are to be sold.

4. Size

The minimum acreage required to qualify for a recreational resort shall be twenty (20) acres.

5. Density of Housing Facilities Within the Resort

a. Number of Units Permitted.

The maximum number of dwelling units permitted within a recreational resort shall be determined by the slope of the land within the development according to the following schedule:

- i. One dwelling unit per 1 acre having a slope of 10 percent or less;
- ii. One dwelling unit per 10 acres having a slope of more than 10 percent but less than 30 percent;
- iii. One dwelling unit per 20 acres having 30 percent or greater slope. The determination of slope within a development shall be based upon a detailed slope analysis. The slope analysis shall be conducted using the contour maps prepared by the U.S. Geological Survey; however, other more detailed maps may be used when approved by the Zoning Administrator.

b. Development Credits Increased.

The number of dwelling units permitted within a recreational resort may be increased by the transfer of residential development credits from lands located within an adjacent CE-1 Critical Environmental Zone, subject to the following conditions.

- i. The land from which the development credits are transferred:
 - (A) Is situated entirely within the CE-1 Critical Environmental Zone;
 - (B) Is located contiguous to or within two miles of the boundary of the recreational resort; and
 - (C) Is shown on the plans and documents as part of the open space area of the development and subject to the open space preservation agreement, but will not be part of the minimum 25% natural open space required within the perimeter boundary of the resort.
- ii. The number of residential development credits received shall be at the rate of one dwelling unit per each full twenty (20) acres of land in the CE-1 zone covered by the transfer of development credits agreement.
- iii. There is sufficient area for development within the plat to accommodate the increased number of dwelling units and meet the common open space requirement.
- iv. Whenever the terms of this ordinance shall permit or authorize a property owner to transfer development credits, such transfer shall be accompanied by an agreement by the owner indicating the extent of the credit transfer and agreeing to refrain from construction of dwellings or other buildings or from exercising any of the entitlements so transferred. Said agreement shall be made between the owner (and his heirs and assignees) and the County, and shall be recorded in the office of the County Recorder.

c. Slope.

No dwelling shall be constructed on an area which exceeds thirty (30) percent slope as shown on the detailed slope analysis.

d. Density and Building Lot Size.

Individual building lots for detached one- and two-family dwellings shall be not less than ten thousand (10,000) square feet in area.

6. Paved Road Access

All recreational resorts shall abut on, and shall have two separate road access locations to, a hard-surfaced public street that connects to and is part of the paved official county, state, or municipal road system. However, a recreational resort may obtain paved road access through a previously approved development with a hard

surfaced road system, provided a road maintenance agreement is established between the proposed and existing development. There shall be no unpaved section of road from the county, state, or municipal hard-surfaced road to the proposed development, and any proposed road within the proposed development shall be a through road connected to the county, state, or municipal hard-surfaced road at two different access locations.

7. StreetSystem

- a. All public and private streets shall conform to the official road standards as required by the County Engineer.
- b. The road system of the development shall conform to the land use ordinance for recreational resorts with respect to grades, and length of cul-de-sacs.
- c. In the event that land within the proposed development is traversed by a proposed street that is shown on the transportation element map of the county general plan, a note shall be placed on the plat that (1) explains that the development is traversed by a proposed street shown on the transportation element map of the county general plan, (2) establishes that dwellings shall not be constructed within fifty (50) feet of the proposed street, and (3) strongly discourages the construction of any permanent structure within one-hundred (100) feet of the proposed street.
- d. No vehicular road shall have a grade of more than eight (8) percent.
Exception: A grade of up to twelve (12) percent may be approved, upon recommendation of the County Engineer, when the County Commission finds all of the following criteria are met:
 - i. The grade is necessary to eliminate extra cuts, fills, or circuitous routes;
 - ii. no section of road which exceeds 8 percent grade is longer than one thousand (1000) feet in length;
 - iii. the total distance of roadways which exceeds 8 percent grade is less than five (5) percent of the total road system in the development;
 - iv. police, fire, ambulance, snow removal, and other essential services can be provided at a substantiality equal level of quality or can be enhanced by additional design features; and
 - v. no section of road exceeding a grade of 8 percent is located within two hundred (200) feet of an intersection, or is on a curve, having a radius of one hundred fifty (150) feet or less for the curve of the inside street line.
- e. No street or road shall be constructed in a location or in such a manner which produces a slope face which exceeds the critical angle of repose, provided that the County Commission may approve a road producing such a slope face where it finds:
 - i. The road is necessary to the development, and the proposed road follows the most appropriate alignment;
 - ii. the road and slope will not produce an undue hazard to the environment or adjacent properties; and
 - iii. the road is engineered and constructed to prevent the soil from moving.
- f. All vehicular roads shall be paved to meet the minimum requirements of the Utah County Public Works Department.
- g. Where an existing county road borders the subdivision, the road shall be paved to the full standard width even if the applicant has record title to only a portion of the road easement. The applicant shall be required to dedicate ownership of the portion of the required right-of-way which he owns to the County.

- h. Each intersection shall bear permanent signs sufficient in design for easy identification of street names by emergency vehicles and other motorists, as approved by the County Engineer.
 - i. The maximum length of any dead-end road or cul-de-sac shall be seven hundred and fifty (750) feet, measured from the nearest edge of right-of-way from the connecting through road to the center of the cul-de-sac or turn-around, except that an additional 750 feet may be approved by the Utah County Fire Marshal when the design of such extension is in compliance with currently adopted fire codes.
 - j. Any development that abuts on public land which has an existing access to the public land shall maintain the access by providing a public access road through the development to the public land.
 - k. If access is on a state highway, a letter shall be provided from UDOT granting the access onto the state highway, with the location of the access shown on the plat. The County Engineer must approve the plans.
8. Sidewalks, Paths, and Trails
- a. Sidewalks shall not be required except where needed for convenience, Americans with Disabilities Act, or erosion control in high pedestrian traffic areas, as determined by the County Commission based on the recommendation of the Planning Commission.
 - b. As a means of protecting the vegetation, all paths and trails for both pedestrian and equestrian travel shall be clearly marked upon the ground and shall be either graveled or hard surfaced as required by the County Commission.

The applicable standards of the next three (3) subsections (Water Supply, Water Source, and Water System) are those that must be addressed in the engineering study referenced above in Subsection C.

9. Water Supply

a. Water Rights

The property within the perimeter boundary of the plat shall be provided by the developer with perpetual water rights that meet the following standards:

- i. Culinary-quality water for use inside the dwelling shall be provided to each lot and dwelling unit at a flow rate of at least .015 cubic feet per second per dwelling unit and a quantity of at least .45 acre-feet per year per lot and dwelling unit. Where the development is not limited to dwelling use alone, culinary-quality water shall be provided for occupied structures other than dwellings in the amount determined by the County Commission after receiving an engineering study of water use from the developer and the advice of the planning commission.
- ii. Water for maintaining landscaping and fuel-breaks around dwellings and occupied structures shall be provided at the rate of at least 1 acre-foot per year per lot and occupied structure (including dwellings) and building site, which water shall be available from April 30 to October 1 annually.
- iii. Water for irrigation shall be provided as follows:
 - (A) Irrigation water shall be provided at a rate of at least 1.5 acre-feet per acre per year for the entire area of each lot and parcel of the development beyond the first 10,000 square feet of area of each lot and parcel, which quantity of water must be available from April 30 to October 1 annually. However, at the applicant's request, the County

Commission may adjust the required quantity of irrigation water if it makes any one of the following findings:

- (1) that more, less water, or no water is needed for each lot and parcel to maintain the native vegetation in a green condition or to establish and maintain planted vegetation in a green condition.
 - (2) that less water is needed for each lot because of an average slope of eight (8)-percent or greater on each lot and environmental conditions are not suitable for cultivation and irrigation of crops on at least 45-percent of each lot.
 - (3) that less water is needed because of the incorporation of water conservation techniques into the irrigation plan for each lot or parcel.
- (B) If an applicant requests an adjustment of the required quantity of irrigation water, the engineering study shall (1) recommend the quantity of irrigation water needed for each lot and parcel, (2) examine the following for the land included in the proposed development: depth of the water table, annual precipitation, topography, cultivation suitability, the incorporation of any water conservation techniques in the irrigation plan, and any applicable fire codes, and (3) examine impacts to the aquifer(s) supplying water to the development should the adjustment be granted.
- (C) Prior to adjusting the required quantity of irrigation water, the County Commission shall obtain the recommendation of the County Engineer regarding adjusting the required amount of irrigation water.
- (D) The irrigation water quantity requirement is met even if the water rights from some sources are restricted as to coverage, such that the water cannot be applied to the entire area of the lot.

b. Water Quality

- i. Culinary quality water for use inside each dwelling shall be provided by a central water system, approved as a public water system by the Utah Department of Environmental Quality, Division of Drinking Water.

c. Types and Duration of Rights

- i. Where water rights are to be supplied by a municipality, district, water company or other supplier which serves users outside as well as inside the development, the engineering study shall show that the supplier can meet its commitments outside the subject development while meeting the standards of this ordinance within the development.

10. Water Source

- a. The engineer shall confirm that the proposed source water has been tested and found to comply with all applicable, adopted Utah County standards for delivery, flow, and quality, and shall provide his/her opinion on the water system's ability to meet Utah County standards when the project is complete. The engineer's opinion shall be based on best available data.
- b. If wells are proposed to provide the water for a central water system, the wells must be drilled and tested to establish that the wells will be able to provide the required flow, quality, and quantity of water, as per the applicable, adopted Utah County standards.

11. Water System

- a. All recreational resorts shall have a central water system that supplies culinary

quality water for culinary use and provides flow for fire protection, which system meets the applicable, current Series 500 rules of Title R309 of the Utah Administrative Code, and any other current, applicable State of Utah drinking water rules and policies, as well as the applicable, adopted county fire codes. If a central water system is proposed to service a recreational resort, but has not yet been constructed, plat application approval shall not occur until water system plan approval has been obtained from the Utah Department of Environmental Quality, Division of Drinking Water; the central water system shall not be put into service until an operating permit has been obtained from the Utah Department of Environmental Quality, Division of Drinking Water.

- b. Irrigation systems need not have a central storage facility, but must be designed to provide the required irrigation water flows and coverage.
 - c. A statement from the irrigation water delivery entity, on County approved form, determining that the proposed on-site irrigation system can connect to the delivery system, and approving the irrigation plan.
 - d. A statement, which has been dated, stamped and signed by an engineer licensed by the State of Utah, which confirms the irrigation plan will allow for the independent irrigation of each lot in the plat.
12. Sewage Disposal
Each recreational resort shall be provided with and served by a central public sewage disposal system or by individual wastewater disposal systems entirely located on each lot which are approved by the County Health Department.
13. Fire Protection
- a. Fire hydrants shall be installed as required by the Utah County Fire Marshal using applicable adopted codes.
 - b. Roofs and exteriors of buildings shall be of fire resistant materials as approved by the Utah County Building Official and County Fire Marshal.
 - c. All highly flammable weeds and plant material shall be removed and shall be kept removed from occupied structures (including dwellings) as determined by the County Fire Marshal using applicable adopted codes.
14. Off-street Parking and Driveways
- a. At least two off-street parking spaces shall be provided for each dwelling unit, unless the County Commission determines that more or less off-street parking spaces are needed, but the number cannot be reduced to less than one off-street parking space for each dwelling unit.
 - b. Off-street parking spaces for recreational uses, commercial structures, other occupied structures, and other uses, shall be as set forth in chapter 3 of the land use ordinance. Exception: The developer may submit a comprehensive parking plan, which plan, if approved, replaces the requirements of chapter 3 of the land use ordinance, provided that all of the following requirements are satisfied:
 - i. The plan is reviewed by the Utah County Fire Marshal, the Utah County Engineer, and the Utah County Community Development Department prior to review of the comprehensive parking plan by the Planning Commission.
 - ii. The plan is reviewed by the Planning Commission and recommendation for approval or disapproval is made by the Planning Commission to the County Commission.
 - iii. The plan is approved by the County Commission.
 - iv. Off-site parking, shuttle parking and bus or rapid transit pick- up/egress stops are encouraged.
 - v. The developer shall submit, with the proposed comprehensive parking plan,

an opinion addressed to Utah County, from a licensed professional engineer, specializing in traffic engineering, retained by developer, stating that the plan adequately meets the criteria for automotive and pedestrian safety and adequately meets the parking needs of the development and use.

- vi. The plan shall meet the requirements of the ADA, Americans with Disabilities Act.
- c. Written verification dated and signed by an engineer licensed to practice in the State of Utah establishing that the driveway access for each lot and habitable structure can meet the minimum requirements of this land use ordinance and other adopted applicable codes shall be provided and must be approved by the County Engineer.
- d. All cut or fill slopes made in the construction of driveways from the development road to the dwelling shall be less than the critical angle of repose of the soil, unless engineered and approved retaining structures are installed.

15. Utility Easements

To serve each lot, utility easements and irrigation easements of not less than (10) feet in width shall be required around all lots, together with such other utility and irrigation easements as are necessary to serve the recreational resort. All new utilities to be installed shall be placed underground within the recreational resort boundaries. Existing above-ground utilities that must be relocated are not required to be placed underground, unless required by the utility provider in writing. No structure shall be constructed within the designated easements, except for the related utility structures.

16. Location Requirements for Manufactured Homes and One- & Two-family Dwellings

The location of all buildings and structures to be placed in the recreational resorts shall be shown on the plat as building footprints, along with the building's proposed use. Exception: Where the developer elects to plat separate lots for manufactured homes, or one- or two-family dwellings, general setback lines, rather than building footprints, may be shown on the final plat, along with the specified use. Setback requirements shall be the same as those found for the pertinent zoning district.

17. Location of Common Facilities and Structures

The location of all common facilities and structures shall be shown on the detailed site plan.

E. **REQUIRED IMPROVEMENTS**

All improvements which are required under the terms of this ordinance shall be shown on the layout map, engineered drawings, or recorded plat. Such improvements shall be constructed by the developer in accordance with the Utah County development standards and inspected by the County Engineer. For recreational resorts, the required improvements include all improvements required by the terms of this land use ordinance, and the following:

- 1. Hard-surfaced streets as per the approved street plan and street cross-sections.
- 2. Street signs, and traffic control devices.
- 3. An approved surface water, drainage, and flood control system, including both off-site and on-site facilities.
- 4. An approved central culinary water and fire suppression water supply system, including both off-site and on-site facilities.
- 5. An approved central sewer system, including both off-site and on-site facilities, unless all lots are served by individual septic systems located on each lot.
- 6. Fire hydrants and fuel breaks.
- 7. Permanent survey monuments.

8. Installed underground utilities, including natural gas (where available), electrical supply lines, and telephone lines.
9. Landscaping in common areas, as required.
10. An approved landscape watering and irrigation system, including both off-site and on-site facilities, as described in the approved irrigation plan.
11. Coverings or fencing for safety of canals and streams, when applicable and required by the County Commission.
12. All facilities and amenities shown for common use, including all fences, walls and other common area improvements and structures.
13. Other improvements required by the County Commission.

6-6: PLANNED NONRESIDENTIAL SUBDIVISION

A. GENERAL PROVISIONS

1. Declaration of Legislative Intent

The intent of this section is to establish guidelines which will facilitate the approval of a proposed planned nonresidential subdivision plat.

2. Scope

The owner of a tract of land containing the required amount of land as set forth in the zones in which planned nonresidential subdivisions are permitted may construct a planned nonresidential subdivision thereon by complying with the regulations and standards of this section, in addition to all other requirements of the land use ordinance and other applicable law.

a. Minimum Requirements.

The requirements of this section, in addition to all other requirements of the land use ordinance and other applicable law, shall be the minimum requirements for the preparation, submission, and recording of all plans, plats, and supporting documents relating to planned nonresidential subdivisions.

b. Standards May Be Increased.

The County Commission reserves the right to approve a development subject to certain conditions and limitations that will be written on the plat and recorded in the Utah County Recorder's office. Furthermore, the County Commission may, as a condition of approval, restrict recordation of the planned nonresidential subdivision until a development agreement is formed and executed between the developer/land owner(s) and Utah County. The development agreement will outline specific conditions, covenants, rights, and obligations of the parties. The agreement may require standards which are greater, but not less than, those required in this section including, but not limited to, the following:

1. The mandatory creation of governmental districts and/or assessment areas to offset the fiscal impact of the planned nonresidential subdivision upon the County;
2. The creation of additional on-site and/or off-site facilities and improvements necessary for the planned nonresidential subdivision and/or the expansion of the proposed community;
3. The creation of additional utility easements within the development;
4. Additional restrictions on the location and slopes of roadways, and;
5. Any other additional condition or limitation necessary to ensure the implementation of generally accepted principles of good planning necessary for the health, safety, and welfare of County residents.

c. Exemption from Rules of Property.

The rule of property known as the rule against perpetuities and the rule of property known as the rule restricting unreasonable restraints on alienation shall not be applied to defeat any of the provisions of this ordinance or any declaration, bylaw, or other document executed in accordance with this ordinance.

B. PERMITTED USES

A planned nonresidential subdivision shall consist of the platting of real property into one or more lots, parcels, or other division of land, following the procedure outlined in this ordinance. Land uses permitted on the lots of a subdivision shall be limited to those listed as permitted uses or permitted conditional uses for the zoning district in which the subdivision plat is located.

C. APPLICATION REQUIREMENTS

The application shall consist of the following elements.

1. Application and Fee

A standard conditional use permit application shall be obtained from the Planning Commission staff 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.

2. Developmental Impact Statement

The statement shall be prepared by an engineer licensed by the State of Utah, who has signed and dated the statement. See Appendix A of this chapter for a complete list of items that shall be addressed in this statement.

3. Layout Map

A layout map (which may consist of several sheets and may be in blueprint or other non-reproducible form) shall be drawn to a scale of not smaller than one inch equals one hundred feet (1"=100'), or as determined by the Zoning Administrator, and shall show all of the following items. If any of the specified items do not exist, the layout map shall list the item and state "none exist":

- a. Type of development.
- b. Name and address of developer.
- c. Name and address of designer.
- d. Date.
- e. North point, scale, and vicinity map.
- f. Township, range, and section lines.
- g. Zone designation.
- h. Perimeter boundary of the development.
- i. Name and address of adjacent property owners.
- j. Contour intervals.
- k. Location of all existing buildings, structures, walls and fences within the perimeter boundary, and the location of existing public utility easements, railroads, public and private street locations and names, power lines, culverts, drain pipes, drainage channels, canals, ditches, flood channels, areas where ground water rises periodically to within five feet of the surface of the ground, wetlands and riparian areas, streams and lakes on the subject property and within 100' of such property and any area within the boundary of the development in a 100 year or greater flood area.
- l. Identification of any contaminated and unstable soils, past cuts or fills and fill material types.
- m. Identification of fault lines or other natural hazards affecting the subject property.
- n. Existing water and sewer mains and lines--location and size.
- o. Existing irrigation mains and/or secondary water sources.
- p. The location and an identification of each use of land and each building adjacent to the boundaries of the proposed development.
- q. Proposed lot and location layout for the development, including lots and building sites.
- r. Source of water.
- s. Cross-section of proposed streets and roads, as per county standards.
- t. Proposed power lines, bridges, utilities, and utility easements.
- u. Proposed water, sewage lines--location and size and place of sewage disposal, and location of solid waste collection points.
- v. Location of proposed fire hydrants, and location of proposed lighting systems.
- w. Any additional information which the Plan Coordinating Committee may require.

4. Tabulations

A list of tabulations shall be individually listed on the plat and shall include:

- a. Total number of acres in the proposed development (including any road dedication areas).
- b. Total number of lots.
- c. Percentage of area and acres to be devoted to roadways.

5. Engineering Drawings

The following engineering drawings, unless deemed to be inapplicable by the County Engineer, shall be properly dated, stamped and signed by an engineer licensed by the State of Utah and submitted with the application:

- a. Plan and profile drawings pertaining to the water system, fire suppression system, sewage system, street system, drainage system, irrigation system, utilities, and any other engineered drawings required by the County Engineer in order to determine compliance with the County Public Works standards, this ordinance, or other applicable requirements. Engineered drawings shall be reviewed and approved by the County Engineer.

6. Documentation

The application shall include the following documents which shall be prepared in accordance with Utah County standards and forms:

- a. A fiscal impact report consisting of an analysis of projected revenues and costs to Utah County for governmental services, on-site improvements, off-site improvements, including county road usage to the nearest state or federal road or highway and the utilization of Utah County mandated fire and life safety services.
- b. A title report with an effective date not earlier than thirty (30) days prior to the submittal date of a complete application, verifying that the owners who will execute the owner's dedication on the plat have sufficient control to effectuate the dedication without exceptions or limitations. The title report shall be a full report (title policy commitment quality and form), including a judgment search of all lot owners. All owners as shown on the title report shall sign the plat. If the property is owned in trust, a copy of the trust document shall be provided for review. The legal description of the property in the title report shall match exactly the legal description as contained on the plat. The plat description shall include all areas dedicated to the public, including streets. If the streets are not being dedicated to the public, the developer shall establish that the streets have previously been deeded to the County. All boundary disputes and boundary exceptions shall be resolved and deleted from the title report before it is submitted to the County (the only exceptions are the standard printed exceptions). All easements and other title restrictions shall be located on the plat 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, subordination, and if applicable, release, shall be obtained, provided on forms approved by the County Attorney's Office, and submitted for review. If the plat is approved, the applicant shall provide an update letter from the title company, amending the prior title report effective date to the date of the recording of the plat.
- c. If the proposed central water source is an existing public water system, an agreement from the provider to permanently provide the required quantity of water. If the proposed central water source is not an existing public water system, documents from the Utah State Division of Water Quality approving the proposed public water system.
- d. An engineering study signed, dated, and stamped by a professional engineer licensed by the State of Utah demonstrating that the applicable standards of this ordinance for water supply, water source, and water system will be met (see Subsection D below).

The County Engineer shall determine whether the engineering study meets the applicable standards of this Section.

- 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.

- f. A dated, signed and stamped report from a professional engineer licensed by the State of Utah detailing the specifications and capacities of the following:
1. Gravity pressurized central water system.
 2. Central sewage disposal system.
 3. Utilities.
 4. Street system.
 5. Surface water, drainage and flood control system.
 6. Fire hydrants.
 7. Any additional information which the Plan Coordinating Committee may require. The plat shall contain a note that summarizes the findings of this report.
- g. A dated, signed and stamped itemized estimate from an engineer licensed by the State of Utah, verified by the County Engineer, stating the cost of installing all required improvements related to the development.
- h. A statement from the County Health Department certifying that the proposed central water supply and central sewage disposal system conform to the pertinent state and county health regulations.
- i. A statement from the County Engineer certifying that the proposal conforms to the

pertinent provisions of the Utah County development standards ordinance and the road and other improvement standards of the land use ordinance.

- j. A statement from the County Fire Marshal certifying that the proposal conforms to the pertinent regulations of the adopted county fire codes and the fire-protection provisions of the land use ordinance.
- k. A tax clearance from the County Treasurer indicating that all taxes, interest, and penalties owing on parcels within the proposed development perimeter boundary have been paid, including greenbelt rollback taxes.
- l. 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.
- m. A restrictive covenant, in a form acceptable to the Zoning Administrator, prohibiting any residential use of the property described on the plat.
Exception: Caretaker's Dwellings, which meet all the requirements of this land use ordinance, are permitted in Planned Nonresidential Subdivisions.

7. 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 include 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 and seal 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, and the owner's

- vii. The utility owners' and/or operators' approval of the applicable underground utilities, other utility facilities, easements, rights-of-way, etc., of the development; however, Utah County shall not require the plat to be approved or signed by a person or entity who does not provide a utility or other service directly to the lots within the development, unless provided or required by the Utah Code Annotated 1953, as amended. The plat shall include the following signature block for this purpose:

APPROVAL BY OWNERS AND OPERATORS OF UNDERGROUND UTILITIES AND OTHER UTILITY FACILITIES

The undersigned owners or operators of the underground utilities and other utility facilities located on this plat hereby approve the boundary, course, dimensions, and intended use of the right-of-way and easement grants of record; hereby approve the location of existing underground and utility facilities; and hereby approve the conditions or restrictions governing the location of the facilities within the right-of-way, and easement grants of records, and utility facilities within the development, as shown on this plat.

Utility Provider

Utility Provider

Utility Provider

Utility Provider

- viii. Certifications required by State Law and other certifications if required by the County Commission, as permitted by this land use ordinance or other applicable law.

Exception: The County Commission in consultation with the County Attorney's Office may approve modifications to the required certifications, as needed, to address the individual circumstances of applications.

D. STANDARDS AND CONDITIONS

All planned nonresidential subdivisions shall conform to all of the requirements of this land use ordinance and the following standards and conditions.

1. Design
 - a. The plans shall be prepared by an engineer licensed to practice in the State of Utah.
 - b. The suitability and capability of soils, the convenience of access, the preservation of bodies of water, and other significant features are factors to consider in the design of the development.
 - c. Individual lots within the planned nonresidential subdivision shall have a minimum area of one (1) acre.
2. Size

The minimum acreage required to qualify for a planned nonresidential subdivision shall be one (1) acre. No minimum lot width shall be required.
3. Paved Road Access

All planned nonresidential subdivisions shall abut on and shall have access to a hard-surfaced public street that is part of the paved official county, state or municipal road system. However, a planned nonresidential subdivision that is an extension of a previously approved nonresidential subdivision plat may obtain paved road access through said prior plat.

4. Street System

- a. All streets shall be constructed to conform to the road standards for public streets as required by the Utah County Public Works Department.
- b. In the event that the land within the proposed development is traversed by a proposed street that is shown on the transportation element map of the county general plan, a note shall be placed on the plat that (1) explains that the development is traversed by a proposed street shown on the transportation element map of the county general plan, (2) establishes that dwellings shall not be constructed within fifty (50) feet of the proposed street, and (3) strongly discourages the construction of any permanent structure within one-hundred (100) feet of the proposed street.
- c. No vehicular road shall have a grade of more than eight (8) percent.
- d. All vehicular roads shall be paved to meet the minimum requirements of the Utah County Public Works Department.
- e. Where an existing county road borders the subdivision, the road shall be paved to the full standard width even if the applicant has record title to only a portion of the road easement. The applicant shall be required to dedicate ownership of the portion of the required right-of-way which he owns to the County.
- f. All roadways and each intersection shall bear permanent signs sufficient in design for easy identification of street names by emergency vehicles and other motorists, as approved by the County Engineer.
- g. Subdivisions may abut an existing dead-end paved county road, but the road system within the subdivision shall consist of through roads. No cul-de-sac roads are permitted.
- h. Any development that abuts on public land which has an existing access to the public land shall maintain the access by providing a public access road through the development to the public land.
- i. If access is on a state highway, a letter shall be provided from UDOT granting the access onto the state highway, with the location of the access shown on the plat. The County Engineer must approve the plans.

The applicable standards of the next three (3) subsections (Water Supply, Water Source, and Water System) are those that must be addressed in the engineering study referenced above in Subsection C.

5. Water Supply

- a. Water Rights
 - i. Culinary-quality water shall be provided to each lot, as follows:
 - (A) at a flow rate of at least 0.015 cubic feet per second, per lot, and a quantity of at least 1 acre-foot per year, per lot; or
 - (B) such larger flow rate and quantity recommended in the engineering study.
 - ii. If the submitted engineering study recommends quantities and flow rates of additional types of water, the County Commission shall determine whether these additional types of water shall be required, after receiving a recommendation from the County Engineer.
- b. Water Quality
 - i. All nonresidential subdivisions shall be serviced by a central water system, which has been approved as a public water system by the Utah Department of Environmental Quality, Division of Drinking Water.
- c. Types and Duration of Rights
 - i. Where water rights are to be supplied by a municipality, district, water company or other supplier which serves users outside as well as inside the development,

the engineering study shall show that the supplier can meet its commitments outside the subject development while meeting the standards of this ordinance within the development.

6. Water Source

- a. The engineer shall confirm that the proposed source water has been tested and found to comply with all applicable, adopted Utah County standards for delivery, flow, and quality, and shall provide his/her opinion on the water system's ability to meet Utah County standards when the project is complete. The engineer's opinion shall be based on best available data.
- b. If wells are proposed to provide the water for a central water system, the wells must be drilled and tested to establish that the wells will be able to provide the required flow, quality, and quantity of water, as per the applicable, adopted Utah County standards.

7. Water System

- a. All planned nonresidential subdivisions shall have a central water system that supplies culinary quality water for culinary use and provides flow for fire protection, which system meets the applicable, current Series 500 rules of Title R309 of the Utah Administrative Code, and any other current, applicable State of Utah drinking water rules and policies, as well as the applicable, adopted county fire codes. If a central water system is proposed to service a planned nonresidential subdivision, but has not yet been constructed, plat application approval shall not occur until water system plan approval has been obtained from the Utah Department of Environmental Quality, Division of Drinking Water; the central water system shall not be put into service until an operating permit has been obtained from the Utah Department of Environmental Quality, Division of Drinking Water.

8. Sewage Disposal

Each planned nonresidential subdivision shall be provided with and served by a central sewage disposal system which is approved by the State of Utah and the County Health Department.

9. Fire Protection

Fire hydrants and other fire protection shall be determined by the Fire Marshal using applicable adopted codes.

10. Off-Street Parking and Loading

- a. Off-street parking and loading spaces shall be provided according to the provisions of Chapter 3 of this land use ordinance.

11. Utilities

- a. All new utilities shall be installed underground. Existing above-ground 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.
- c. No structure shall be placed within the designated easements except utility structures.

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."

E. **REQUIRED IMPROVEMENTS**

All improvements which are required under the terms of this ordinance shall be shown on the layout map, engineered drawings, or recorded plat. Such improvements shall be constructed

by the developer in accordance with the Utah County Development Standards Ordinance and inspected by the County Engineer. For planned nonresidential subdivisions, the required improvements include all improvements required by the terms of this land use ordinance, and the following:

1. Hard surfaced streets.
2. Street signs, and traffic control devices.
3. An approved surface water, drainage and flood control system, including both off-site and on-site facilities.
4. An approved central culinary water and fire suppression water supply system, including both off-site and on-site facilities.
5. An approved central sewer system, including both off-site and on-site facilities.
6. Fire hydrants.
7. Permanent survey monuments.
8. Installed underground utilities, including natural gas (where available), electrical supply lines, and telephone lines.
9. Coverings or fencing for safety of canals and streams, when applicable.
10. Other improvements required by the County Commission.

CHAPTER 6

APPENDIX A

DEVELOPMENTAL IMPACT STATEMENT
CHECK LIST

1. **NAME OF PROJECT**
2. **DATE**
3. **NAME AND ADDRESS OF DEVELOPER AND PROJECT ENGINEER**
4. **DESCRIPTION OF THE PROPOSED PROJECT**
 - a. Type of action or project (subdivision, recreational site, commercial facility, etc.).
 - b. Map or maps (preferably on a topographic base) showing the proposal, action, or project in detail.
5. **DESCRIPTION OF THE ENVIRONMENT**

Base map showing:

 - a. Topography of the area within and surrounding the proposed action or project for a distance of one-fourth mile from the land involved. U.S. Geological Survey map or better should be used.
 - b. Location of underground drainage, flood hazards, lakes, rivers, and other bodies of water, drainage channels, wetlands, fire hazards, snow avalanche areas, habitat of endangered species and threatened species, and municipalities.
 - c. Location of all geologic hazards, including the following:
 - (1) Faults;
 - (2) Landslides/rockfalls;
 - (3) Liquefaction;
 - (4) Shallow groundwater;
 - (5) Soil erosion;
 - (6) Expansive soils;
 - (7) Subsidence.
6. **ANALYSIS OF IMPACTS OF THE PROJECT IN RELATION TO EACH OF THE FOLLOWING:**

Note: Developers are cautioned against overlooking, concealing, or unduly mitigating adverse consequences of the action or project.

 - a. Types and extent of vegetation and wildlife;
 - b. Habitat of threatened or endangered species;
 - c. Surface drainage;
 - d. Streams or drainage channels in or near the area; identify approximate amount of flow and whether flow is constant or intermittent.
 - e. Underground drainage;
 - f. Flood hazards;
 - g. Lakes, rivers and other bodies of water;
 - h. Wetlands;
 - i. Fire hazards;
 - j. Snow Avalanche hazards;
 - k. Geologic hazards:
 - (1) Faults;
 - (2) Landslides/rockfalls;
 - (3) Liquefaction;
 - (4) Shallow groundwater;

- (5) Soil erosion;
- (6) Expansive soils;
- (7) Subsidence.

1. Socio-economic factors:

- (1) Probable changes in population resulting from action or project;
- (2) Probable changes in economic structure of area (i.e., farming, recreation, commercial, etc.);
- (3) Probable amount and effect of traffic on streets;
- (4) Availability and adequacy of utilities (water, electricity, gas);
- (5) Availability and adequacy of facilities for waste disposal—both liquid and solid waste;
- (6) Availability of health care, police protection, and road maintenance;
- (7) Adequacy of streets for emergency response;
- (8) Sources of funds for on-site and off-site improvements;
- (9) Comparison of the anticipated tax revenues vs. cost of services which will likely be imposed on local government for services rendered.

7. MITIGATION DETAILS FOR THE NEGATIVE PROJECT IMPACTS TO THE ITEMS LISTED IN THIS APPENDIX

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 30th day of July 2019.

UTAH COUNTY COMMISSION

VOTE



WILLIAM C. LEE, CHAIR

yes



TANNER AINGE, VICE-CHAIR

yes



NATHAN IVIE, COMMISSIONER

yes

ATTEST:
AMELIA POWERS GARDNER
County Clerk/Auditor

**APPROVED AS TO FORM
AND LEGALITY:**
DAVID O. LEAVITT
County Attorney

By: 

Approved

Disapproved

By: 

Deputy



Date of Publication: Once only, as soon as possible