

6-3: PLANNED SUBDIVISIONS

A. GENERAL PROVISIONS

1. Declaration of Legislative Intent

The intent of this section shall be to establish guidelines which will facilitate approval of planned subdivisions.

2. Scope

The owner or owners 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.

a. Requirements Minimum.

The requirements of this section shall be the minimum requirements for the preparation, submission, and recording of all plans, plats, and supporting documents relating to planned subdivisions.

b. All Regulations Essential.

All of the regulations relating to subdivisions are the minimum regulations that are needed to carry out the purpose and intent of the large scale developments chapter of this ordinance.

c. Standards May Be Increased.

The County Commission may increase standards where it is determined that such increased standards are necessary in order to insure that the subdivision will mesh harmoniously with adjoining or nearby uses of property and are necessary to carry out the intent of this chapter.

d. 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 two or more lots, parcels, sites, units 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 pertinent zoning district (example: onefamily dwellings in the RR-5 Zone, or lighted outdoor riding arenas in the RA-5 zone) plus roads, rights-of-way, and utilities.

C. PROCEDURE

Any person, firm, or corporation wishing to obtain approval to construct a planned subdivision shall

follow the procedure outlined in zoning section 6-I-E.

D. APPLICATION REQUIREMENTS

The application shall consist of the following elements.

1. Application Form and Fee

A standard conditional use permit application form may be obtained from the Planning Commission staff and shall be completed and submitted with the required fee.

2. Developmental Impact Statement

A developmental impact statement, shall be prepared on forms furnished by the planning staff, and shall be used as the basis for determining the layout, density, drainage pattern, types of sewage treatment facilities, and other features of the development.

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 Planning Director, and shall show the following:

- 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 boundaries and designations.
- h. Boundary of the development.
- i. Name and address of adjacent property owners.
- j. Contour intervals as required by the Plan Coordinating Committee.
- k. Location of all existing buildings and structures.
- l. 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 areas within the bounds of the development which would be covered in the event of a 100 year flood.

- m. Existing water mains--location and size.
- n. Existing sewer mains--location and size.
- o. Proposed lot and location layout for the development including lots, streets, utility easements, building sites, and building setback lines.
- p. Proposed street names.
- q. Cross-section of streets (same as county standards).
- r. Proposed power lines, bridges, utilities, and utility easements.
- s. Proposed sewage lines--location and size.
- t. Proposed water lines--location and size.
- u. Place of sewage disposal.
- v. Intended source of water.
- w. Proposed fire hydrants.
- x. Layout of irrigation system (if any) showing how water will be handled.
- y. 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 each of which is five acres or larger in area, will utilize individual wells and septic tanks on each lot, and requires no improvements other than survey monuments.

4. Overall Schematic Plan

Where a developer owns or controls more land than he wishes to develop immediately, the Planning Commission or County Commission may require that a schematic plan of the whole area 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.

5. Tabulations

A list of tabulations shall be submitted which shows:

- a. Total number of acres in the proposed development.
- b. Total number of lots or building sites.
- c. Percentage of area to be devoted to roadways.

6. Engineering Drawings

The following engineering drawings shall be submitted:

- a. Detailed engineering plans pertaining to the location and size of proposed water and sewer lines, fire hydrants, utilities, curbs and gutters, streets, drainage systems and structures, irrigation system plans, and other improvements.
- b. A plan and profile of all streets.
- c. A detailed engineering study and plan of flood protection measures to be taken for both on- and off-site storm and flood water.
- d. An engineered grading plan meeting the requirements of Chapter 70 of the Uniform Building Code for any ponds, or any cuts and fills over 5000 cubic yards.
- e. Any other engineering drawings required by the County Surveyor in order to determine compliance with the Utah County development standards ordinance or the zoning ordinance.

7. Documentation

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

- a. 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.
- b. A water right issued by the State Engineer for a permanent source of water which meets Utah County standards. (Or if the source is a municipality, district, or water company with an approved system, then a binding agreement to a permanent hookup to deliver water in the required quantity).
- c. A statement from a professional engineer licensed to in the State of Utah attesting that the proposed source of water (including water from municipal, district, or water company systems) has been tested and found to comply with Utah County standards for flow, pressure and delivery, that the project, municipal, district, and/or water company storage and delivery system, based on his calculations, will meet Utah County standards when the project is complete, (Exception: where a well is propose to deliver the water, and the well has not yet been drilled, in lieu of testing, the engineer shall study well logs in the area and state his opinion whether the well will be able to provide the required water supply; the plat shall contain a written condition that no building permit for a dwelling or other occupied building will be issued until the well is drilled and found to produce the required flow of water.) The engineer's statement and calculations shall be reviewed for accuracy by the County Surveyor.
- d. A covenant, agreement, deed or other binding instrument permanently attaching the water rights to the building sites of the development.
- e. A statement from the appropriate agency accepting responsibility for the disposal of all surface drainage water wherever such drainage water is directed into canals, drainage channels, streets, etc.,

rather than by on-site disposal.

f. An itemized estimate from the developer's engineer, verified by the County Surveyor, of the cost of installing all required improvements in the development.

g. The surety bond instrument, or other bond agreement; or, in the case of a cash bond to be delivered to Utah County, a statement from the bank or other financial institution as to the availability of funds. A draft copy of the surety bond instrument or agreement may be submitted, but the executed document must be presented to the County Commission or its designee before the plat is recorded (Not required where all improvements will be installed before the plat is recorded.)

h. A statement from the County Health Department certifying that the proposed water supply and sewage disposal system conforms to the pertinent state and county health regulations.

i. A statement from the County Surveyor 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 zoning 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 zoning ordinance (not required for a planned subdivision of five or fewer lots each of which is five acres or larger in area).

k. The proposed "public offering statement" required by the Utah Land Sales Practices Act" in Subsection p of Section 57-11-6 of the "Utah Code Annotated 1953"; or when not required by said act, a substitute information sheet concerning the lot owners' rights and obligations that is prepared in accord with Utah County standards, for dissemination to potential purchasers (not required for a planned subdivision of five or fewer lots each of which is five acres or larger in area).

l. Whenever the boundary of the development is within one-half mile of the territory of an incorporated municipality and the development is to have a total of 15 or more dwelling units on sites averaging one acre or less, a written statement from the municipality (or equivalent documentation) that the owners submitted a proper application for annexation but were denied annexation.

m. [A tax clearance is needed as per Utah Code Annotated, 1953, as amended, Section 17-27-804]

8. Plat

The plat shall be a reproducible tracing drafted in black drawing ink, in a workmanlike manner, on a medium approved by Utah County. Said plat 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 Planning Director, and shall show the following:

a. The boundaries of the development and the location of all required survey monuments.

b. The location of all lot 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.

d. The type, location, and extent of all easements.

e. The location and extent of all parcels within the development which are subject to deed restrictions or any limitations or 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.

g. The following certifications:

i. The certificate of survey accuracy by the surveyor or engineer preparing the plat.

ii. The owner's dedication of land for public use, the owner's conveyance of easements and parcels for utilities or other special use, and the owner's acceptance of the limitations or conditions of approval.

iii. The acknowledgment of the owner's dedication by a Utah Notary Public (or an equivalent officer authorized to acknowledge conveyances of real estate if the owner is out of state).

iv. The County Commission's approval of the development and its acceptance of dedication of streets, easements, etc., along with the attesting signature of the County Clerk.

v. Other certifications if required by the County Commission.

9. Certification that lands being subdivided are free from invasive noxious weeds or have undergone appropriate noxious weed control treatment, shall be included with the application. The list of invasive noxious weeds shall be recommended by the Utah County Weed Control Board and approved by the Board of County Commissioners. Certifications are considered valid if performed by persons competent in the identification of noxious weeds and approved by the Utah County Weed Control Board. Inspections supporting certification must be made during the period from April 1 through September 30. In lieu of certifications, a two (2) year bond may be approved by the board of County Commissioners in the amount of \$1,000.00 per acre. A certification must be submitted within two (2) years of the date of plat approval or the bond will be forfeited to Utah County to be used for weed control purposes.

E. STANDARDS AND CONDITIONS

All planned subdivisions shall conform to the following standards and conditions.

1. Design

a. The plans shall be prepared by a civil engineer or land surveyor licensed to practice in the State of Utah.

b. The design of subdivisions shall conform to officially approved county standards with respect to the length, width, alignment, and grade of streets and utilities, the length of cul-de-sacs, size of turnarounds, direction of lot lines, size of blocks, and other features.

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) |
|-------|-----------------|
| | |
| RA-5 | 5 |
| RR-5 | 5* |
| TR-5 | 5* |
| CE-1 | 50 |
| CE-2 | 20 |
| M&G-1 | 50 |
| NC-1 | 1 |
| HS-1 | 1 |
| I-1 | 1 |
| 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 Min. Lot Area¹ Min. Lot Width²

RA-5 5 ac 250 feet

RR-5 10,000 sq ft 75 feet

TR-5 10,000 sq ft 75 feet

CE-1 50 ac 330 feet

CE-2 20 ac 330 feet

M&G-1 50 ac 330 feet

NC-1 1 ac none

HS-1 1 ac none

I-1 1 ac none

A-40 40 ac 330 feet

Notes: 1. "ac" means acres; "sq ft" means square feet

2. "Min. Lot Width" shall mean the minimum width of the lot at any point between the frontage and the structure

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 is part of the paved county or state road network (or a paved municipal road system).

5. Street System

a. All streets shall be constructed to conform to the street standards for public streets as adopted by Utah County.

b. In the event that the land within the proposed development is traversed by a proposed street that is shown on the county master street plan, the road system within the subdivision shall be constructed in accordance with the county master street plan and the right-of-way dedicated to the public.

c. In subdivisions located in the TR-5 zone, streets shall be designed wherever possible to be compatible with the pattern of streets of nearby municipalities.

d. 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 Surveyor, when the County Commission finds all of the following criteria are met:

i. the grade is necessary to eliminate extra cuts, fills, 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.

e. All vehicular roads shall be paved with a three (3) inch thick asphaltic surface over a six (6) inch deep crushed gravel base, and suitable sub-base, in addition to meeting the minimum requirements of the Utah County Development Standards Ordinance.

Exception to the 3 inch thick asphaltic surface standard: Where a subdivision abuts an existing paved county road (or is traversed by an existing paved county road) which has a chip-seal surface, and where the length of such existing road surface is one-half mile or less, the chip-seal road surface may be accepted by the Utah County Commission on the existing county road because of the difficulty in matching unlike road surface types of short segments of road.

f. 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 one-half of the road.

The applicant shall be required to dedicate ownership of only the half (or other portion) of the required right-of-way which he owns even when the full width of the driving surface is paved.

g. Each intersection shall bear permanent signs meeting county standards for identification of street names by emergency vehicles and other motorists.

h. Subdivisions may abut an existing dead-end paved county road, but the road system within the subdivision shall consist of through roads.

6. Sidewalks

Sidewalks, dedicated to the public, shall be provided along both sides of public streets wherever one or more of the lots in the subdivision have a frontage of 150 feet or less, except sidewalks shall be required only on the development side for streets bounding the development.

7. Curbs and Gutters

Curbs and gutters shall be installed on both sides of public streets wherever one or more of the lots in the subdivisions have frontage of 150 feet or less, except curbs and gutters shall be required only on the development side for streets bounding the development.

8. Drainage System Plan

a. The drainage plan shall include an analysis of potential drainage problems, along with a proposal indicating how the surface water will be disposed of.

b. The development shall include necessary culverts, drain pipes, and drainage channels to handle on- and off-site flood water.

c. The drainage system shall be designed to handle all surface drainage on-site when an existing storm water system is not available.

d. Where surface drainage from the development will flow into an irrigation channel or into a public street or otherwise be directed off the premises, the developer shall obtain and submit a statement of acceptance of the drainage from the appropriate agencies.

e. A required improvement of the subdivision shall be the covering, piping, fencing, or other suitable safety measures sufficient to protect youthful occupants.

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 parcel 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 to each parcel at the rate of at least 1 acre-foot per year per dwelling or building site, which water shall be available between April 30 to October 1 annually.

iii. Water for irrigation shall be provided at a rate of at least 1.5 acre-feet per acre per year for the entire area of each lot beyond the first 10,000 square feet of area, which quantity of water must be appurtenant to each lot, and must be available from April 30 to October 1 annually. [Water for the first 10,000 square feet of area of each lot is supplied by the requirements of subsections (1) and (2) immediately above]. 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, if the irrigation water quantity requirement of at least 1.5 acre-feet of irrigation water per each acre of area of each lot (less the 10,000 square feet) is satisfied.

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);
- (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.

Exception 2 to part ‘iii’ above: The County Commission may increase or decrease the required quantity of irrigation water from 1.5 acre-feet per acre per year based upon the findings of an engineering study, prepared, and signed by an engineer licensed in the State of Utah, conducted in the preparation of the irrigation plan if the County Commission finds that less water is needed to establish and to meet the green plant needs of alfalfa due to a water table that is sufficiently near the surface on an annual growing season basis to allow such reduction. The engineering study shall determine the quantity of water needed to establish and to maintain alfalfa, in the green condition, having a low flammability, and shall identify the high water table by area and depth below natural grade.

Exception 3 to part “iii” above removed - no longer applicable

b. Water Quality

i Culinary water use inside the dwelling provided by a public water system. A public water system must be approved by the Utah County Health Department.

ii Culinary water use inside the dwelling provided by individually owned wells for each lot. The Utah County Health Department shall sample a representative water source from within the proposed development boundaries as a requirement prior to County Commission approval. A minimum of at least

one sampling shall be obtained per proposed large scale development; where a large scale development is for an area larger than 160 acres, the number of samples shall be one per 160 acres or fraction thereof. The County Commission may require additional samples where it finds the geology or other on-site conditions warrant additional samples to determine the water quality is satisfactory throughout the entire area of the subdivision. A sampling consists of (a) two satisfactory microbiological samples taken on two consecutive days. Samples must be taken at least 8 hours apart; (b) inorganic contaminants, and (c) turbidity. Water testing costs shall be paid by the developer. To be acceptable as the source of culinary water, this sample shall meet primary drinking water standards as outlined above and be approved by the Utah County Health Department. Written approval must be obtained prior to placement on the County Commission agenda. The recorded plat shall contain a written condition that no building permit will be issued for a single family dwelling or other occupied structure until the individual water supply has been sampled and found to meet primary drinking water standards as outlined above by the Utah County Health Department.

Exception: However, the Zoning Administrator may, with the favorable review by the Utah County Health Department, approve the sampling of water from an existing well outside of the subdivision boundary, based upon the developer submitting a written finding from a Utah licensed engineer, stating the opinion, after studying the well logs of the proposed sampling well, that the sample will be representative of the aquifer to be utilized by the proposed subdivision; and further provided, however, that the proposed existing well is not located more than five hundred (500) feet from the subdivision boundary.

c. Types and Duration of Rights

- i. Reliable wells, springs, and surface sources, whether from a public water system or a private water supply, may be used to meet the water requirements.
- ii. The water rights must be tied to each lot to be served in perpetuity, so that the lots and rights cannot be transferred separately, by protective covenant, enforceable plat restrictions, or other legally binding instrument.
- iii. The developer must present an engineering study demonstrating that the standards of this ordinance for water rights and water systems will be met.
- iv. 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.
- v. Where the water rights are to be supplied by a municipality or other entity which is prohibited from divesting itself of its water rights in perpetuity, a legal analysis shall be submitted showing how the commitment for perpetual commitment of water is binding.

10. Water System

- a. All large scale developments having one or more lots or platted building sites under five (5) acres in area shall have a central water system which shall supply water for culinary use and which shall supply water meeting the supply and flow requirements for fire protection.

b. The water system shall have a storage facility which has a capacity to meet peak hourly culinary use, based on state health department standards, plus a minimum fire protection storage of 120,000 gallons. The storage capacity shall be proportionally increased if residential buildings over 3600 square feet in floor area (or other structures needing increased capacity) are to be permitted in the development, or if irrigation water is to be stored in the culinary - fire protection storage facility.

c. The culinary - fire protection facility shall be designed and located so as to produce a gravity-induced fire flow of 1000 gallons per minute for a duration for at least two hours, in addition to simultaneous culinary or irrigation use. The delivery rate and duration amount shall be proportionally higher if residential buildings over 3600 square feet in floor area (or other structures needing increased capacity) are to be permitted in the development.

d. Water mains in the culinary - fire protection system supplying fire hydrants, dwellings, and any irrigation needs, shall be sized according to an engineering study to adequately supply those uses, but in no case shall they be less than six (6) inches in diameter (no less than 8 inches in diameter if supplying a fire hydrant on a dead-end run longer than four hundred feet in length).

e. Irrigation systems need not have a central storage facility, but must be designed to provide the water flows determined by the irrigation plan to be necessary during the growing season (April 15 to October 15).

f. An engineered irrigation plan shall be prepared to cover all of the items shown on the approved format as provided by the Planning Commission staff.

11. Sewage Disposal

Each planned subdivision shall be served by a central sewage disposal system or by individual wastewater disposal systems which are approved by the City-County Health Department. If sewage cannot be disposed of through an approved existing central sewage treatment plant or by individual wastewater disposal systems, a suitable system must be provided by the developer and approved by the County Health Department.

12. Fire Protection

a. All planned subdivisions having one or more lots under five (5) acres in area shall have fire hydrants installed at intervals in such a manner that no dwelling unit or building will be more than 250 feet distant from the closest hydrant, measured along the street.

b. The County Commission may require additional fire protection facilities or policies when recommended by the Utah County fire marshal to conform to adopted fire codes or standard fire protection practices for the area.

13. Utility Easements

To serve each lot, utility easements of not less than (10) feet in width shall be required and all utilities shall be placed underground in residential zones.

14. Setback Distances

The setback requirements shall be the same as those listed for the pertinent zoning district.

F. REQUIRED IMPROVEMENTS

All improvements which are required under the terms of this ordinance shall be shown on the layout map 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 Surveyor. For planned subdivisions, the required improvements following:

1. Hard Surfaced streets.
2. Street signs.
3. Curbs, gutters, and sidewalks (unless all lots are over 250 feet wide).
4. Culverts, sumps, retention basins, and other storm-sewer facilities.
5. On and off-site water mains (unless individual wells are used).
6. Fire hydrants (unless all lots are over 5 acres).
7. Sewage facilities (when septic tanks are not used).
8. Permanent survey markers.
9. Landscape materials and sprinkler systems where required for storm water retention basins or for other facilities.
10. Coverings or fencing for the safety of canals and streams, when applicable.
11. Other essential improvements if required by the County Commission.