



ENT 1661:2025 PG 1 of 4
ANDREA ALLEN
UTAH COUNTY RECORDER
2025 Jan 9 01:57 PM FEE 0.00 BY TM
RECORDED FOR UTAH COUNTY COMMUNITY DEVE

ORDINANCE NO. 2025-44

AN ORDINANCE AMENDING SECTIONS 2.08 AND 14.04 OF THE UTAH COUNTY LAND USE ORDINANCE TO UPDATE SUBDIVISION APPROVAL REQUIREMENTS

WHEREAS, an applicant has initiated a review of Sections 2.08 and 14.04 of the Utah County Land Use Ordinance (UCLUO), to update subdivision approval requirements; and

WHEREAS, the Planning Commission addressed the proposed amendment to the Utah County Land Use Ordinance during a regularly scheduled meeting of the Planning Commission on December 17th, 2024, held a public hearing regarding the proposed amendment, and made a recommendation to the Board of County Commissioners regarding the proposed amendment; and

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

WHEREAS, the Board of County Commissioners finds the amendment to the Utah County Land Use Ordinance is consistent with the Utah County General Plan and the other provisions of the Utah County Land Use Ordinance; and

WHEREAS, the Board of County Commissioners finds the proposed Utah County Land Use Ordinance is in the best interest of the health, safety, and welfare of the citizens of Utah County, considering all factors;

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

Part I:

Section 2.08 of the Utah County Land Use Ordinance is hereby amended, including any appropriate re-numbering and re-formatting of applicable subsections, to add or amend the following definitions:

2.08 Definitions - Land Use

"Improvement completion assurance" improvement completion assurance as defined under Utah Code § 17-27a-103, as amended.

"Improvement warranty" improvement warranty as defined under Utah Code § 17-27a-103, as amended.

"Subdivision" Any division of land as defined under Utah Code § 17-27a-103, as amended.

"Subdivision amendment" Any amendment to a recorded subdivision amendment as defined under Utah Code § 17-27a-103, as amended.

Part II:

Section 14.04 of the Utah County Land Use Ordinance is hereby amended, including any appropriate re-numbering and re-formatting of applicable subsections, to read as depicted below for the applicable subsections:

14.04 General Provisions**13. Construction of Required Improvements**

- (1) 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 final approval of the development, or within such extended period of time during which the approval of the development remains viable as provided in Paragraph E, 12, construct and complete all required improvements and post a cash improvement warranty with the County; or
 - (2) upon request by the developer, the developer may post a cash improvement completion assurance with the County before recording the plat, in an amount equal to 100% of the estimated cost of the required improvements, plus an additional 10% of the amount of the bond to cover administrative costs incurred by the county to complete the improvement (totaling 110%), as determined by the County Engineer, to guarantee the installation of the required improvements without cost to Utah County, and a cash improvement warranty.
- b. 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 improvement completion assurance and the improvement warranty are delivered to and approved by the County.
 - c. The improvement completion assurance 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 improvement completion assurance or of the improvement warranty.

16. Timing of Construction:

d. Extension of Time:

(D) The developer has posted a cash Bond with the County in an amount of not less than 100% of the estimated cost plus an additional 10% of the amount of the bond to cover administrative costs (totaling 110%) 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

19. Improvement Warranty:

20. Partial Release of Improvement Completion Assurance

a. Partial releases of the Improvement Completion Assurance may be made when a portion of the required improvements have been satisfactorily installed, but only if the amount of the Assurance which is retained is equal to or greater than one hundred percent (100%) of the cost of installing the uncompleted improvements.

22. Building Permits: No Building permit shall be issued until the plat is recorded, unless the applicant chooses to post an improvement completion assurance as defined under Utah Code §§ 17-27a-103 and 17-27a-604.5, or unless the county accepts and approves an improvement warranty as defined under the same statutes. After the plat is recorded, no Building permit shall be issued for any structure within the development, other than utility related structures, until:

Part III:

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.

Part IV:

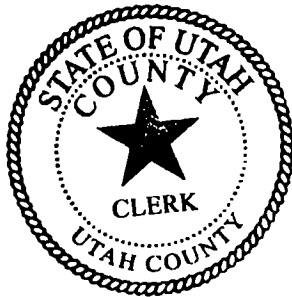
If any of the sections, sentences, clauses, or provisions of this ordinance shall for any reason be adjudged inapplicable or invalid by a court of competent jurisdiction, such shall not affect or invalidate the remaining portion contained herein.

Part V:

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.

APPROVED and ADOPTED this 8th day of January 2025.

BOARD OF COUNTY COMMISSIONERS,
UTAH COUNTY, UTAH



Brandon B. Gordon

BRANDON B. GORDON, Chair

ATTEST:
AARON R. DAVIDSON
Utah County Clerk

APPROVED AS TO FORM AND LEGALITY:
JEFFREY S. GRAY
Utah County Attorney

By: *Jolynn Clegg*

Deputy Clerk / Jolynn Clegg

By: *Dale Eyre*

Deputy County Attorney / Dale Eyre

	VOTE	
	YEA	NAY
BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH	<u> X </u>	<u> </u>
BRANDON B. GORDON, CHAIR	<u> X </u>	<u> </u>
AMELIA POWERS GARDNER, COMMISSIONER	<u> X </u>	<u> </u>
SKYLER BELTRAN, COMMISSIONER	<u> </u>	<u> </u>