

ORDINANCE NO. 2018- 1

**AN ORDINANCE AMENDING SECTION 6-3 OF THE UTAH COUNTY LAND USE  
ORDINANCE, RELATED TO THE WATER SUPPLY REQUIREMENTS FOR  
PLANNED SUBDIVISIONS**

**WHEREAS**, Philip R. Snelgrove initiated a review of the Utah County Land Use Ordinance (UCLUO), dealing with amending Section 6-3, related to the water supply requirements for planned subdivisions; and

**WHEREAS**, the Planning Commission addressed the proposed amendment to the Utah County Land Use Ordinance during the regularly scheduled meeting of the Planning Commission, on November 21, 2017, and made a recommendation to the Board of County Commissioners regarding the proposed amendment; and

**WHEREAS**, a public hearing regarding the proposed amendment was scheduled and held during the regularly scheduled meeting of the Planning Commission, on November 21, 2017; and

**WHEREAS**, the Board of County Commissioners has received and carefully reviewed the recommendation from the Planning Commission regarding the proposed amendment, the minutes of the November 21, 2017 Utah County Planning Commission meeting, and the public hearing regarding the proposed amendment to the Utah County Land Use Ordinance; and

**WHEREAS**, the Board of County Commissioners has received and carefully reviewed the input, documents, and testimony from the public regarding the proposed amendment to the Utah County Land Use Ordinance; and

**WHEREAS**, the Board of County Commissioners finds the proposed amendment to the Utah County Land Use Ordinance conforms to the Utah County General Plan, 2014, and is consistent with the other provisions of the Utah County Land Use Ordinance; and

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

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

**Part I:**

Subsection 6-3-D-8-a of the Utah County Land Use Ordinance is hereby amended to read as follows:

6-3: PLANNED SUBDIVISIONS  
 D. STANDARDS AND CONDITIONS

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 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. 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); 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.

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 engineered 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 engineered 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: Where a proposed lot(s) of five (5) acres or more has an average slope of eight (8)-percent or greater and where environmental conditions are not suitable for cultivation and irrigation of crops on at least 35-percent of the lot(s), but conditions are suitable for an occupied dwelling, water for irrigation shall be provided at a rate of at least 1.0 acre-foot per acre per year. Utilization of this exception shall be supported by a statement provided by the applicant that has been prepared, dated, signed, and stamped by an engineer licensed in the State of Utah, which statement does the following:

- (A) Confirms the existence of the conditions on the lot(s) necessary to utilize the exception for the reduction of required irrigation water; and
- (B) Certifies the reduction of required irrigation water will not negatively impact the aquifers under or immediately near the lot(s) due to the land included in the lot(s) having an average historic irrigation rate of no more than 1.0 acre-foot per acre per year (the engineering statement shall include documentation to support any average historic irrigation rate of the lot[s]).

The engineering statement shall be reviewed and approved by the County Engineer. This exception only relates to the rate of irrigation water required to be provided. All other requirements of part "iii" shall be met.

## **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.

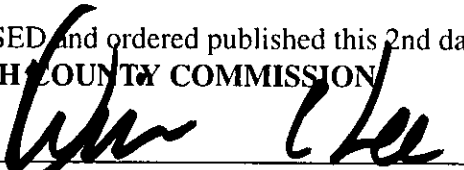
## **Part III:**

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:**

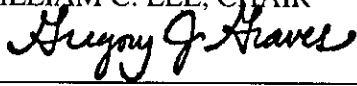
This ordinance shall become effective fifteen (15) days after it is passed and upon at least one (1) publication in a newspaper published in and having general circulation in Utah County.

PASSED and ordered published this 2nd day of January 2018.  
UTAH COUNTY COMMISSION

  
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WILLIAM C. LEE, CHAIR

VOTE

aye

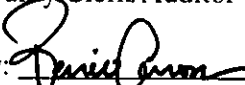
  
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GREG GRAVES, VICE-CHAIR

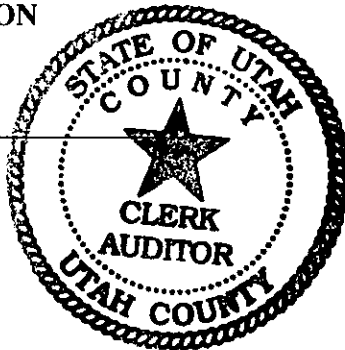
aye

  
\_\_\_\_\_  
NATHAN IVIE, COMMISSIONER

aye

ATTEST:  
BRYAN E. THOMPSON  
County Clerk/Auditor

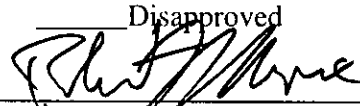
By:   
\_\_\_\_\_  
Deputy



APPROVED AS TO FORM:  
JEFFREY R. BUHMAN  
County Attorney

Approved

Disapproved

By:   
\_\_\_\_\_  
Deputy

Date of Publication: Once only, as soon as possible