

ENT 194086:2021 PG 1 of 4
ANDREA ALLEN
UTAH COUNTY RECORDER
2021 Nov 18 9:12 am FEE 0.00 BY JR
RECORDED FOR COMMUNITY DEVELOPMENT

ORDINANCE NO. 2021-1027

**AN ORDINANCE AMENDING SECTIONS 14.12 OF THE UTAH COUNTY LAND USE
ORDINANCE TO PERMIT SHARED WELLS ON TWO ADJACENT LOTS WITH
SHARED OWNERSHIP IN RESIDENTIAL SUBDIVISIONS**

WHEREAS, an applicant initiated a review of Chapter 14.12 of the Utah County Land Use Ordinance (UCLUO) to amend requirements for wells; and

WHEREAS, the Utah County Planning Commission addressed the proposed amendment to the Utah County Land Use Ordinance during the regularly scheduled meeting of the Planning Commission on September 21, 2021, held a public hearing regarding the proposed amendment, and made a recommendation to the Board of County Commissioners regarding the proposed amendment; and

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

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

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

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

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

Part I:

Section 14.12-C-7-d of the Utah County Land Use Ordinance is hereby amended, including the appropriate re-numbering and re-formatting of applicable subsections, to add the following as a condition:

- 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 except for shared wells as permitted in this section. At the time an applicant seeks to utilize the provisions for a shared well, the applicant shall submit 1.) proof of shared ownership, 2.) documentation that each lot qualifies independently for a well on site, 3.) record a document on the lot without a well, on a form acceptable to the Utah County Attorney's Office, apprising future owners of the requirement for separate wells should shared ownership of the lots terminate, and that future development or well placement might be impacted by the location of wastewater systems, and 4.) that any building permit utilizing a shared well provide a site plan depicting the location of facilities associated with the shared well and buildable area limitations on the lot without a well due to the need to preserve a location for any future required well on site. With any lot where the proposed water source is not a public water system, 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.

Part II:

Sections 14.12-D-8-b of the Utah County Land Use Ordinance is hereby amended, including the appropriate re-numbering and re-formatting of applicable subsections, to read as follows:

b. 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; by individually owned wells with one well located on each lot included in the

subdivision; or by an individually owned well shared by two adjacent lots under the same ownership. Whether water is to be provided by individual wells located on each lot or a shared well for two adjacent lots under the same ownership, each lot shall qualify individually for a well and the water on each lot individually shall meet the water quality standards of the Utah County Health Department.

Part III:

Sections 14.12-D-9 of the Utah County Land Use Ordinance is hereby amended, including the appropriate re-numbering and re-formatting of applicable subsections, to read as follows:

- 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) If there is no central water system, a shared well may be permitted for only two immediately adjacent lots that share the same ownership. The well may be shared solely for the duration of shared ownership, after termination of shared ownership or if the lots are no longer adjacent, then each lot shall have a well located on site and disconnect from the off-site well that had been shared.
- d) 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."

Part IV:

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 V:

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 VI:

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 10th day of November 2021.

UTAH COUNTY COMMISSION

VOTE



WILLIAM C. LEE, CHAIR

YEA



THOMAS V. SAKIEVICH, VICE-CHAIR

YEA



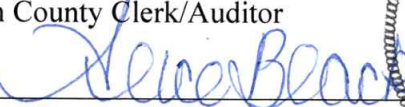
AMELIA POWERS GARDNER, COMMISSIONER

YEA

ATTEST:

JOSH DANIELS

Utah County Clerk/Auditor

By: 

Deputy



APPROVED AS TO FORM:

DAVID O. LEAVITT

Utah County Attorney

Approved

Disapproved

By: 

Deputy

Date of Publication: Once only, as soon as possible