

## ORDINANCE NO. 18-09

A proposed ordinance amending Wasatch Code 16.27.10(C)(1)(t) regarding the requirement for overall preliminary approvals for subdivisions. The code currently requires that applicants prepare an overall preliminary application that covers the entire property owned by the applicant. This proposal would allow larger acre projects and projects with larger amounts of density to propose a phased preliminary approval.

### RECITALS

**WHEREAS**, Wasatch County Code Section 16.27.10 (C)(1)(t) requires a preliminary application for the entire property controlled by a developer; and

**WHEREAS**, large acreage developments and developments with large amounts of density could, depending on market conditions and other factors, take decades to complete; and

**WHEREAS**, because of changing markets or community preferences the development proposal set forth in a preliminary application will, most likely, be changed requiring a revised or amended preliminary application; and

**WHEREAS**, the requirement for overall preliminary application on all portions of the property could be a waste of resources due to the long amount of time for the development to build out; and

**WHEREAS**, Utah Code 17-27a-502 requires Wasatch County to give notice of public hearing as provided in Utah Code 17-27a-205(1)(a), and to hold a public hearing; and

**WHEREAS**, Wasatch County gave notice of all public meeting and public hearings related to this ordinance as required, and the planning commission held a public hearing; and

**WHEREAS**, the county legislative body desires to clarify the process and to allow for phased preliminary applications on some large projects; and

**WHEREAS**, after considering all public comments, the recommendation of the planning commission, and carefully studying the matter, the county legislative body has determined that a change in the process for preliminary applications will serve to allow Wasatch County to better provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of Wasatch County and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the state's agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values, and is in conformity with the general plan;

**NOW THEREFORE**, The County Legislative Body of Wasatch County ordains as follows:

**SECTION I: Enactment.**

The following amendments are hereby enacted:

16.27.10 LARGE SCALE DEVELOPMENT REGULATIONS

(C) Preliminary Application Requirements

(1) Preliminary Application

(t): Any additional information that the county staff, planning commission or legislative body may reasonably require in a specific instance. Where a developer owns or controls more land than he or she wishes to develop immediately, the county requires that an overall preliminary plan for the entire large scale development be submitted, in which case the developer shall indicate the portion to be developed immediately and the portion to be held for future development.

- (1) Due to long development periods, changing market conditions and community needs, developments that have received master plan approval, containing over 500 acres or over 1,000 ERUs may apply for a phased preliminary plan allowing for smaller portions of the entire large scale development to submit a preliminary application. The county legislative body may approve the phased preliminary plan application if the following elements are established by the applicant:
  - (a) A general road plan for the large scale development in conformance with the master plan showing grades and intersections that comply with the code;
  - (b) A phasing plan showing the proposed phases and anticipated order for preliminary applications overlaid on the approved master plan layout;
  - (c) An infrastructure plan showing the anticipated utility needs of the entire large scale development, and by proposed phases, demonstrating that the entire large scale development can be developed in accordance with the approved master plan and demonstrating that the infrastructure may be installed so that future phases can be completed without material disruption of previously completed phases (this infrastructure plan is intended to be a conceptual design only showing feasibility);
  - (d) The proposed phases must be for more than 30 ERUs, or must have more than 20,000 square feet of anticipated commercial space, or must be for a substantial amenity, or must be for an area of over 100 acres. ;
  - (e) The phased preliminary plan application must demonstrate that project amenities, any required moderate income housing, landscaping, and open

space will be completed in a timely manner for those portions of the development that will use them;

- (f) The proposed phasing plan must go through DRC;
- (g) Any additional information pertaining to the phased preliminary plan application that the county may reasonably require;
- (h) Reasonable time restrictions may be required for implementation of phased preliminary plan applications; and
- (i) The county legislative body may place any conditions on the approval necessary to ensure the orderly development of the large scale development consistent with the approved master plan

(2) Once a phased preliminary plan application has been approved for a large scale development, the applicant must submit a preliminary application with respect to each phase in the order shown in the plan, meeting the large scale development preliminary application requirements in 16.27.10(C) Preliminary Application Requirements. In addition, the preliminary application for each phase shall demonstrate compliance with the following elements:

- (a) The proposed phase must meet the requirements of the phased preliminary plan approval;
- (b) Typically, each phase applied for must be in the order shown in the phasing plan. If the developer submits a preliminary application for a phase that is out of order or otherwise does not comply with the phasing plan, an application for an amended phasing plan will be submitted with the preliminary application. The amended phasing plan must comply with the requirements for an original phasing plan, but may be approved concurrently with the preliminary application
- (c) A layout must be provided which shows the phase overlaid on the approved master plan layout, and showing any phases that have already received preliminary approval, and future phases;
- (d) A master homeowner's association must be established for the whole project area, which master homeowner's association is, at a minimum, responsible for maintenance of all amenities and infrastructure common to the entire large scale development; individual phases may also be included in and subject to additional homeowner's associations so long as all properties are included in the respective homeowner's association that is responsible to maintain any infrastructure and amenities primarily built for those properties;
- (e) The preliminary application must demonstrate that project amenities, any required moderate income housing, landscaping, trails and open space will be installed in a manner that assures these will be completed prior or with

those businesses or residences that will primarily utilize them or are contiguous to them and will be constructed in a logical order.

- (f) The phase must provide roads for such phase, together with adequate right-of-way for any planned expansion of such roadway for future phases; previously unimproved roads or portion of roads located in previously developed phases that are required in order to meet the traffic demand created by a proposed phase shall be completed prior to or contemporaneously with the improvements installed in the proposed phase;;
- (g) Each phase must go through DRC;
- (h) The phase must provide for utilities for the current phase, and ensure that applicable infrastructure is installed so that future phases may be completed without material disruption of the phase once completed;
- (i) If any infrastructure or amenities required to be installed in a previously approved phase have not been installed at the time of the application for the new phase, and such infrastructure or amenities are necessary for the new phase, then approval of the new phase shall not be granted until the infrastructure or amenities required in the previously approved phase are either installed or the county has received a performance bond pursuant to Wasatch County Code 16.27.21 with respect to the completion of such infrastructure or amenities.; and
- (j) Any additional information pertaining to the preliminary application for the phase that the county may reasonably require..

SECTION II: **Repealer.** If any provisions of the County Code heretofore adopted are inconsistent herewith they are hereby repealed.

SECTION III: **Amendment of Conflicting Ordinances.** To the extent that any ordinances, resolutions, or policies of Wasatch County conflict with the provisions of this ordinance, they are hereby amended to comply with the provisions hereof.

SECTION IV: **Effective Date.** This ordinance shall become effective immediately upon execution by the Chair of the County Council and the completion of public notice requirements imposed by state statute.

SECTION V: **Severability.** If any section, subsection, sentence, clause, or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

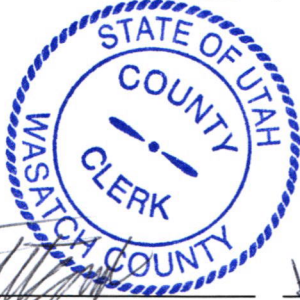
SECTION VI: **Public Notice.** The Wasatch County Clerk, and ex officio Clerk of the Wasatch County Council, is hereby ordered, in accordance with the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, to do as follows:

- a. Enter at length this ordinance in the ordinance book;
- b. Deposit a copy of this ordinance in the office of the County Clerk;

- c. Publish a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance, for at least one publication in a newspaper published in and having general circulation in the county; or post a complete copy of this ordinance in nine (9) public places within the County.

APPROVED and PASSED this 17 day of October, 2018.

Attest:



WASATCH COUNTY COUNCIL:

*Brent R. Titcomb*

Brent R. Titcomb

Wasatch County Clerk / Auditor

*Kendall Crittenden*

*Kendall Crittenden*  
Greg McPhie, Chair  
vice-chair.

Wasatch County Council

**VOTE**

Greg McPhie, Chairman	<u>Y</u>
Kendall Crittenden, Vice-Chair	<u>Y</u>
Danny Goode	<u>Y</u>
Mike Petersen	<u>—</u>
Mark Nelson	<u>—</u>
Steve Farrell	<u>Y</u>
Spencer Park	<u>Y</u>

ADOPTION OF ORDINANCE AFFIDAVIT

STATE OF UTAH )

): ss.

COUNTY OF WASATCH )

I, the undersigned, the duly qualified and acting County Clerk of Wasatch County, Utah, and ex officio Clerk of the Wasatch County Council do hereby further certify, according to the records of said Council in my official possession, and upon my own knowledge and belief, that I have fulfilled the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, by:

[ ] (a) Causing this ordinance to be entered at length in the ordinance book;

[ ] (b) Causing three (3) copies of this ordinance to be deposited in the office of the County Clerk;

[ ] (c) Causing a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance to be published for at least one publication in *The Wasatch Wave*, a newspaper of general circulation within the geographical jurisdiction of Wasatch County; or posting a complete copy of this ordinance in nine (9) public places within the County.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of the County Council of Wasatch County, Utah, this 17 day of October, 2018.



Brent R. Titcomb

Wasatch County Clerk / Auditor

SUBSCRIBED AND SWORN to me, a Notary Public, this 17 day of October, 2018.

Wendy McKnight

Notary Public

Residing in: Wasatch

My commission expires: 09-10-2022

