

# **Sterling Town Adequate Public Facilities Ordinance (APFO)**

## **Ordinance No 2025-**



### **Section 1: Purpose and Intent**

The purpose of this ordinance is to ensure that public facilities and services needed to support new development in the Town of Sterling are available and adequate prior to or concurrent with the impacts of such development. This ordinance is intended to protect the health, safety and welfare of Sterling's residents and to promote sustainable responsible growth.

### **Section 2: Applicability**

This ordinance applies to all new residential subdivisions of residential lots of 3 or more lots, new commercial or industrial developments and any major building permit involving a change in land use that increases demand on public infrastructure.

### **Section 3: Public Facilities Subject to Review**

The following public facilities shall be evaluated for adequacy:

- 1. Water Supply and Distribution**
- 2. Wastewater Collection and Treatment**
- 3. Roads and Traffic Circulation**
- 4. Stormwater Management**
- 5. Fire Protection and Emergency Services**

### **Section 4: Standards for Adequacy**

- 1. Water:** Sufficient water rights and infrastructure must exist to serve the proposed development or annexations must be assessed prior to permitting by a licensed hydrologist that will certify the water supply must be of sufficient quantity and potable quality to sustain the additional demand including peak demand during summer months or drought years.

Those entities seeking to annex to the Town of Sterling will be responsible for addressing irrigation and secondary water needs in the proposed annexation area. This includes providing sufficient water shares, ensuring access to existing irrigation systems and funding necessary infrastructure improvements or extensions. Development in annexed areas must comply with the Town of Sterling's requirements for secondary water systems to promote efficient water use and reduce reliance on culinary water for irrigation.

2. **Sewer or Septic:** At present the Town of Sterling does not have any sewer connections and relies entirely on septic systems. Any new developments or annexations must have septic systems designed in compliance with state and county regulations and maintained to prevent overflows.
3. **Roads:** Roads for any developments must comply with the road requirements established in the Town of Sterling's Subdivision Ordinance. Roads may exceed those requirements to handle anticipated traffic without degrading the level of service currently enjoyed by the residents of the Town of Sterling. Any additions or deviations of Highway 89, must also have a valid permit from the Department of Transportation to make such changes.
4. **Stormwater:** Stormwater systems must prevent flooding or erosion and conform to State and County regulations regarding stormwater catches.
5. **Fire/Emergency Services:** Roads into and out of any new annexation or development must meet Utah Fire Code requirements. New developments or annexations must have fire hydrants no further than 250 feet from residences or buildings.

## **Section 5: Evaluation Process**

1. An **Adequate Public Facilities Report** shall be submitted with any applicable development or annexation application.
2. The **Planning Commission**, with the input from town staff and public works, shall review the report for compliance.
3. If any facility, development or annexation is found to be inadequate, the developer may:
  - Revise the project or reduce the impacts,
  - Propose mitigation measures (e.g. infrastructure upgrades), or
  - Await public improvements scheduled within 5 years (per Town of Sterling's Capital Improvements Plan).

## **Section 6: Timing of Improvements**

No final plat, building permit, annexation or occupancy certificates shall be issued unless all public facilities are adequate or scheduled to become adequate through committed improvements within a reasonable period, not to exceed five(5) years.

## **Section 7: Developer Contributions**

Developers or proposed annexations may be required to:

- Fund or construct needed off-site improvements.
- Dedicate land or easements for public infrastructure or
- Enter into development agreements specifying timing and scope of improvements.

## **Section 8: Exemptions**

The following may be exempted from APFO review:

- Agricultural Buildings
- Single-family dwellings on existing legal lots of record
- Affordable housing projects (as determined by the Planning Commission)
- Public or quasi-public uses

## **Section 9: Appeals**

Any decision under this ordinance may be appealed to the Town Council within 30 days of the decision, following procedure outlined in the Sterling Land Use Ordinance.

## **Section 10: Severability**

If any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder shall remain in full force and effect.

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Mayor's Signature

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Date

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Clerk/Recorder Signature

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Date