

ENT 70391:2022 PG 1 of 3
ANDREA ALLEN
UTAH COUNTY RECORDER
2022 Jun 14 11:34 am FEE 0.00 BY TM
RECORDED FOR COMMUNITY DEVELOPMENT

ORDINANCE NO. 2022-438

AN ORDINANCE AMENDING SECTION 4.08 (GENERAL – SUPPLEMENTARY REQUIREMENTS) OF THE UTAH COUNTY LAND USE ORDINANCE TO ALLOW AN EXCEPTION TO SETBACK REQUIREMENTS FROM INTERIOR OR COMMON PARCEL/LOT LINES FOR A SOLAR ENERGY SYSTEM CLASSIFIED AS AN ELECTRICAL POWER GENERATION PLANT

WHEREAS, an applicant initiated a review of Section 4.08 of the Utah County Land Use Ordinance (UCLUO) to allow an exception to setback requirements from interior or common parcel/lot lines for a solar energy system classified as an electrical power generation plant; 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 May 17, 2022, 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 4.08 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:

4.08 Yards To Be Unobstructed, Exceptions

Every part of a required yard shall be open to the sky and unobstructed by structures from the ground upward for the entire breadth of the required setback distance, except for

K. Structures and facilities associated with an approved solar energy system classified as an electrical power generation plant which are located on parcels or lots which share a property line, or portion of a property line, and which parcels and lots are all included as part of the approved solar energy system. This exception shall not apply to any portion of a property boundary which does not share a common boundary with a lot or parcel which is included as part of the solar energy system. Nothing in this exception is intended to exempt any applicable structure or facility from complying with required road and street setback requirements.

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:

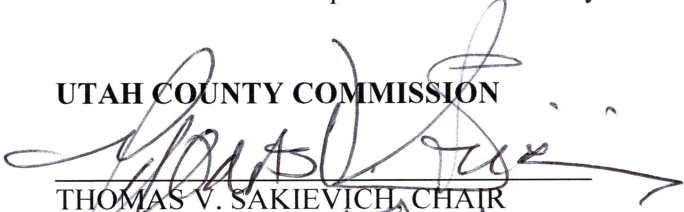
If any of the sections, sentences, clauses or provisions of this ordinance shall for any reason be adjudged inapplicable or invalid by a court of competent jurisdiction, such shall not affect or invalidate the remaining portion contained herein.

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 8th day of June 2022.

UTAH COUNTY COMMISSION


THOMAS V. SAKIEVICH, CHAIR

VOTE

YEA


AMELIA POWERS GARDNER, VICE-CHAIR

YEA


WILLIAM C. LEE, COMMISSIONER

YEA

ATTEST:

JOSH DANIELS

Utah County Clerk/Auditor

By: *Devin Black*
Deputy

APPROVED AS TO FORM:

DAVID O. LEAVITT

Utah County Attorney

Approved

Disapproved
By: *David O. Leavitt*
Deputy



Date of Publication: Once only as soon as possible