

ORDINANCE NO. 2006 - 17

**AN ORDINANCE AMENDING THE UTAH COUNTY LAND  
USE ORDINANCE AS TO SECTIONS 7-19-B-8, 7-20-G AND 7-  
21-D AND ENACTING SECTIONS 7-19-B-9 AND 7-19-B-10.**

**THE COUNTY LEGISLATIVE BODY OF THE COUNTY OF UTAH ORDAINS AS  
FOLLOWS:**

**PART I:**

Section 7-19-B-8 of the Utah County Land Use Ordinance is hereby amended to read as follows:

The applicant has the burden of proving that an error was made; however, expressions of support or protest alone shall not constitute the basis of approval or denial.

Section 7-19-B-9 of the Utah County Land Use Ordinance is hereby enacted to read as follows:

The Board of Adjustment shall presume that the order, requirement, decision, or determination made in the administration or interpretation of the land use ordinance is valid; and determine only whether or not the order, requirement, decision, or determination is arbitrary, capricious, or illegal.

- a. An order, requirement, decision, or determination is valid if the decision is supported by substantial evidence in the record and is not arbitrary, capricious, or illegal.
- b. A determination of illegality requires a determination that the order, requirement, decision, or determination violates a law, statute, or ordinance in effect at the time the order, requirement, decision, or determination was made.

Section 7-19-B-10 of the Utah County Land Use Ordinance is hereby enacted to read as follows:

If there is a record, the Board of Adjustment's review is limited to the record provided; and the Board of Adjustment may not accept or consider any evidence outside the record, unless that evidence was previously offered and it was

improperly excluded. If there is no record, the Board of Adjustment may call witnesses and take evidence.

**PART II:**

Section 7-20-G of the Utah County Land Use Ordinance is hereby amended to read as follows:

The applicant shall bear the burden of proving by a preponderance of the evidence that all of the conditions justifying a variance have been met.

**PART III:**

Section 7-21-D of the Utah County Land Use Ordinance is hereby amended to read as follows:

The applicant has the burden of proving by a preponderance of the evidence that all of the conditions for granting a special exception have been met and must meet that burden based on the facts presented for the record; expressions of support or protest alone shall not constitute the basis of approval or denial.

**PART IV:**

Insert pages reflecting the above amendments are hereby ordered to be filed in the three (3) file copies of the Official Utah County Land Use Ordinance on file with the Utah County Clerk/Auditor.

**PART V:**

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

**PASSED** and ordered published this 25 day of April, 2006.

**UTAH COUNTY COMMISSION**

**VOTE**

*Larry A. Ellertson*  
Larry A. Ellertson, Chairman

*Aye*

*Steve White*  
Steve White, Commissioner

*Aye*

*Jerry D. Grover*  
Jerry D. Grover, Commissioner

*Aye*

**ATTEST:**

Kim T. Jackson  
Utah County Clerk/Auditor

By: Linda Squireland  
Deputy

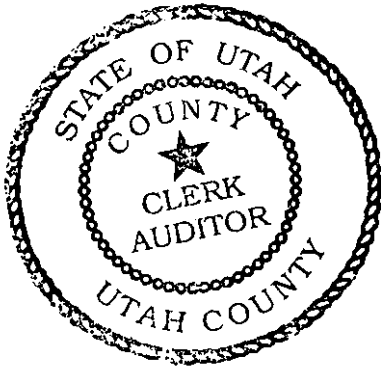
**APPROVED AS TO FORM:**

C. Kay Bryson  
Utah County Attorney

Approved  Disapproved

By: [Signature]  
Deputy

Date of Publication: \_\_\_\_\_ [one time, as soon as possible]



# PROOF OF PUBLICATION

from

## The Daily Herald

STATE OF UTAH } SS  
Utah County }

### NOTICE

ORDINANCE NO. 2006-17, ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, ON APRIL 25, 2006, AMENDING THE UTAH COUNTY LAND USE ORDINANCE AS TO SECTIONS 7-19-B-8, 7-20-G AND 7-21-D AND ENACTING SECTIONS 7-19-B-9 AND 7-19-B-10.

A COMPLETE COPY OF THE ORDINANCE IS AVAILABLE AT THE COUNTY CLERK/AUDITOR'S OFFICE. COMMISSIONER LARRY A. ELBERTSON, COMMISSIONER STEVE WHITE, AND COMMISSIONER JERRY D. GROVER VOTED IN FAVOR OF THE ORDINANCE.  
Legal Notice 227824 Published In The Daily Herald April 29, 2006.

I, Paula Stallings, being first duly sworn depose and say that I am the Legal Billing Clerk of the Daily Herald, a newspaper of general circulation, published seven times each week at Provo, Utah, County of Utah; that the notice attached hereto, #227824-NOTICE OR, NO. 2006-17, and which is a copy, was published in said newspaper the first publication having been made on the 29th day of April, 2006, and the last on the 29th day of April, 2006; that said notice was published in the regular and entire issue of every number of the paper during the period and times of publication, and the same was published in the newspaper proper and not in the supplement.

*Paula Stallings*

Subscribed and sworn before me  
this 29th day of April, 2006.

*Karen Jordan*

Notary Public

Residence: Orem, Utah

My commission expires April, 2010

