



ENT 32880:2011 PG 1 of 4  
JEFFERY SMITH  
UTAH COUNTY RECORDER  
2011 Apr 29 3:19 pm FEE 0.00 BY SS  
RECORDED FOR UTAH COUNTY COMMISSIONERS

ORDINANCE NO. 2011 - 9

**AN ORDINANCE AMENDING SECTIONS 6-1-E-6, 7 & 8 OF THE UTAH COUNTY  
LAND USE ORDINANCE, DEALING WITH PROCEDURES FOR LARGE SCALE  
DEVELOPMENT APPLICATIONS**

**WHEREAS**, the Utah County Planning Commission initiated a review of the Utah County Land Use Ordinance (UCLUO), dealing with procedures for large scale development applications; and

**WHEREAS**, the Planning Commission addressed the proposed amendment to the Utah County Land Use Ordinance during the regularly scheduled meeting of the Planning Commission, scheduled and 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 from the Utah County Planning Commission meeting and 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 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:**

Sections 6-1-E-6, 7 & 8 of the Utah County Land Use Ordinance are hereby amended to read as follows:

## 6-1: General Provisions

### E. Procedures

#### 6. Submission to Community Development Department

The developer shall submit to the Community Development Department one (1) copy of the submittal, including the statements from the Fire Marshal, Health Department, and Public Works Department (the "submittal"), together with a review fee in the amount set by the County Commission. The submittal, and supporting documents, must be received by the Community Development Department at least forty-five (45) days prior to the regularly scheduled meeting of the Planning Commission at which the application is requested to be considered. Corrections or revisions of the submittal must be pursued diligently. Those applications found needing corrections or revisions ninety (90) days after submittal shall be returned to the applicant(s) and such applications shall not be accepted for resubmittal until all required corrections and revisions are accomplished. Applications which have not been approved by the County Commission within one (1) year from the date of submittal shall expire and no review fee shall be refunded. Applications withdrawn previous to expiration shall be eligible for an eighty percent (80%) refund of the review fee.

#### 7. Planning Staff Review

The submittal shall be reviewed by the Community Development Department to determine if the submittal appears to be complete. If the submittal does not appear to be complete, the matter will be postponed until the next submission deadline. If the submittal appears to be complete, the Community Development Department shall do the following:

- a. Distribute the submittal to the County Attorney for review and comment.
- b. Review and coordinate recommendations pertaining to the development which have been received from the Plan Coordinating Committee members.
- c. Confer with the developer to address deficiencies in the submittal. The developer may submit corrected and/or supplemental documents until fifteen (15) days prior to the Planning Commission meeting at which the application is requested to be considered. In order for the development to be placed on the Planning Commission agenda, the Community Development Director must determine that all issues raised by the Planning Commission staff, attorney's review, and Committee Reports have been resolved, or, if not resolved, that the issues remaining should be submitted to the Planning Commission for consideration.
- d. Review and outline the staff's recommendations with respect to the development for consideration by the Planning Commission.
- e. Provide submittal for public review.

#### 8. Review by County Attorney

The County Attorney shall review the submittal to determine whether the items are in proper form and in compliance with the requirements of the county ordinances. The County Attorney shall compile the results of his/her review in writing. The

submittal file, which shall contain the written review of the County Attorney, shall be returned to the Community Development Department at least twenty-five (25) days before the scheduled meeting of the Planning Commission.

**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.

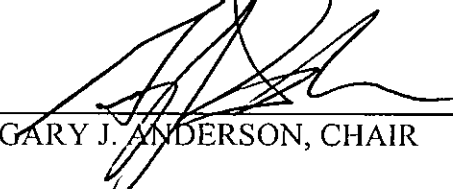
**Part IV:**

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 19<sup>th</sup> day of April, 2011.

UTAH COUNTY COMMISSION


VOTE

  
 \_\_\_\_\_  
 GARY J. ANDERSON, CHAIR

aye

  
 \_\_\_\_\_  
 LARRY ELLERTSON, COMMISSIONER

aye

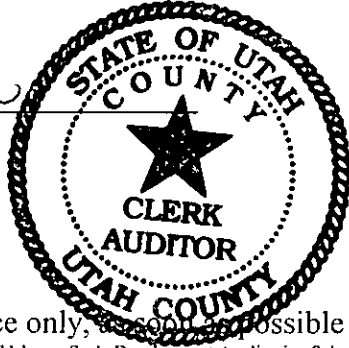
  
 \_\_\_\_\_  
 DOUG WITNEY, COMMISSIONER

aye

**ATTEST:**  
**BRYAN E. THOMPSON**  
County Clerk/Auditor

**APPROVED AS TO FORM:**  
**JEFFREY R. BUHMAN**  
County Attorney

By: *Ronnie J. Caron*  
Deputy



Approved

Disapproved

By: *[Signature]*  
Deputy

Date of Publication: Once only, if possible

P:\PLANNING-ZONING\Ord-Res-Aff\2011 Large Scale Development Application Submittal and Expiration.wpd

March 15, 2011

## UTAH COUNTY PLANNING COMMISSION STAFF REPORT

- I. APPLICATION:
  - Public Hearing
- A. APPLICANT
  - Utah County Planning Commission
- B. REQUEST
  - Proposed Land Use Ordinance Text Amendment to Sections 6-1-E-6, 7 and 8, Procedures for Large Scale Development Applications
- C. LOCATION
  - Unincorporated Utah County

## II. STAFF ANALYSIS:

The following amendments to the Utah County Land Use Ordinance are proposed 1) To amend the number of submittal copies required for large scale development applications and 2) To establish terms of expiration of large scale development applications.

The proposed amendments to Sections 6-1-E-6, 7 and 8 of the Utah County Land Use Ordinance are indicated by additions in ***bold italics*** and deletions as a ~~strikeout~~, as follows:

### 6. Submission to Community Development Department

The developer shall submit to the Community Development Department ~~two (2)~~ ***copies one (1) copy*** of the submittal, including the statements from the Fire Marshal, Health Department, and Public Works Department (the "submittal"), together with a review fee in the amount set by the County Commission. The submittal, and supporting documents, must be received by the Community Development Department at least forty-five (45) days prior to the regularly scheduled meeting of the Planning Commission at which the application is requested to be considered. ***Corrections or revisions of the submittal must be pursued diligently. Those applications found needing corrections or revisions ninety (90) days after submittal shall be returned to the applicant(s) and such applications shall not be accepted for resubmittal until all required corrections and revisions are accomplished. Applications which have not been approved by the County Commission within one (1) year from the date of submittal shall expire and no review fee shall be refunded. Applications withdrawn previous to expiration shall be eligible for an eighty percent (80%) refund of the review fee.***

### 7. Planning Staff Review

The submittal shall be reviewed by the Community Development Department to

determine if the submittal appears to be complete. If the submittal does not appear to be complete, the matter will be postponed until the next submission deadline. If the submittal appears to be complete, the Community Development Department shall do the following:

- a. Distribute ~~one copy of the submittal to the County Attorney for review and comment and one copy to the files of the Community Development Department for public review.~~
- b. Review and coordinate recommendations pertaining to the development which have been received from the Plan Coordinating Committee members.
- c. Confer with the developer to address deficiencies in the submittal. The developer may submit corrected and/or supplemental documents until fifteen (15) days prior to the Planning Commission meeting at which the application is requested to be considered. In order for the development to be placed on the Planning Commission agenda, the Community Development Director must determine that all issues raised by the Planning Commission staff, attorney's review, and Committee Reports have been resolved, or, if not resolved, that the issues remaining should be submitted to the Planning Commission for consideration.
- d. Review and outline the staff's recommendations with respect to the development for consideration by the Planning Commission.
- e. *Provide submittal for public review.*

8. Review by County Attorney

The County Attorney shall review the submittal to determine whether the items are in proper form and in compliance with the requirements of the county ordinances. The County Attorney shall compile the results of his/her review in writing ~~and return them to the Community Development Director for placement in the file for public review.~~ *The submittal file, which shall contain the written review of the County Attorney, shall be returned to the Community Development Department* at least twenty-five (25) days before the scheduled meeting of the Planning Commission.

**STAFF RECOMMENDATION:**

That the Utah County Planning Commission recommend the above land use ordinance amendments to Sections 6-1-E-7, 8 and 9, procedures for large scale developments, to the Utah County Commission for approval, based on the following findings:

1. That Community Development Staff has found that one (1) copy of an application for a large scale development is sufficient for the efficient processing of such a submittal.
2. That establishing terms of expiration for large scale development applications will help to more efficiently process these submittals, because it will help County Staff and applicants establish expectations for a more efficient and timely application process.

# UTAH COUNTY PLANNING COMMISSION

Minutes  
April 5, 2011

## Selected Items UNAPPROVED

Present: Jan Anderson, Chair  
Mike Stansfield, Vice-Chair  
Helina Carter-Thomas  
Janice Reeb  
Odell Miner  
John Glen Stevens

Excused: Kenny Parcell, Alternate

Others Present: Bryce Armstrong, Peggy Kelsey, Brandon Larsen, Utah County Community Development; Dennis Barker, Utah County Fire Marshal; Glen Tanner, Jeff and Margaret Cooper, Cole Cannon, Paul Southam

The meeting was called to order at 5:35 p.m. by Jan Anderson, Chair of the Utah County Planning Commission, at 100 East Center Street in Room 1400 of the Utah County Administration Building, Provo, Utah with five members present. The following is an account of that proceeding:

Commissioner Anderson welcomed those present and recognized John Glen Stevens as a new member of the Planning Commission. Mr. Stevens led the Pledge of Allegiance.

Motion: Mike Stansfield

Second: Odell Miner

Motion to **approve** the minutes of the February 15, 2011, Utah County Planning Commission meeting and the minutes of the March 1, 2011, Work Session meeting of the Utah County Planning Commission. The motion passed by the following vote: "Aye", Jan Anderson, Mike Stansfield, Helina Carter-Thomas, Odell Miner, John Glen Stevens; "Nay", none.

### Utah County Planning Commission - proposed Land Use Ordinance Text Amendment to Sections 6-1-E-6, 7 & 8, Procedures for Large Scale Development applications

Brandon Larsen stated that this proposed change to the Land Use Ordinance is intended to give staff the ability to require a complete application for submittal and put the burden on the applicant to complete the process in a timely manner.

Odell Miner inquired about the time frame.

Jan Anderson inquired about what is currently required.

Motion: Mike Stansfield

Second: Odell Miner

Motion to open the public hearing. The motion passed by the following vote: "Aye", Jan Anderson, Mike Stansfield, Helina Carter-Thomas, Odell Miner, Janice Reeb, John Glen Stevens; "Nay", none.

There were no public comments.

Motion: Odell Miner

Second: Helina Carter-Thomas

Motion that the Utah County Planning Commission recommend **approval** to the Utah County Commission the Land Use Ordinance amendments to Sections 6-1-E-6, 7 & 8, based on the findings of staff. The motion passed by the following vote: "Aye", Jan Anderson, Mike Stansfield, Helina Carter-Thomas, Odell Miner, Janice Reeb, John Glen Stevens; "Nay", none.

**Utah County Planning Commission - proposed Land Use Ordinance Text Amendment to Chapter 6, Sections 6-2-C-2, 6-3-C-2, 6-4-C-2, 6-5-C-2 and 6-6-C-2, Developmental Impact Statement, and to include an "Appendix A", Development Impact Statement Checklist**

Brandon Larsen stated that this change would add an "Appendix A" to the Land Use Ordinance, which is a checklist for applicants to use when submitting a large scale development. An engineer licensed in the State of Utah would need to stamp and sign the impact statement, and the staff and public works would review the information.

Janice Reeb asked if there would be verification of the analysis.

Jan Anderson remarked that the engineer or the applicant might have to hire a specialist for specific items listed on the environmental impact Appendix A.

Odell Miner mentioned that a geotechnical specialist might need to be hired.

Jeff Mendenhall stated that there is no environmental impact law in Utah, so with the impact statement we have, we try to get the best possible information to protect the future lot owner and the county's liability.

Dave Shawcroft mentioned that the engineer would have to take the burden of signing off and obtaining the information.

There were no public comments.

Motion: Odell Miner

Second: John Glen Stevens

Motion to close the public hearing. The motion passed by the following vote: "Aye", Jan Anderson, Mike Stansfield, Helina Carter-Thomas, Odell Miner, Janice Reeb, John Glen Stevens; "Nay", none.

Motion: Odell Miner

Second: Helina Carter-Thomas

Motion that the Utah County Planning Commission recommend **approval** to the Utah County Commission the Land Use Ordinance amendments to Chapter 6 and inclusion of Appendix A, Development Impact Statement Checklist, based on the findings of staff. The motion passed by the following vote: "Aye", Jan Anderson, Mike Stansfield, Helina Carter-Thomas, Odell Miner, Janice Reeb, John Glen Stevens; "Nay", none.

**AN ORDINANCE AMENDING SECTIONS 6-1-E-6, 7 & 8 OF THE UTAH COUNTY LAND USE ORDINANCE, DEALING WITH PROCEDURES FOR LARGE SCALE DEVELOPMENT APPLICATIONS**

**WHEREAS**, the Utah County Planning Commission initiated a review of the Utah County Land Use Ordinance (UCLUO), dealing with procedures for large scale development applications; and

**WHEREAS**, the Planning Commission addressed the proposed amendment to the Utah County Land Use Ordinance during the regularly scheduled meeting of the Planning Commission, scheduled and 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 from the Utah County Planning Commission meeting and 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 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:**

Sections 6-1-E-6, 7 & 8 of the Utah County Land Use Ordinance are hereby amended to read as follows: