



ORDINANCE NO. 2012-3

AN ORDINANCE AMENDING SECTION 3-22, FLOOD PROTECTION; 3-24; OPEN PIT EXTRACTION OF EARTH PRODUCTS; SECTION 5-12, NATURAL HAZARDS OVERLAY ZONE, SUBSECTIONS C AND F; TO DELETE "COUNTY SURVEYOR" AND REPLACE WITH "COUNTY ENGINEER"; OF THE UTAH COUNTY LAND USE ORDINANCE

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JEFFERY SMITH
UTAH COUNTY RECORDER
2012 Jan 30 12:14 pm FEE 0.00 BY ED
RECORDED FOR UTAH COUNTY COMMISSIONERS

WHEREAS, the Utah County Planning Commission has initiated a review of the Utah County Land Use Ordinance (UCLUO), dealing with amendments to replace the title of "County Surveyor" with the title "County Engineer" in the above stated section; 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 amendments, and made a recommendation to the Board of County Commissioners regarding the proposed amendments; and

WHEREAS, the Board of County Commissioners has received and carefully reviewed the recommendation from the Planning Commission regarding the proposed amendments, and the minutes from the Utah County Planning Commission meeting and public hearing regarding the proposed amendments 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 amendments to the Utah County Land Use Ordinance; and

WHEREAS, the Board of County Commissioners finds that the proposed amendments to the Utah County Land Use Ordinance are 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 3-22, of the Utah County Land Use Ordinance is hereby amended to read as follows:

3-22: FLOOD PROTECTION

In all zones other than the Flood Plain Overlay Zone, the following regulations shall apply.

- A No dwelling or other building used for human habitation shall be constructed within one hundred (100) feet from the banks of a stream, gully, or other flood channel.

Exception: A permit may be issued by the Zoning Administrator within the 100-foot limit, upon a favorable review of the County Engineer based on existing engineering reports or his own on-site investigations, when it is determined:

1. That the structure will be above water during normal spring runoff and the water levels of a base flood; and
2. The design of the building and any appurtenant residential accessory structures, grading work, driveways, and landscaping features will be sufficient to protect both the building and other property from damage due to flooding. However, if the Zoning Administrator, with the assistance of the County Engineer, cannot determine that the above criteria are met based on the available information, an engineering study and report by a Professional Engineer licensed to practice in the State of Utah may be obtained by the applicant and submitted for approval by the Zoning Administrator, after favorable review of the County Engineer.

Part II:

Section 3-24 of the Utah County Land Use Ordinance is hereby amended to read as follows:

3-24: OPEN PIT EXTRACTION OF EARTH PRODUCTS

C. CONDITIONS

6. The operator shall place clearly identifiable survey markers on the outer boundaries of the bonded area and shall maintain such until the bond is released by Utah County. The County Commission may request an annual on-site investigation and report of the County Engineer to determine whether the terms of the grading plan, rehabilitation plan and bond agreement are being met.

Part III:

Section 5-12 of the Utah county Land Use Ordinance is hereby amended to read as follows:

5-12: NHO NATURAL HAZARDS OVERLAY ZONE

C. PERMITTED USES

- b. The Natural Hazards Assessment shall be prepared by an engineering geologist that is licensed in the State of Utah and retained by the applicant, and then reviewed by Utah County. The Natural Hazards Assessment shall consist of an engineering geology study of the hazards on the site, findings of the degree of hazard present, and a statement of any mitigation measures needed to meet the standards of this ordinance. If the engineering geologist finds that special structural design measures are needed in order to meet the standards of this ordinance, the Natural Hazards Assessment shall not be accepted unless it includes engineered plans prepared by a professional engineer who is licensed to practice in the State of Utah and who is qualified to develop such structural plans. To determine the sufficiency of any such

engineering the Zoning Administrator may obtain a review by the County Engineer or other experts, at the expense of the applicant.

F. SPECIAL REQUIREMENTS

1. Certification by Engineer

Where Chart 1 of part C of this section requires a structure, fill, cut, or other facility to be designed by an engineer, such engineer shall be a professional engineer who is licensed to practice in the State of Utah and who is qualified to make such design through experience and training. The plan of the facility shall bear on it a certification by the engineer that the standards and requirements of the NHO Zone have been met. Notwithstanding such certification, the plans and certification shall be reviewed by the Zoning Administrator, who may obtain the recommendations of the County Engineer to determine whether the provisions of this ordinance have been met before issuing any clearance to commence construction.

Part IV:

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 V:

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 VI:

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 24th day of January, 2012.

UTAH COUNTY COMMISSION

VOTE



LARRY A. ELLERTSON, CHAIR

aye



DOUG WITNEY, COMMISSIONER

aye



GARY J. ANDERSON, COMMISSIONER

aye

ATTEST:
BRYAN E. THOMPSON
County Clerk/Auditor

APPROVED AS TO FORM:
JEFFREY R. BUHMAN
County Attorney

By: *Renee Huggins*
Deputy



Approved

Disapproved

By: *Jeffrey R. Buhman*
Deputy

Date of Publication: Once only, as soon as possible