



ENT 114472:2012 PG 1 of 4
JEFFERY SMITH
UTAH COUNTY RECORDER
2012 Dec 27 4:47 PM FEE 0.00 BY SW
RECORDED FOR UTAH COUNTY COMMISSIONERS

ORDINANCE NO. 2012-34

AN ORDINANCE AMENDING CHAPTER 2, DEFINITIONS, SECTION 2-2, DEFINITIONS, SUBSECTION 2-2-B(94)(c), DEALING WITH DEFINING SUBDIVISION TO NOT INCLUDE THE DIVISION OR PARTITION OF LAND FOR THE PURPOSE OF SITING UN-MANNED IN-LINE HYDROELECTRIC GENERATING FACILITIES WITH A GENERATING CAPACITY NOT EXCEEDING 500 KILOWATTS, OF THE UTAH COUNTY LAND USE ORDINANCE

WHEREAS, an application for a zone text amendment by South Utah Valley Electric Service District initiated a review of the Utah County Land Use Ordinance (UCLUO), dealing with the definition of subdivision; 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:

Subsection 2-2-B(94)(c), of the Utah County Land Use Ordinance is hereby amended to read as follows:

2-2 DEFINITIONS

B. LIST OF DEFINITIONS

94. Subdivision

c. Subdivision does not include:

- i. a bona fide division or partition of agricultural land for agricultural purposes which complies with all of the requirements of chapter 3 of this ordinance.
- ii. a recorded agreement between owners of adjoining properties adjusting their mutual boundary if;
 - (A) no new lot is created; and
 - (B) no lot which would qualify as a dwelling site is created from a lot (or lots or parcels) previously not eligible to have a dwelling; and
 - (C) the adjustment does not violate any provision of this Land Use Ordinance.
- iii. a recorded document, executed by the owner of record,
 - (A) revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property; or
 - (B) joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate any provision of this Land Use Ordinance.
- iv. a bona fide division or partition of land for the purpose of siting, on one or more of the resulting separate parcels:
 - (A) an unmanned facility appurtenant to a pipeline owned or operated by a gas corporation, interstate pipeline company, or intrastate pipeline company; or
 - (B) an unmanned telecommunications, microwave, fiber optic, electrical, or other utility service regeneration, transformation, retransmission, or amplification facility; *or*
 - (C) ***an unmanned in-line hydroelectric generating facility with a generating capacity not exceeding 500 kilowatts.***
- v. a recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if:
 - (A) no new dwelling lot or housing unit will result from the adjustment; and
 - (B) no lot which would qualify as a dwelling site is created from a lot (or lots) previously not eligible to have a dwelling; and
 - (C) the adjustment will not violate any provision of this Land Use Ordinance.
- vi. the deeding and dedication of a portion of a parcel of real property to the respective governmental entity for a federal highway, a state highway, a county road, or a city street, if the respective governmental entity accepts the dedication, and provided that:

- (A) no lot which would qualify as a dwelling site is created from a lot (or lots or parcels) previously not eligible to have a dwelling; and
 - (B) the deeding and dedication does not violate any provision of this Land Use Ordinance.
- vii. the joining of a subdivided parcel of property to another parcel of property that has not been subdivided.

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 4th day of December, 2012.

UTAH COUNTY COMMISSION

VOTE



 LARRY A. ELLERTSON, CHAIR

Aye



 DOUG WHITNEY, COMMISSIONER

Aye



 GARY J. ANDERSON, COMMISSIONER

Aye

ATTEST:
BRYAN E. THOMPSON
Utah County Clerk/Auditor



By: *Renee Blarion*
Deputy

APPROVED AS TO FORM:

JEFFREY R. BUHMAN
Utah County Attorney

By: *Jeffrey R. Buhman*
Deputy

Date of Publication: Once only, as soon as possible