

**ORDINANCE NO. 2015- 8**

**AN ORDINANCE AMENDING SUBSECTION 6-1-E-20-b, OF THE UTAH COUNTY LAND USE ORDINANCE, RELATED TO THE RELOCATION OF EXISTING UTILITY POLES IN CONNECTION WITH LARGE SCALE DEVELOPMENTS**

**WHEREAS**, the County Engineer initiated a review of the Utah County Land Use Ordinance (UCLUO), dealing with amending Subsection 6-1-E-20-b, of the Utah County Land Use Ordinance, related to the relocation of existing utility poles in connection with large scale developments; and

**WHEREAS**, the Planning Commission addressed the proposed amendments 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 the proposed amendment to the Utah County Land Use Ordinance conforms to the Utah County General Plan, 2014, and is consistent with the other provisions of the Utah County Land Use Ordinance; and

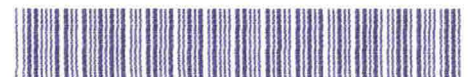
**WHEREAS**, the Board of County Commissioners finds that the proposed amendment to the Utah County Land Use Ordinance is in the best interest of the health, safety, and welfare of the citizens of Utah County, considering all factors.

NOW, THEREFORE, THE COUNTY LEGISLATIVE BODY OF UTAH COUNTY ORDAINS AS FOLLOWS:

**Part I:**

Subsection 6-1-E-20-b of the Utah County Land Use Ordinance is hereby amended to read as follows:

- 6-1: General Provisions
- E. PROCEDURES
- 20. Timing of Construction



- b. The County Commission may, upon the favorable written recommendation of the County Engineer, who shall consult with the owner of the applicable utility poles, allow for a period of time in excess of one (1) year from the date of the approval of the development by the County Commission, but not more than ten (10) years from the date of the approval of the development by the County Commission, unless a further extension of time is subsequently approved by the County Commission, to relocate existing utility poles from their current location to the newly created lot line, if the County Engineer and the County Commission find that all of the following conditions exist:
- i. The large scale development is a one or two lot subdivision;
  - ii. The owner of the poles has provided a written statement to the County indicating that the pole relocation is not necessary at the present time;
  - iii. The County Engineer has provided a written statement to the County that the delayed relocation of the poles will not constitute any additional hazard to public safety than what currently exists;
  - iv. The developer has posted a cash bond with the County in an amount of not less than 125% of the estimated cost to relocate the poles, if the poles were being relocated at the time that the poles prior to the subdivision location and after the subdivision location were also being relocated to a single alignment; provided however, that the County Commission may waive the bond requirement, upon favorable recommendation of the County Engineer, if the County Commission finds that it is improbable that the poles will need to be relocated in the near future; and
  - v. The developer and the owner of the property have executed a Restrictive Covenant and Lien Agreement, in a form acceptable to the County, agreeing to indemnify and hold the County and its agents, officials, and employees harmless from any claim or liability related to or arising out of, directly or indirectly, the failure to relocate the poles, including defense costs and attorney's fees, and further agreeing to relocate the poles, at developer's and owner's sole expense, to the lot line upon the earliest to occur of (i) sixty (60) days from the date of written demand by the County to relocate the poles, (ii) the date established by the County Commission for completion of the relocation, and (iii) ten (10) years from the date of the approval of the development by the County Commission, unless a further extension of time is subsequently approved by the County Commission, which Restrictive Covenant and Lien Agreement shall run with the land, shall be recorded in the records of the County Recorder, and shall be secured by a first position Trust Deed on the subdivision lots with the developer providing to Utah County a Lender's Extended Policy of Title Insurance in an amount not less than the fair market value of the lots. The Restrictive Covenant and Lien Agreement shall preclude any human occupancy of the development property if the poles are not timely relocated.

**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 31st day of March 2015.

**UTAH COUNTY COMMISSION**

**VOTE**

  
LARRY A. ELLERTSON, CHAIR

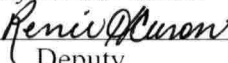
aye

  
WILLIAM C. LEE, VICE-CHAIR

aye

  
GREG GRAVES, COMMISSIONER

aye

ATTEST:  
BRYAN E. THOMPSON  
County Clerk/Auditor  
By:   
Deputy



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

Disapproved

By:   
Deputy

Date of Publication: Once only, as soon as possible

PROOF OF PUBLICATION

CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
UTAH COUNTY AUDITOR, KENT MONSON ATTN: ELISE 100 E CENTER ST #2400 PROVO UT 84606	9001334912	4/13/2015

ACCOUNT NAME	
UTAH COUNTY AUDITOR,	
TELEPHONE	ADORDER# / INVOICE NUMBER
8018518238	0001022863 /
SCHEDULE	
Start 04/11/2015	End 04/11/2015
CUST. REF. NO.	
P.O. #2015-222	
CAPTION	
SUMMARY OF ORDINANCE ORDINANCE NO. 2015-8 WAS ADOPTED BY THE BOARD OF	
SIZE	
28 Lines	1.00 COLUMN
TIMES	RATE
2	<i>Karen / Atty</i>
MISC. CHARGES	AD CHARGES
TOTAL COST	
34.40	

**SUMMARY OF ORDINANCE**  
 ORDINANCE NO. 2015-8 WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, ON MARCH 31, 2015, AMENDING SUBSECTION 6-1-E-20-b, OF THE UTAH COUNTY LAND USE ORDINANCE, RELATED TO THE RELOCATION OF EXISTING UTILITY POLES IN CONNECTION WITH LARGE SCALE DEVELOPMENTS.  
 A COMPLETE COPY OF THE ORDINANCE IS AVAILABLE AT THE COUNTY CLERK/AUDITOR'S OFFICE, COMMISSIONER LARRY A. ELLERTSON, COMMISSIONER WILLIAM C. LEE, AND COMMISSIONER GREG GRAVES VOTED IN FAVOR OF THE ORDINANCE.  
 1022863 UPAXLP

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF SUMMARY OF ORDINANCE, ORDINANCE NO. 2015-8 WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, ON MARCH 31, 2015, AMENDING SUBSECTION 6-1-E-2 FOR UTAH COUNTY AUDITOR, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGAL.S.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGAL.S.COM INDEFINITELY. COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101, 46-3-104.

Start 04/11/2015 End 04/11/2015

PUBLISHED ON \_\_\_\_\_

SIGNATURE 

DATE 4/13/2015



  
 NOTARY SIGNATURE

THIS IS NOT A STATEMENT BUT A "PROOF OF PUBLICATION"  
 PLEASE PAY FROM BILLING STATEMENT

PROOF OF PUBLICATION

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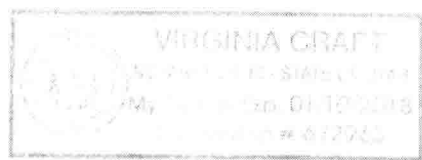
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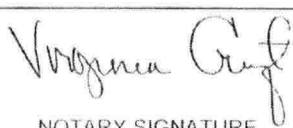
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