

ORDINANCE NO. 2015- 13

**AN ORDINANCE AMENDING SECTION 2-2-A-118, DEFINITIONS: SUBDIVISION,
OF THE UTAH COUNTY LAND USE ORDINANCE**

WHEREAS, the Utah County Commission initiated a review of the Utah County Land Use Ordinance (UCLUO), dealing with amending Section 2-2-A-118-c, related to exceptions for road dedications from the definition of a 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 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 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:

Section 2-2-A-118, "DEFINITIONS: SUBDIVISION", of the Utah County Land Use Ordinance, is hereby amended, to read as follows:

ENT 45134:2015 PG 1 of 4
JEFFERY SMITH
UTAH COUNTY RECORDER
2015 May 26 4:53 pm FEE 0.00 BY SW
RECORDED FOR UTAH COUNTY COMMISSIONERS

2-2 DEFINITIONS

A. For purposes of this land use ordinance, definitions are provided for the following terms. Not all of the terms are used in this land use ordinance. The inclusion of any term

defining a land use does not imply that the term is a permitted or conditionally permitted use in any zone, unless specifically stated as such in the applicable zone. Any term which is defined, but not used in this land use ordinance, is included to differentiate the term from other terms which are used in this land use ordinance:

118. Subdivision:

- a. A subdivision is any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions.
- b. Subdivision includes:
 - i. the division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument; and
 - ii. except as provided in Subsection (c) of this Section, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.
- 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,
 - (D) revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property; or
 - (E) 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; or

- (D) an electrical transmission line or a substation.
- 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, 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 deeding and dedication of a portion of a parcel of real property to Utah County for a county road, if Utah County accepts the dedication, and provided the deeding and dedication does not violate any provision of this Land Use Ordinance.
- viii. the joining of a subdivided parcel of property to another parcel of property that has not been subdivided.
- ix. a recorded agreement between owners of adjoining properties adjusting their mutual boundary if:
 - (A) no additional parcel is created; and
 - (B) each property identified in the agreement is unsubdivided land, including a remainder of subdivided land.

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 5th day of May, 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

4770 S. 5600 W.
 WEST VALLEY CITY, UTAH 84118
 FED.TAX I.D.# 87-0217663
 801-204-6910

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PROOF OF PUBLICATION

CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
UTAH COUNTY AUDITOR, KENT MONSON 100 E CENTER ST STE 3600 PROVO UT 84606	9001334912	6/1/2015


ACCOUNT NAME	
UTAH COUNTY AUDITOR,	
TELEPHONE	ADORDER# / INVOICE NUMBER
8018518238	0001031500 /
SCHEDULE	
Start 05/30/2015	End 05/30/2015
CUST. REF. NO.	
2015-22	
CAPTION	
LEGAL NOTICE ORDINANCE NO. 2015-13 WAS ADOPTED BY THE BOARD OF COUNTY C	
SIZE	
24 Lines	1.00 COLUMN
TIMES	RATE
2	
MISC. CHARGES	AD CHARGES
TOTAL COST	
30.20	

RECEIVED
 JUN - 8 2015
 UTAH COUNTY
 CLERK/AUDITOR

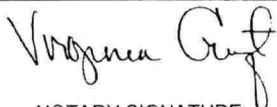
LEGAL NOTICE
 ORDINANCE NO. 2015-13 WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, ON MAY 5, 2015, AMENDING SECTION 2-2-A-118, DEFINITIONS: SUBDIVISION OF THE UTAH COUNTY LAND USE ORDINANCE.
 A COMPLETE COPY OF THE ORDINANCE IS AVAILABLE AT THE COUNTY CLERK/AUDITOR'S OFFICE, COMMISSIONER LARRY A. ELLERTSON, COMMISSIONER WILLIAM C. LEE, AND COMMISSIONER GREG GRAVES VOTED IN FAVOR OF THE ORDINANCE.
 1031500 UPAXP

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF **LEGAL NOTICE ORDINANCE NO. 2015-13 WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, ON MAY 5, 2015, AMENDING SECTION 2-2-A-118, DEFINITIO** 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 UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY. COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101; 46-3-104.

PUBLISHED ON Start 05/30/2015 End 05/30/2015
 SIGNATURE 
 DATE 6/1/2015

VIRGINIA CRAFT
 NOTARY PUBLIC - STATE OF UTAH
 My Comm. Exp. 01/12/2018
 Commission # 672963


 NOTARY SIGNATURE

THIS IS NOT A STATEMENT BUT A "PROOF OF PUBLICATION"
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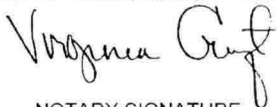
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