

ORDINANCE NO. 2015- 24

**AN ORDINANCE AMENDING CHAPTERS 2 & 3 OF THE UTAH COUNTY LAND USE  
ORDINANCE, RELATED TO AVALANCHE HAZARD MITIGATION, WITH  
ASSOCIATED DEFINITIONS**

**WHEREAS**, the Board of County Commissioners initiated a review of the Utah County Land Use Ordinance (UCLUO), dealing with amending Chapters 2 & 3 of the Utah County Land Use Ordinance, related to avalanche hazard mitigation, with associated definitions; 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, on September 15, 2015, which meeting had been scheduled and held as 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 amendments 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 amendments 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 2-2-A-10 of the Utah County Land Use Ordinance is hereby amended to read as follows and existing Subsection 2-2-A-10 (as well as the subsequent subsections of Chapter 2) is renumbered to the next successive number:

2-2: DEFINITIONS

- A.
  - 10. **Avalanche:** A mass of snow sliding, tumbling, or flowing down an inclined surface that may contain rocks, soil, or ice; includes both wet and dry snow avalanches.

**Part II:**

Existing Subsection 2-2-A-30 of the Utah County Land Use Ordinance contains the definition for “Critical Facilities.” Subsection 2-2-A of the Utah County Land Use Ordinance is hereby amended to include an amended definition of “Critical Facilities,” which will hereafter be renumbered to Subsection 2-2-A-31 of the Utah County Land Use Ordinance, because of the insertion of the definition for “Avalanche.” The amended definition of “Critical Facilities” shall read as follows:

2-2: DEFINITIONS

- A.
  - 31. **Critical Facilities:** Communication, utility and transportation lines (including their appurtenant structures which are essential to make the system function, such as switching stations, transformers and monitoring gauge houses); emergency facilities such as fire stations, police stations, ambulance facilities, and hospitals; unique or large structures whose failure might be catastrophic, such as dams holding over ten (10) acre feet of water, water tanks, petroleum refineries, and buildings where hazardous materials, as per the currently adopted building and fire codes, are manufactured, stored or handled; high occupancy buildings which are designed to accommodate 50 or more people, such as schools, hotels and offices.

**Part III:**

Subsection 2-2-A-74 of the Utah County Land Use Ordinance is hereby amended to read as follows and existing Subsection 2-2-A-74 (as well as the subsequent subsections of Chapter 2) is renumbered to the next successive number:

2-2: DEFINITIONS

- A.
  - 74. **Know Avalanche Path:** The path of any avalanche, extending from the beginning of its starting zone and throughout its runout zone, which has damaged a structure or critical facility, or impacted a lot or parcel of land, on or after January 1, 1970.

**Part IV:**

Subsection 2-2-A-111 of the Utah County Land Use Ordinance is hereby amended to read as follows and existing Subsection 2-2-A-111 (as well as the subsequent subsections of Chapter 2) is renumbered to the next successive number:

2-2: DEFINITIONS

A.

111. **Runout Zone:** The portion of a known avalanche path where the debris came to rest due to a decrease in slope angle, a natural obstacle, or a loss of momentum.

**Part V:**

Subsection 2-2-A-120 of the Utah County Land Use Ordinance is hereby amended to read as follows and existing Subsection 2-2-A-120 (as well as the subsequent subsections of Chapter 2) is renumbered to the next successive number:

2-2: DEFINITIONS

A.

120. **Starting Zone:** The portion of a known avalanche path where an avalanche released.

**Part VI:**

Section 3-23 of the Utah County Land Use Ordinance is hereby amended to read as follows and existing Section 3-23 (as well as the rest of Chapter 3) is renumbered to the next successive number:

3-23: AVALANCHE HAZARD MITIGATION

No permit for an occupied structure nor critical facility shall be issued therefor, in a known avalanche path, unless the following requirements are met:

- A. A detailed avalanche hazard analysis and mitigation report shall be submitted for the proposed structure or critical facility, and the land which such structure or critical facility impacts. The avalanche hazards analysis and mitigation report shall bear the signed certification of the licensed engineer, or other qualified avalanche expert, who has at least four (4) years of experience in a responsible position in the field of avalanche hazard mitigation. This report shall identify the hazards and describe the mitigation measures required to address hazards. The mitigation measures shall address all potential hazards to the proposed structure or critical facility, occupants of the structure or critical facility, visitors to the structure or critical facility, adjacent properties, structures, critical facilities, persons located, or that may be located, on, or in, adjacent properties, structures and critical facilities. The County Engineer shall review the submitted report and determine whether the report meets the standards of this section. The County Engineer may reject the report if the County Engineer finds that the licensed engineer, or other avalanche expert, has insufficient training or experience, or if the County Engineer finds that the report is insufficient in depth, scope, or detail. The County Engineer may require that a supplemental or revised report be submitted.
- B. All recommended mitigation measures identified in the avalanche hazard analysis and mitigation report shall be incorporated into the design of the proposed structure or critical facility, including measures to mitigate any impacts to adjacent properties. In the event that the report recommends alternative mitigation measures, the applicant shall elect

which alternative mitigation measures to implement, and the applicant shall submit a supplemental report confirming that the elected mitigation measures are sufficient. The applicant shall submit engineered plans for the structure or critical facility, which incorporate the proposed mitigation measures. These plans shall be prepared, dated, signed and stamped by a professional engineer who is licensed to practice in the State of Utah and is qualified to develop such plans. The County Engineer shall determine if the submitted plans sufficiently describe the proposed mitigation measures, including measures to mitigate any impacts to adjacent properties. The County Engineer may reject the plans if the County Engineer finds that the professional engineer has insufficient training or experience, or if the County Engineer finds that the plans are insufficient. The County Engineer may require that supplemental or revised plans be submitted.

- C. The owner of the parcel has signed and recorded in the office of the Utah County Recorder a restrictive covenant, acknowledgment and disclaimer, in a form acceptable to the Utah County Attorney's Office, which acknowledges and gives notice of the avalanche hazard on the subject parcel, and waives, disclaims, and releases Utah County for any damage, liability, obligation, or loss that might hereinafter occur or arise as a result of an avalanche coming onto the parcel and any destruction or loss of property or personal injury or loss of life resulting therefrom. This document shall establish occupancy and use restrictions during terms of extreme or high avalanche hazard. Further, this document shall establish that improvements and construction on the parcel shall be carried out in a manner so as to provide adequate protection to persons and property, including adjacent occupants, properties and structures.
- D. Upon the determination by the County Engineer that the avalanche hazard analysis and mitigation report and the required plans of the structure or critical facility meet the standards of this section, and the applicant has recorded the required restrictive covenant, acknowledgment and disclaimer, the Zoning Administrator shall issue a clearance which incorporates the uses, structures, and mitigation measures approved by the County Engineer. The Zoning Administrator's clearance shall also consider and incorporate the covenants, conditions and restrictions set forth in the required restrictive covenant, acknowledgment, and disclaimer.

#### **Part VII:**

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 VIII:**

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 IX:**

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 29th day of September 2015.

**UTAH COUNTY COMMISSION**

**VOTE**

*Larry A. Ellertson*  
LARRY A. ELLERTSON, CHAIR

*aye*

*William C. Lee*  
WILLIAM C. LEE, VICE-CHAIR

*aye*

*Greg Graves*  
GREG GRAVES, COMMISSIONER

*aye*

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



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

Disapproved  
By: *Jeffrey R. Buhman*  
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

Deseret News



The Salt Lake Tribune

PROOF OF PUBLICATION

CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
UTAH COUNTY AUDITOR, KENT MONSON KENT MONSON 100 E CENTER ST STE 3600 PROVO UT 84606	9001334912	10/15/2015
E-MAILED OCT 19 2015		

ACCOUNT NAME	
UTAH COUNTY AUDITOR,	
TELEPHONE	ADORDER# / INVOICE NUMBER
8018518238	0001055731 /
SCHEDULE	
Start 10/15/2015	End 10/15/2015
CUST. REF. NO.	
P.O. #2015-222	
CAPTION	
SUMMARY OF ORDINANCE ORDINANCE NO. 2015-24 WAS ADOPTED BY THE BOARD O	
SIZE	
26 Lines	1.00 COLUMN
TIMES	RATE
2	
MISC. CHARGES	AD CHARGES
TOTAL COST	
32.30	

**SUMMARY OF ORDINANCE**  
 ORDINANCE NO. 2015-24  
 WAS ADOPTED BY THE  
 BOARD OF COUNTY COM-  
 MISSIONERS OF UTAH  
 COUNTY, UTAH, ON SEP-  
 TEMBER 29, 2015, AMEND-  
 ING CHAPTERS 2 & 3 OF  
 THE UTAH COUNTY LAND  
 USE ORDINANCE RELATED  
 TO AVALANCHE HAZARD  
 MITIGATION, WITH ASSO-  
 CIATED DEFINITIONS.  
 A COMPLETE COPY OF THE  
 ORDINANCE IS AVAILABLE  
 AT THE COUNTY CLERK  
 AUDITOR'S OFFICE, COM-  
 MISSIONER LARRY A.  
 ELLERTSON, COMMISSION-  
 ER WILLIAM C. LEE, AND  
 COMMISSIONER GREG  
 GRAVES VOTED IN FAVOR  
 OF THE ORDINANCE.  
 1055731  
 UPAXLP

AFFIDAVIT OF PUBLICATION

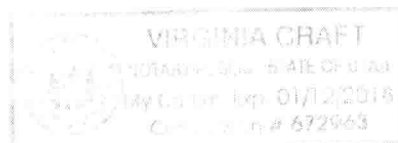
AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF SUMMARY OF ORDINANCE ORDINANCE NO. 2015-24 WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, ON SEPTEMBER 29, 2015, AMENDING CHAPTERS 2 & 3 FOR UTAH COUNTY AUDITOR, WAS 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.

PUBLISHED ON Start 10/15/2015 End 10/15/2015

SIGNATURE: *Kent Monson*

DATE: 10/15/2015

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



*Virginia Craft*  
 NOTARY SIGNATURE