



ORDINANCE NO. 2017- 5

**AN ORDINANCE AMENDING CHAPTERS 2, 3, 5, 6, AND 7 OF THE UTAH COUNTY LAND USE ORDINANCE, RELATED TO THE ESTABLISHMENT OF MINOR SUBDIVISIONS; THE DEFINITION AND NOTICING OF, AND THE PROCEDURES AND REQUIREMENTS FOR, LARGE SCALE DEVELOPMENTS; THE DEFINITION OF COUNTY COMMISSION; THE GENERAL PROVISIONS, APPLICATION REQUIREMENTS, STANDARDS, AND CONDITIONS FOR PLANNED SUBDIVISIONS; THE POWERS AND DUTIES OF THE PLANNING COMMISSION AND COUNTY COMMISSION; THE DEVELOPMENTAL IMPACT STATEMENT CHECK LIST; AND THE DEFINITIONS RELATIVE TO THE TRANSFER OF DEVELOPMENT RIGHTS SENDING OVERLAY ZONE AND TRANSFER OF DEVELOPMENT RIGHTS RECEIVING OVERLAY ZONE**

**WHEREAS**, the Planning Commission initiated a review of the Utah County Land Use Ordinance (UCLUO), dealing with amending Chapters 2, 3, 5, 6, and 7, related to the establishment of minor subdivisions; the definition and noticing of, and the procedures and requirements for, large scale developments; the definition of County Commission; the general provisions, application requirements, standards, and conditions for planned subdivisions; the powers and duties of the Planning Commission and County Commission; the Developmental Impact Statement Check List; and the definitions relative to the Transfer of Development Rights Sending Overlay Zone and Transfer of Development Rights Receiving Overlay Zone; and

**WHEREAS**, the Planning Commission addressed the proposed amendments to the Utah County Land Use Ordinance during the regularly scheduled meetings of the Planning Commission, on February 21, 2017, March 21, 2017, and May 16, 2017, and made a recommendation to the Board of County Commissioners regarding the proposed amendments; and

**WHEREAS**, a public hearing regarding the proposed amendments was scheduled and held during the regularly scheduled meetings of the Planning Commission, on February 21, 2017, March 21, 2017, and May 16, 2017; and

**WHEREAS**, the Board of County Commissioners has received and carefully reviewed the recommendation from the Planning Commission regarding the proposed amendments, the minutes of the February 21, 2017, March 21, 2017, and May 16, 2017 Utah County Planning Commission meetings, and the public hearings 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 conform to the Utah County General Plan, 2014, and are 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 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-A of the Utah County Land Use Ordinance is hereby amended to read as follows:

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:
1. **Administrative Agency:** The Zoning Administrator and his/her associated staff members (excluding the appointed Planning Commission).
  2. **Administrative Officer:** The Zoning Administrator or any of his/her duly appointed designees.
  3. **Adult Day Care Facility:** A facility that furnishes nonresidential care and supervision for three (3) or more adults for at least four but less than 24 hours a day through a comprehensive program that provides a variety of health, social, recreational, and related support services in a protective setting.
  4. **Agriculture Business:** An enterprise involving agricultural products as opposed to agricultural production.
  5. **Appeal Authority:** The person, board, commission, agency, or other body designated by this ordinance to decide an appeal of a decision of a land use application or a variance.
  6. **Area of Deformation (Zone of Deformation):** The zone along a fault in which natural soil and rock are disturbed as a result of movement along the fault.
  7. **Area of Shallow Flooding:** A location designated by the symbols AO or VO on the FIRM; it has the following characteristics: a flood depth that ranges from one to three feet, no clearly defined channel, a path of flooding that is unpredictable and indeterminate, and some flow that may be evident.

8. **Area of Special Flood Hazard:** The land in the unincorporated area of Utah County subject to a one percent (1%) chance of flooding in any given year.
9. **Assisted Living Facility:** A residential facility, licensed by the State of Utah as an "Assisted Living Facility", with a home-like setting that provides an array of coordinated supportive personal and health care services, available twenty four (24) hours per day, to residents who have been assessed under Utah Department of Health or Utah Department of Human Services rules to need any of these services. Each resident shall have a service plan based on the assessment, which may include:
  - a. specified services of intermittent nursing care;
  - b. administration of medication; or
  - c. supportive services promoting resident(s) independence and self-sufficiency.
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.
11. **Base Flood:** Means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.
12. **Boarder:** A person living in a rented room in a boarding house. The boarding house operator, or a member of his or her immediate family who resides on the premises with the operator, shall not be deemed a boarder.
13. **Boarding House:** A building or portion thereof operated by a person residing on the premises where, for compensation, rooms are rented together with meals for not more than fifteen (15) boarders who generally do not directly utilize kitchen facilities. "Compensation" shall include money, services or any other thing of value. A boarding house does not include any non-residential facility, such as a treatment facility, where the primary purpose of the facility is to deliver rehabilitation, treatment, counseling, medical, protective or other similar services to the occupants thereof.
14. **Bond:** Includes any of the following:
  - a. A corporate surety bond from a surety company that is licensed to do business in Utah, that is listed in "A.M. Best's Key Rating Guide" at a rating of A- or better or a Financial Performance Rating (FPR) of 8 or better, according to the "A.M. Best's Guide". All surety companies also will be continuously listed in the current issue of the U.S. Department of the Treasury Circular 570.
  - b. An irrevocable letter of credit issued by a bank organized to do business in the United States.
15. **Building:** A permanently located structure, including but not limited to dwelling units, designed, intended or used for occupancy by any person or for storage of property of any kind.

16. **Building, Main:** The largest building (by volume) on a lot. Exception: In a residential zone, main building shall always mean the largest building containing a dwelling.
17. **Campground and Campsite Facility, Noncommercial:** A location where noncommercial camping occurs which has one or more recreational vehicle pads or tent sites established on the premise. Also, subject to the limitations for noncommercial minor campgrounds, a noncommercial campground may include one (1) or more of the following ancillary facilities: automobile parking spaces, driveways, tables, culinary water, electrical lights, electrical hookups, fire pits or fireplaces, play fields and outdoor recreational facilities, pavilions (roofed structure open on all sides) and restrooms or other sewage disposal facilities. This definition shall not include the use of the land for the parking or storage of tents, trailers or other recreational vehicles for a period of more than 45 days in any calendar year.
  - a. **Noncommercial Minor Campground.**

A noncommercial campground having a combined total of not more than nine (9) recreational vehicle pads, and/or tent sites. Ancillary campsite facilities in a minor campground may not include more than one (1) pavilion, not greater than 300 square feet in area (measured at the roof eave line), and may not include play fields or outdoor recreational facilities.
  - b. **Noncommercial Major Campground.**

A noncommercial campground having a combined total of more than nine (9) recreational vehicle pads and/or tent sites.
18. **Camping:** A recreational or temporary activity (less than 45 days per calendar year) which involves staying overnight in the open, in a tent, or in a trailer, camper, or other recreational vehicle.
19. **Commercial Day Care Center:** A building along with ancillary playground facilities wherein care and supervision are provided by to minor children in lieu of care ordinarily provided by a parent in the parent's home, between the hours of 5:00 a.m. and 10:00 p.m. only, for direct or indirect compensation.
20. **Common Area:** An area designed to serve two (2) or more dwelling units in separate ownership. In a planned subdivision, Common Area shall refer to the land which is designed and intended for the common use or enjoyment of the residents of the development and may include such common structures and facilities as playgrounds, parks, recreational areas, tot lots, trails, walking paths, pavilions, restrooms, pools, club houses, equestrian facilities, and sports fields.
21. **Community Correctional Facility:** A facility licensed by or contracted by the State of Utah to provide temporary occupancy for previously incarcerated persons which assists such persons in making a transition from a correctional institution environment to independent living. Such facility may also provide ancillary, temporary occupancy for individuals placed as part of, or in lieu of confinement rehabilitation, or treatment in a correctional institution.

22. **Conditional Use:** A land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts. To be deemed a “conditional use”, the use shall be specifically listed in a zone along with the requirement that the County Commission, Planning Commission, or Board of Adjustment review and approve the use before the Zoning Administrator may issue a permit therefor.
23. **Condominium:** Means the ownership of a single unit in a multi-unit project together with an undivided interest in the common areas and facilities of the property, as defined under the Utah Condominium Ownership Act.
24. **Convenience Establishments:** Establishments which are designed and intended to serve the daily or frequent trade or service needs of the surrounding residents, visitors, or vacationers. Such establishments include gasoline vending stations; grocery, variety, drug, sporting goods, and camera stores; curio shops; coin-operated laundry and dry-cleaning establishments; beauty and barber shops; and other cognate establishments or combination thereof; but such establishments do not include repair garages, automobile sales yards, wholesale establishments, and other enterprises which sell goods and services that are not used almost exclusively by surrounding residents.
25. **Correctional Facility:** A prison, jail, juvenile detention facility or juvenile secure facility.
26. **Correctional Institution:** A government owned and operated institution for the Court ordered, twenty-four hour, involuntary, secure confinement of adults and juveniles in jails, prisons, detention centers, secure confinement centers, etc., for criminal conduct or conduct which would be a crime if committed by an adult.
27. **County Commission:** County Commission shall mean the County Executive and Legislative Body of Utah County, Utah.
28. **County Engineer:** County Engineer shall mean the Utah County Public Works Director or any of his/her duly appointed designees.
29. **Critical Acceleration:** The minimum amount of ground acceleration during seismically induced ground movement required to induce liquefaction or other forms of ground disruption.
30. **Critical Angle of Repose:** The maximum slope or angle at which material such as soil or loose rock remain stable.
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.

32. **Debris Flow:** A mass of rock fragments, soil, and mud which, when wet, moves in a flow-like fashion. Debris flows will follow a confined channel, but may alter course if present on an alluvial/debris fan surface.
33. **Density:** The term density shall mean the number of dwelling units or sleeping rooms per acre of land.
34. **Development:** Development shall be construed to include any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, or landscaping.
35. **Development Credit:** A right or entitlement to construct a dwelling, which may be transferred and used within another zone or situation, where specifically authorized under the provisions of this land use ordinance.
36. **Dude Ranch:** An actively operating livestock ranch that provides, as an accessory use to the principal livestock ranching operation, opportunities for the guests to participate in activities commonly associated with the ranching operation, and multi-night accommodations for guests, together with on-site dining and/or assembly facilities, barns, corrals, pastures, and livestock related to an actively operating livestock ranch operation. Dude Ranches are subject to the additional requirements of this land use ordinance.
37. **Dwelling:** A building of residence or sleeping including, but not limited to, the following mutually exclusive types: conventional dwellings or mobile homes.
  - a. **Conventional Dwelling:** A residence constructed on site, or moved on and permanently attached to the foundation or site, which meets the building, mechanical, plumbing, electrical and other codes of Utah County as such codes existed at the time the residence was placed on the site.
  - b. **Manufactured Home (Mobile Home):** A vehicular, portable structure built on a chassis and designed so it may be used without a permanent foundation as a dwelling when connected to water, sewage and electric facilities, which meets the HUD Federal construction and safety standards for manufactured homes, and which contains one (1) dwelling unit.
  - c. **Dwelling, One-Family:** A detached conventional dwelling (as distinguished from a manufactured home) which contains only one (1) dwelling unit to be occupied by one (1) family.
  - d. **Dwelling, Two-Family (Duplex):** A conventional dwelling containing two (2) dwelling units, each to be occupied by one (1) family.
  - e. **Dwelling, Multiple-Family:** A conventional dwelling containing three (3) or more dwelling units, each to be occupied by one (1) family.

- f. Dwelling, Caretaker's: A dwelling which is occupied by an individual or family whose function is to operate, manage, or protect a business, or industry.
  - g. Dwelling Unit: One (1) or more rooms in a building or portion thereof designed, occupied or intended as a residence for a family with complete and independent facilities for living, sleeping, eating, cooking and sanitation provided within the dwelling unit.
  - h. Parsonage: A single dwelling unit on the same lot as a church building for the minister or caretaker of the church and may be located either inside the church building itself or in a separate building.
  - i. Farm Caretaker Dwelling: A manufactured home located on the farm property for which the occupant provides farm caretaker services, and from which caretaker services the occupant derives more than 50% of his/her income.
38. **Domestic Staff:** Persons employed or residing on the premises of a dwelling or other residential facility to perform domestic services or to assist residents in performing daily life activities.
  39. **Electric Power Transmission (Distribution) Lines:** Cables, poles, insulators, and facilities and equipment erected for the purpose of transmitting electric energy.
  40. **Engineering Geology:** The application of geological data and principles to engineering problems dealing with naturally occurring rock and soil for the purposes of assuring that geological factors are recognized and adequately interpreted in engineering practice.
  41. **Existing Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the flood plain management regulations adopted by a community.
  42. **Expansion of Existing Manufactured Home Park or Subdivision:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) for existing manufactured home park or subdivision.
  43. **Family:** Any one of the following who occupy a dwelling unit:
    - (1) One person living alone;
    - (2) Two (2) or more persons all of whom are related to one designated occupant of the dwelling by blood, marriage, adoption, or legal custody and not more than two (2) unrelated individuals, living together in a single dwelling unit and maintaining a common household;
    - (3) Not more than four (4) unrelated persons living together in a single dwelling unit and

- maintaining a common household. Related by blood, marriage or adoption within the definition of "family" means a father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild, to include the half as well as the whole blood.
44. **Family Day Care:** A dwelling wherein care and supervision are provided between the hours of 7:00 a.m. to 7:00 p.m. only, by the resident family to four, five, or six, but not more than six (6) people who are not related to such family. To qualify, approval must be obtained for such use by the State Department of Social Services.
  45. **Farmers Market:** A location with one (1) or more farm-based retail food stores from which the food producers sell exclusively to the food consumers, fruit, vegetables, eggs, or other unprocessed farm products. It does not include the display or sale of manufactured items.
  46. **Fault:** A fracture in the earth's crust forming a boundary between rock or soil masses that have moved relative to each other.
    - a. **Active Fault:** A type of fault displaying evidence of displacement during Holocene time (within the previous 10,000 years).
    - b. **Fault Trace:** The intersection of the plane of the fault with the ground surface.
    - c. **Fault Zone:** A corridor of variable width along one or more fault traces in which the land surface has been deformed by movement along the fault.
  47. **Fences:** A structure composed of vertical supporting posts which hold cross wires or cross rails, wire mesh, or stringers with attached wooden, metal or plastic slats or other fabricated fence panels.
    - a. **Sight-obscuring Fence:** A fence, its gates or other required openings, that obscures vision through it at any point along the fence to the extent that a person standing on the outside of the fence cannot determine, from view, the identity of items which could be located behind the fence.
    - b. Any fence greater in height than six (6) feet above natural grade must obtain a Utah County building permit or a Utah County Zoning Compliance permit.
    - c. A fence shall not be constructed of materials that, when manufactured, were not designed for use in fence construction, including, by way of illustration only and not by way of limitation, tires, automobile bodies or parts, hay bales, wooden pallets, metal storage containers, and similar materials.
  48. **Fill:** Fill material brought onto a lot or parcel of land which shall:
    - a. not include junk, debris, salvage or metal scrap, waste, garbage, an organic, frozen or other deleterious materials, and no rock or similar irreducible material greater than 12 inches in any dimension;
    - b. conform to a plan for fill which has been approved by the County Engineer, which includes the following:
      - i. the extent of the fill area;

- ii. finished grades and elevations;
  - iii. methods to prevent the fill material from being removed from the site by wind, slope or erosion;
  - c. not be left in a condition which does not comply with the approved plan; and
  - d. for which applicant has obtained a valid Utah County Grading Permit that meets the requirements of the currently adopted code for grading and fill or an approved Utah County Zoning Compliance Permit if a grading permit is not required.
49. **Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land area from the overflow of inland waters, and/or the unusual and rapid accumulation or runoff of surface waters from any source.
  50. **Flood Channel:** A natural or artificial water course with a definite bed and banks to confine and conduct flood water.
  51. **Flood Elevation Study:** An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.
  52. **Flood Insurance Rate Map or FIRM:** The publication entitled "FIRM Flood Insurance Rate Map, Utah County, Utah," wherein the Federal Insurance Administration has delineated the areas of special flood hazards and risk premium zones in Utah County. It is an official map of the community on which the Administration has delineated both the special hazard areas and the risk premium zones applicable to the community.
  53. **Flood Insurance Study:** The most current official report provided by the Federal Insurance Administration entitled "Flood Insurance Study, Utah County, Utah, Unincorporated Areas" wherein flood profiles, a flood boundary-floodway map, and the water surface elevation of the base flood are contained. (See "Flood Elevation Study.")
  54. **Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
  55. **Floodway Map:** The publication entitled "Floodway Flood Boundary and Floodway Map, Utah County, Utah," wherein the Federal Insurance Administration has delineated the boundaries of the floodways in the unincorporated portion of Utah County.
  56. **Fraternity or Sorority House:** A building occupied by and maintained exclusively for students affiliated with an academic or professional college or university or other recognized institution of higher learning, who are associated together in a fraternity/sorority that is officially recognized by such institution and who receive lodging and/or meals on the premises for compensation.
  57. **Frontage:** The property line of a lot which abuts a recorded large scale development private road, a city street, county road or state or federal highway.

58. **General Plan:** A plan which meets the minimum requirements of Utah Code Annotated, 1953 as amended, which has been recommended by the Planning Commission and adopted by the County Commission to set forth general guidelines for the proposed future development of land. Except as otherwise specifically provided in the general plan, or under the Utah Code, the plan is only an advisory guide for land use decisions.
59. **Grade:** When related to buildings, grade shall mean the average elevation of the ground adjacent to the building; when used for streets and driveways, grade shall mean the ratio of vertical distance to horizontal distance along such a street or driveway expressed in either percentage or degree.
60. **Grading:** The excavation or removal of earth materials by mechanical means.
- a. **Grading, No Removal of Earth Material from Site:** Grading of earth material that conforms to a grading plan which has been approved by the County Engineer that includes the extent of the area to be graded, finished grade, elevations, and methods for dust control, when all graded earth material is maintained within the lot or parcel and not removed from the site, and for which grading the owner has obtained a valid Utah County Grading Permit that meets the requirements of the currently adopted code for grading and fill or the owner has obtained an approved Utah County Zoning Compliance Permit if a grading permit is not required.
  - b. **Grading, Removal of Excessive Earth Material Due to Construction:** When a valid Utah County Building Permit has been issued for a structure, or a large scale development plat has been approved and recorded, excessive earth materials which are required to be excavated from the approved construction or development site to allow for the construction of the approved structure or which are required to be excavated to allow for the construction of the approved large scale development plat improvements, may be removed from the site, pursuant to a grading plan which has been approved by the County Engineer that includes the extent of the area to be graded, finished grade, elevations, and methods for dust control.
- Excavation of earth materials other than those identified in (a) or (b) above shall be considered an open pit mining operation and must comply with all requirements for such mining operation found in this land use ordinance and other applicable adopted codes.
61. **Graben:** An area of land deformed by fault-related activity that is bounded by at least two (2) faults, and which is down-dropped relative to the adjacent land surfaces.
62. **Graveled Road:** A road (a) that is graded and drained by transverse drainage systems to prevent serious impairment of the road by surface water, (b) that has an improved surface, and (c) that has a wearing surface made of gravel, broken stone, slag, iron ore, shale, or similar surfacing material which is coarser than sand.

63. **Grocery Store:** A permanent retail food store which sells, primarily, food and food-related items for human use.
64. **Group Quarters:** A dwelling such as a lodge, dormitory, or barracks which contains a large bedroom, several sleeping rooms, or other sleeping facilities for the use of unrelated individuals or several family members (who may or may not be related).
65. **Home Occupation:** A business activity conducted within a dwelling, exclusively by family members residing on a full-time basis (not less than ten [10] months per year) in the same dwelling.
66. **Homeless Shelter:** Charitable lodging or sleeping rooms provided on a daily or other temporary basis to persons lacking other safe, sanitary or affordable shelter. May also include a kitchen and cafeteria.
67. **Hospital:** An institution licensed by the State of Utah which provides diagnostic, therapeutic, and rehabilitative services to individuals on both an inpatient and outpatient basis by or under the supervision of one (1) or more physicians. Any medical clinic or professional office which offers any inpatient or overnight care, or operates on a twenty-four hour (24) hour basis shall be considered to be a hospital. A hospital may include integral support service facilities such as laboratories, outpatient units and training and central services, together with staff offices necessary to the operation of the hospital.
68. **Hotel:** A facility offering transient lodging accommodations to the general public and which may provide additional services such as restaurants, meeting rooms, entertainment and recreational facilities.
69. **Hunting Preserve:** An area especially managed or intended for the hunting of game birds, as contrasted with a "Shooting Range."
70. **Jail:** A facility established and operated by Utah County, either directly or under a contract with a private provider, for confinement of persons in lawful custody.
71. **Juvenile Detention Facility:** A facility established and operated by the State of Utah, either directly or under a contract with a private provider, for temporary detention of delinquent juveniles.
72. **Juvenile Secure Facility:** A facility established and operated by the State of Utah, either directly or under a contract with a private provider, for incarceration of delinquent juveniles.
73. **Kennel:**
  - a. Private or Private Rescue Kennel  
Land or buildings used in the keeping of eight (8) dogs, but not more than ten (10) dogs, over six (6) months old which dogs are owned solely by the kennel owner who resides on the same parcel. The private kennel includes the sale of a maximum of four (4) litters annually.
  - b. Commercial or Commercial Rescue Kennel

Land or buildings used in the boarding, breeding, buying, grooming, letting for hire, training for fee, or selling of eight (8) dogs, but not more than twenty-five (25) dogs, over six (6) months old with the kennel owner residing on the same parcel.

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.
75. **Landscape Park:** A parcel of land which is developed using an aesthetically arranged combination of trees, shrubs, ground cover, or other natural vegetative material and/or incidental structural landscaping features (i.e. fountains, reflecting pools, sculpture, play apparatus, benches, and tables) and which is maintained as a place of ornamentation and recreation.
76. **Landscape Park Recreational Facility:** Play fields, buildings, structures and landscape areas shown on the park's approved site plan. Such facilities shall be recreational in nature, such as playground equipment, picnic pavilions, a swimming pool, a recreation center, a golf course, tennis courts or athletic fields. The facilities shall not include sleeping or living facilities, paintball courses, bicycle or ATV or motorcycle courses, nor uses that produce noise, dust or light that will unreasonably conflict with neighboring residences, agriculture operations or businesses.
77. **Landslide:** A general term for the downslope movement of a mass of soil, surficial deposits, or rock. Landslides may be rotational or translational.
78. **Land Use Authority:** A person, board, commission, agency, or other body designated by this ordinance to act upon a land use application.
79. **Large Scale Development:** A planned subdivision, planned nonresidential subdivision, mountain home development, planned unit development, or recreational resort, which has been approved by the County Commission and finalized by the recording of a large scale development plat with the Utah County Recorder's Office.
80. **Livestock:** Livestock means cattle, sheep, goats, swine, horses, mules, poultry, domesticated elk as defined by state code, or any other domestic animal or domestic furbearer raised or kept for profit.
81. **Livestock Feed Yard:** An independent livestock operation wherein the primary operation is to feed and fatten livestock with hauled-in feed, as distinguished from a pasture, wherein local feed is utilized, or a corral, which is normally vacant but periodically used as a holding pen for livestock, of a larger operation or system.
82. **Lot:** Any parcel of land owned in fee, lying in a solid body, whose boundaries constitute a closure or purported closure as the legal description of said parcel of land; or when land is surveyed and subdivided according to an approved plat, the lot shall mean a parcel of land as designated on said recorded, approved plat.

- a. **Lot of Record:** A lot designated on a subdivision plat or shown by metes and bounds, duly recorded pursuant to statute in the County Recorder's Office or other official record. A lot of record may or may not coincide with a zoning lot.
  - b. **Nonconforming Lot of Record:** A lot which does not conform to the area and/or width requirements of this ordinance for a zoning lot, but which was shown continuously on the records of the County Clerk or Recorder as an independent parcel since before the effective date of this ordinance and which did qualify for building prior to such date. A nonconforming lot of record that is diminished in area by the deeding and dedication of a portion of the lot 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, shall continue as a nonconforming lot of record.
  - c. **Zoning Lot:** A lot occupied by, or which is qualified to be occupied by, a building or use of land, or a group of buildings or uses, which meets all of the requirements for area, buildable area, frontage, width, yard, setback, subdivision, and all other requirements set forth in this ordinance, for such use. (A lot which is a part or parcel in an unapproved and/or illegally recorded subdivision shall not qualify as a zoning lot under the terms of this definition.) A zoning lot that is diminished in area by the deeding and dedication of a portion of the lot 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, shall continue as a zoning lot if the frontage, width of lot, and area of lot are not reduced below the minimum frontage, width, and area requirements of the zone in which the lot is located, provided that:
    - i. if the dedication reduces the area of the lot below the minimum requirements for area of the zone in which it is located, the lot shall be considered a legal nonconforming lot of record if the amount of the reduction in area is less than 15% of the area of the original lot of record; and
    - ii. if the lot is located within a subdivision plat, the subdivision plat that contains the lot is amended to indicate the new description of the lot.
83. **Marina:** A facility which shall include a boat launching ramp or ramps, boat storage structures or open storage yards, parking areas, and mooring docks; and may include one (1) or more of the following: breakwaters; deep water channels; domestic water and sanitary facilities; security and fee structures; facilities for rental of boats and water sport vehicles; facilities for the sale and rental of fishing gear and supplies; facilities for the sale of marine supplies, and food concessions and vending machines.
84. **Migrant Agricultural Worker Housing:** A structure or manufactured home approved by the United States Department of Labor under the provisions of the Migrant & Seasonal Agricultural Worker Protection Act, for the housing of

migrant agricultural workers who are employed as migrant agricultural workers by the owner of the parcel of land upon which the housing is located and who work, during the period of occupancy, solely for said owner, in the agricultural production operation owned and operated by said owner. The owner, the facility, and the agricultural workers must comply with all requirements of the Department of Labor, and other applicable Federal, State and County requirements.

85. **Minor Subdivision:** A planned subdivision consisting of no more than two (2) lots, which subdivision has been approved by the County Commission and finalized by the recording of a subdivision plat with the Utah County Recorder's Office.
86. **Natural Hazard:** A naturally occurring geologic condition or phenomenon that may present a potential danger to life and property. Natural hazards which are treated in the NHO Zone of this ordinance are limited to surface fault rupture, rockfall, landslides, and debris flows. Natural hazards include the above-listed conditions even though they are aggravated or induced by man.
87. **New Construction:** For the purposes of determining insurance rates, "new construction" means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM [Oct. 15, 1982] or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a flood plain management regulation adopted by the community and includes any subsequent improvements to such structures.
88. **Noncomplying Structure:** A structure that legally existed before its current zoning designation, or was established as a private summer cottage located in the Recreation-Forestry District 1 as shown on the Utah County Zone Map attached to the Zoning Ordinance passed on November 16, 1942 (R-F 1 District) and such structure was constructed prior to January 1, 1950; and, because of one (1) or more subsequent land use ordinance changes, the structure does not conform to the setback, height restrictions, or other regulations, excluding those regulations that govern the use of land. To qualify as "legally existing," the structure shall have been properly issued a permit prior to the enactment of this ordinance or, alternatively, legally built prior to November 16, 1942, when the requirement to get building permits was enacted and existed in the same form continuously thereafter.
89. **Nonconforming Use:** A use of land that legally existed before its current land use designation, or consists of a use established as a private summer cottage located in the Recreation-Forestry District 1 as shown on the Utah County Zone Map attached to the Zoning Ordinance passed on November 16, 1942 (R-F 1 District) and such use was commenced prior to January 1, 1950; the use has been maintained continuously since the time the land use ordinance regulation

governing the land changed; and, because of one (1) or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land. To qualify as “legally existing,” the use shall have been properly issued a permit prior to the enactment of this ordinance or, alternatively, the use shall have been legally commenced prior to the first enactment of zoning in Utah County on November 16, 1942, and thus used continuously thereafter.

90. **Nursery, Plant:** Buildings, land, and other structures and facilities for the cultivation of plants for subsequent replanting or harvesting, including hydroponics operations.
91. **Nursing Care Facility, Nursing Home, Convalescent Home and Rest Home:** An intermediate care/nursing facility or a skilled nursing facility, other than a general acute or specialty hospital, licensed by the State of Utah, for the care of individuals who due to illness, advanced age, disability, or impairment require assistance and/or supervision on a twenty-four hour per day basis, operated to provide patient living accommodations, 24-hour staff availability, and at least two of the following patient services: (a) a selection of patient care services, under the direction and supervision of a registered nurse, ranging from continuous medical, skilled nursing, psychological, or other professional therapies to intermittent health-related or paraprofessional personal care services; (b) a structured, supportive social living environment based on a professionally designed and supervised treatment plan, oriented to the individual's habilitation or rehabilitation needs; or (c) a supervised living environment that provides support, training, or assistance with individual activities of daily living.
92. **Office or Office Structure:** A nonresidential building or portion thereof used as a work area for professional, supervisory, clerical, or accounting personnel in conjunction with a business, manufacturing facility, or resource extraction industry.
93. **Parking Space:** A space not less than eighteen (18) feet in length, nor less than nine (9) feet in width; unless a parking space(s) of lesser length and width, is designed and approved as part of a required parking plan.
94. **Paved Road:** A road that has a surface covering of asphalt, concrete, or other bound-together, hard-surface paving material (not gravel, dirt or magnesium chloride).
95. **Pending Ordinance Change:** A proposed amendment to this land use ordinance for which a notice of public hearing, notice of public meeting, or meeting agenda has been provided, and which notice or agenda identifies the general subject of the proposed amendment.
96. **Preponderance of Evidence:** Evidence sufficient to find that a fact is more likely true than not. If evidence regarding a fact is evenly balanced, then the fact

has not been proved, and the party asserting that fact has failed to establish that fact.

97. **Prison:** A facility for incarceration of persons convicted of crimes, established and operated by the State of Utah or by a private provider pursuant to the provisions of the Private Correctional Facilities Act, chapter 13d, Title 64, Utah Code Annotated, as amended.
98. **Produce Stand:** A farm-based retail food store which sells, exclusively, unprocessed fruit, vegetables, eggs or other farm products raised on the subject lot or farm unit. It does not include the display or sale of manufactured items nor items produced elsewhere and brought to the stand for sale.
99. **Protective Housing Facility:** A facility operated, licensed or contracted by a governmental entity, or operated by a charitable, non-profit organization, where, for no compensation, temporary, protective housing is provided to:
  - a. abused or neglected children awaiting placement in foster care;
  - b. pregnant or parenting teens;
  - c. victims of sexual abuse; or
  - d. victims of domestic abuse.
100. **Public hearing:** A hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.
101. **Public meeting:** A meeting that is required to be open to the public under Chapter 4 of Title 52 of the Utah Code, "Open and Public Meetings Act".
102. **Public Park:** A landscape park which is owned or leased by a federal or state agency, a city or town government, or county government and which is operated under the aegis of such agency or government for public use.
103. **Public Park Facility:** A play field, building or other structure or area located in a public park and shown on the park's approved plan. Such facility shall be either recreational in nature, such as a slide, swing set, picnic pavilion, swimming pool, gymnasium, golf course, tennis court, ball field, or game room, or one of the following ancillary, non-recreational facilities: parking lot, landscaping, administrative office, assembly area, cooking and dining area, and retail area for the sale of goods and services consumed on the premise. Such facilities shall not include sleeping or living facilities, nor uses that produce noise, dust or light that will conflict with neighboring residences or retail businesses.
104. **Reception Center:** A structure and ancillary facilities used for group social, business or family gatherings, without overnight lodging. A reception center does not include sporting events or concerts.
105. **Recreational Vehicle:** A travel trailer or motorized vehicle (but not a mobile home) for temporary use as living quarters during travel, recreational, or vacation periods.

106. **Recreational Vehicle Court:** An area or tract of land used to accommodate two (2) or more recreational vehicles or camper units for a short period of time (less than 45 days per calendar year).
107. **Residence:** A place where an individual is actually living at a given point in time and not a place of temporary sojourn or transient visit.
108. **Residential Accessory Structures:** A detached independent building or structure on the same lot as a dwelling, which structure is used by the occupants of the dwelling for a customarily incidental and subordinate noncommercial use to a residence; and that conforms to the definition of accessory structure as found in the International Residential Code for One- and Two-Family Dwellings, as adopted by Utah County.
109. **Retail and Retail Variety Store:** A store that retails a specific product or a diversified offering of goods and products, but does not include an outside sales lot, and does not include the sale of automobiles, trailers or other vehicles.
110. **Roads and Travelways:**
- a. **Private Road:** A road in private or public agency ownership over which access is or can be denied to the public; a non-public thoroughfare; a driveway or fire access road.
  - b. **Public Street:** A city street, county road, or state road, as defined below, which is open for general use and access by the public:
    - i. **City Street:** A street on the official road system of an incorporated city or town.
    - ii. **County Road:** A road on the county system as designated on the Official County Road Map of Utah County adopted by the County Commission.
    - iii. **State Road:** A road on the state system identified by the pertinent color and symbols (such as U-147 or US-50) on the Official County Road Map of Utah County, but excluding interstate roads (specifically 1-15), which do not allow access to abutting property).
  - c. **Public Thoroughfare:** Any city street, county, state or interstate road; or other road upon which the public has a right to travel.
  - d. **Road:** A travel way passable to four wheeled, front or rear wheel drive automobiles.
  - e. **Street, Major:** A public street designated in the general plan as a collector, arterial, or other principal thoroughfare, as distinguished from a minor street.
  - f. **Street, Minor (Local Street):** Any public street which provides access to property, which street is not shown in the general plan as a major street.
111. **Rockfall:** The gravity-induced drop of a newly detached segment of bedrock or perched rock of any size from a cliff, steep slope, cave or arch.
112. **Roping and Riding Arena, Private:** A livestock enclosure within a structure or in an open corral, used by the owner or lessee of the property on which the arena is located, with not more than ten (10) invited guests of the owner or lessee of the property, for horse riding activities, using only horses owned by the

owner or lessee of the property on which the arena is located, and horses owned by invited guests, but not to exceed one horse per guest.

113. **Roping and Riding Arena, Commercial:** A livestock enclosure within a structure or in an open corral, used for the training and boarding of horses, riding schools, horse grooming, and for teaching and practicing roping, rodeo or other equestrian skills, but not including competitive events, qualifying events for any organization, events providing jackpots, monetary rewards, prizes, or gifts, events which include any participant who is not a student of the arena or any individual not allowed to practice in the arena, public rodeo events, public horse racing events, public horse jumping events, or other equestrian events. A commercial roping and riding arena (enclosed or in the open) shall not have more than a total of 49 persons, participating or nonparticipating, on the property at any time.
114. **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.
115. **Salvage Yard:** A place where discarded scrap or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, handled, or stored; including auto wrecking yards and yards used to disassemble and store salvaged material; but not including yards incidental to manufacturing operations conducted on the premises.
116. **School:**
- a. **Preschool:** A school directly funded at public expense for children under the age of six (6) for the care and instruction of children that is operated by the state or federal agency or a local school district. No overnight or sleeping accommodations, daytime only care and instruction.
  - b. **Private Preschool:** A non-public school located within a dwelling which has three (3) or more children who:
    - i. are under the age of six (6);
    - ii. receive instruction from an individual who has received approval from the State of Utah, Department of Human Services; and
    - iii. attend the school less than four (4) hours per day.
 No overnight or sleeping accommodations, daytime only care and instruction. This definition shall not apply to the usual activities of a family in its residence.
  - c. **Primary School:** A school directly funded at public expense and accredited by the State of Utah as a primary school for grades kindergarten through grade six (6). No overnight or sleeping accommodations, daytime only care and instruction.
  - d. **Secondary School:** A school directly funded at public expense and accredited by the State of Utah as a secondary school for grades seven (7) through twelve (12). No overnight or sleeping accommodations, daytime only care and instruction.

117. **Seasonal Sales and Services:** The sale of fresh produce sold during the growing season, jerked meat, pine nuts, and seasonal recreational concessionaire services which are related to hiking, equestrian, bicycle, river and lake water activities, and public recreation areas. Seasonal Sales and Services does not include any land use that is identified in the Utah County Land Use Ordinance as a permitted or a permitted conditional use within any zoning district, or any land use or activity listed under temporary uses and structures in chapter 3 of this land use ordinance, except those listed under seasonal sales and services.
118. **Setback:** The width of unobstructed yard space between a specific reference point (such as a property line, road right-of-way line, building, or watercourse) and the closest point on the nearest building or structure.
- a. **Front Setback:** The setback from the property line that abuts a road; or where the lot abuts two (2) or more roads or does not abut any road, the front setback shall be the distance to the nearest property line from the wall of the building that has the primary entrance.
  - b. **Rear Setback:** The setback on the opposite side of the lot from the front setback. It is measured on a line running parallel to the line used to measure the front setback and constitutes the shortest such parallel between the rear of the building and the nearest property line.
  - c. **Side Setback:** A setback measured perpendicularly to the front setback line which determines the shortest distance from the edge of the structure to the nearest property line.
119. **Sign:** Any medium, including its structure, symbols, and other component parts, which is used or intended to be used to attract attention to the subject thereon.
- a. **Sign, Accessory:** A sign which is located on the premises and which directs attention to a permitted use or permitted conditional use allowed in the zone and which use is currently conducted on the premises.
  - b. **Sign Face:** The outer prepared surface of a sign structure which is designed for graphic display of information, with each sign face being considered as one sign, and if two sign faces are attached to one sign structure the sign faces must oppose each other and are considered as two signs. Where a sign consists of individual letters or symbols attached to or painted on a structure, the sign face shall be considered to be that of the smallest rectangle which encompasses all letters or symbols.
  - c. **Sign, Non-accessory (including Billboard):** A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than on the premises, and only incidentally on the premises, if at all.
  - d. **Sign, Free-standing:** A sign which is not attached to or part of a building.
  - e. **Sign, Pennant:** A banner of cloth or other supple sheeting which contains advertising words or symbols.

- f. **Sign, Directional:** A sign not greater than nine (9) square feet in area that provides only the name and address of a business, permitted agricultural use, or temporary event, and other directional information to locate such business or uses.
120. **Shooting Range:** An area especially managed, designed, and/or intended for competition shooting matches or the practice shooting of firearms at non-living targets.
121. **Slope:** The average grade of the surface of land expressed in either percentage or in degrees.
122. **Solid Waste Disposal Site:** A garbage dump, recycling center, or land fill operation utilizing solid wastes which conforms to all required County and State Health Department standards.
123. **Starting Zone:** The portion of a known avalanche path where an avalanche released.
124. **Stealth Telecommunications Transmission Facility:** A low visual impact transmission facility including the antenna, and electrical equipment used in a wireless telephone system. To be considered low visual impact, the antenna may be co-located on an existing transmission tower, utility pole, or other existing building or structure. The antenna shall not extend greater than ten (10) feet above the highest point of the co-location building or structure. To utilize a Stealth Telecommunications and Transmission Facility, cellular telephone, radio, television or other microwave transmission facilities must be a permitted land use within the zone where it is to be located.
125. **Structure:** That which is built or constructed, an edifice or building of any kind, or a piece of work artificially built up or composed of parts joined together in some definite manner. "Structure" for FEMA flood plain management purposes includes any walled and roofed building, a gas or liquid storage tank, and a manufactured home. "Structure" for FEMA insurance coverage purposes means a walled and roofed building other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation; for the latter purpose, the term structure includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair unless such materials are within an enclosed building on the premises.
126. **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,
    - (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; 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.
127. **Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.
128. **Substantial Improvement:** Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either: (a) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or, (b) any alterations of a historic structure, designated on an official state or federal historic registry, provided that the structure remains on said historic registry following the improvement.
129. **Support Staff:** Persons employed or residing on the premises of a dwelling or other residential facility to assist residents in performing daily life activities or to provide on-site treatment, rehabilitation, or habilitation services.

130. **Unreasonable Hardship:** A general restriction placed upon a lot with respect to setback or area where, by reason of exceptional narrowness, shallowness, shape, or topography of such lot, a literal enforcement of the general restrictions would result in an unfairness to the owner compared to the owners of the other lots in the same zone and which literal enforcement would be unnecessary in order to achieve the intent of the zone.
131. **Vehicle:** An automobile, trailer, boat or other device in which a person or object is (or has been or may be, according to the context) transported from one place to another along the ground, through the air, and/or over the water.
132. **Vehicle, Obsolete:** Any vehicle which lacks a current license and state registration, is not in running order without adding parts or repairs, is dismantled, is wrecked, or is abandoned. Exception to the “current license and state registration” requirement: a vehicle which is not required under Utah State law to be registered and have a license to be operated on public roads.
133. **Windmill:** A structure utilizing wind power for the pumping of water for agricultural use or for electrical power generation for a residence and other allowed structures and uses located on the same parcel of property as the residence, and located within a zone where windmills are designated as a permitted use. This definition shall not preclude a windmill which generates its primary electrical power for use on the premise from selling the surplus to an electrical utility provider; provided that the design of the windmill is only to provide required electrical power for use on the subject parcel of property (calculated on an annual usage basis), and not for commercial electrical power generation. Any other wind generated electrical power facility shall be classified as an electrical power generation plant.
134. **Yard:** The space on the same lot with a building, structure, or land use, which space is unobstructed from the ground upward except for landscaping.
- a. **Yard, Front, Rear or Side:** The yard corresponding to the front, rear or side setback.
- b. **Yard, Required:** The area surrounding a building structure, or use which is required to be left as unobstructed yard space by the terms of this ordinance.
135. **Zone, Residential:** “Residential Zone” in this ordinance shall refer to the RA-5, Residential Agricultural Zone, the RR-5 Rural Residential Zone, the TR-5 Transitional Residential Zone, the CE-2 Critical Environmental Zone, and residential land uses within the PC, Goshen Valley Planned Community Zone; this definition does not apply to the general plan land use designations.
136. **Zoning Administrator:** Zoning Administrator shall mean the Utah County Associate Director of Community Development or any of his/her duly appointed designees.

**Part II:**

Section 3-26-F of the Utah County Land Use Ordinance is hereby amended to read as follows:

3-26: **NOTIFICATION REQUIREMENTS**

Notification shall be provided by actual notice, or notice as follows:

- F. Notice for conditional use applications, large scale development applications, subdivision applications, minor subdivision applications, and variance requests. Notice of the date, time, and place of a public meeting for a proposed conditional use, large scale development, subdivision, minor subdivision, or variance, shall be provided by actual notice, or by notice as follows:
1. Mailed not less than ten calendar days before the public meeting and addressed to the owner (as found on the most recent county assessment roll) of each adjacent parcel (touching along a common side or so close in proximity as to be separated only by the width of a road, canal, railroad track, or similar right-of-way); or
  2. Posted not less than ten calendar days before the public meeting on the property proposed for a conditional use, large scale development, subdivision, minor subdivision, or variance, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to those who pass by.

**Part III:**

Section 3-26-H of the Utah County Land Use Ordinance is hereby amended to read as follows:

3-26: **NOTIFICATION REQUIREMENTS**

Notification shall be provided by actual notice, or notice as follows:

- G. Notice for amendment or vacation of large scale developments, subdivisions, and minor subdivisions -- Notice for vacation of or change to street. Notice of the date, time, and place of a public meeting for a proposed amendment or vacation of a large scale development, subdivision, or minor subdivision, and a public hearing for amendment of a large scale development, subdivision, or minor subdivision, which involves a vacation, alteration, or amendment of a street, shall be provided by actual notice, or by notice as follows:
1. Mailed not less than ten calendar days before the public meeting and addressed to the owner (as found on the most recent county assessment roll) of each parcel located within the large scale development, subdivision, or minor subdivision; or
  2. Posted not less than ten calendar days before the public meeting, on the large scale development property, subdivision property, or minor subdivision property, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to those who pass by.
  3. For a large scale development amendment or vacation, subdivision amendment or vacation, or minor subdivision amendment or vacation, which involves a vacation,

alteration, or amendment of a street, the county shall provide the notice required by Chapter 27A of Title 17 of the Utah Code.

**Part IV:**

Subsection 5-16-B-3 of the Utah County Land Use Ordinance is hereby established to read as follows:

5-16. TRANSFER OF DEVELOPMENT RIGHTS SENDING OVERLAY ZONE AND TRANSFER OF DEVELOPMENT RIGHTS RECEIVING OVERLAY ZONE

B. DEFINITIONS

3. "Development Approval" means final plat approval by the County Commission for large scale developments.

**Part V:**

Section 6-1 of the Utah County Land Use Ordinance is hereby established to read as follows:

6-1: GENERAL PROVISIONS

A. DECLARATION OF LEGISLATIVE INTENT

The intent and purposes of the large scale development section are:

1. To provide a means for the efficient and orderly residential, commercial and industrial development of the county in accordance with the county general plan.
2. To facilitate the appropriate use of water, soil, scenic vistas, recreational amenities, and natural resources.
3. To facilitate an economic arrangement of buildings, circulation systems, land use, drainage, and utilities.
4. To provide for various types of residential styles and living environments.

B. MINIMUM REQUIREMENTS

The requirements and conditions set forth in this ordinance pertaining to each type of large scale development are the minimum requirements which must be imposed in order to achieve the intent and purpose as set forth above, and are not designed to be varied. Where an applicant finds the requirements unsuited to his particular property, he may use the land for one of the other land uses permitted within the zone.

C. SCOPE

1. Essential Requirements

Any person, partnership, firm, or corporation wishing to construct a large scale development in Utah County shall file an application with the Zoning Administrator and shall comply with all the requirements set forth in this land use ordinance.

2. Types of Large Scale Developments

The following types of large scale developments may be constructed, but only in the zones as indicated:

Planned Unit Developments: (RR-5, TR-5, PC)

Planned Subdivisions: (RA-5, RR-5, TR-5, CE-1, CE-2, M&G-1, A-40, PC)

Planned Nonresidential Subdivisions: (NC-1, HS-1, I-1, PC)

Mountain Home Developments: (CE-2)

Recreational Resorts: (CE-2)

D. PLAN COORDINATING COMMITTEE CREATED

In order to facilitate the process of plan consideration and approval, there is hereby created a Plan Coordinating Committee composed of representatives from:

1. Utah County Community Development (Community Development)
2. Utah County Health Department (Health Department)
3. Utah County Public Works Department (Public Works Department)
4. Utah County Fire Marshal's Office (Fire Marshal)
5. Utah County Attorney's Office (County Attorney)
6. Utah County Recorder's Office (Recorder's Office)
7. Any other party having pertinent information, when requested by the Zoning Administrator.

E. PROCEDURES

Any person wishing to obtain approval to construct a large scale development shall comply with the following procedure.

1. Initial Conference with Community Development Staff

A prospective developer shall obtain from Community Development staff, information concerning the procedures, requirements, and documents relating to the approval of a large scale development.

2. Developer Prepares for Preliminary Application Conference

a. Preliminary Application Conference as Prerequisite.

A preliminary application conference shall be held before any application for a large scale development can be filed. Said conference shall consist of a meeting between the developer or agent and the designated members of the Plan Coordinating Committee along with any other entities requested by the Zoning Administrator. The purpose of the conference shall be to convey to the developer or agent information pertaining to the procedure, requirements, and standards relating to approval of a large scale development and to help define the most expeditious way of obtaining approval.

b. Plan and Other Written Documents.

After meeting with Community Development staff, the developer prepares the following documents to be available at the preliminary application conference:

- i. A plan showing the location and layout of the proposed development, including the proposed lots, roads, existing structures, waterways and proposed drainage, common areas, etc.

- ii. Method of bonding for required improvements, land ownership, and water right ownership and quantity.
  - iii. Potential environmental, social, and domestic impacts, which the development might have on the land within the development and on the county as a whole.
3. Preliminary Application Conference
- a. Upon the request of the developer, Community Development shall schedule a preliminary application conference and shall invite the designated members of the Plan Coordinating Committee and any other needed parties to attend. The developer should attend with its project engineer or surveyor. During the conference, the developer shall make a presentation to the committee of its sketch plan and other materials; and the committee shall provide information regarding procedures, requirements, and standards that relate to the development proposed. In no way shall this conference be construed to constitute approval of the plan.
  - b. Where the developer owns or controls more land than it wishes to file a plat for immediately, the Zoning Administrator may require the developer to prepare a concept plan of the whole area, in which case the developer shall indicate on the plan the portion to be developed immediately and the portion to be held for future development.
  - c. The sole purpose in holding the conference is to aid the developer in the preparation of its plans and documents. Responses from members of the committee shall not be deemed to substitute for, or relieve the developer of the necessity of complying with the provisions of this ordinance.
4. Developer Prepares Application for Plan Coordinating Committee Review
- After the preliminary application conference has been held, the developer shall complete an application using the forms furnished by Community Development staff and shall prepare the maps, plats, drawings and other documents for submission to the Plan Coordinating Committee for review (the "submittal"). The submittal shall include all of the maps, plats, drawings, documents, and other information required under the applicable type of large scale development, as set forth in this Ordinance. Prior to submission of the submittal to Community Development for dissemination of the submittal to the Plan Coordinating Committee, or those members of the Plan Coordinating Committee, as set forth in this Ordinance, the applicant shall meet with the Public Works Department, the Health Department, and the Fire Marshal and shall submit all documentation to these respective departments or offices that may be required to begin a development review process with their department or office.
5. Submission to the Plan Coordinating Committee for Review
- Copies (four [4] hard copies and one [1] electronic copy) of the submittal (excluding the conditional use permit application and fee, title report, and statements from the Fire Marshal, Health Department, and Public Works Department) shall be submitted by the developer to Community Development

who will forward the submittal to the Fire Marshal, Health Department, and Public Works Department for review and comment. Each recipient shall review the submitted materials and issue a written and/or electronic statement regarding whether the development complies with the standards within the purview of such party, or what deficiencies exist. These written and/or electronic review statements will be forwarded to Community Development who will forward all the review comments from the Plan Coordinating Committee to the applicant. Because the development cannot be approved if the County Commission finds that it is not in compliance with the standards of approval, the developer must remedy any deficiencies before proceeding.

6. Submittal of Complete Application to Community Development

After review by the Plan Coordinating Committee, the developer shall submit to Community Development one (1) hard copy and one (1) electronic copy of the complete submittal, including the conditional use permit application, title report and statements from the Fire Marshal, Health Department, and Public Works Department (the "submittal"), together with a review fee in the amount set by the County Commission. The complete submittal, and supporting documents, must be received by Community Development at least forty-five (45) days prior to the regularly scheduled meeting of the Planning Commission at which the application is requested to be considered. Corrections or revisions of the submittal must be pursued diligently. Those applications found needing corrections or revisions ninety (90) days after submittal shall be returned to the applicant(s) and such applications shall not be accepted for resubmittal until all required corrections and revisions are accomplished. Applications which have not been approved by the County Commission within one (1) year from the date of submittal shall expire and no review fee shall be refunded.

7. Community Development Review

The submittal shall be reviewed by Community Development to determine if the submittal appears to be complete. If the submittal does not appear to be complete, the matter will be postponed until the next submission deadline. If the submittal appears to be complete, Community Development shall do the following:

- a. Distribute the submittal to the County Attorney for review and comment.
- b. Review and coordinate recommendations pertaining to the development which have been received from the Plan Coordinating Committee members.
- c. Confer with the developer to address deficiencies in the submittal. The developer may submit corrected and/or supplemental documents until fifteen (15) days prior to the Planning Commission meeting at which the application is requested to be considered. In order for the development to be placed on the Planning Commission agenda, Community Development staff must determine that all issues raised in their review, County Attorney's review, and Committee Reports have been resolved, or, if not resolved, that the issues

remaining should be submitted to the Planning Commission for consideration.

- d. Prepare a staff report, which includes findings and recommendations, for consideration by the Planning Commission.
  - e. Provide the submittal for public review.
8. Review by County Attorney  
The submittal shall be reviewed by the County Attorney who shall offer his/her written opinion on whether the submittal is in compliance with the requirements of this ordinance and other applicable law. The County Attorney shall prepare a written opinion detailing the findings of his/her review and forward this opinion to Community Development. The submittal shall not be calendared for any requested Planning Commission meeting unless Community Development receives the written opinion from the County Attorney at least twenty (20) days prior to any requested Planning Commission meeting.
9. Planning Commission Recommendation  
At the meeting, the Planning Commission shall review the application, the Community Development staff report, hear any presentation from the applicant, and may receive any public comments. The Planning Commission may recommend approval of the application to the County Commission if it finds all requirements have been met, it may recommend approval to the County Commission subject to certain conditions being identified, as permitted by applicable law, it may continue the applicant's proposal to a date certain for additional information, or it may recommend disapproval, based on findings. A recommendation of disapproval shall be supported by findings, which findings may include any of the following:
- a. The plans, documents, or statements were incomplete, ambiguous, unclear, erroneous, or inconsistent with one another.
  - b. The development proposal was found to be inconsistent with either the requirements of this land use ordinance, or other applicable requirements, regulations, codes, ordinances or statutes.
10. Conditions and Limitations to be Placed on Plat  
The Planning Commission may recommend to the County Commission certain binding conditions and limitations, as permitted by applicable law, which are to be written on the recorded plat.
11. Effect of the Planning Commission Recommendation  
The recommendation of the Planning Commission is a recommendation only and does not constitute an approval and does not create any vested rights.
12. Community Development Transmits the Application and the Planning Commission's Recommendation to the County Commission  
After the Planning Commission has made a recommendation regarding the application, Community Development shall transmit the application and recommendation from the Planning Commission to the County Commission.
13. County Commission Agenda

Upon receipt of the application and Planning Commission recommendation from Community Development, the County Commission shall place the matter on its agenda for review and action.

14. County Commission Review

The County Commission shall review the application and Planning Commission recommendation. The County Commission may refer the matter back to the Planning Commission, or other appropriate department or official, to address issues, may state a time to bring the matter back for further review, or may take action to approve or deny the application.

15. Final Action by County Commission

The County Commission may approve the development, approve the development subject to specified conditions and requirements, as permitted by applicable law, which shall be placed on the plat, accept improvement bonds, accept dedication of streets, easements, and other places or rights in behalf of the public, and authorize and sign all related documents, if it finds that all requirements have been met; or it may disapprove the development. A disapproval shall be supported by findings, which findings may include any of the following:

- a. The plans, documents, or statements were incomplete, ambiguous, unclear, erroneous, or inconsistent with one another.
- b. The development proposal was found to be inconsistent with either the requirements of this land use ordinance, or other applicable requirements, regulations, codes, ordinances or statutes.

16. Minor Subdivisions

a. The County Commission is authorized to take action on minor subdivisions, as follows:

- i. Approve minor subdivisions if they find that all requirements have been met;
- ii. Approve minor subdivisions subject to specified conditions and requirements, as permitted by applicable law, which conditions and requirements shall be placed on the plat, if they find that all requirements have been met; or
- iii. The County Commission may disapprove the development. A disapproval shall be supported by findings, which findings may include any of the following:
  - (A) The plans, documents, or statements were incomplete, ambiguous, unclear, erroneous, or inconsistent with one another.
  - (B) The development proposal was found to be inconsistent with either the requirements of this land use ordinance, or other applicable requirements, regulations, codes, ordinances, or statutes.

b. A minor subdivision application is exempt from the timing requirements for submittals relative to being calendared for a Planning Commission meeting and the Planning Commission review and recommendation requirements of

Chapter 6 of this Ordinance, unless the County Commission requires the application to be forwarded to the Planning Commission for review and a recommendation because the application does not meet the requirements for approval as a minor subdivision.

- c. A minor subdivision shall not be a part or phase of a larger planned subdivision. All of the land involved in an approved and recorded planned subdivision plat, including excluded areas, shall not be allowed to be further divided through the minor subdivision process, beyond the two (2) lot maximum, for a period of five (5) years commencing on the date of approval of the minor subdivision plat.

17. Limited Period of Viability

- a. The approval of the development by the County Commission shall be valid for a period of one year from the date of the County Commission's approval. The plat must be recorded within such one-year period. If the plat is not recorded within such one year period, the approval of the County Commission, the recommendation of the Planning Commission, and the developer's application, automatically expire and become null and void.

EXCEPTION ONE:

In the event than any person or entity files an appeal or legal action challenging the County Commission's approval of the development, the one-year period during which the plat may be recorded and during which the approval remains viable shall not commence on the date of the County Commission's approval, but shall commence on the date that the appeal or legal action is finally resolved. This Exception One shall apply to any development approved by the County Commission on or after January 1, 2014.

EXCEPTION TWO:

The County Commission, may, for good cause shown, extend the one-year period during which the plat may be recorded and during which the approval remains viable. Any such extension of time must be approved by the County Commission prior to the expiration of the one-year period. This Exception Two shall apply to any development approved by the County Commission on or after January 1, 2014.

EXCEPTION THREE:

In planned unit developments only, the developer may request approval of a phased planned unit development by complying with all of the following requirements:

- i. The developer shall request approval of a phased planned unit development in the initial application filed with Community Development.
- ii. In the request for approval of a phased planned unit development, the developer shall describe, as to each proposed phase, the size in area of each phase (which size of the initial phase shall not be less than twenty

- acres and each phase after the initial phase shall not be less than ten acres), the number and type of dwelling units in each phase, the order of phasing, the projected time for recording the plat for each phase, a description and estimated cost for all required improvements for each phase, a detailed description of how the initial phase independently meets all of the requirements for a planned unit development, and how each subsequent phase, together with the previously recorded phases, will meet all of the requirements for a planned unit development.
- iii. For phased planned unit developments, the approval of the County Commission for the initial phase plat and for all other phase plats shall automatically expire and become null and void if the initial plat is not recorded within eighteen months from the date of the County Commission approval. After the eighteen month period, the approval of the County Commission, the recommendation of the Planning Commission, and the developer's application, for the phased planned unit development (including the initial phase plat and all other phase plats), automatically expire and become null and void.
  - iv. For all phase plats subsequent to the initial phase plat, the approval of the County Commission for all unrecorded phase plats shall automatically expire and become null and void eighteen months from the date of the recording of the most recently approved phase plat, unless the next phase plat is approved and recorded prior to the end of said eighteen month period. After the eighteen month period, the approval of the County Commission, the recommendation of the Planning Commission, and the developer's application, as to all unrecorded phase plats, automatically expire and become null and void.
  - v. Each phase must be submitted, reviewed, approved, and recorded in the order of phasing established in the initial approval process. No phase plat can be recorded unless the preceding phase plat has been recorded.
  - vi. The initial bond amount shall be set for only the plat for the first phase to be recorded. The bond amount for each subsequent phase shall be determined prior to the recording of the plat for each such phase.
  - vii. No plat shall be approved or recorded for the initial phase unless the initial plat meets all of the requirements of this land use ordinance for a planned unit development, except the minimum size for the initial plat may be reduced to not less than twenty acres.
  - viii. No plat shall be approved or recorded for any subsequent phase unless the subsequent phase plat, together with the previously recorded phase plats, meets all of the requirements of this land use ordinance for a planned unit development, except the minimum size for any subsequent phase plat may be reduced to not less than ten acres.
  - ix. No plat shall be approved or recorded for any subsequent phase unless all requirements, conditions of approval, and agreements related to any

previously recorded phase plat have been met, and the developer is not in violation of any provision of this land use ordinance.

- x. The application process described in this land use ordinance for planned unit developments, including the payment of all related fees, shall apply to all submitted plats.
- xi. When the developer desires to record a plat for the subsequent phase, in compliance with the approved order of phasing, the developer shall pay the applicable fee, shall meet with the Zoning Administrator and shall submit the following:
  - (A.) A title report with an effective date not earlier than thirty (30) days prior to the submittal date, verifying that the owners who will execute the owner's dedication on the plat have sufficient control to effectuate the dedication without exceptions or limitations. The title report shall be a full report (title policy commitment quality and form), including a judgment search of all owners. All owners as shown on the title report shall sign the plat. If the property is owned in trust, a copy of the trust document shall be provided for review. The legal description of the property in the title report shall match exactly the legal description as contained on the plat. The plat description shall include all areas dedicated to the public, including streets. If the streets are not being dedicated to the public, the developer shall establish that the streets have previously been deeded to the County. All boundary disputes and boundary exceptions shall be resolved and deleted from the title report before it is submitted to the County (the only exceptions are the standard printed exceptions). All easements and other title restrictions shall be located on the plat and identified on the plat, including the recording information. All blanket easements shall be identified on the plat, by note, including the recording information. Partial deeds of re-conveyance shall be provided, reviewed, approved and recorded, to release all liens, including all trust deeds and mortgages, from the portion of property being dedicated for streets, easements, common areas, and public areas. If the plat is approved, the applicant shall provide an update letter from the title company, amending the prior title report effective date to the date of the recording of the plat.
  - (B.) A dated, signed and stamped itemized estimate from an engineer licensed by the State of Utah, verified by the County Engineer, stating the cost of installing all required improvements related to the phase plat.
  - (C.) A tax clearance from the County Treasurer indicating that all taxes, interest, and penalties owing on parcels within the proposed phase

plat perimeter boundary have been paid, including greenbelt rollback taxes.

- xii. If the Zoning Administrator finds that the approval of the proposed phase plat has not expired, that any title, bond and tax issues have been resolved, that all requirements, conditions of approval, and agreements related to any previously recorded phase plat have been met, that the developer is not in violation of any provision of this land use ordinance, and that the proposed phase plat meets all of the requirements of this section for a phased planned unit development, the Zoning Administrator shall transmit the materials and the proposed plat for the phase to the County Commission for review and consideration. The County Commission shall approve the phase plat if the County Commission finds that the approval of the proposed phase plat has not expired, that any title, bond and tax issues have been resolved, that all requirements, conditions of approval, and agreements related to any previously recorded phase plat have been met, that the developer is not in violation of any provision of this land use ordinance, and that the proposed phase plat meets all of the requirements of this section for a phased planned unit development, unless the County Commission, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the proposed phase plat.
- b. After approval by the County Commission, the Zoning Administrator shall keep the signed plat and documents to be recorded until the time the applicant records them, to insure compliance with this section.

18. Construction of Required Improvements

- a. After receiving final approval from the County Commission, the developer shall execute a subdivision improvement and warranty agreement, in the form approved by the County, and
  - i. prior to recording the plat and prior to any development activity, the developer shall, within a period of time not to exceed one year from the date of the approval of the development by the County Commission, or within such extended period of time during which the approval of the development remains viable as provided in Subsection 6-1-E-16 of this land use ordinance, construct and complete all required improvements and post a cash warranty bond with the County; or
  - ii. upon request by the developer, the developer may post a cash construction bond with the County before recording the plat, in an amount equal to 125% of the estimated cost of the required improvements, as determined by the County Engineer, to guarantee the installation of the required improvements without cost to Utah County, and a cash warranty bond. The final plat shall not be recorded until the developer has executed a subdivision improvement and warranty agreement, in the form approved by the County, and the improvements

are either constructed or the construction bond and the warranty bond are delivered to and approved by the County. The construction bond, however, shall not limit the liability of the developer to install improvements, for the developer shall be obligated to the full extent of the cost of installing the improvements required by this ordinance. Private parties shall not be deemed third-party beneficiaries of the construction bond or of the warranty bond.

- b. All required improvements shall be constructed in accordance with approved plans and Utah County development standards and inspected by the County Engineer. The developer shall pay an inspection fee to the County in the amount set by the County.

19. Duration of Bonds

The bonds required under the provisions of this ordinance shall not expire.

20. Default

In the event the developer fails to satisfactorily construct the required improvements within the period required, fails to pay all costs of materials and labor for the improvements, or otherwise fails to comply with the subdivision improvement and warranty agreement, Utah County may send a notice of default, take action to collect the bonds, and install or cause the required improvements to be installed, using the proceeds from the bonds to defray the expense thereof.

21. Timing of Construction

- a. All required improvements shall be constructed and completed by the developer within one (1) year from the date of the approval of the development by the County Commission, or within such extended period of time during which the plat may be recorded and during which the approval of the development remains viable as provided in Subsection 6-1-E-16 of this land use ordinance. However, the County Commission may require the developer to install what it determines to be critical improvements on all or part of an approved large scale development within a time period which is less than the maximum time period specified.
- 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.
- c. An extension of time for construction of required improvements (including the relocation of existing utility poles) may be granted by the County Commission upon application by the developer and good cause shown. Any request for an extension shall be in writing, shall be accompanied with a processing fee in such sum as determined by the County Engineer to cover the costs associated with the review and processing of the request for extension, but not less than the minimum processing fee of \$100.00, and shall be supported by a then current estimate prepared and signed by the Developer's engineer, or the applicable utility company, which describes the improvements which remain to be constructed, and the estimated cost to construct the remaining improvements. The request shall be supported by

such other documentation as the County Engineer deems necessary. If an extension of time is granted, the County Commission shall require that the bond amount be increased to reflect the increased cost of the remaining improvements; provided however, that the County Commission may waive the bond requirement for the relocation of existing utility poles, 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.

22. Construction to be in Accordance with Plats, Plans and Documents

All large scale developments shall be constructed in accordance with the approved final plats, plans, and documents, and all final plats, plans, and documents shall be binding on the developer, its successors, grantees, and assigns and shall limit the use of the land and structures in the development as set forth in the approved plans and the recorded plats, and documents. In the event that the developer or its successors, grantees, or assigns performs construction or uses the land in a way which is not in accordance with approved final plats, plans or documents, or fails to perform according to the agreements or covenants required by chapter 6 of this land use ordinance for plat approval, compliance may be obtained through the use of the funds of the improvement bond and warranty bond, and /or through legal action.

23. Plan and Documents to be Recorded

The Zoning Administrator shall verify that the developer has recorded the plat and documents with the County Recorder in the form in which such were approved. No lot or building (or interest therein) shall be sold, no building permit shall be issued, and no occupancy permits shall be issued for any buildings within a large scale development until the final plans and documents have been approved and recorded as set forth in this ordinance.

24. Warranty Bond

- a. As an assurance that the developer shall warrant the improvements for the warranty period, the developer shall deposit with the County a cash warranty bond, as approved by the County Engineer, in the amount of up to 10% of the lesser of the:
  - i. original estimated cost of completion of the required improvements, as determined by the County Engineer, or
  - ii. developer's reasonable proven cost of completion of the required improvements.
- b. The developer shall be responsible for the installation of all required improvements and for the quality of all labor, materials, and workmanship used therein. Upon completion of the improvements, the developer shall submit a written request to the County Engineer to make an inspection of the improvements. After the inspection of the improvement, the County Engineer shall submit a report to the County Commission, setting forth the condition of the improvements. If all improvements have been constructed in

strict conformance with the approved plans and Utah County development standards, and to a quality and standard not less than generally accepted construction standards, no liens have been filed, all costs of labor and materials have been paid, lien releases have been provided and all other requirements have been satisfactorily completed, the County Commission shall formally accept the improvements and authorize the commencement of the warranty period, which warranty period shall be for one year after final acceptance of the improvement or warranty work; or two years after final acceptance of the improvement or warranty work, if the County:

- i. determines for good cause that a one year period would be inadequate to protect the public health, safety, and welfare; and
- ii. the County has substantial evidence on record, of:
  - (A) prior poor performance by the developer; or
  - (B) that the area upon which the infrastructure will be constructed contains soil that has
    - (1) a high susceptibility for volumetric change, typically clay rich, having more than a 3% swell potential;
    - (2) bedrock units with high shrink or swell susceptibility; or
    - (3) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly associated with dissolution and collapse features; and the County has not otherwise required the developer to mitigate the suspect soil.
- c. Developer shall repair, within sixty days from the date of written notice by the County to the Developer, any defects, normal wear and tear excepted, which, in the opinion of the County Engineer, have developed in the improvements during the warranty period.

25. Partial Release of Construction Bond

Partial releases of the construction bond may be made when a portion of the required improvements have been satisfactorily installed, but only if the amount of the bond which is retained is equal to or greater than one-hundred twenty five percent (125%) of the cost of installing the uncompleted improvements. Any request for a partial release shall be in writing, shall be accompanied with a processing fee in such sum as determined by the County Engineer to cover the costs associated with the review and processing of the request for partial release, but not less than the minimum processing fee of \$100.00, and shall be supported by an estimate prepared and signed by the developer's engineer which describes the improvements which have been constructed, the cost to construct the improvements which have been completed, and the estimated cost to construct the remaining improvements. The request shall be supported by actual invoices for materials and installation costs, together with such other documentation as the County Engineer deems necessary. Submission of invoices by developer shall constitute an express warranty by developer to County that the items described on the invoices have been completely installed on the project and will not be

removed by the developer (materials delivered to the site but not installed shall not be included). Any such partial release shall be made after inspection by the County Engineer, and authorization by the County Commission. If at the end of the one-year construction period, the required improvements are not complete, or if the improvements at the end of the warranty period show defects, unusual depreciation, do not comply with the applicable standards, or if any outstanding costs or liens are not paid, Utah County may send a notice of default and take action to collect the bonds and/or action against the developer to remedy the deficiency.

26. Continuing Obligation

It shall be the obligation and duty of the developer and its successors and assigns to carry out the conditions made applicable to the development. In case of failure or neglect to comply with any and all of the conditions and regulations as herein established, and as made applicable to a specific large scale development, the Zoning Administrator shall not issue a certificate of zoning compliance for the development. Such failure or neglect to comply with the requirements or to maintain the buildings and premises in accordance with the conditions of approval of the plans and documents shall also be deemed to be a violation of this ordinance.

27. Amendments to Large Scale Development Plats

a. Unrecorded Plats

If the applicant desires to make changes to an unrecorded large scale development plat that has received a recommendation from the Utah County Planning Commission and/or approval by the Utah County Commission, the applicant must file a new application which complies with the procedures and requirements for a new application, and which application must contain all of the elements required for a new application, provided, however, that the Zoning Administrator can waive any procedures or application elements which the Zoning Administrator determines to be inapplicable to the amended application, or contained in the original application and not requiring amendment or a new submission. The application must then be submitted to the Planning Commission for a new recommendation and to the Utah County Commission for approval or denial.

b. Recorded Conforming Plats

Amendments to approved recorded plats of large scale developments which are not nonconforming uses under this Land Use Ordinance shall comply with the procedures and requirements contained in the Utah Code for plat amendments. In addition, the applicant shall comply with the procedures and requirements for a new large scale development application, and which application must contain all of the elements required for a new application, provided, however, that the Zoning Administrator can waive any procedures or application elements which the Zoning Administrator determines to be inapplicable to the plat amendment application, except for those procedures

and requirements contained in the Utah Code for plat amendments. The application must then be submitted to the Planning Commission for a recommendation and to the Utah County Commission for approval or denial.

c. Recorded Nonconforming Plats

Amendments to approved recorded plats of subdivisions and large scale developments which are nonconforming uses (plats approved as previously permitted conditional uses under the land use ordinance, or plats approved prior to the enactment of County plat requirements, but, because of one or more subsequent land use ordinance change, do not conform to the regulations that now govern the use of the land) shall comply with the procedure and requirements contained in the Utah Code for plat amendments. In addition, the applicant shall comply with the procedures and requirements applicable to the specific development type which was originally approved (now a nonconforming use). Any amendment must comply with all of the parameters, requirements, and restrictions applicable to the original approved development. No such plat amendment can be approved which would increase the number of dwelling units in the plat, increase the number of lots in the plat, increase the number of lots available for residential use in the plat, or add additional land area to the plat. Consistent with the limitations contained herein, the Zoning Administrator can waive any procedures or application elements which the Zoning Administrator determines to be inapplicable to the plat amendment application, except for those procedures and requirements contained in the Utah Code for plat amendments. The application must then be submitted to the Planning Commission for a recommendation and to the Utah County Commission for approval or denial.

d. Minimum Requirements

Notwithstanding the forgoing plat amendment requirements, all plat amendment applications shall include the following documentation and shall not be waived by the Zoning Administrator:

- i. A petition that meets the requirements of Title 17, Chapter 27a of the Utah Code Annotated, 1953 as amended, or successor code, for vacating or amending a subdivision plat.
- ii. A standard conditional use permit application shall be obtained from Community Development and shall be completed and submitted with the required fee. The application shall be completed and signed by all owners of record, or applicant shall establish and provide documentary proof that applicant has a right to purchase the property.
- iii. A recent policy of title insurance or preliminary report of title verifying the owners who executed the owners' dedication on the plat have sufficient control to effectuate the dedication without boundary exceptions. All easements and other title restrictions shall be located and identified on the plat, including the recording information. All blanket easements shall be identified on the plat, by note, including the recording

information. Lien holder consent and subordination shall be obtained, provided on forms approved by the County Attorney's Office, and submitted for review.

- iv. A reproducible plat drawn in accordance with county standards at a scale of one inch equals one hundred feet (1"=100') or as directed by the Zoning Administrator, and shall show the following:
  - (A) Perimeter boundary of the development and the location of all required survey monuments.
  - (B) The location of all lot lines and setback lines, and/or building site areas, and the identifying number for each lot, block, and building site in the development.
  - (C) The name, location, and extent of all streets and the location and nature of all other parcels of land dedicated to the public or reserved for common use by the residents of the development.
  - (D) The location and identification of all easements and their specific use.
  - (E) The location and extent of all parcels within the development which are subject to deed restrictions or any other limitations, or which are subject to conditions of approval written on the plat.
  - (F) Statements of limitations or conditions of approval required to be written on the plat by the County Commission, and other statements or information required by this land use ordinance, or other applicable law.
  - (G) The following certifications:
    - (1) The certificate of survey accuracy by the surveyor or engineer preparing the plat.
    - (2) The owner's dedication of land for public use, and the owner's conveyance of easements and parcels for utilities or other special use.
    - (3) The acknowledgment of the owner's dedication by a Utah Notary Public (or an equivalent officer authorized to acknowledge conveyances of real estate if the owner is out of state).
    - (4) The County Commission's approval of the development and its acceptance of dedication of streets, easements, etc., along with the attesting signature of the County Clerk/Auditor.
    - (5) Certifications required by State Law and other certifications if required by the County Commission.
- v. Written statements from the following County agencies or officials that address the proposed plat amendment and identify any requirements or recommendations relative to the proposal:
  - (A) County Health Department
  - (B) County Engineer

- (C) County Fire Marshal
- vi. Written statements from the electrical service provider, and natural gas service provider where available, which service the land described on the plat, which statements address the proposed plat amendment and identify any recommendations relative to the proposal. If recommendations are received from an electrical or natural gas service provider, the County Commission, based on the findings of the County Engineer, shall determine whether the recommendations will be incorporated into the proposal.
- vii. A tax clearance for each parcel serial number identified in or by the title report. The tax clearance shall include all property taxes due as of the date of the filing of the application.
- e. A proposed plat amendment that includes the adjustment of a lot line shall not be required to also meet the lot line adjustment requirements found in this Land Use Ordinance.

#### 28. Lot Line Adjustments

- a. The owners of record of adjacent lots that are described by either a metes and bounds description or by a recorded plat may exchange title to portions of such lots and/or make lot line adjustments by complying with the provisions of the Utah Code Annotated 1953, as amended, and the regulations of this ordinance, including the submittal of the following documents:
  - i. A lot line adjustment application shall be obtained from Community Development and shall be completed and submitted with the required fee. The application shall be completed and signed by all owners of record, or applicant shall establish and provide documentary proof that applicant has a right to purchase the property.
  - ii. A metes and bounds description of each lot prior to and after the exchange of title and/or lot line adjustment.
  - iii. A recent policy of title insurance or preliminary report of title, one for each lot, verifying the owners who will execute the notice of approval of exchange of title and/or lot line adjustment have sufficient control to effectuate such without boundary exceptions. Lien holder consent shall be obtained, provided on forms approved by the County Attorney's Office, and submitted for review.
  - iv. Written statements from the following County agencies or officials that address the proposed exchange of title and/or lot line adjustment and identify any requirements or recommendations relative to the proposal:
    - (A) County Health Department
    - (B) County Engineer
    - (C) County Fire Marshal
  - v. Written statements from the electrical service provider, and natural gas service provider where available, which service the lots included in the lot line adjustment application, which statements address the proposed

- exchange of title and/or lot line adjustment and identify any recommendations relative to the proposal. If recommendations are received from an electrical or natural gas service provider, the County Commission, based on the findings of the County Engineer, shall determine whether the recommendations will be incorporated into the proposal.
- vi. A site plan that has been dated, stamped, and signed by a land surveyor licensed in the State of Utah showing the current and proposed configuration of each lot; the location of all structures; the front, side, and rear setback requirements applicable to the lots; the width of the lots along the frontage of the road(s); the location of all wells; the location of septic tanks and leach fields; the location of any buried or above ground LPG tanks; the location of utility lines and utility easements; the location of irrigation water lines, facilities, and irrigation easements; and the location of drainage lines.
  - vii. The document that will be used to convey title, which document reflects the lot line adjustment.
  - viii. Any additional information or documentation requested by the Planning Commission or County Commission, only if the lot line adjustment application must be forwarded to the Planning Commission for a recommendation and to the County Commission for approval or denial.
- b. The Zoning Administrator shall approve a lot line adjustment application under this subsection if such will not result in a violation of this Land Use Ordinance. However, the Zoning Administrator may require a lot line adjustment application to be forwarded to the Planning Commission for a recommendation and to the Utah County Commission for approval or denial, if he/she determines the proposed adjustment may impact the health, safety, or welfare of the public.
- c. If a lot line adjustment application is approved under this subsection:
- i. A notice of approval shall be recorded in the office of the County Recorder which:
    - (A) is executed by each owner included in the exchange of title and/or lot line adjustment and by the County land use authority;
    - (B) contains an acknowledgment for each party executing the notice in accordance with the applicable provisions of the Utah Code Annotated 1953, as amended ; and
    - (C) recites the descriptions of both the original lots and the lots created by the exchange of title; and
  - ii. A document of conveyance of title reflecting the approved change shall be recorded in the office of the County Recorder.

## 29. Building Permits

No building permit shall be issued until the plat is recorded. After the plat is recorded, no building permit shall be issued for any structure within the development, other than utility related structures, until:

- a. all of the roads, streets, street signs, traffic control signs and devices, and information signs, have been constructed, inspected, and approved;
- b. the central culinary water system, if one is proposed or required for the development, is constructed, inspected, approved and is operational, including the issuance of all required operational permits from the State of Utah and other entities having jurisdiction;
- c. the private culinary well, if one is proposed or required for the lot, has been drilled, tested, and approved as a culinary water source, meeting all applicable requirements for use, flow, quantity, and quality;
- d. the central sewer system, if one is proposed or required for the development, is constructed, inspected, approved and is operational, including the issuance of all required operational permits from the State of Utah and other entities having jurisdiction; and
- e. all other required utility systems have been constructed, inspected, approved and are operational, including the issuance of all required operational permits from the State of Utah and other entities having jurisdiction, provided that if the sewer treatment method is by private septic systems entirely located on each lot, the permit for the construction of the dwelling may be issued concurrent with the issuance of the required permits for construction of the private septic system serving that dwelling.

## **Part VI:**

Subsection 6-3-A of the Utah County Land Use Ordinance is hereby amended to read as follows:

### 6-3: PLANNED SUBDIVISIONS

#### A. GENERAL PROVISIONS

##### 1. Declaration of Legislative Intent

The intent of this section is to establish requirements for the approval of a proposed planned subdivision plat.

##### 2. Scope

The owner of a tract of land containing the required amount of land as set forth in the zones in which planned subdivisions are permitted may construct a planned subdivision thereon by complying with the regulations and standards of this section, in addition to all other requirements of the land use ordinance and other applicable law.

##### a. Requirements Minimum.

The requirements of this section, in addition to all other requirements of the land use ordinance and other applicable law, shall be the minimum

requirements for the preparation, submission, and recording of all plans, plats, and supporting documents relating to planned subdivisions.

b. Standards May Be Increased.

The County Commission reserves the right to approve a development subject to certain conditions and limitations, as permitted by applicable law, which conditions and limitations shall be written on the plat and recorded in the Utah County Recorder's office. Furthermore, the County Commission may, as a condition of approval, restrict recordation of a subdivision plat until a development agreement is formed and executed between the developer/land owner(s) and Utah County. The development agreement will outline specific conditions, covenants, rights, and obligations of the parties. The agreement may require standards which are greater, but not less than, those required in this section including, but not limited to, the following:

- i. The mandatory creation of governmental districts and/or assessment areas to offset the fiscal impact of the planned subdivision upon the County;
- ii. The creation of additional on-site and/or off-site facilities and improvements necessary for the planned subdivision;
- iii. The creation of additional utility easements within the development;
- iv. Additional requirements for moderate income housing units; and
- v. Additional restrictions on the location and slopes of roadways.

c. Exemptions from Rule of Property.

The rule of property known as the rule against perpetuities and the rule of property known as the rule restricting unreasonable restraints on alienation shall not be applied to defeat any of the provisions of this ordinance or any declaration, bylaw, or other document executed in accordance with this ordinance.

**Part VII:**

Subsection 6-3-C-9 of the Utah County Land Use Ordinance is hereby amended to read as follows:

6-3: PLANNED SUBDIVISIONS

C. APPLICATION REQUIREMENTS

The application shall consist of the following elements.

9. A certification that lands being subdivided are free from invasive noxious weeds or have undergone appropriate noxious weed control treatment, shall be submitted with the application. The list of invasive noxious weeds shall be recommended by the Utah County Weed Control Board and approved by the County Commission. Certifications are considered valid if performed by persons competent in the identification of noxious weeds and approved by the Utah County Weed Control Board. Inspections supporting certification shall be made during the period from

April 1 through September 30. In lieu of certification, a two (2) year bond may be approved by the County Commission in the amount of \$500.00 per acre with a maximum bond amount of \$5000.00. A certification shall be submitted within two (2) years after the date of approval or the bond will be forfeited to Utah County to be used for weed control purposes.

**Part VIII:**

Appendix A of Chapter 6 of the Utah County Land Use Ordinance is hereby amended to read as follows:

**CHAPTER 6  
APPENDIX A**

**DEVELOPMENTAL IMPACT STATEMENT  
CHECK LIST**

- 1. NAME OF PROJECT**
- 2. DATE**
- 3. NAME AND ADDRESS OF DEVELOPER AND PROJECT ENGINEER**
- 4. DESCRIPTION OF THE PROPOSED PROJECT**  
*Note: The analysis should be made intensively enough to reflect all of the data necessary to enable the governing body to make a decision as to whether or not the project or action can be made to comply with all ordinances and laws.*
  - a. Type of action or project (subdivision, recreational site, commercial facility, etc.).
  - b. Map or maps (preferably on a topographic base) showing the proposal, action, or project in detail. This should include such information as location of existing and proposed buildings, roads, power lines, pipelines, rail lines, streams, canals, excavations, etc.
- 5. DESCRIPTION OF THE ENVIRONMENT**  
 Base map showing:
  - a. Topography of the area within and surrounding the proposed action or project for a distance of one-fourth mile from the land involved. U.S. Geological Survey map or better should be used.
  - b. Streams or drainage channels in or near the area. Also state approximate amount of flow and whether flow is constant or intermittent.
  - c. Location of the proposed action or project in relation to municipalities, urban centers, recreational sites, farm lands, and other significant features. This should be shown in the form of a vicinity map with a scale not smaller than one inch equals

- two thousand feet - (1" = 2000').
- d. Location of surface drainage, underground drainage, flood hazards, lakes, rivers and other bodies of water, wetlands, fire hazards, snow avalanche areas, and habitat of endangered species and threatened species.
- e. Location of all geologic hazards, including the following:
  - (1) Faults;
  - (2) Landslides/rockfalls;
  - (3) Liquefaction;
  - (4) Shallow groundwater;
  - (5) Soil erosion;
  - (6) Expansive soils;
  - (7) Subsidence.

**6. ANALYSIS OF IMPACTS OF THE PROJECT IN RELATION TO EACH OF THE FOLLOWING:**

*Note: Developers are cautioned against overlooking, concealing, or unduly mitigating adverse consequences of the action or project.*

- a. Types and extent of vegetation and wildlife;
- b. Habitat of threatened or endangered species;
- c. Surface drainage;
- d. Underground drainage;
- e. Flood hazards;
- f. Lakes, rivers and other bodies of water;
- g. Wetlands;
- h. Fire hazards;
- i. Snow Avalanche hazards;
- j. Geologic hazards:
  - (1) Faults;
  - (2) Landslides/rockfalls;
  - (3) Liquefaction;
  - (4) Shallow groundwater;
  - (5) Soil erosion;
  - (6) Expansive soils;
  - (7) Subsidence.
- k. Socio-economic factors:
  - (1) Probable changes in population resulting from action or project;
  - (2) Probable changes in economic structure of area (i.e., farming, recreation, commercial, etc.);
  - (3) Probable amount and effect of traffic on access streets;
  - (4) Availability of utilities (water, electricity, telephone, gas);
  - (5) Existing and proposed facilities for waste disposal--both liquid and solid waste;
  - (6) Availability of health care, police protection, access, and road maintenance;
  - (7) Adequacy of access streets, sewer lines, sewage treatment, water supply, water distribution lines, and other facilities;

- (8) Sources of funds for on-site improvements;
- (9) Sources of funds for off-site improvements;
- (10) Comparison of the anticipated tax revenues vs. cost of services which will likely be imposed on local government for services rendered.

**7. DETAIL OF MITIGATION OF THE NEGATIVE PROJECT IMPACTS IN RELATION TO THE ITEMS LISTED IN SECTION 6 OF THIS APPENDIX**

**Part IX:**

Subsection 7-23-E of the Utah County Land Use Ordinance is hereby amended to read as follows:

7-23: POWERS AND DUTIES OF THE PLANNING COMMISSION

- E. The Planning Commission shall take action to recommend to the County Commission approval or disapproval of any proposed large scale development projects, except for minor subdivisions, in accordance with the terms of Chapter 6 of this Ordinance and any procedural bylaws the Planning Commission may have adopted under authority of this ordinance. Chapter 6 constitutes the standards and criteria for recommending approval or disapproval of the requested conditional use permit and for recommending approval or disapproval of a plat. Approval of a plat constitutes the granting of a conditional use permit for a large scale development. The fact that “dwellings” may be permitted uses in the underlying zone does not alter or affect the standards and criteria applicable for approval or disapproval of a large scale development.

**Part X:**

Subsection 7-24-C-3 of the Utah County Land Use Ordinance is hereby amended to read as follows:

7-24: POWERS AND DUTIES OF THE COUNTY COMMISSION

- C. The County Commission may amend, change, or modify any provisions of the land use ordinance or zone map provided:
  - 3. The County Commission shall consider each proposed land use ordinance or zone map amendment recommended to it by the Planning Commission and may adopt or reject the proposed amendment, either as proposed by the Planning Commission, or after making any revision the County Commission considers appropriate.

**Part XI:**

Subsection 7-24-D of the Utah County Land Use Ordinance is hereby amended to read as follows:

7-24: POWERS AND DUTIES OF THE COUNTY COMMISSION

D. The County Commission shall take action to approve or disapprove proposed large scale development projects, including minor subdivisions, by following Chapter 6 of this Ordinance. Chapter 6 constitutes the standards and criteria for approval or disapproval of the requested conditional use permit and for approval or disapproval of a plat. Approval of a plat constitutes the granting of a conditional use permit for a large scale development. The fact that “dwellings” may be permitted uses in the underlying zone does not alter or affect the standards and criteria applicable for approval or disapproval of a large scale development.

**Part XII:**

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 XIII:**

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 XIV:**

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 30th day of May 2017.

**UTAH COUNTY COMMISSION**

**VOTE**

  
\_\_\_\_\_  
WILLIAM C. LEE, CHAIR

aye


  
\_\_\_\_\_  
GREG GRAVES, VICE-CHAIR

aye

  
\_\_\_\_\_  
NATHAN IVIE, 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