

**AN ORDINANCE AMENDING SECTION SECTION 5-11-H-2, FLOODPLAIN
OVERLAY ZONE: SPECIAL REQUIREMENTS OF THE UTAH COUNTY LAND USE
ORDINANCE**

WHEREAS, the Utah County Commission initiated a review of the Utah County Land Use Ordinance (UCLUO), dealing with amending Section 5-11-H-2 related to exceptions to engineering certification requirements for certain structures built in the Floodplain Overlay Zone.

WHEREAS, the Planning Commission addressed the proposed amendment to the Utah County Land Use Ordinance during the regularly scheduled meeting of the Planning Commission, scheduled and held a public hearing regarding the proposed amendment, and made a recommendation to the Board of County Commissioners regarding the proposed amendment; and

WHEREAS, the Board of County Commissioners has received and carefully reviewed the recommendation from the Planning Commission regarding the proposed amendment, and the minutes from the Utah County Planning Commission meetings and public hearings regarding the proposed amendment to the Utah County Land Use Ordinance; and

WHEREAS, the Board of County Commissioners has received and carefully reviewed the input, documents, and testimony from the public regarding the proposed amendment to the Utah County Land Use Ordinance; and

WHEREAS, the Board of County Commissioners finds the proposed amendment to the Utah County Land Use Ordinance conforms to the Utah County General Plan, 2014, and is consistent with the other provisions of the Utah County Land Use Ordinance and the Utah Code; and

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

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

Part I:

Section 5-11-H-2, FLOOD PLAIN OVERLAY ZONE; SPECIAL REQUIREMENTS of the Utah County Land Use Ordinance, is hereby amended, to read as follows:

5-11: FPO FLOOD PLAIN OVERLAY ZONE



H. SPECIAL REQUIREMENTS

2. Certification by Engineer

A plan received according to subpart 1 immediately above shall bear on it the certification of an engineer licensed to practice in the State of Utah that the requirements and standards of the flood plain zone have been met.

Notwithstanding such certification, the plans and certification shall be reviewed by the Utah County Engineer to determine whether the requirements of this ordinance actually have been met before any clearance to commence construction is issued by the Zoning Administrator.

Exception: The Zoning Administrator shall waive such for a structure to house livestock or agricultural products or machinery, and may waive such for a residential accessory structure if he/she finds the plans are sufficient to determine the structure meets the standards of this section.

Part II:

A copy of the Utah County Land Use Ordinance, as amended herein, is hereby ordered to be filed in the office of the Utah County Clerk/Auditor.

Part III:

If any of the sections, sentences, clauses or provisions of this ordinance shall for any reason be adjudged inapplicable or invalid by a court of competent jurisdiction, such shall not affect or invalidate the remaining portion contained herein.


Part IV:

This ordinance shall become effective fifteen (15) days after it is passed and upon at least one (1) publication in a newspaper published in and having general circulation in Utah County.

PASSED and ordered published this 6th day of June, 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