



PROOF OF PUBLICATION CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS ACCOUNT NUMBER

UTAH COUNTY AUDITOR,
MICKLENA FRAMPTON
100 E CENTER ST STE 3600

9001334912

PROVO UT 84606

DATE

6/27/2018

ACCOUNT NAME

UTAH COUNTY AUDITOR,

TELEPHONE ORDER # / INVOICE NUMBER

8018518238

0001214211 /

PUBLICATION SCHEDULE

START 06/27/2018 END 06/27/2018

CUSTOMER REFERENCE NUMBER

2018-649

CAPTION

PUBLIC NOTICE ORDINANCE NO. 2018-11 WAS ADOPTED BY THE BOARD OF COU

SIZE

27 LINES 1 COLUMN(S)

TIMES TOTAL COST

2

33.35

PUBLIC NOTICE

ORDINANCE NO. 2018-11 WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, ON MAY 29, 2018, AMENDING SECTION 6-1 AND CHAPTER 7 OF THE UTAH COUNTY LAND USE ORDINANCE, RELATED TO AMENDMENTS TO LARGE SCALE DEVELOPMENT PLATS.

A COMPLETE COPY OF THE ORDINANCE IS AVAILABLE AT THE UTAH COUNTY CLERK/AUDITOR'S OFFICE, COMMISSIONER NATHAN IVIE AND COMMISSIONER WILLIAM C. LEE VOTED IN FAVOR OF THE ORDINANCE. COMMISSIONER GREG GRAVES WAS ABSENT.
1214211 UPAXLP

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba UTAH MEDIA GROUP LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF **PUBLIC NOTICE ORDINANCE NO. 2018-11 WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, ON MAY 29, 2018, AMENDING SECTION 6-1 AND CHAPTER 7** FOR **UTAH COUNTY AUDITOR**, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba UTAH MEDIA GROUP, AGENT FOR DESERET NEWS AND THE SALT LAKE TRIBUNE, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINITELY. COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101; 46-3-104.

PUBLISHED ON Start 06/27/2018 End 06/27/2018

DATE 6/27/2018

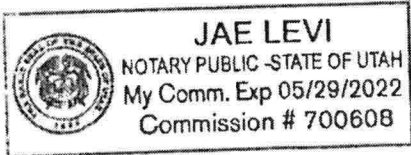
SIGNATURE _____

STATE OF UTAH)

COUNTY OF SALT LAKE)

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS 27TH DAY OF JUNE IN THE YEAR 2018

BY LORAIN GUDMUNDSON



NOTARY PUBLIC SIGNATURE

ORDINANCE NO. 2018- 11

AN ORDINANCE AMENDING SECTION 6-1 AND CHAPTER 7 OF THE UTAH COUNTY LAND USE ORDINANCE, RELATED TO AMENDMENTS TO LARGE SCALE DEVELOPMENT PLATS

WHEREAS, the Planning Commission initiated a review of the Utah County Land Use Ordinance (UCLUO), dealing with amending Section 6-1 and Chapter 7 of the Utah County Land Use Ordinance, related to amendments to large scale development plats; and

WHEREAS, the Planning Commission addressed the proposed amendments to the Utah County Land Use Ordinance during the regularly scheduled meeting of the Planning Commission, on May 15, 2018, 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 meeting of the Planning Commission, on May 15, 2018; 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 May 15, 2018 Utah County Planning Commission meeting, and the public hearing regarding the proposed amendments to the Utah County Land Use Ordinance; and

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

WHEREAS, the Board of County Commissioners finds the proposed amendments to the Utah County Land Use Ordinance 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 6-1-E-27-a of the Utah County Land Use Ordinance is hereby amended to read as follows (Subsection 6-1-E-27 will be renumbered according to the adopted amendments):

6-1: GENERAL PROVISIONSE. PROCEDURES

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

27. Amendments to Large Scale Development Plats

- a. Amendments to plats shall comply with the following requirements and procedures:
 - i. Amendments to recorded plats shall comply with the procedure and requirements contained in the Utah Code for plat amendments.
 - ii. No plat amendment shall be approved that violates the current development requirements, standards, and conditions of this Ordinance. However, submittal of a plat amendment application does not subject the existing development to a new, full development review. Only those elements of the development proposed to be amended shall be considered in the plat amendment application and subject to current development requirements, standards, and conditions. The current requirements, standards, and conditions of mountain home developments shall be used for review of applications to amend an element of a Planned Dwelling Group or Seasonal Homes Development (nonconforming development types). However, previously approved or required occupancy limitations or restrictions for lots in a development (i.e., the occupancy limitations related to a Seasonal Homes Development) shall not be changed through a plat amendment application. Further, the requirements of this subsection shall not preclude the combining of existing platted lots or the addition of land to platted lots, nor shall such requirements render an existing platted lot unbuildable because it does not meet the lot area or width requirements of the current development requirements.
 - iii. 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, or increase the number of lots available for residential use in the plat.
 - iv. The application shall be submitted to the Utah County Commission for final action, however, the County Commission may require an application that includes more than two (2) lots to be reviewed by, and receive a recommendation from, the Planning Commission.
 - v. Modification of large scale development plats—prior to recording of the plat, but after plat approval—must be approved by the County Commission; however, minor modifications to notations on the plat are permissible, as determined by the Zoning Administrator.

Part II:

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 and plat amendment applications (unless the County Commission elects to forward a plat amendment application to the Planning Commission according to the provisions of Chapter 6), 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 III:

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 IV:

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 V:

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

PASSED and ordered published this 29th day of May 2018.

UTAH COUNTY COMMISSION

VOTE

[Signature]
NATHAN IVIE, CHAIR

aye

[Signature]
WILLIAM C. LEE, VICE-CHAIR

aye

absent
GREG GRAVES, COMMISSIONER

o

ATTEST:
BRYAN E. THOMPSON
County Clerk/Auditor

APPROVED AS TO FORM:
JEFFREY R. BUHMAN
County Attorney

By: [Signature]
Deputy

[checkmark] Approved

 Disapproved



By: [Signature]
Deputy

Date of Publication: Once only, as soon as possible

April 17, 2018

UTAH COUNTY PLANNING COMMISSION STAFF REPORT

- I. APPLICATION:** (Public Hearing)
- A. APPLICANT** - Utah County Planning Commission
 - B. REQUEST** - Proposed amendments to Sections 6-1 and 7-23 of the Utah County Land Use Ordinance, related to amendments to large scale development plats
 - C. LOCATION** - Unincorporated Utah County

II. EXECUTIVE SUMMARY:

Subsection 6-1-E-27 establishes the requirements for plat amendments. This proposal would eliminate the current language contained in Subsections a through c. Separate requirements for *Unrecorded Plats*, *Recorded Conforming Plats*, and *Recorded Nonconforming Plats* would be eliminated and replaced with one set of general plat amendment requirements, which would be in addition to the minimum requirements that are not proposed to be amended. An amendment of Subsection 7-23-E is also proposed to facilitate one of the proposed amendments in 6-1-E-27.

III. STAFF ANALYSIS:

Staff is proposing an amendment to the requirements for plat amendments. Currently, there are separate requirements for *Unrecorded Plats*, *Recorded Conforming Plats*, and *Recorded Nonconforming Plats*. This amendment would eliminate these separate requirements and require that no plat amendment violate current development requirements, which are found in Chapter 6 of the Land Use Ordinance (Ordinance).

While a plat amendment would not be allowed to violate current development standards—the proposed language establishes that plat amendment applications would not be subject to a new, full development review. A portion of the proposed language states: “Only those elements of the development proposed to be amended shall be considered in the plat amendment application and subject to current development requirements.” For example, if an applicant proposes to amend a planned subdivision and the proposal includes the realignment of a road through the plat, the amendment would be held to the current requirements relative to such things as engineered plans and cost. Further, if an amendment affecting common area of an existing mountain home development were proposed, the current requirements pertaining to common areas for mountain home developments would apply.

The proposal—as it relates to requiring no plat amendment violate the current development requirements—establishes that current development requirements will not render an existing lot unbuildable, if an existing platted lot does not meet the lot area or width requirements of the

current development requirements. This provision is particularly important for areas such as Vivian Park and Elberta.

A procedural change for plat amendment applications is included in this proposal. Currently, plat amendments must be reviewed by, and receive a recommendation from, the Planning Commission, prior to final decision by the County Commission. This proposal would allow a plat amendment to go straight to the County Commission for a final decision, with the provision that the County Commission could refer a plat amendment—that includes more than two lots—to the Planning Commission for its review and recommendation.

The minimum requirements for plat amendments contained in Subsection 6-1-E-27 are not proposed to be deleted. Staff has found these requirements to be helpful in its review of plat amendment applications. The documentation required through the minimum requirements goes a long way in providing what staff would consider sufficient information to facilitate their review.

Adoption of the proposed requirements benefits the County and unincorporated citizens by ensuring compliance with Utah Code requirements, allowing for use of improved requirements (i.e. Natural Hazards requirements and required setback yards), and facilitation of a timelier final decision on their application. This proposal could also help bring some nonconforming developments closer to conformance with current requirements. Staff also sees potential advantages in response time to applicants requesting information regarding the requirements for plat amendments. Because of current requirements—particularly the requirement that plat amendment applications meet the requirements applicable to the original development—establishing the requirements for plat amendments can require a lot of search on staff's part, which leads to longer response times for applicants. This proposal would appear to eliminate some of the need for that research.

There are trade-offs of course by adopting this proposal. The requirements in the Ordinance in the last many years are more extensive and specific than in decades past. Staff believes this concern is off-set in the proposal—to a degree—by the fact that the proposal is specific to not require an entire development review in relation to a plat amendment application. Again, only those elements of the development proposed to be amended would be considered in a plat amendment application and subject to current development requirements (i.e., conformance with water right requirements when additional land is added to a lot; however, usage of current requirements allows for usage of current exceptions). Additionally, this proposal could help development in the County to come closer to conformance with current development requirements.

This proposal would eliminate the requirement that a plat amendment must comply with the parameters, restrictions, and requirements applicable to the original development (this current requirement is only applicable to nonconforming plats). There may be a benefit to measuring a development against requirements, etc., applicable to it when it was approved because it might help to ensure that the thoughts and reasoning tied to the original requirements that were incorporated into the original development are perpetuated to facilitate a more harmonious development. Using the former requirements also prevents a development from being subject to—potentially difficult to meet—current requirements. However, the proposal would not require that an existing development be measured against every aspect of the current development requirements, but rather only those elements of the plat or development proposed to be changed would be reviewed against such. Staff sees benefits to taking this approach. For example, if a

proposed plat amendment application includes road improvements, such improvements would be required to comply with current development requirements and standards. Additionally, a strict interpretation of the existing plat amendment requirement—that plat amendment applications for nonconforming plats must comply with the parameters, restrictions, and requirements of the original development—prohibits the usage of improvements and updates to the Ordinance (e.g. the reason for may plat amendment applications is to take advantage of more recent setback requirements).

Another trade-off staff sees is in relation to allowing a plat amendment to go straight to the County Commission for final decision. While this proposal would benefit the applicant with a faster application process, an application would not get a review and recommendation from the Planning Commission. Planning commission meetings can be important in “flushing-out” land use issues before an application is forwarded to the County Commission. However, the Utah Code does not require a plat amendment to receive a recommendation from a planning commission. Further, the proposal would allow the County Commission to refer a plat amendment application (that includes more than two lots) to the Planning Commission.

The proposal in relation Subsection 7-23-E—which subsection is relative to the duties of the Planning Commission—helps facilitate the proposed procedural change of allowing plat amendments to proceed directly to the County Commission.

PROPOSED AMENDMENT -

Subsection 6-1-E-27 of the Utah County Land Use Ordinance is proposed to be amended as follows (deletions are in ~~strikethrough and red font~~, additions are in red, underlined font):

6-1: GENERAL PROVISIONS

E. PROCEDURES

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

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.

e. ~~Recorded Nonconforming Plats~~

~~Amendments to approved recorded plats of subdivisions and large scale developments which are noneonforming 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 noneonforming 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.~~

a. Amendments to plats shall comply with the following requirements and procedures:

- i. Amendments to recorded plats shall comply with the procedure and requirements contained in the Utah Code for plat amendments.
- ii. No plat amendment shall be approved that violates the current development requirements, standards, and conditions of this Ordinance. However, submittal of a plat amendment application does not subject the existing development to a new, full development review. Only those elements of the development proposed to be amended shall be considered in the plat amendment application and subject to current

development requirements, standards, and conditions. The current requirements, standards, and conditions of mountain home developments shall be used for review of applications to amend an element of a Planned Dwelling Group or Seasonal Homes Development (nonconforming development types). However, previously approved or required occupancy limitations or restrictions for lots in a development (i.e., the occupancy limitations related to a Seasonal Homes Development) shall not be changed through a plat amendment application. Further, the requirements of this subsection shall not preclude the combining of existing platted lots or the addition of land to platted lots, nor shall such requirements render an existing platted lot unbuildable because it does not meet the lot area or width requirements of the current development requirements.

- iii. 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, or increase the number of lots available for residential use in the plat.
- iv. The application shall be submitted to the Utah County Commission for final action, however, the County Commission may require an application that includes more than two (2) lots to be reviewed by, and receive a recommendation from, the Planning Commission.
- v. Modification of large scale development plats—prior to recording of the plat, but after plat approval—must be approved by the County Commission; however, minor modifications to notations on the plat are permissible, as determined by the Zoning Administrator.

Subsection 6-1-E-27 would be renumbered accordingly

Subsection 7-23-E of the Utah County Land Use Ordinance is proposed to be amended as follows (additions are in red, underlined font):

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 and plat amendment applications (unless the County Commission elects to forward a plat amendment application to the Planning Commission according to the provisions of Chapter 6), 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.

Applicable Ordinances and Statutes

1. **Subsection 1-2** of the Utah County Land Use Ordinance identifies the intent and purposes of the Ordinance.
2. **Section 6-1** of the Utah County Land Use Ordinance establishes General Provisions for Large Scale Developments.
3. **Subsection 7-23-C and Section 7-25** of the Utah County Land Use Ordinance establish the criteria for Planning Commission recommendation of approval to the County Commission for any land use ordinance or zone map amendment.
4. **Subsection 7-23-E** of the Utah County Land Use Ordinance sets forth requirements relative to required actions by the Utah County Planning Commission relative to Large Scale Developments.

IV. STAFF FINDINGS:

1. The application for a zone map amendment must meet the requirements of Section 7-23-C-1 of the Utah County Land Use Ordinance, which requires the amendment to conform to the Land Use Element and other provisions of the General Plan, including:
 - This proposal does not appear to be out of harmony with the Land Use Element of the General Plan or the General Plan in general.
2. The application must meet the requirements of Section 7-23-C-2, which requires the amendment to be in the best interest of the health, safety, and welfare of the public.
 - This proposal appears to facilitate a timelier plat amendment approval process by providing that a plat amendment application would go straight to the County Commission for final action, as well as it would allow for usage of improved or updated Ordinance requirements (i.e., NHO Zone and setback requirements) and would help developments (in some cases) to come closer to complying with current development requirements.
3. The application must meet the requirements of Section 7-23-C-3, which requires the amendment to more fully carry out the general purposes and intent of the Ordinance, including:

- Subsection 1-2-A of the Utah County Land Use Ordinance establishes the following as an intent of the Utah County Land Use Ordinance: “ *To encourage and facilitate orderly growth and development in the county.*”

This proposal appears to facilitate more orderly development in the County and establishes a more efficient plat amendment application process.

V. **STAFF RECOMMENDATION**

That the Utah County Planning Commission recommend to the Utah County Commission approval of the proposed amendment to Sections 6-1-E-27 and 7-23-E of the Utah County Land Use Ordinance, related to amendments to large scale development plats, based on the following findings:

1. That the proposed amendment to the Utah County Land Use Ordinance does not appear to be out of harmony with the Land Use Element and other provisions of the General Plan.
2. The proposed amendment to the Utah County Land Use Ordinance appears to be in the best interest of the health, safety, and welfare of the public.
3. The proposed amendment to the Utah County Land Use Ordinance appears to more fully carry out the general purposes and intent of the Utah County Land Use Ordinance.

UTAH COUNTY LAND USE ORDINANCE

1-2: INTENT AND PURPOSE

It is the intent and purpose of the Board of County Commissioners of the County of Utah, State of Utah, to avail itself of the powers granted under Title 17, Chapter 27a, of the Utah Code Annotated 1953, as amended, in a manner that will promote the health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of Utah County, and to this end:

- A. To encourage and facilitate orderly growth and development in the county.
- B. To secure economy in governmental expenditures in the process of development.
- C. To promote efficient and economical utilization, conservation, and production of land, water, and other resources and facilities.
- D. To foster the county's agricultural and other industries.
- E. To facilitate adequate provisions for transportation, water, sewage, schools, parks, and other public requirements.
- F. To reduce the waste of physical, financial, and human resources resulting from excessive scattering of population.
- G. To lessen congestion in the streets, prevent the overcrowding of land, and provide adequate light and air.
- H. To lessen the hazards to persons and property from fires, floods, traffic hazards, and other dangers.
- I. To promote a more attractive and wholesome environment.
- J. To create conditions favorable to prosperity, civic activities, and recreational, educational, and cultural opportunities.
- K. To protect both urban and non-urban development.
- L. To enforce the provisions of this ordinance and to minimize the exceptions or variances hereto.

7-23: POWERS AND DUTIES OF THE PLANNING COMMISSION

- C. The Planning Commission may propose a land use ordinance and zone map for Utah County or may propose amendments of an existing land use ordinance or zone map to the County Commission, and may adopt procedures for the proposals to be initiated by its members, its staff, or members of the public at large. The Planning Commission shall also consider and give its recommendations on any amendment to the land use ordinance which is proposed by the County Commission and submitted to the Planning Commission for recommendation. Before the Planning Commission proposes any land use ordinance or zone map amendment, or makes a favorable recommendation of an amendment, it shall find that:
 1. The amendment will conform to the land use element and other provisions of the general plan (or conform to a proposed amendment to the general plan which is considered concurrently with the zoning amendment).
 2. The amendment is in the best interest of the health, safety, and welfare of the public.

3. The amendment will more fully carry out the general purposes and intent of this ordinance.
4. In considering a proposed amendment to the land use ordinance or zone map, the Planning Commission may submit a recommendation to the County Commission for or against the proposal, or it may recommend an alternate amendment.

7-25: AMENDMENTS TO ORDINANCE AND MAP

- A. Either the Planning Commission or the County Commission may propose amendments to this Land Use Ordinance or the zone map.
- B. Any other person or organization seeking an amendment of the Land Use Ordinance or zone map shall petition the Planning Commission, in writing, to initiate such amendment using the petition forms and procedures adopted by the Planning Commission. The petitioner shall designate fully and clearly on the forms the change desired and the reasons therefor.
- C. Upon receipt of the petition, the Planning Commission shall consider the amendment request and may: recommend approval, approval with change, disapproval, or hold the matter for future consideration.
- D. All recommended amendments shall conform to the general plan (or to proposed amendments to the general plan which are adopted concurrently with the land use amendment) and be consistent with the other provisions of this land use ordinance.
- E. Amendments to this ordinance may be adopted by the County Commission only after a public hearing by the Planning Commission at which parties of interest and other persons have an opportunity to be heard. Notice of the date, time and place of the first public hearing to consider the adoption or modification of the Land Use Ordinance shall be made as specified herein.

UTAH COUNTY COMMUNITY DEVELOPMENT
APPLICATION TO AMEND THE LAND USE ORDINANCE

(All application fees are non-refundable)

<p>Check the approval(s) needed:</p> <p><input type="checkbox"/> Planning Commission</p> <p><input checked="" type="checkbox"/> County Commission</p>	<p>Application taken by: _____</p> <p>Date <u>4/4/2018</u></p> <p>Fee Paid _____ Receipt # _____</p>
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All Land Use Ordinance amendments are subject to a recommendation by the Planning Commission and final approval by the County Commission.

In preparation of any Land Use Ordinance amendment, consideration will be given to the Utah County General Plan, the intent stated within the Land Use Ordinance, and encouragement of the most appropriate use of land throughout the county. No application should be approved when it is determined that the proposed amendment does not promote the health, safety, morals, convenience, or general welfare of the public.

<p>Applicant's Name: <u>Utah County Planning Commission</u> Date: <u>4/4/2018</u></p> <p>Mailing Address: <u>51 S University Ave., Ste 117</u> City <u>Provo</u> State <u>Utah</u> Zip <u>84601</u></p> <p>Primary phone: <u>801-851-8343</u> Email (Required)[†]: <u>brandonl@utahcounty.gov</u></p>

†UNLESS REQUESTED OTHERWISE, APPLICANT AGREES TO RECEIVE INFORMATION/NOTICES RELATIVE TO THIS APPLICATION VIA EMAIL

Refund Information: If this application fee, or any portion of the application fee is to be refunded, please indicate Name and Mailing Address where refund may be sent.

Name: _____

Mailing Address: _____ City _____ State _____ Zip _____

(Attach additional sheets or documents to the application)

1. Section(s) of the Land Use Ordinance to be amended: **Subsection 6-1-E-27 and Subsection 7-23-E**
2. Describe in detail the proposed Land Use Ordinance amendment: **See staff report.**
3. How will the proposed Land Use Ordinance amendment avoid causing additional adverse conditions?
Recent plat amendment applicants have been allowed to use updated Land Use Ordinance provisions in their applications for amendment of Recorded Nonconforming Plats. However, a strict interpretation of Subsection 6-1-E-27-c suggests they must held to the requirements applicable to the original development. This means they should not take advantage of updated and improvements to the Ordinance. This amendment would not require nonconforming plats to be held to the old requirements, rather they would be held limitedly to the current development requirements. This proposal also helps to reduce the length of the plat amendment application period by allowing a plat amendment application to go straight to the County Commission. The County Commission could refer applications involving two or more lots to the Planning Commission. Please see the staff report for more details.
4. In what ways does the proposed Land Use Ordinance amendment promote the health, safety, morals, convenience, or general welfare of the public?
This amendment would speed-up the application process for plat amendments and helps some plat amendment applicants take advantage of more recent provisions and requirements of the Land Use Ordinance. It may also help some developments come closer to conforming with current land use requirements.

To the best of my knowledge the above information is accurate and complete.



Signature of Applicant

Brandon Larsen
Planning Commission
Staff



UTAH COUNTY
Community Development Dept.

Brandon Larsen
Planner

51 S. University Ave.
Suite 117
Provo, Utah 84601
Phone 801-851-8343
Fax 801-851-8340

MEMO

TO: Utah County Commission
FROM: Brandon Larsen, Community Development
DATE: May 24, 2018
RE: Proposed Amendment to the Utah County Land Use Ordinance – Amendment of Section 6-1 and Chapter 7, related to plat amendment requirements

On May 15, 2018, the Utah County Planning Commission voted (6-0) to recommend approval of proposed amendments to the Utah County Land Use Ordinance related to requirements for plat amendments. The Planning Commission’s recommendation includes an additional requirement (see below). Further, to facilitate the additional language recommended by the Planning Commission, Community Development staff recommends additional language be added to Subsection 7-23-E of the Land Use Ordinance. The updated proposal—which includes the Planning Commission addition, as well as Community Development staff’s addition--reads as follows:

Subsection 6-1-E-27 of the Utah County Land Use Ordinance is proposed to be amended as follows (deletions are in ~~strikethrough and red font~~; additions are in red, underlined font; the addition by the Planning Commission is in **red, underlined, bold font**):

6-1: GENERAL PROVISIONS

E. PROCEDURES

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

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.~~

~~e. 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.~~

a. Amendments to plats shall comply with the following requirements and procedures:

- i. Amendments to recorded plats shall comply with the procedure and requirements contained in the Utah Code for plat amendments.
- ii. No plat amendment shall be approved that violates the current development requirements, standards, and conditions of this Ordinance. However, submittal of a plat amendment application does not subject the existing development to a new, full development review. Only those elements of the development proposed to be amended shall be considered in the plat amendment application and subject to current development requirements, standards, and conditions. The current requirements,

standards, and conditions of mountain home developments shall be used for review of applications to amend an element of a Planned Dwelling Group or Seasonal Homes Development (nonconforming development types). However, previously approved or required occupancy limitations or restrictions for lots in a development (i.e., the occupancy limitations related to a Seasonal Homes Development) shall not be changed through a plat amendment application. Further, the requirements of this subsection shall not preclude the combining of existing platted lots or the addition of land to platted lots, nor shall such requirements render an existing platted lot unbuildable because it does not meet the lot area or width requirements of the current development requirements.

- iii. 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, or increase the number of lots available for residential use in the plat.
- iv. The application shall be submitted to the Utah County Commission for final action, however, the County Commission may require an application that includes more than two (2) lots to be reviewed by, and receive a recommendation from, the Planning Commission.
- v. Modification of large scale development plats—prior to recording of the plat, but after plat approval—must be approved by the County Commission; however, minor modifications to notations on the plat are permissible, as determined by the Zoning Administrator.
- vi. **Modification of large scale development plats that vacate or dedicate a street must go before the Planning Commission for a recommendation to the County Commission.**

Commented [BL1]: Recommended addition by the Planning Commission

Subsection 6-1-E-27 would be renumbered accordingly

Subsection 7-23-E of the Utah County Land Use Ordinance is proposed to be amended as follows (additions are in red, underlined font; the addition by Community Development staff is in **red, underlined, bold font**):

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 and plat amendment applications (unless the County Commission elects to forward a plat amendment application to the Planning Commission according to the provisions of Chapter 6 **or unless the plat amendment includes the vacation or dedication of a street**), 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

Commented [BL2]: Proposed addition by Community Development staff in response to recommended addition by Planning Commission

standards and criteria applicable for approval or disapproval of a large scale development.

The ordinance prepared for this proposal, and attached to this request, includes the originally proposed language, the Planning Commission's recommended addition, and Community Development staff's proposed addition (to facilitate the Planning Commission's recommended addition).

UTAH COUNTY PLANNING COMMISSION

**Minutes
May 15, 2018**

Present: Thomas Liddle, Chair
Karen McCandless
Vern Keeslar
Blaine Thatcher
Judi Pickell
Jennifer Baptista

Excused: Robert McMullin

Bryce Armstrong, Associate Director, Community Development
Robert Moore, Deputy County Attorney
Joshua Ivie, Secretary

OTHERS PRESENT: Peggy Kelsey, Brandon Larsen, Utah County Community Development; Rex Larsen, Jeff Schramm, Ryan Schramm, LouJean Wilson, Dave Hunt.

The meeting was called to order at 5:30 PM by Thomas Liddle, Chair of the Utah County Planning Commission at 100 E Center St, Room 1400, of the Utah County Administration Building, located in Provo, Utah. Vern Keeslar led the assembled body in the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion: Jennifer Baptista Second: Karen McCandless

Motion to **approve** the minutes of the April 17, 2018 meeting of the Utah County Planning Commission. The motion passed by the following vote: "Aye", Thomas Liddle, Karen McCandless, Vern Keeslar, Blaine Thatcher, Judi Pickell, Jennifer Baptista; "Nay", none.

LAND USE ORDINANCE TEXT AMENDMENT

Motion: Karen McCandless Second: Jennifer Baptista

Motion to **open** the Public Hearing portion of the meeting. The motion passed by the following vote: "Aye", Thomas Liddle, Karen McCandless, Vern Keeslar, Blaine Thatcher, Judi Pickell, Jennifer Baptista; "Nay", none.

Ryan Schramm - Proposed Utah County Land Use Ordinance text amendment to Subsection 2-2-A, relative to the definition of "Subdivision" (continued from March 27, 2018 meeting) [Public Hearing]

Brandon Larsen introduced the application and summarized the purpose of the proposed text amendment. Larsen explained that the applicant's proposal would allow for a dwelling site to be established through a boundary line agreement. Larsen explained that Staff was concerned that the proposed text amendment side-stepped the subdivision process, and spoke favorably of the current subdivision process. Larsen noted that the subdivision process helps establish safety parameters as well as helps the County acquire road right-of-way. Larsen then commented on the discussions that Staff had had with the applicant in the interim. Larsen then described why the applicant didn't want to go through the subdivision process and described the configuration of the applicant's property and the adjoining road. Larsen commented that Staff and the applicant had looked at amending a portion of the ordinance that would allow for the establishment of non-conforming lots of record (buildable parcels) as long as the properties met certain requirements, but had realized that this could establish up to 600 buildable parcels that were between 1 and 5 acres and began to feel less comfortable with the proposed text change. Larsen described the location of these parcels. Larsen reiterated his concern over the approval of the proposed text amendment.

Vern Keeslar asked for clarification on the map that Larsen had presented to the Planning Commission. Keeslar noted that the text amendment had components that dealt with lot size and street frontage, and that if the ordinance was approved, it would allow for lots of record that may not meet area requirements or frontage requirements to receive building permits.

Robert Moore reiterated that this is currently allowed in all other zones except for the RA-5 zone, and that this amendment would allow for this in the RA-5 zone.

There was some brief discussion between the Planning Commission and Staff as to why this might have not been allowed in RA-5 zone in the past.

Karen McCandless commented that the General Plan encourages development in cities, and asked if there were potentially developable properties near city limits. Larsen indicated that there were.

Robert Moore reiterated that the General Plan has encouraged development in cities, and commented that this was partially why developable non-conforming lots of record were not contemplated in the RA-5 zone.

Blaine Thatcher commented that he was trying to find the negative points to what the applicant had proposed.

Vern Keeslar asked for clarification on which application was before the Planning Commission (between the original and what Staff had crafted after working with the applicant). Larsen explained that both applications could be considered by the Planning Commission.

Bryce Armstrong further clarified what sections of the ordinance could be potentially amended.

Vern Keeslar asked if the boundary line adjustment proposal could occur in a platted subdivision and noted that he would have concern if this were allowed. Larsen indicated that this can occur.

There was some brief discussion between legal counsel, Staff, and the Planning Commission about this and why there would be concern over this.

Vern Keeslar commented that if a developer is given minimum requirements they will be inclined to meet them.

Bryce Armstrong clarified a section of the ordinance that contemplates that a property cannot be broken down below the minimum area and setbacks, and noted some of the problematic elements of the proposal.

Vern Keeslar then asked for clarification on Staff's recommendation.

Bryce Armstrong reiterated Staff's concern over the creation of substandard building lots through the proposed amendment, and noted that the applicant does have the option to go through the subdivision process.

Robert Moore briefly described the process Staff had gone through, and noted that Staff's preferred route would be the subdivision process and clarified the options open to the Planning Commission relative to the matter.

Jennifer Baptista asked if there was a breakdown of the lot sizes of the parcels that would be affected by the proposal. Larsen indicated that there was not. Baptista then noted that not having the breakdown caused her some concern.

There was some brief clarifying discussion in which Larsen noted that all of the 600 potentially-affected parcels had road frontage.

Vern Keeslar asked when a lot that was less than an acre would be eligible for a building permit. Armstrong explained the criteria that these properties would have to meet.

There was further clarifying discussion in which Larsen clarified that he, in his research for this proposal, tried to identify parcels that did not have dwellings on them.

Robert Moore commented that the application could be considered a significant departure from the General Plan.

Ryan Schramm, applicant, addressed the Planning Commission. Ryan Schramm asked if drilling a well on his property was prohibited. Ryan Schramm explained that the reason he applied for the text amendment is because his property was just slightly under the required acreage for a

subdivision. Larsen commented that he wasn't aware of any prohibition for drilling a well on the property.

There was then some discussion over the location of the centerline of the road easement on the applicant's property.

Dave Hunt, the applicant's surveyor, addressed the Planning Commission. Hunt suggested that both of the applicant's property and the parcel across the street were surveyed at the same time, and offered an explanation as to why the centerline of the road is located where it is.

Ryan Schramm asked for clarification on the second proposal. Larsen then offered clarification on the definition of a non-conforming lot of record.

Robert Moore asked Ryan Schramm if his neighbor would dedicate their portion of the road, and suggested that if the whole road was dedicated through the subdivision process, Ryan Schramm may meet those requirements.

Vern Keeslar asked Ryan Schramm for the current acreage of the subject property.

There was some brief discussion as to whether or not the applicant would loose any area if the entire road was dedicated.

Ryan Schramm then described the configuration of his properties and gave some of the history of the properties.

Judi Pickell suggested that this looks like a surveying issue and that to change the ordinance seems heavy-handed.

There was some brief discussion on how to proceed with the application.

Jeff Schramm addressed the Planning Commission. Jeff Schramm asked for clarification on whether or not the County already has an easement on the road.

There was some discussion about easements on that road and whether or not there was a historic easement on that road.

Dave Hunt offered a suggestion as to how the dedication between neighbors could happen.

Blaine Thatcher suggested that the Planning Commission had an obligation to look at how the proposed text change would apply to the applicant and other property owners, and didn't see the proposed text amendment as a dramatic expansion of building lots. Thatcher then noted that he

was supportive of the first proposal, and questioned why there would be concerns over approving the second proposal.

Thomas Liddle suggested that the ordinance is attempting to protect agricultural land.

Blaine Thatcher suggested there would be limited situations in which the application could be applied, and that the assumption was that all requirements would otherwise be met.

Jennifer Baptista suggested that the RA-5's agricultural nature would not change with the proposed text amendment. Baptista suggested that an argument could be made that the minimum acreage requirement for the RA-5 zone shouldn't be that high.

Ryan Schramm asked that the Planning Commission continue the application unless the Planning Commission is ready to approve it.

There was clarification as to how to proceed and how the recommendation would be applied to the applicant.

Ryan Schramm then asked how many of these types of applications had come before the Planning Commission. Larsen explained that Staff had not seen many requests.

Bryce Armstrong suggested that any time a change to the ordinance is contemplated, the extreme needs to be taken into consideration.

Robert Moore commented that the county has not built infrastructure to service homes in the county.

There was some brief discussion between legal council and the Planning Commission as far as the infrastructure that would be needed in order to accommodate development in the county.

Blaine Thatcher commented that he didn't see the proposal changing the nature of the subject zone or the General Plan.

Vern Keeslar commented that the public would be concerned over the lessening of the potential for wells in that zone. Keeslar then spoke against the proposal.

Blaine Thatcher asked if the assumption was that the 600 land owners were expecting the delivery of municipal services.

There was some discussion amongst the Planning Commissioners as to what assumptions land owners may have about living in unincorporated Utah County.

Judi Pickell suggested that the General Plan contemplates what should be developed and where.

There was some discussion about the purpose of the General Plan.

Dave Hunt commented that if the applicant is required to acquire additional acreage, they aren't increasing the density in the area.

Robert Moore commented that is currently allowed through the subdivision process. Moore than summarized the affect of approving the proposed text change and how it would affect the applicant's properties. Moore noted that a non-conforming lot of record would not be required to dedicate roads to the county.

There was some brief clarifying discussion regarding when a road would be dedicated to the County. There was also discussion related to, subject to the approval of the proposed text change, when an individual would be able to build a home on a non-conforming lot of record.

Blaine Thatcher commented that the proposed text change would only apply to lots of record, and that the properties already existed.

Robert Moore reiterated that the ability to build on these lots was phased out in the late seventies, and that if a property owner did not take advantage of the ability to build on these lots, they lost the rights to.

Karen McCandless indicated that she supported the denial of the application, explaining that things have changed over time and suggested that it may be time to re-evaluate the needs of the county. McCandless suggested that there may be individuals who would suggest that this type of proposal go through the General Plan process.

Ryan Schramm commented that the best thing to do would be to vote on the issue so he knows how to proceed. Ryan Schramm noted that the Planning Commission would be voting on the second application, and that he would withdraw the first application.

Bryce Armstrong clarified which section of the ordinance would be amended if the application were approved.

Motion: Karen McCandless

Second: Judi Pickell

Motion that the Planning Commission recommend to the County Commission **denial** of the proposed land use ordinance amendment to section 1-6-J dealing with nonconforming lots of record based on the following finding:

1. That the proposed amendment of the Utah County Land Use Ordinance does conform to the land use element and other provisions of the general plan.

The vote tied with the following votes: "Aye," Karen McCandless, Judi Pickell, Vern Keeslar. "Nay," Thomas Liddle, Blaine Thatcher, Jennifer Baptista. No alternative motion was made.

Utah Co. Planning Commission - Proposed Utah County Land Use Ordinance text amendment to Section 6-1 and Chapter 7, related to amendments to large scale development plats (continued from April 17, 2018 meeting) [Public Hearing]

Brandon Larsen introduced the application. Larsen explained that the current ordinance contemplates three types of plat amendment applications, and that Staff is proposing the idea of eliminating these three types of plat amendments and asserting that all plats must meet the current requirements of the ordinance. In addition to this, Staff has proposed that plat amendments go straight to the County Commission; the County Commission would then have the discretion to refer a plat amendment back to the Planning Commission. Larsen added that there was a provision that non-conforming lots would not be held to today's standards. Larsen then stated that there was a provision in the proposed ordinance that would require seasonal developments to go through the subdivision process if the seasonal nature of the plat were to change. Larsen then described the prohibitions contemplated in the ordinance relative to increasing the number of lots available for residential use. Larsen then spoke about a provision in the proposed ordinance that would require an applicant to come to the County Commission if they have changed their plat after their initial application had been approved.

Larsen then commented that the purpose of the proposed text change was to speed up the application process as well as to make the requirements simpler to understand. Larsen then spoke to some of the challenges that applicants face under the current ordinance. Larsen then indicated that Staff would recommend approval of the proposed text amendment.

Jennifer Baptista asked if applications that qualified under the proposed ordinance would bypass the Planning Commission. Larsen indicated that they would. Baptista then asked for clarification on the public process for these applications. Larsen clarified that most plats don't have a public hearing, and that most plats will have meetings at the County Commission level.

Karen McCandless asked if this was considered an administrative process. Larsen indicated that it was.

Robert Moore clarified the difference between an administrative process and a legislative process.

There was some brief discussion about when the Planning Commission would allow for public comment.

Vern Keeslar asked for clarification on the part of the proposed text change that contemplated the elimination of the requirement that a plat amendment comply with the parameters, restrictions, and requirements applicable to the original development.. Keeslar then voiced concern over the

possibility of new buildings not being held to the same standards in a subdivision. Larsen suggested that the ordinance has gotten more strict over the years.

There was discussion between Staff and the Planning Commission relative to the requirements that would affect existing subdivisions through the plat amendment process.

Vern Keeslar commented on the purpose of zoning, and raised concern over items not going before the Planning Commission.

Karen McCandless commented that she liked the idea of streamlining the process, and suggested that the Planning Commission should refrain from being involved in administrative matters, and that the Planning Commission should focus on legislative matters.

Vern Keeslar agreed with McCandless' comments regarding administrative and legislative matters.

Robert Moore clarified that new lots would not be created through the plat amendment process.

Brandon Larsen reiterated his support for streamlining the plat amendment process.

Blaine Thatcher asked for clarification on what the process would be if someone wanted to add lots to a subdivision. Larsen explained that the applicant would have to go through the regular subdivision process.

Bryce Armstrong reiterated that anything that would be changing on a plat would have to comply with the current requirements. Armstrong then gave an example of when Staff would prefer an amendment to comply with current requirements.

Armstrong then briefly described the plat amendment process.

Bryce Armstrong noted that, under the proposed text amendment, only the element that was changing on the plat would be held to current standards.

Blaine Thatcher asked for clarification on when reducing the setback on a property would be allowed.

Bryce Armstrong explained that these amendments would happen on a lot-by-lot basis unless they all participate in the amendment.

Karen McCandless suggested that property owner could continue to use the previous requirements if desired.

Robert Moore reiterated that no one was being forced to amend their plat, and that the property owner could come in for an amendment in order to take advantage of a different requirement.

There was some general discussion as to when it might be advantageous for an applicant to be subject to the new requirements.

Vern Keeslar suggested that this proposal gives added flexibility for an applicant, and suggested that an applicant wouldn't come in for a plat amendment if the old requirements benefited them.

Robert Moore gave an example of when a setback issue might be addressed and noted that only the part of the plat that an applicant is modifying would be the focus of the application.

Vern Keeslar suggested that he felt more at ease with his concerns, and suggested changing the wording on an item in the proposed ordinance.

Brandon Larsen explained if the language Keeslar proposed was added, it would inadvertently cause problems for an application that is nearing completion. Keeslar then explained his concern over road vacations.

There was some discussion relative to road vacations and dedications and modifying the language of the proposal in a way that contemplates this.

Blaine Thatcher commented that he was concerned that other requirements would present themselves when an applicant makes an application for a plat amendment.

Bryce Armstrong highlighted a section of the proposal that stated that only the elements that are being addressed in the plat amendment application will be subject to current development requirements, standards, and conditions.

Brandon Larsen commented that those terms are found in the ordinance and are not meant to be subjective. Larsen added that the amendment will help Staff to tie an application to the ordinance.

There was some discussion about the subjectivity of the proposed ordinance and the benefits of adding for more flexibility.

Motion: Vern Keeslar

Second: Judi Pickell

Motion that the Utah County Planning Commission recommend to the Utah County Commission **approval** of the proposed amendment to Sections 6-1-E-27 and 7-23-E of the Utah County Land Use Ordinance, related to amendments to large scale development plats, based on the following

findings as well as Staff Findings located in the Staff Report with one modification to the proposed ordinance¹:

1. That the proposed amendment to the Utah County Land Use Ordinance does not appear to be out of harmony with the Land Use Element and other provisions of the General Plan.
2. The proposed amendment to the Utah County Land Use Ordinance appears to be in the best interest of the health, safety, and welfare of the public.
3. The proposed amendment to the Utah County Land Use Ordinance appears to more fully carry out the general purposes and intent of the Utah County Land Use Ordinance.

The motion passed by the following vote: "Aye", Thomas Liddle, Karen McCandless, Vern Keeslar, Blaine Thatcher, Judi Pickell, Jennifer Baptista; "Nay", none.

Thomas Liddle verified that there were no members of the public present that wished to speak on the matter.

Rex Larsen - Proposed Utah County Land Use Ordinance text amendment to Section 3-29 to include Agritourism and associated events as a temporary use in the Residential Agricultural (RA-5) Zone and amendment to Section 2-2 to add definitions of Agritourism and Agritourism Activity [Public Hearing]

Bryce Armstrong introduced the application. Armstrong noted that Staff has been working with the applicant and has suggested an alternative to the applicant's initial proposal that includes definitions for agritourism and agritourism activities. Armstrong added that the proposal is limited to the RA-5 zone, limited to a period of 65 days, subject to a minimum size requirement, and must be deemed farmland as qualified by the Farmland Assessment Act. Armstrong then described some of the additional requirements attached to the proposal.

Karen McCandless asked if the proposed ordinance contemplated something that addressed parking dust.

Peggy Kelsey indicated that Staff had contemplated this, but because there hasn't been that big of a problem with dust in these types of settings, Staff decided, at this point, not to include it in the proposal. Kelsey then explained some of the restrictions that apply to the proposed ordinance.

Bryce Armstrong added that Staff had contemplated the minimum size of property that the proposal would be tied to, noting that these uses would be bound to a 20 acre minimum parcel.

¹ The addition (vi) to the proposed text amendment is as follows, to section 6-1-E-27-a: "Modification of large scale development plats that vacate or dedicate a street must go before the Planning Commission for a recommendation to the County Commission."

Vern Keeslar asked if “shall” or “may” was consistent with the other temporary use language. Kelsey indicated that “shall” was consistent with the other language. Keeslar then spoke in favor of the 65 day limit.

There was some brief discussion on the 65 day annual limit.

Jennifer Baptista asked what the dust mitigation plan would require. Kelsey indicated that the applicant would be required to submit a dust mitigation plan and explained some of the criteria that may apply to this.

There was some brief discussion on the requirements for a dust mitigation plan.

Jennifer Baptista asked if there were going to be further amendments to this part of the ordinance. Armstrong suggested that the proposal addressed the foreseeable issues.

Peggy Kelsey indicated that corn mazes are a permitted temporary use but that the applicant wanted to take that one step further. Kelsey then described some of the agritourism uses that people have had an interest in that were not permissible but would be under the proposed ordinance.

Blaine Thatcher then asked for clarification on whether or not educational practices could be done on someone’s private farm. Armstrong indicated that this was currently permissible but not as a commercial venture.

Rex Larsen, applicant, addressed the Planning Commission. Rex Larsen explained that a family member had recently moved back home, and wanted to help make money on their farm in order to keep it going. Rex Larsen then gave some background on how the application came to be. Rex Larsen added that he had looked at other counties’ ordinances in crafting his application.

Thomas Liddle asked if what Staff had caused him any concern. Rex Larsen indicated that it did not, but that he would like to modify the portion of the ordinance that specifies hours of operation on the weekend, based on similar commercial corn mazes.²

Peggy Kelsey clarified that some of the activities Larsen had discussed with Staff would be allowed under the proposed ordinance.

Karen McCandless spoke highly of the proposed ordinance and commented that Utah County is changing, but that it was important to remember its roots.

² The intent is to modify the hours of operation on the Friday and Saturday to go to 11 PM.

Judi Pickell asked if 65 days was enough. Armstrong indicated that Staff does get complaints on similar uses and that Staff attempted to find the balance. Armstrong added that the proposal was intended to be supplementary to an existing agricultural use.

Judi Pickell then asked if the zoning would have to change on the property if the use were to become more substantial. Armstrong explained that there are agritourism uses elsewhere that are permanent with permanent structures, and that there are challenges in the county to solve occupancy issues.

Jennifer Baptista thought that the 65 day limit may be too restrictive.

There was some brief discussion on the 65 day limit.

Rex Larsen indicated that he would be willing to try operating with the 65 day limit, noting that similar activities are four to five weekends in length. Jennifer Baptista asked Rex Larsen if he were comfortable with the 65 day limit. Rex Larsen indicated that he was.

Bryce Armstrong indicated that applicants could specify which days they would operate.

Thomas Liddle asked if there were any members of the public present that wished to speak on the matter.

Motion: Vern Keeslar

Second: Karen McCandless

Motion to **close** the Public Hearing portion of the meeting. The motion passed by the following vote: "Aye", Thomas Liddle, Karen McCandless, Vern Keeslar, Blaine Thatcher, Judi Pickell, Jennifer Baptista; "Nay", none.

Motion: Karen McCandless

Second: Jennifer Baptista

Motion to recommend **approval** to the Utah County Commission of the proposed Utah County Land Use Ordinance text amendment, as suggested by staff, to Section 3-29 to add the temporary use of "agritourism", and to Section 2-2 to add the definition of "agritourism" and "agritourism activity," based on the minimum findings addressed below³:

1. The application for the land use ordinance amendment can be shown to meet the requirements of **Section 7-23-C-1** of the Utah County Land Use Ordinance, which requires the Planning Commission to find the amendment to conform to the land use element and other provisions of the general plan;

³ The motion included the amendment to the proposed ordinance that specified that hours of operation on Fridays and Saturdays would be limited to hours between 10 AM and 11 PM.

2. The application can be shown that it meets the requirements of **Section 7-23-C-2**, which requires the Planning Commission to find the amendment to be in the best interest of the health, safety, and welfare of the public. The application can be shown to meet this requirement with the intent of providing support and economically feasible land use alternatives to local and enterprising farm and ranch owners who are devoted to their land and are committed to providing authentic, agriculturally related products, education and experiences to the public by way of a temporary use permit which has been reviewed to meet all applicable building, health, and fire-safety requirements;
3. The application can be shown that it meets the requirements of **Section 7-23-C-3**, which requires the Planning Commission to find the amendment will more fully carry out the general purposes and intent of the ordinance.

The motion passed by the following vote: "Aye", Thomas Liddle, Karen McCandless, Vern Keeslar, Blaine Thatcher, Judi Pickell, Jennifer Baptista; "Nay", none.

MOTION TO ADJOURN

Motion: Jennifer Baptista

Second: Karen McCandless

The motion passed by the following vote: "Aye", Thomas Liddle, Karen McCandless, Vern Keeslar, Blaine Thatcher, Judi Pickell, Jennifer Baptista; "Nay", none.

The meeting adjourned at 8:03 PM.

Minutes respectfully submitted by:

APPROVED BY:

Joshua Ivie, Secretary

THOMAS LIDDLE, CHAIR