

AN ORDINANCE AMENDING SUBSECTION 2-2-A AND SECTION 7-7 OF THE UTAH COUNTY LAND USE ORDINANCE, RELATIVE TO APPROVALS FOR UTILITY INSTALLATIONS

WHEREAS, The Planning Commission initiated a review of the Utah County Land Use Ordinance (UCLUO), dealing with amending Subsection 2-2-A and Section 7-7 of the Utah County Land Use Ordinance, relative to approvals for utility installations; and

WHEREAS, the Planning Commission addressed the proposed amendments to the Utah County Land Use Ordinance during regularly scheduled meetings of the Planning Commission, on October 16, 2018, and November 20, 2018, and made a recommendation to the Board of County Commissioners regarding the proposed amendments; and

WHEREAS, public hearings regarding the proposed amendments were scheduled and held during regularly scheduled meetings of the Planning Commission, on October 16, 2018, and November 20, 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 October 16, 2018 and November 20, 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

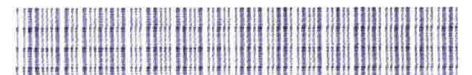
WHEREAS, the Board of County Commissioners finds that the proposed amendments to the Utah County Land Use Ordinance are in the best interest of the health, safety, and welfare of the citizens of Utah County, considering all factors.

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

Part I:

Subsection 2-2-A of the Utah County Land Use Ordinance is hereby amended to read as follows:

2-2: DEFINITIONS



ENT 2728:2019 PG 1 of 4
JEFFERY SMITH
UTAH COUNTY RECORDER
2019 Jan 11 11:13 am FEE 0.00 BY MA
RECORDED FOR UTAH COUNTY COMMISSIONERS

- 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:

66. **Governmental Utility Service Provider:** A town, city, county, conservancy district, improvement district, or other governmental unit created or organized under any general or special law of the State of Utah that provides electric, gas, telecommunications, water, or sewer service, which provider is not subject to regulation by the Public Service Commission, or its successor entity, as a public utility under Title 54 of the Utah Code Annotated 1953, as amended, or successor code.

113. **Public Utility:** Every common carrier; gas corporation; electrical corporation; wholesale electrical cooperative; telecommunications corporation; water cooperative; sewage corporation; heat corporation; or independent energy producer, as defined in Title 54 of the Utah Code Annotated 1953, as amended, or successor code, which produces a utility commodity or delivers a utility service to the general public, but is not a governmental utility service provider.

****The numbering of these definitions may vary from what is shown above due to other ordinances in process. Subsection 2-2-A of the Utah County Land Use Ordinance will be renumbered according to this ordinance and all other ordinances in process.****

Part II:

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

- A. It shall be unlawful for any person, property owner, contractor, corporation, or other entity to install or allow to be installed any electrical, natural gas, sewer, or water utility line or facility before a permit therefor has been approved and issued by the Zoning Administrator; however, if a utility line or utility facility is located in or is proposed to be located in a public road right-of-way, and is exempt from the requirement for a building permit by the currently adopted building construction codes of Utah County, the applicant and/or property owner shall obtain a permit from the County Engineer or other applicable governmental entity, and not the Zoning Administrator.

- B. The installation and/ or maintenance of utility lines and utility facilities that are controlled by a public utility or governmental utility service provider, which are completely within a recorded utility easement for such lines or facilities, shall be exempt from the permitting requirements of this Ordinance.
- C. The installation of required improvements for large scale developments, as set forth in Chapter 6 of this Ordinance, shall be governed by the provisions of Chapter 6 and not subject to the permitting requirements of Chapter 7.

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 11th day of December 2018.

UTAH COUNTY COMMISSION

VOTE



 NATHAN IVIE, CHAIR

aye



 WILLIAM C. LEE, VICE-CHAIR

aye



 GREG GRAVES, COMMISSIONER

aye

ATTEST:
BRYAN E. THOMPSON
County Clerk/Auditor



By: [Signature]
Deputy

APPROVED AS TO FORM:
JEFFREY R. BUHMAN
County Attorney

✓ Approved

 Disapproved

By: [Signature]
Deputy

Date of Publication: Once only, as soon as possible