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JEFFERY SMITH
UTAH COUNTY RECORDER
2020 Jun 08 10:25 am FEE 0.00 BY MA
RECORDED FOR UTAH COUNTY COMMISSIONERS

ORDINANCE NO. 2020- 376

AN ORDINANCE AMENDING SECTIONS 5-17-F AND 5-17-J OF THE UTAH COUNTY LAND USE ORDINANCE RELATED TO THE INCLUSION OF SOLAR ENERGY OPERATIONS AS A PERMITTED CONDITIONAL USE IN THE GOSHEN VALLEY PLANNED COMMUNITY (P-C) ZONE

WHEREAS, an applicant initiated a review of Sections 5-17-F and 5-17-J of the Utah County Land Use Ordinance (UCLUO) related to inclusion of solar energy operations as a permitted conditional use in the Goshen Valley Planned Community (P-C) Zone; and

WHEREAS, the Utah County Planning Commission addressed the proposed amendment to the Utah County Land Use Ordinance during the regularly scheduled meeting of the Planning Commission on April 21, 2020, 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 of the Planning Commission meeting and the public hearing 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, and is consistent with the other provisions of the Utah County Land Use Ordinance; and

WHEREAS, the Board of County Commissioners finds that the proposed 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 5-17-F of the Utah County Land Use Ordinance is hereby amended, including the re-numbering of any applicable subsections, to read as follows:

- F. SPECIAL REQUIREMENTS.
 - 1. Only permitted, conditional or accessory uses as set forth in this chapter may be

conducted in the P-C Zone. A conditional use permit must be obtained prior to the establishment of a conditional use.

2. The yards around buildings shall be kept free of debris, refuse, weeds, and other flammable material which may constitute a fire hazard.
3. No building site, street, driveway, or other cut or fill shall be made so the side slopes exceed the critical angle of repose of the soil unless engineered retaining structures are approved and constructed.
4. The grade of driveways which serve a dwelling unit or other occupied structure shall not exceed twelve (12) percent.
5. All uses in the P-C Zone shall be conducted within fully enclosed buildings, except those uses customarily conducted in the outdoors, including, but not limited to, outdoor eating establishments, agricultural uses, mining and earthwork, Christmas tree lots, golf courses, gardens, nurseries and parks, solar energy collection and storage systems, and energy distribution operations and facilities.
6. Accessory uses may be conducted in the P-C Zone only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, caretakers, nurses, nannies, maids, home occupations, recreational facilities, swimming pools, gardens, garages, sheds, parking lots and terraces, properly screened utility and loading areas, satellite dishes and other structures and activities which are incidental and subordinate to the principal permitted or conditional use on the premises.
7. There shall be no open storage of trash, debris, used materials or commercial goods, or wrecked or neglected materials, equipment or vehicles in the P-C Zone. No commercial materials, inventory, or equipment may be stored in the open, except as otherwise approved by this chapter or by the County Commission. The foregoing restriction shall not be construed as to prevent the placement and use of equipment necessary to facilitate those uses customarily conducted in the outdoors, as described in this Section F.
8. It shall be unlawful to park, store or leave, or to permit the parking, storing or leaving of any vehicle of any kind, or parts thereof, which is in a wrecked, junked, unlicensed, dismantled, inoperative or abandoned condition, whether attended or not, upon any private or public property within the P-C Zone for longer than 72 hours, except that up to two (2) such vehicles or parts thereof may be stored completely within an enclosed building.
9. Watercraft, trailers, campers, motor homes and other utility or recreational vehicles shall be stored within completely enclosed, lawfully constructed buildings or within opaque fence enclosures at least six (6) feet tall and at least six (6) feet behind the front line and the street side of the main building on the lot or parcel in a P-C Zone, except that said vehicles may be stored temporarily in front or side yards for no longer than 24 hours. Travel trailers, campers and motor homes may not be occupied as living quarters in the P-C Zone, except that a vehicle owned by a guest of the resident may be stored and occupied in the required front yard or side yard of the permanent dwelling for no more than seven (7) days per calendar year.

Part II:

Section 5-17-J of the Utah County Land Use Ordinance is hereby amended, including the renumbering of any applicable subsections, to read as follows:

J. EXISTING USES.

It is anticipated that buildout of an area designated as P-C Zone will occur over many years. Therefore, existing legal uses may continue within the P-C Zone after rezoning to P-C. In addition, uses may be conducted within the P-C Zone in accordance with the requirements of the A-40 zone prior to, and if not inconsistent, after the approval of a Community Structure Plan for an area. The following uses shall also be permitted prior to approval of a Community Structure Plan for an area, if approved as a conditional use: mines (underground and open pit); sand, gravel, topsoil and earth-products pits; the attendant screens, rock crushers, stockpiles, and waste dumps located within the bonded boundary of the mine or pit; and other ancillary uses, ;temporary motion picture and television locations and related uses incidental to film and television production; solar energy collection and storage systems; and energy distribution operations and facilities; provided, however, that such solar operations are conducted within the area designated as all of the real property located within the P-C Zone east of State Route 68 and within Township 9 South, Range 1 West, SLM, all subject to the provisions of Chapter 3 of this land use ordinance. Upon approval of a Community Structure Plan, that Community Structure Plan and accompanying Development Standards may specify under what terms agricultural, temporary film locations and related uses, mining uses, solar energy collection and storage systems, and energy distribution operations and facilities may continue, if at all, on the property subject to the Community Structure Plan. The County Commission may require, as a condition of approval of a Community Structure Plan, buffers, transitions, alternate access routes, or other measures to ensure compatibility with adjacent interim uses.

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 3rd day of June 2020.

UTAH COUNTY COMMISSION

VOTE

DocuSigned by:
Tanner Ainge
TANNER ANGE, CHAIR

YEA

DocuSigned by:
[Signature]
NATHAN IVIE, VICE-CHAIR

YEA

DocuSigned by:
William C. Lee
WILLIAM C. LEE, COMMISSIONER

YEA

ATTEST:
AMELIA A. POWERS
Utah County Clerk/Auditor



APPROVED AS TO FORM:
DAVID O. LEAVITT
Utah County Attorney

By: *Alice Black*
Deputy

Approved

Disapproved

By: *Robert J Moore*
Deputy

Date of Publication: Once only, as soon as possible