

ORDINANCE NO. 2026-603

AN ORDINANCE AMENDING SECTIONS 1.28, 2.08, 16.44, 16.92 OF THE UTAH COUNTY LAND USE ORDINANCE IN ORDER TO COMPLY WITH RECENT STATE LEGISLATION REGARDING THE FOLLOWING: NEW AND UNLISTED BUSINESS USES; DEFINITIONS OF CERTAIN TERMS AND PHRASES; APPEAL AUTHORITY RULES AND PROCEDURES; PLANNING COMMISSION RULES AND PROCEDURES; AND ANY ASSOCIATED ANCILLARY CHANGES

WHEREAS, the Planning Commission has initiated a review of sections 1.28, 2.08, 16.44, 16.92 of the Utah County Land Use Ordinance (UCLUO), in order to comply with recent state legislation regarding the following: new and unlisted business uses; definitions of certain terms and phrases; Appeal Authority rules and procedures; Planning Commission rules and procedures; and any associated ancillary changes; and

WHEREAS, the Planning Commission addressed the proposed amendment to the Utah County Land Use Ordinance during a regularly scheduled meeting of the Planning Commission on June 16th, 2026, 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 meeting and public hearing regarding the proposed Utah County Land Use Ordinance amendment; and

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

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

WHEREAS, the Board of County Commissioners finds the proposed 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:

Sections 1.28, 2.08, 16.44, 16.92 of the Utah County Land Use Ordinance is hereby amended, including any appropriate re-numbering and re-formatting of applicable subsections, to read as depicted for the applicable subsections in the attached exhibit:

See Exhibit "A"

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.

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.

APPROVED and ADOPTED this 22nd day of July 2026.

BOARD OF COUNTY COMMISSIONERS,
UTAH COUNTY, UTAH

Signed by:



ATTEST:
AARON R. DAVIDSON
Utah County Clerk

Signed by:

By: Jolynn Clegg
Deputy Clerk

Signed by:

Skyler Beltran

SKYLER BELTRAN, Chair

APPROVED AS TO FORM AND LEGALITY:
JEFFREY S. GRAY
Utah County Attorney

Signed by:

By: Dale Eyre
Deputy County Attorney

BOARD OF COUNTY COMMISSIONERS,
UTAH COUNTY, UTAH

VOTE	
YEA	NAY

SKYLER BELTRAN, CHAIR

<u>X</u>	<u> </u>
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AMELIA POWERS GARDNER, VICE CHAIR

<u>X</u>	<u> </u>
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BRANDON B. GORDON, COMMISSIONER

<u>X</u>	<u> </u>
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Exhibit “A”

1.28 Prohibited In Zones Unless Expressly Permitted

A. Structures And Uses

Structures and uses of land which are not expressly permitted within a zone are hereby declared to be expressly prohibited therein. Any use not expressly permitted can only become permitted by amendment of this land use ordinance.

B. New and Unlisted Business Uses

Any new or unlisted business uses can only become permitted by application as set forth in Section 4.01.175 New or Unlisted Business Uses, of the Utah County Code.

2.08 Definitions - Land Use

“Authorized Officers” An authorized Officer as defined in Section 4.01.010 of the Utah County Code.

"Conditional Use" A Conditional Use as defined under Utah Code §17-79-102, as amended.

"Nonconforming Use" A Nonconforming Use as defined under Utah Code §17-79-102, as amended; or 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; 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.

“Property Owner” A Property Owner as defined under Utah Code §17-79-102, as amended

16.44 Appeal Authority, Rules And Procedures

A. The Appeal Authority shall

1. Hold hearings as specified in this land use ordinance and in keeping with the procedures set forth for informal adjudicative proceedings under Utah Code § 64G-4-202 and -203, as amended.
2. Use parliamentary rules, the Utah Rules of Civil Procedure, and the Utah Rules of Evidence as guidelines, but not binding rules, for the conduct of hearings. The Appeal Authority may consider any relevant, nonprivileged, oral or documentary evidence presented.
3. Convene hearings on a case-by-case basis when a person or entity commences an action.
4. Set a documentation schedule and hearing date once an action commences.
5. Make written findings of fact, conclusions of law, and a final decision. The decision may affirm or reverse, in whole or in part, the decision being appealed.

B. The Appeal Authority may administer oaths and compel the attendance of witnesses.

C. The Appeal Authority shall keep a record of the proceedings. This record, along with the appeal application, written statements, and other facts bearing on the appeal and decision of the Appeal Authority, shall be filed in the Office of the Community Development Department.

D. Each hearing shall be heard by the Appeal Authority constituted at the time the matter is

scheduled to be heard.

- E. If the appellant fails to appear at the hearing, without good cause, the failure shall be deemed a withdrawal of the appeal and a waiver of any appeal rights.
- F. The appellant has the burden of proof as established by Utah Code 17-79-1005, as amended.
- G. The Appeal Authority shall follow rules of due process as established by Utah Code 17-79-1006, as amended.
- H. The Appeal Authority is not a public body.

16.92 Powers And Duties Of The Planning Commission

- A. Planning Commission Creation: There is hereby created a Planning Commission which shall consist of seven members (termed “regular members”) appointed by the County Commission, plus up to two alternate members appointed by the County Commission.
- B. Planning Commission Appointment Procedure

1. Appointment

- a. The County Commission as the appointing authority may, by resolution, appoint persons to serve as members of the Planning Commission by following the procedures established by this section.
- b. In any calendar year when appointment of a new Planning Commissioner is required, the appointing authority shall prepare a notice of vacancy that contains:
 - (1) the positions that are vacant that shall be filled by appointment;
 - (2) any qualifications, eligibility requirements, or desired criteria established by the appointing authority for the appointments;
 - (3) the procedures for appointment that the governing body will follow in making those appointments; and
 - (4) the person to be contacted and any deadlines that a person shall meet who wishes to be considered for appointment to those positions.
- c. The appointing authority shall post the notice of vacancy for the Planning Commission on the County website and in a public location that is reasonably likely to be seen by residents of the County for at least two weeks before the deadline for accepting nominees for appointments.
- d. After the appointing authority is notified of a vacancy and has satisfied the requirements described above, the appointing authority shall select a person to fill the vacancy from the applicants who meet the qualifications established by law.
- e. The appointing authority shall:
 - (1) comply with Utah Code Title 52, Chapter 4, Open and Public Meetings Act, in making the appointment;
 - (2) allow any interested persons to be heard; and
 - (3) adopt a resolution appointing persons to the Planning Commission.

2. Planning Commissioner Removal

- a. Persons appointed to serve as members of the Planning Commission may be removed for cause at any time after a hearing by two-thirds vote of the appointing body. A Planning Commissioner may be removed for any of

the following:

- (1) inefficiency,
 - (2) neglect of duty,
 - (3) violation of law,
 - (4) misconduct in office including violations of ethical standards set forth in the Utah Code or Utah County Code ,
 - (5) using public funds for a political purpose under Utah Code Title 20A, Chapter 11, Part 12,
 - (6) violating any provision of Utah Code Title 10, Chapter 3, Part 13,
 - (7) acting with the intent to influence a land use decision or an appeal of a pending land use application in a manner that creates actual impermissible bias or an unacceptable risk of impermissible bias in the Planning Commission member's administrative or quasi-judicial duties; or
 - (8) any conduct that recklessly incurs liability for the County.
- b. A Planning Commissioner may be removed only and after having been given a copy of the charges and having an opportunity to be heard in person.
 - c. A Planning Commissioner may not be removed for deliberating about a specific pending land use application in a planning commission meeting with staff, an elected official, or the land use applicant.
3. **Appointment Upon Expiration:** At the end of each Planning Commissioner's term, the position is considered vacant, and, after following the appointment procedures established in this section, the appointing authority may either reappoint the incumbent Planning Commissioner or appoint a new Planning Commissioner. Notwithstanding anything herein, a board member may continue to serve until a successor is elected or appointed and qualified in accordance with this section.

C. Planning Commission Terms

1. The terms of the regular members shall be for a period of three years and shall continue until their successors are appointed.
2. The terms of the alternate members shall be for a period of one year and shall continue until their successors are appointed.
3. The terms of the regular members shall be staggered so that terms of at least two and no more than three of the regular members shall expire each year on December 31;
4. Any vacancy occurring before the expiration of a member's term shall be filled by appointment for the remainder of the unexpired term.

D. Planning Commission Rules

1. The Planning Commission shall elect a chair from its regular members and may employ a Zoning Administrator and other agents or staff to carry out its duties.
2. When there is a vacancy and more than one alternate member is available at the meeting, the Chair of the Planning Commission shall select which alternate member shall sit with the Planning Commission.
3. Alternate members shall have full power to act in the capacity of regular members when there are fewer than seven regular members present.

4. If, while deliberations on an agenda item are in progress, a regular member arrives, the regular member shall not take the seat of an alternate member until the next agenda item comes before the Commission.
5. The Planning Commission members may receive a stipend for their services and may be reimbursed for mileage or other actual expenses incurred.
6. To carry out its duties, the Planning Commission and its agents and staff shall have the powers granted to such by this chapter and by the Utah Code, as amended.

E. Planning Commission Duties

1. **General Plan:** The Planning Commission may prepare and recommend a General Plan for Utah County, or amendments thereto, in accordance with Utah Code, as amended, which plan, once adopted, shall be used by the Planning Commission as an advisory guide for Land Use Decisions and recommendations.
2. **Land Use Ordinance and Zone Map:** 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.
 - a. 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.
 - b. 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 is consistent with the land use element and other provisions of the General Plan (or is consistent with 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.
 - c. 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.
 - d. The Planning Commission may adopt procedures for land use ordinance and zone map amendment proposals to be initiated by its members, its staff, or members of the public at large.
3. **Conditional Use:** The Planning Commission is designated as the Land Use Authority to take action to approve or disapprove any applications for a Conditional Use permit
4. **Adoption of Rules of Order and Procedure:** The Planning Commission shall adopt rules of order and procedure for the conduct of its meetings and the performance of its other duties, including rules and procedures for conducting public hearings and accepting any public comments, and shall conduct such meetings and hearings in accordance with these rules. Such rules of order and

procedure shall not be in conflict with state law or the terms of this ordinance.

F. Planning Commission Rules of Ethical Behavior and Civil Discourse: The Planning Commission adopts the following rules of ethical behavior, and civil discourse:

1. **Conflicts of Interest and Recusal**

- a. A Planning Commissioner must disclose any conflict of interest before the Planning Commission takes action on an item in which the Planning Commissioner has a conflict of interest.
- b. Each Planning Commissioner must disclose to the Planning Commission the commissioner's professional or personal relationship or other conflict of interest with a party or agenda item.
- c. Conflicts of interest include any contact or association that might influence a Planning Commissioner's ability to fairly and reasonably evaluate a matter without bias or prejudice, including but not limited to:
 - (1) familial relationship with a party;
 - (2) any business or personal relationship between the Planning Commissioner and a party; and
 - (3) any property interests directly or indirectly involving a party and the Planning Commissioner, the commissioner's family, or the commissioner's business.
- d. Failure to recuse upon disclosure or evidence of a conflict of interest is grounds for removal from the Planning Commission.

2. **Ex Parte Communication**

- a. In addition, to protect the right of each applicant and potentially affected adverse party to be heard, Members shall be restricted from ex parte contact (contact other than in a noticed Public Meeting), including:
 - (1) site or office visits;
 - (2) electronic communication;
 - (3) written communication; and
 - (4) verbal conversation either face-to-face or over the telephone,when such interaction involves:
 - (1) a quasi-judicial matter, including: a request for a Conditional Use permit; or
 - (2) a legislative matter, including the adoption or amendment of the General Plan, the land use ordinance, or the zoning map, from and after the time that an application for such an approval is filed, until final action is taken on the application, and while the application is under appeal, if an appeal is filed.
- b. Ex parte contact shall be prohibited, and if such ex parte contact inadvertently occurs, it shall be disclosed on the record at the next meeting of the Planning Commission, including the substance of the communication, the party who originated the communication and whether the communication will affect the Member's ability to impartially consider the evidence presented.

3. **Standards for Ethical Conduct**

- a. Members shall adhere to the ethical and conflict of interest constraints as set forth in the Utah Code and Utah County Code.

- b. Members shall ethically serve the public interest by making decisions and taking actions which will enhance the public health, safety and welfare of the citizens of Utah County and by promoting public confidence in the integrity, independence, ability, and impartiality of the Planning Commission. Members shall uphold the prestige of their office, and avoid impropriety and the appearance of impropriety.
- c. Individual Members shall not convey the impression that they are in a position to determine the outcome of a decision of the Planning Commission and shall not attempt to use their office to influence or sway the professional staff recommendation.
- d. Members shall discharge their duties and responsibilities without favor or prejudice toward any person or group.
- e. Members shall not allow personal or business relationships to impact upon their conduct or decisions in connection with Planning Commission business and shall not lend their influence towards the advancement of personal interests or towards the advancement of the interests of friends or business associates.
- f. Members shall not accept or solicit a gift, loan, payment, favor, service, promise of employment or business contract, meal, transportation or anything else of value, if such thing is given with the understanding or possibility that it will influence the official action of the Member during Planning Commission proceedings. The same standard shall apply to a gift, loan, favor, etc. for the spouse, child or relative or business partner of the Member.
- g. Members shall prepare for each meeting, shall create a positive environment in meetings of the Planning Commission, shall maintain an attitude of courtesy and consideration toward colleagues, citizens and staff during all discussions and deliberations, and shall allow citizens, colleagues and staff sufficient opportunity to present their views, within the prescribed rules for conduct of meetings of the Planning Commission.
- h. Members shall avoid the use of abusive, threatening or intimidating language or gestures directed at colleagues, citizens or staff, shall avoid comments, body language or distracting activity that conveys a message of disrespect and lack of interest, and shall respect all local, state and federal laws, rules and other regulations.