

ORDINANCE NO. 17-17

An Amendment to Title 16 to make certain provisions regarding the Board of Adjustment consistent in the County Code.

RECITALS

WHEREAS, Utah Code 17-27a-102 authorizes Wasatch County to enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that they consider necessary or appropriate for the use and development of land within the unincorporated area of Wasatch County; and

WHEREAS, Utah Code 17-27a-701 requires the county to establish an appeal authority; and

WHEREAS, the planning commission recommended to the County Council enactment of this ordinance on September 20, 2017; and

WHEREAS, Utah Code 17-27a-502 requires Wasatch County to give notice of public hearing as provided in Utah Code 17-27a-205(1)(a), and to hold a public hearing; and

WHEREAS, Wasatch County gave notice of all public meeting and public hearings related to this ordinance as required, and the County Council held a public hearing and first reading on _____, 2017; and

WHEREAS, Wasatch Code 2.02.02(G,2) says: The vote of a majority of the members of the board present at a meeting at which a quorum is present is necessary to reverse any order, requirement, decision or determination of any commission, administrative official or agency, or to decide in favor of the appellant; and

WHEREAS, Wasatch Code 16.02.08(D) and 16.02.09(J) vary from 2.02.02; and

WHEREAS, after considering all public comments, the recommendation of the planning commission, and carefully studying the matter, the county legislative body has determined that a change to 16.02.08 & .09 will better provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of Wasatch County and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the state's agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values;

NOW THEREFORE, The County Legislative Body of Wasatch County ordains as follows:

SECTION I: **Enactment.**

The following provisions of Title 16 of the Wasatch County Code are hereby AMENDED to read as follows:

Wasatch Code 16.02.08(D) Variance Procedure

(D) Findings Required: The board of adjustment may authorize variances from the requirements of this title, only when those variances serve the public interest, and are consistent with state law. In addition, the board of adjustment may not grant use variances. ~~The concurring vote of not less than four (4) members of the board of adjustment shall be necessary to grant a variance.~~

Wasatch Code 16.02.09(J) Appeals Procedure

Actions of Board Of Adjustment: In exercising its powers, the board of adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, condition, decision or determination as ought to be made. ~~The concurring vote of not less than three (3) members of the board shall be necessary to reverse any order, requirement, decision or determination applying this title.~~

SECTION II: **Repealer.** If any provisions of the County Code heretofore adopted are inconsistent herewith they are hereby repealed.

SECTION III: **Amendment of Conflicting Ordinances.** To the extent that any ordinances, resolutions, or policies of Wasatch County conflict with the provisions of this ordinance, they are hereby amended to comply with the provisions hereof.

SECTION IV: **Effective Date.** This ordinance shall become effective immediately upon execution by the Chair of the County Council and the completion of public notice requirements imposed by state statute.

SECTION V: **Severability.** If any section, subsection, sentence, clause, or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION VI: **Public Notice.** The Wasatch County Clerk, and ex officio Clerk of the Wasatch County Council, is hereby ordered, in accordance with the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, to do as follows:


- a. Enter at length this ordinance in the ordinance book;
- b. Deposit a copy of this ordinance in the office of the County Clerk;
- c. Publish a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance, for at least one publication in a newspaper published in and having general

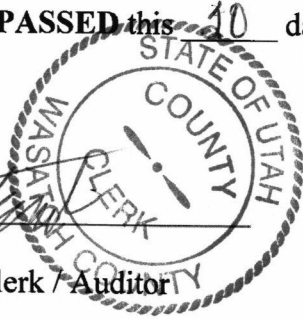
circulation in the county; or post a complete copy of this ordinance in nine (9) public places within the County.

APPROVED and PASSED this 10 day of September, 2017.

Attest:

WASATCH COUNTY COUNCIL:

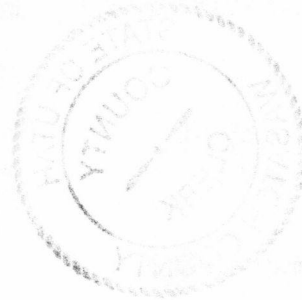

Brent R. Titcomb
Wasatch County Clerk / Auditor




Greg McPhie, Chair
Wasatch County Council

Greg McPhie, Chairman
Kendall Crittenden, Vice-Chair
Danny Goode
Mike Petersen
Mark Nelson
Steve Farrell
Spencer Park

VOTE



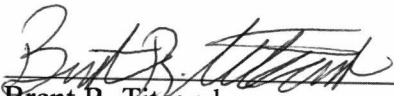
ADOPTION OF ORDINANCE AFFIDAVIT

STATE OF UTAH)
): ss.
COUNTY OF WASATCH)

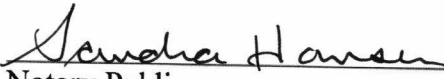
I, the undersigned, the duly qualified and acting County Clerk of Wasatch County, Utah, and ex officio Clerk of the Wasatch County Council do hereby further certify, according to the records of said Council in my official possession, and upon my own knowledge and belief, that I have fulfilled the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, by:

- (a) Causing this ordinance to be entered at length in the ordinance book;
- (b) Causing three (3) copies of this ordinance to be deposited in the office of the County Clerk;
- (c) Causing a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance to be published for at least one publication in *The Wasatch Wave*, a newspaper of general circulation within the geographical jurisdiction of Wasatch County; or posting a complete copy of this ordinance in nine (9) public places within the County.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of the County Council of Wasatch County, Utah, this 5 day of October, 2017.


Brent R. Titcomb
Wasatch County Clerk / Auditor

SUBSCRIBED AND SWORN to me, a Notary Public, this 5th day of October, 2017.


Notary Public

Residing in: Wasatch Co. UT
My commission expires: 3-31-19

