

ORDINANCE NO. 17-14

An ordinance amending the Wasatch County Code regarding electric transmission rights-of-way over 35' and/or over 38 kV. The following amendments allow up to a 49' high power pole and 38 kV as a permitted use if the proposal is replacing existing above ground power poles. Also including an allowance for staff to approve, as an administrative conditional use, up to 3 new power poles up to 49' in height as would be allowed in section 16.23.03 (C). Over 3 new power poles would be a conditional use. The sections proposed to be amended are: 16.08.03 power pole heights in the RA-1 zone, 16.07.03 power pole heights in the RA-5 zone, 16.10.03 power pole heights in the Commercial zone, and 16.06.03 adding use 4811 to the conditional use chart in the A-20 zone requiring a conditional use for poles over 49'.

WHEREAS, Title 16 of the Wasatch County Planning, Zoning and Development Code is proposed to be amended for power pole heights and the approval process for power poles; and

WHEREAS, it has come to the attention of the Planning Commission, County Council and planning staff that the current code should be amended as proposed; and

WHEREAS, the current process according to the County Council is a lengthy process not necessary to accomplish the purposes and intent of the code; and

WHEREAS, the Wasatch County Planning Commission has held a public hearing to receive comment on the proposed additions, modifications, and amendments as required by §17-27a et. seq., Utah Code Annotated 1953, as amended; and

WHEREAS, the Planning Commission, after the full and careful consideration of all public comment, has forwarded a recommendation to the Wasatch County Council regarding the modifications and amendments; and

WHEREAS, the Wasatch County Council conducted a public hearing to receive comment on the Planning Commission recommendation pursuant to §17-27a et. seq. Utah Code Annotated 1953 as amended; and

WHEREAS, following the public hearing, and after receipt of all comment and input, and after careful consideration, the Wasatch County Council has determined that it is in the best interest of the public health, safety, and welfare of Wasatch County citizens that that the following additions, modifications, and amendments to Title 16 be adopted.

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

SECTION I – ENACTMENT

The following sections of Title 16 of the Wasatch County Code are amended as follows:

See attached amendments to Title 16.

SECTION II – REPEALER

If any provisions of the Wasatch 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 take effect upon its passage by a majority vote of the Wasatch County Council and following notice and publication as required by Utah Code ' 17-53-208.

SECTION V – SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION VI – PUBLIC NOTICE

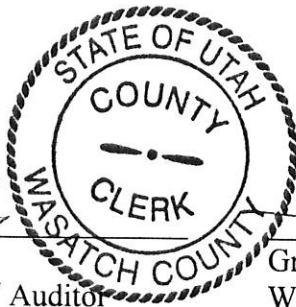
The Wasatch County Clerk, an ex officio Clerk of the Wasatch County Council, is hereby ordered, in accordance with the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, to do as follows:

- a. Enter at length this ordinance in the ordinance book;
- b. Deposit a copy of this ordinance in the office of the County Clerk; and
- 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 16th day of August, 2017.

Attest:

WASATCH COUNTY COUNCIL:



Brent R. Titcomb
Brent R. Titcomb
Wasatch County Clerk / Auditor

Greg McPhie
Greg McPhie, Chair
Wasatch County Council

VOTE

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

—
Y
Y
—
—
Y
Y

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 24 day of November, 2017.

Brent R. Titcomb

Brent R. Titcomb
Wasatch County Clerk / Auditor

SUBSCRIBED AND SWORN to me, a Notary Public, this 21 day of
November, 2017.

Sandra Hansen
Notary Public

Residing in: Wasatch Co. Utah
My commission expires: 3-31-2017



16.23.03: DETERMINATION OF JURISDICTION

The planning commission hereby delegates to the planning staff, the following conditional use requests for administrative action, unless negative responses are received from neighboring property owners:

1. Cell towers or other communication facilities if the applications are for stealth or collocation.
2. Utility buildings and structures.
3. Utility lines in any zone that do not exceed thirty six (36) kVA, are less than thirty-five-forty nine feet (3549') in height from finished grade and consist of no more than 3 new poles (not replacements). a single pole.

16.07.02: PERMITTED PRINCIPAL USES

Those principal uses or categories of uses listed herein, and no others, are permitted in the residential-agricultural zone (RA-5).

- 4811 Replacement of existing above ground Eelectric transmission lines over 38 kVA and less than 3459 feet from finished grade in height.

16.07.03: CONDITIONAL USES

The following uses and structures are permitted in the residential-agricultural zone (RA-5) only after a conditional use permit has been approved, and subject to the terms and conditions thereof:

CONDITIONAL USES IN THE
RESIDENTIAL-AGRICULTURAL ZONE (RA-5)

- 4811 New above ground Eelectric transmission right of way of any height or replacement of existing lines over 3549 feet from finished grade and/or over 38 kVA

16.08.02: PERMITTED PRINCIPAL USES

Those principal uses or categories of uses listed herein, and no others, are permitted in the residential-agricultural zone (RA-1).

- 4811 Replacement of existing above ground Eelectric transmission lines over 38 kVA and less than 3459 feet from finished grade in height.

16.08.03: CONDITIONAL USES

The following uses and structures are permitted in the residential-agricultural zone (RA-1) only after a conditional use permit has been approved, and subject to the terms and conditions thereof:

CONDITIONAL USES IN THE
RESIDENTIAL-AGRICULTURAL ZONE (RA-1)

- 4811 New above ground Eelectric transmission right of way of any height or replacement of existing lines over 3549 feet from finished grade and/or over 38 kVA

16.10.02: PERMITTED PRINCIPAL USES

Those principal uses or categories of uses as listed herein, and no others, are allowed as a permitted use in the commercial zone (C).

- 4811 Replacement of existing above ground Eelectric transmission lines over 38 kVA and less than 3459 feet from finished grade in height

16.10.03: CONDITIONAL USES

The following shows the uses and structures that are permitted in the commercial zone (C) only after a conditional use permit has been approved, and subject to the terms and conditions thereof.

CONDITIONAL USES IN THE COMMERCIAL ZONE (C)

- 4811 New above ground Eelectric transmission right of way of any height or replacement of existing lines over 3549 feet from finished grade and/or over 38 kVA

16.06.02: PERMITTED PRINCIPAL USES

Those principal uses or categories of uses as listed herein, and no others, are permitted in the agricultural zone (A-20).

- 4811 Replacement of existing above ground Eelectric transmission lines over 38 kVA and less than 3459 feet from finished grade in height

16.06.03: CONDITIONAL USES

The following table shows the uses and structures that are permitted in the agricultural zone (A-20) only after a conditional use permit has been approved, and subject to the terms and conditions thereof:

CONDITIONAL USES IN THE
AGRICULTURAL ZONE (A-20) USE

- 4811 New above ground Eelectric transmission right of way of any height or replacement of existing lines over 3549 feet from finished grade and/or over 38 kVA