

Appeal # \_\_\_\_\_

**UTAH COUNTY  
BOARD OF ADJUSTMENT  
APPLICATION FOR A CONDITIONAL USE**  
(Application Fee is Non-refundable)

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Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ Date Received: \_\_\_\_\_

Tax No. \_\_\_\_\_ Zone: \_\_\_\_\_ Received By: \_\_\_\_\_

Hearing Date: \_\_\_\_\_ Fee Paid: \_\_\_\_\_ Receipt # \_\_\_\_\_

County Address: \_\_\_\_\_

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Applicant's Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ FAX: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Property Owner's Name (if different from applicant): \_\_\_\_\_

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As part of the application, the applicant is required to submit:

1. A plot plan which shows the property boundaries and the location of existing and proposed buildings and land uses within those boundaries, and buildings on adjoining lots which are within 200 feet of applicant's property line; a landscape and improvements plan when the application is for a moved building; and additional information.
  2. A list of names and addresses of all abutting property owners.
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**AN INCOMPLETE APPLICATION WILL NOT BE ACCEPTED!**

1. a. State the conditional use desired:  
\_\_\_\_\_  
\_\_\_\_\_
  - b. Is the conditional use you are requesting one which the Board of Adjustment is specifically empowered to grant? \_\_\_\_\_ Yes \_\_\_\_\_ No
  - c. If yes, state the section in the ordinance which allows the Board to approve the conditional use applied for: \_\_\_\_\_  
\_\_\_\_\_
  - d. State how the land is being used at the present time and what changes are proposed by this appeal: \_\_\_\_\_  
\_\_\_\_\_
2. Will granting this appeal degrade the public health, safety, or welfare? \_\_\_\_\_ Yes \_\_\_\_\_ No. If no, explain how: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  3. Does this appeal conform to the "characteristics and purposes stated for the zoning district involved and the adopted county master plan? \_\_\_\_\_ Yes \_\_\_\_\_ No. If yes, explain how: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  4. Is this appeal compatible with the public interest and with the characteristics of the surrounding area? \_\_\_\_\_ Yes \_\_\_\_\_ No. If yes, explain how: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  5. Will granting this appeal adversely affect local property values? \_\_\_\_\_ Yes \_\_\_\_\_ No. Explain why: \_\_\_\_\_  
\_\_\_\_\_
  6. Are all the standards stated in Chapter 3 (Supplementary Regulations) and Chapter 5 (Regulations Within Zones) of the Utah County Land Use Ordinance met by this appeal? \_\_\_\_\_ Yes \_\_\_\_\_ No. If yes, state number \_\_\_\_\_ and explain how standard was met: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  7. Will granting this appeal result in a situation which is cost ineffective, administratively infeasible, or unduly difficult for the provision of any of the following essential services: roads and access for emergency vehicles and residents; fire protection; police protection; schools and school busing; water, sewer, and storm water facilities; and garbage removal? \_\_\_\_\_ Yes \_\_\_\_\_ No. Explain why: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. What mitigation measures or conditions of approval by the Board do you propose to lessen the impacts and work out an adjustment between this conditional use and the surrounding area (such as parking; traffic acceleration lanes; on-site storm water retention facilities; special security or fire protection facilities; water, sewer, and garbage facilities; landscape screen to protect neighboring properties; requirement for the management and maintenance of the facilities; limited hours of operation; limited use of equipment emanating offensive noise, light, dust, or traffic; or other measures)?

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9. State any other details about this appeal which you want the Board to be aware of:

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10. To the best of my knowledge, the above information is accurate and complete.

\_\_\_\_\_  
Signature of Applicant

**AN INCOMPLETE APPLICATION WILL NOT BE ACCEPTED!**

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(ATTACH ADDITIONAL SHEETS IF NECESSARY)

Approved as to Form:

David O. Leavitt, County Attorney

By: \_\_\_\_\_ /S/ \_\_\_\_\_

## RULES FOR HEARING AND DECIDING APPEALS FOR CONDITIONAL USE

(As stated in Section 7-20 of the Utah County Land Use Ordinance)

When the Board of Adjustment acts under its power to hear and decide requests for conditional uses, the conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied. The Board shall grant approval if the following rules and applicable standards have been met:

- A. The applicant has filed a properly completed conditional use application form.
- B. The land use ordinance specifically identifies the conditional use in question as one which the Board is empowered to approve.
- C. The conditional use shall meet the following standards:
  1. It shall not degrade the public health, safety, or welfare.
  2. It shall be consistent with the general purposes and intent of the land use ordinance.
  3. It shall be consistent with the "characteristics and purposes" stated for the zoning district involved and the adopted general plan.
  4. It shall be compatible with the public interest and with the characteristics of the surrounding area.
  5. It shall not adversely affect local property values.
  6. It shall comply with all of the terms and requirements of the land use ordinance, including but not limited to those found in Chapter 3, and Chapter 5, of the land use ordinance.
  7. It shall not result in a situation which is cost ineffective, administratively infeasible, or unduly difficult for the provision of essential services, including but not limited to: roads and access for emergency vehicles and residents; fire protection; police protection; schools and school busing; healthful water, sewer, and storm water facilities; and garbage removal.
- D. The applicant has the burden of proving by a preponderance of the evidence that all the conditions for granting a conditional use have been met and must meet that burden based on the facts presented for the record; expressions of support or protest alone shall not constitute the basis of approval or denial.
- E. When necessary, the Board may attach conditions which work out an adjustment between the conditional use and the surrounding area and to mitigate any harmful effects; such conditions may include, but are not limited to, the following:
  1. Parking;
  2. Traffic acceleration lanes;
  3. On-site storm water retention facilities;
  4. Special security or fire protection facilities;
  5. Water, sewer, and garbage facilities;
  6. Landscape screening or buffer areas;
  7. Requirements for the management and maintenance of the above facilities;
  8. Limited hours of operation;
  9. Limited use of equipment emanating offensive noise, light, dust, or traffic;
  10. Travel or route restrictions.
- F. Conditional uses run with the land, subject to Section 7-21-E.

**RESOLUTION STATING THE POLICY OF THE UTAH COUNTY  
BOARD OF ADJUSTMENT ON APPLICATIONS TO BE ACCEPTED  
FOR CONSIDERATION BY THE BOARD**

Whereas, the Utah County Board of Adjustment is required to follow its own adopted procedures, county ordinances, and state law whenever it grants an appeal, and

Whereas, the Utah County Zoning Administrator collects all applications for appeals to the Board of Adjustment and transmits such to the Board;

It is hereby resolved by the Utah County Board of Adjustment:

1. That the following three appeals application forms, attached as Exhibits A, B, and C, are adopted as the official appeals application forms.
2. That the policy of the Board is that the Zoning Administrator's office shall not accept an application to transmit to the Board, unless:
  - a. The appeal is properly submitted on one of the three appeals application forms adopted by the Board;
  - b. The application form is accompanied by the application fee in the full amount set by the County Commission;
  - c. The application form has been completed in every section and signed by the applicant himself or his legal representative who bears the applicant's power of attorney;
  - d. The application is accompanied by a plot plan or map which shows the boundaries of the subject lot, the buildings on the lot, and the ownership of the adjoining properties.
3. That no application shall be deemed properly submitted unless there appears thereon an affirmation that each of the conditions for granting the appeal have been met, along with a statement of evidence that supports the affirmation.
4. That no appeal on an alleged error shall be accepted when submitted more than 45 days from the day of the action to be appealed.
5. That res judicata shall apply to matters heard by the Board, and no appeal shall be accepted for a matter already finally decided by the Board.
6. That the Chairman of the Board of Adjustment may accept an appeal application which the Zoning Administrator has refused upon finding that the terms of this resolution have been met.

RESOLVED by the UTAH COUNTY BOARD OF ADJUSTMENT this 5<sup>th</sup> day of April, 1988.

BY: \_\_\_\_\_ /S/ \_\_\_\_\_

**Vote: Aye 5, Nay 0**

Attest: \_\_\_\_\_ /S/ \_\_\_\_\_

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If a request for a variance or conditional use is approved, the notice shall also contain the date such approval terminated if a building permit (or other permit or license, if applicable) is not obtained pursuant thereto. Such termination shall automatically be one year from the date of the decision of the Board of Adjustment, unless the Board makes findings that a different date is necessary for substantial justice to be done and sets a different termination date as a condition of approval. (Section 7-21, UCZO)

*\*\*If you have any questions regarding your application, you may contact Utah County Community Development at (801)851-8343.*

Exhibit A  
**UTAH COUNTY BOARD OF ADJUSTMENT**  
**RULES OF CONDUCT FOR PUBLIC HEARINGS**  
(Last updated June 2, 2011)

1. Each person who wishes to speak, other than Board of Adjustment members, the applicant in the subject appeal or his/her agents recognized by the Chair, and the spokes-person for the Zoning Administrator's staff, shall sign on the captioned Speaker's Sheet, legibly written, in advance and provide his/her full name, address, group represented (if any), and the appeal numbers on the agenda to which that individual wishes to speak.
2. At the public hearing, in addition to the applicant and the Zoning Administrator's staff spokes-person, the Chair shall call the name of each person in the order of the names on the sheet when it is that person's turn to speak until the list is exhausted.
3. People may add their names to the list until each person has been invited to speak once; at the conclusion of the remarks of the final person on the list, the list shall be closed to the further addition of names.
4. During public hearings on appeals before the Board, the applicant's initial oral presentation is limited to a maximum of 10 minutes, plus one final rebuttal limited to 3 minutes. For corporate applicants with several employees or agents present, or for applicants with spokes-persons or agents, the 10-minute initial period and 3-minute rebuttal are the combined maximum amounts of time for those speaking for the applicant.
5. Others speaking at the public hearing, including the Zoning Administrator, are each limited to one initial presentation of a maximum of 5 minutes, and, after all initial presentations are completed, and one rebuttal presentation of a maximum of 2 minutes.
6. As an exception to efficiently use time, group spokes-persons having authority to speak for groups of 3 or more individuals may speak for a maximum of 10 minutes and may have one rebuttal of 2 minutes. To obtain the exception for the 10-minute time, a written list of those in the group must be submitted to the Board of Adjustment Chair at the start of the remarks and be recognized by the Chair. The group spokes-person speaks for those on the list, and individuals in the group shall not have an additional 5-minute period to speak or rebut.
7. The time allotments of 5 minutes per individual, 10 minutes per group, and 2 minutes per rebuttal for those whose names appear on the Speakers' Sheet is on a per meeting basis, not for each appeal. When an individual or group seeks to comment on more than one appeal at a meeting, the time limit is cumulative, and the allotment shall be divided among the appeals.
8. Where participants wish to present more material than the time limits provide, the material should be presented in writing (see paragraph 14 below).
9. People not present when their name is read will forfeit their turn to speak.
10. A person's allotted time to speak is not assignable to someone else. If a person speaks less than 5 minutes, the balance of the time is not transferable nor assignable to another speaker.
11. The rebuttal period begins after all initial presentations have been completed. For those wishing to present a rebuttal statement, the order shall be the order on names appearing on the sign-up sheet, the appellant, and the spokes-person from the Zoning Administrator's staff.
12. Speakers are requested to speak to the issue and not be redundant; if a point a speaker wishes to make has already been stated by someone else, the speaker should state his/her agreement but should not restate the whole matter again.
13. The Chair may cut off a speaker who is clearly off the issue, repeating information already presented, or out of time; however, by a motion, second and majority vote of the Board of Adjustment, the speaker may be allowed to finish comments or exceed the established time limit.
14. Written material may be submitted to the Board of Adjustment either before the meeting, by a speaker while he/she is giving comments at the meeting, or following comments -- up until a vote to close the hearing takes effect. All written material submitted should be concise and pertinent to the issue at hand in order to be received by the Chair in behalf of the Board. Any written information submitted before the meeting, including faxes and emails, must be submitted to the Community Development Department no later than 3:00 P.M. on the day of the scheduled meeting.

EXHIBIT A

**NOTICE OF THE UTAH COUNTY BOARD OF  
ADJUSTMENT'S ANNUAL MEETING SCHEDULE FOR  
THE CALENDAR YEAR 2020**

**NOTICE** is hereby given to all persons interested that the Utah County Board of Adjustment has adopted, by resolution, the following annual meeting schedule for the calendar year 2020:

1. Unless otherwise noticed and published, the regular meetings of the Utah County Board of Adjustment for the calendar year 2020 shall be held on the following dates:

|                                 |                               |                                  |
|---------------------------------|-------------------------------|----------------------------------|
| January 2 <sup>nd</sup> , 2020  | May 7 <sup>th</sup> , 2020    | September 3 <sup>rd</sup> , 2020 |
| February 6 <sup>th</sup> , 2020 | June 4 <sup>th</sup> , 2020   | October 1 <sup>st</sup> , 2020   |
| March 5 <sup>th</sup> , 2020    | July 2 <sup>nd</sup> , 2020   | November 5 <sup>th</sup> , 2020  |
| April 2 <sup>nd</sup> , 2020    | August 6 <sup>th</sup> , 2020 | December 3 <sup>rd</sup> , 2020  |

2. Unless otherwise noticed and published, the regular meetings of the Utah County Board of Adjustment for the calendar year 2020 shall be held at 5:15 p.m.
3. Unless otherwise noticed and published, the regular meetings of the Utah County Board of Adjustment for the calendar year 2020 shall be held in the Utah County Commission Chambers at the Utah County Administration Building, 100 East Center Street, Suite 1400, Provo, Utah 84606.
4. This annual meeting schedule is subject to change in the event circumstances so require. Any meeting held on a date not in conformity to this annual meeting schedule will be noticed in accordance with Utah law.

**THIS NOTICE GIVEN** by order of the Utah County Board of Adjustment, this 7<sup>th</sup> day of November, 2019.

/s/ Gordon W. Duvall  
Chairperson

Attest: /s/ Susan Duncan  
Secretary

Approval as to form and legality: /s/ M. Cort Griffin  
Deputy County Attorney