

ORDINANCE 2010-01

AN ORDINANCE AMENDING TOOELE COUNTY LAND USE ORDINANCE CHAPTERS 4, 15, 16, 17, 17A, AND 27, REGARDING UTILITIES AND UTILITY SERVICES – [RESULTS OF THIS CHANGE: (1) ESSENTIAL SERVICE FACILITIES ARE A PERMITTED USE RATHER THAN CONDITIONAL USE; (2) CONDITIONAL USE PERMITS ARE REQUIRED FOR HIGH VOLTAGE TRANSMISSION LINES IN ALL ZONES; (3) SUBSTATIONS AND HIGH VOLTAGE TRANSMISSION LINES ARE EXEMPT FROM THE HEIGHT LIMITATION IN SECTION 4-11]

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE BODY OF TOOELE COUNTY, UTAH AS FOLLOWS:

SECTION I - PURPOSE. This ordinance seeks to update the Tooele County Land Use Ordinance by making essential service facilities a permitted use rather than conditional use; splitting substations and transmission lines into two separate categories for all zones; and addressing essential service facilities, substations, and transmission lines categories in all zones to maintain consistency. The Erda, Pine Canyon, and Tooele County Planning Commissions held public hearings on these issues and recommend passage of these amendments.

This ordinance also seeks to update the Tooele County Land Use Ordinance by addressing utilities and utility services within the MG-EX zoning district and addressing height exceptions pertaining to utilities and utility services. These amendments have been requested by Rocky Mountain Power. The Erda and Tooele County Planning Commissions held public hearings on the issue and recommend passage of these amendments. The Pine Canyon Planning Commission did not have a meeting on these issues due to lack of a quorum.

SECTION II - TABLE AMENDED. Chapter 15, Table 15-5-3.6, of the Tooele County

Land Use Ordinance is hereby amended to read as follows:

Table 15-5-3.6. Utilities and utility services.									
#	Use	Multiple Use (MU-)			Agriculture (A-)		Rural Residential (RR-)		
		40	80	160	20	40	1	5	10
a	Power generation for on-site use, unless intended for emergency situations as depicted below the table*:								
	i solar	P	P	P	P	P	P	P	P
	ii wind driven under 5.9 kVA	P	P	P	P	P	C	P	P
	iii auxiliary, temporary, and/or wind, with more than 6 kVA, but less than 10 kVA output	P	P	P	P	P	-	P	P
	iv Steam, hydro, or reciprocating engine with more than 10.05 kVA, but less than 150 kVA output	C	C	C	C	C	-	C	C
b	Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P	P	P	P	P
c	Accessory uses and buildings customarily incidental to conditional uses	C	C	C	C	C	C	C	C
d	Essential service facilities	P	P	P	P	P	P	P	P
e	Substations	C	C	C	C	C	C	C	C
f	Transmission lines of 50 kV or greater capacity	C	C	C	C	C	C	C	C

* permanent / temporary emergency generators shall be a permitted use in the above districts subject to the following restrictions:

- i. the generator shall meet all front, side, and rear setbacks for the residing zoning district.
- ii. the generator's exhaust shall, as much as practically feasible, be vented upwards or directed away from neighboring properties.
- iii. the generator shall be used only during periods of emergency situations or for periodic testing and necessary maintenance operation.
- iv. the generator shall be operated for routine testing and maintenance purposes not more than one time in any seven-day (7) period and no test shall exceed a total of thirty (30) minutes.

SECTION III - TABLE AMENDED. Chapter 16, Table 16-4-3.6 of the Tooele County

Land Use Ordinance is hereby amended to read as follows:

Table 16-4-3.6. Utilities and utility services.								
#	Use	Residential (R-1-__)				Multiple Residential (R-M-__)		
		21	12	10	8	7	15	30
a	Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P	P	P	P
b	Accessory buildings and uses customarily incidental to conditional uses	C	C	C	C	C	C	C
c	Essential service facilities	P	P	P	P	P	P	P
d	Public, quasi-public, and public service utility lines, pipelines, power lines and etc., which extend more than 500 feet; that are used to transport their material, service or supply	C	C	C	C	C	C	C
e	Substations	C	C	C	C	C	C	C
f	Transmission lines of 50 kV or greater capacity	C	C	C	C	C	C	C

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- i. the generator shall meet all front, side, and rear setbacks for the residing zoning district.
- ii. the generator's exhaust shall, as much as practically feasible, be vented upwards or directed away from neighboring properties.
- iii. the generator shall be used only during periods of emergency situations or for periodic testing and necessary maintenance operation.
- iv. the generator shall be operated for routine testing and maintenance purposes not more than one time in any seven-day (7) period and no test shall exceed a total of thirty (30) minutes.

SECTION IV - TABLE AMENDED. Chapter 17, Table 17-5-3.10 of the Tooele County

Land Use Ordinance is hereby amended to read as follows:

Table 17-5-3.10. Utilities and utility services.								
	Use	Commercial (C-)				Industrial (M-)		Haz. Ind.
		N	S	H	G	D	G	MG-H
a	Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P	P	P	P
b	Accessory uses buildings customarily incidental to conditional uses	C	C	C	C	C	C	C
c	Essential service facilities	P	P	P	P	P	P	P
d	Power Plant for the non-nuclear production, generation, and distribution of electricity or steam	-	-	-	-	-	C	C
e	Substations	C	C	C	C	C	C	C
f	Transmission lines of 50 kV or greater capacity	C	C	C	C	C	C	C

SECTION V - TABLE AMENDED. Chapter 17A, Table 17A-5-3.10 of the Tooele County

Land Use Ordinance is hereby amended to read as follows:

Table 17A-5-3.10. Utilities and utility services.				
	Use	Commercial Tourism (C-T)	Recreation and Racing Sports	Technology Industries (T-I)
1	Accessory buildings and uses customarily incidental to permitted uses	P	P	P
2	Accessory uses buildings customarily incidental to conditional uses	C	C	C
3	Essential service facilities	P	P	P
4	Substations	C	C	C
5	Transmission lines of 50 kV or greater capacity	C	C	C

SECTION VI - TABLE ENACTED. Chapter 27, Table 27-8.3, of the Tooele County Land

Use Ordinance is hereby enacted to read as follows:

Table 27-8.3. Utilities and utility services.		
	Use	(MG-EX)
a	Essential service facilities	P
b	Substations	C
c	Transmission lines of 50 kV or greater capacity	C

SECTION VII - SECTION AMENDED. Section 4-11, Exceptions to height limitations,

in Chapter 4, Supplementary and Qualifying Regulations, of the Tooele County Land Use Ordinance,

is hereby amended to read as follows:

4-11 Exceptions to height limitations.

All buildings and structures must conform to the height limit of the zoning district in which they are located. No space above the height limit shall be allowed for purposes of providing additional floor space. The following are the only exceptions which shall be allowed by conditional use permit to the height limits in any zoning district:

- (1) penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building;
- (2) fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos, or similar structures;
- (3) public and quasi-public utility buildings;
- (4) transmission lines with nominal voltage rating of 50 kV or greater; and
- (5) substations.

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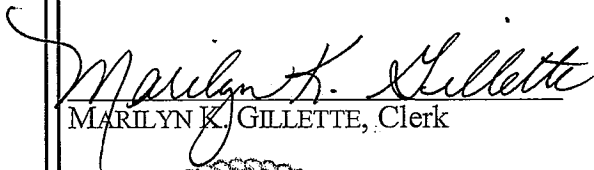
SECTION VIII - REPEALER. Ordinances and resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION IV - EFFECTIVE DATE. This ordinance shall become effective 15 days after its passage provided it has been published, or at such publication date if more than 15 days after passage.

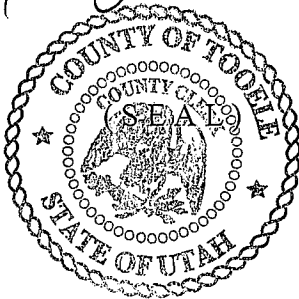
IN WITNESS WHEREOF the Tooele County Commission, which is the legislative body of Tooele County, passed, approved and enacted this ordinance this 2nd day of February 2010.




ATTEST:

TOOELE COUNTY COMMISSION:


MARILYN K. GILLETTE, Clerk


COLLEEN S. JOHNSON, Chairman



Commissioner Johnson voted 
Commissioner Clegg voted 
Commissioner Hurst voted 

APPROVED AS TO FORM:


DOUG HOGAN
Tooele County Attorney