

WAYNE COUNTY, UTAH

ADMINISTRATIVE MANUAL

As Adopted by the
Wayne County Board of County Commissioners
Effective January 1, 2011

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801-277-4435

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CHAPTER 1
TITLE, PURPOSE, AND EFFECTIVE DATE

Section 101—Short Title:

This document shall be known and may be referred to as the Wayne County Land Use Ordinances Administrative Manual. The Wayne County Land Use Ordinances Administrative Manual may, in subsequent chapters and sections, and in other documents be referred to as the “Administrative Manual,” “the Manual,” “this Manual,” or “Manual.”

Section 102—Authority:

- 1) The Board of County Commissioners of Wayne County, Utah (hereinafter “BOCC) adopts this Manual by Resolution. This Manual may be subsequently amended and revised by the BOCC by Resolution, as determined necessary by the BOCC.
- 2) As provided for by Section 105, Wayne County Zoning Ordinance, the BOCC may provide administrative guidelines, standards, reference materials, applications, forms, or other documents to assist the County Staff, County residents, and Applicant in providing and processing applications and interpreting and administering the County’s Land Use Ordinances. This Manual provides the administrative guidelines, standards, reference materials, applications, forms, or other documents, contemplated by Section 105 and is provided under such authority.
- 3) The Land Use Applications required by the County’s Land Use Ordinances shall be reviewed and approved or denied by the Land Authority, as applicable, and in compliance with all requirements and standards of the County’s Land Use Ordinances and all guidelines, standards, reference materials, applications, forms, or other documents, as applicable, and as provided by this Manual.

Section 103—Purpose:

- 1) This Manual provides guidance to the Land Use Authorities, County Staff, and Applicants, and others for in the administration and decision making required by the Land Use Ordinances (“Ordinances”) of Wayne County (the “County”).
- 2) This Manual provides information and guidance related to Land Applications and Land Use Permits. This Manual establishes and provides the County’s procedures required for the processing and review of all Land Use Applications.
- 3) This Manual is intended to be a “User’s Guide” to the County’s Land Use Ordinances but is not intended to be a replacement for any of the requirements provided by the County’s Land Use Ordinances. A digital version of this Administrative Manual, along with additional

information on County policies, processes, contact information, and frequently asked questions may be available online at the County's webpage at <http://www.waynecnty.com>.

Section 104—Conflict:

Nothing in this Administrative Manual shall nullify any laws or Ordinances of the County, including the County's Land Use Ordinances.

Section 105—Effective Date:

This Administrative Manual shall take effect on January 1, 2011 following its adoption by Resolution of the BOCC.

CHAPTER 2 LAND USE APPLICATIONS AND PROCEDURES

Section 201—Applicability:

A Land Use Application or a Building Permit Application shall be required for all uses, the expansion of all uses, and the construction or modifications for any building or structure proposed or existing, and located within the unincorporated areas of Wayne County (“County”), unless exempt, as provided by the County’s Land Use Ordinances or the Building Codes, as adopted. All Land Use Applications and Building Permit Applications shall be presented to the County on the applicable application form(s), available from the Wayne County Treasurer/Recorder.

Section 202—Application Forms and Procedures:

The BOCC may provide Application Forms and may identify submittal requirements and procedures for the acceptance and filing of all Land Use Applications and Building Permit Applications. Submittal requirements and processing procedures for the acceptance and filing of Land Use Applications and Building Permit Applications may be provided in the various Chapters and Sections of this Administrative Manual.

Section 203—Land Use Application Procedures:

The steps in the processing, review and consideration of the various Land Use Applications may be provided by the County with the applicable Application Form.

Section 204—Land Use Permit Required:

No use, activity, or construction shall be established or commenced without the necessary approvals, permits, and licenses being issued in accordance with the provisions of the County’s Land Use Ordinances, and Building Codes, as applicable.

Section 205—Land Use Application Initiation:

A Land Use Application for a required approval, permit, or license shall be initiated by submitting the appropriate Application(s) to the Wayne County Treasurer/Recorder (hereinafter “Treasurer/Recorder”).

Section 206—Determination of Application Completeness:

- 1) All Land Use Applications required by the County’s Land Use Ordinances, including the Zoning Ordinance and the Subdivision Ordinance, shall be determined to be complete when the Land Use Application is provided in a form that complies with the requirements of this Administrative Manual, and all fees have been paid, as determined by the Treasurer/Recorder.

- 2) After the receipt of a Land Use Application the Treasurer/Recorder Recorder shall determine if the Land Use Application is complete, as identified by Figure 1-1, Chapter 15, herein. If the Treasurer/Recorder determines that the application is incomplete the Treasurer/Recorder shall notify the applicant in writing, identifying the deficiencies of the application, and advising the applicant that no action will be taken by the Land Use Authority, as applicable, until the deficiencies have been corrected. A determination of an incomplete Land Use Application shall prohibit the Land Use Authority from considering any material, items or other information related to the Application.
- 3) If the Applicant fails to correct the identified Land Use Application deficiencies within thirty (30) calendar days from the date of notification by the Treasurer/Recorder the Application shall be deemed withdrawn and the Land Use Application shall be returned to the Applicant, including applicable fees (as referenced in Figure 1-1).

Section 207—Withdrawal of Application:

An Applicant may withdraw a Land Use Application at any time prior to a decision on the Application. Application fees shall not be refundable if prior to withdrawal:

- 1) A review of the Land Use Application has commenced; or
- 2) Notice of a public hearing or public meeting to consider the Land Use Application has been mailed, posted, or published.

Section 208—Amendment to Approved Land Use Applications and Permits:

All proposed amendments to an approved Land Use Application and the associated Land Use Permit shall be reviewed by the Land Use Authority, as applicable, in accordance with the procedures established for the approval of the original Land Use Application.

Section 209—Reapplication Following Denial:

If a Land Use Application is denied for failure to meet the requirements of a Land Use Ordinance, a Land Use Application for all or a part of the same property shall not be considered for a period of at least one (1) year from the date of denial by the Land Use Authority, as applicable, unless the subsequent Land Use Application is for an approval, permit, or license that is substantially different from the previously denied Application, the prior denial was based upon a mistake of fact, or by motion duly passed by the Land Use Authority to act immediately and identifying a valid public purpose to do so.

Section 210—Inspections:

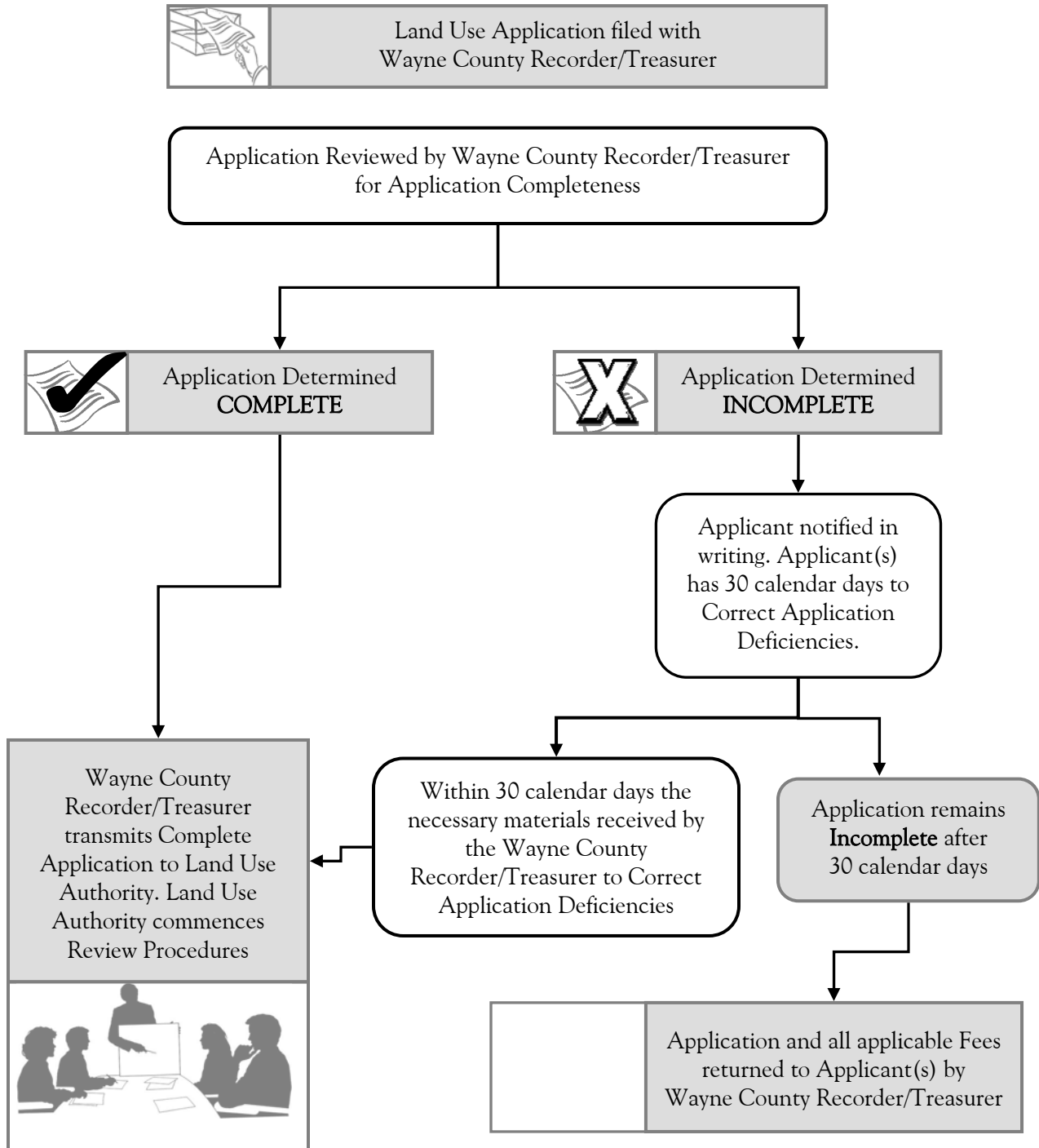
In order to review information relevant to a Land Use Application, the Land Use Authority members, the County Staff or other County Official(s) may, upon the permission of the owner, enter upon private lands and/or premises and make an inspection thereof.

Section 211—Fees for Processing Land Use Applications:

- 1) The BOCC may establish, by Resolution, a fee schedule for the processing and review of all Land Use Applications to recover the actual or anticipated costs of review and processing of the application.
- 2) The fee schedule may be amended from time to time by Resolution of the BOCC. Land Use Application fees shall not be required for Land Use Applications initiated by a Land Use Authority.
- 3) The Applicant(s) for a Land Use Application approval, permit, or license, required by the County's Land Use Ordinances, shall pay all costs that may be incurred by the County for the provision of services necessary to process, review and consider the Land Use Application. These services may include, but are not limited to engineering, land use planning, transportation engineering, economic analysis, geotechnical, and hydrological services.
- 4) The BOCC may provide that the Application Fee be comprised of several component fees for each Land Use Application.

FIGURE 1-1

Procedures for Determination of Land Use Application Completeness



CHAPTER 3 MATTERS OF INTERPRETATION

Section 301—Interpretation:

In interpreting and applying the provisions of the County's Land Use Ordinances, the standards and requirements contained herein are declared to be the minimum standards and requirements for the purposes set forth by the County's Land Use Ordinances and the State of Utah County Land Use, Development, and Management Act, as provided at §17-27a *et seq.* Utah Code Annotated, 1953, as amended (U.C.A.) (hereinafter "the Act"). All interpretations required by the County's Land Use Ordinances shall be:

- 1) Construed in favor of the County.
- 2) Deemed to neither limit nor repeal any powers granted by the Act or any other State or Federal statutes.
- 3) Applied as follows, except where the context clearly requires otherwise:
 - a) The words "shall" or "must" are mandatory.
 - b) The words "should" and "may" are permissive.
 - c) Words used or defined in one tense or form shall include other tenses or derivative forms.
 - d) Words used in the singular shall include the plural.
 - e) Words used in the plural shall include the singular.
 - f) Words referencing a gender shall be applied to the other gender and shall be considered gender neutral.
 - g) In the event of a conflict between the text of any Ordinance and any maps, illustrations, captions, figures, or other material, the text of the Ordinance shall apply.
 - h) The word "includes" shall not limit a term to the specified examples, but is intended to provide guidance and to be illustrative only.
 - i) The word "and" indicates that all connected items, conditions, provisions, or events shall apply.
 - j) The word "or" indicates that one (1) or more of the connected items, conditions, provisions, or events shall apply.

- k) The words “either or” indicates that the connected terms, conditions, provisions, or events shall apply singly but not in combination.

Section 302—Computation of Time:

All times, as identified by the County’s Land Use Ordinances, shall be computed using calendar days, unless expressly identified as business days, and except that if the last day is a Saturday, Sunday, or legal holiday observed by the County, that day shall be excluded and time computed to the next regular business day following the Saturday, Sunday or legal holiday observed by the County. The time within which an act is to be done shall be computed by excluding the first day and including the last day.

Section 303—Fractional Numbers:

In determining compliance with the numerical requirements of the County’s Land Use Ordinances any computation or measurement resulting in a fractional number, except density calculations shall be rounded to the nearest whole number. Density calculations shall be rounded down to the nearest whole number.

Section 304—Administrative Interpretations:

To promote efficiencies in the administration and implementation of the County’s Land Use Ordinances, and where ambiguity, conflicting provisions or confusion may exist in any provision or requirement, this Section is provided to allow and to authorize the Zoning Administrator to make interpretations of the County’s Land Use Ordinances, on an as required basis, and as guided by Sections 305 to 307.

Section 305—Application Initiation:

- 1) All requests for an Administrative Interpretation shall be made on the Administrative Interpretation Application.
- 2) A property owner(s), as identified on the assessment rolls of Wayne County, may submit an Administrative Interpretation Application. An agent of the property owner(s) may submit an Administrative Interpretation Application, provided such application is accompanied by a property owner(s) affidavit of authorization, identifying the agent as being duly authorized to represent the owner(s) in all matters related to the Administrative Interpretation Application. All persons with a fee interest in the subject property shall be required to join in and sign the Administrative Interpretation Application.
- 3) The BOCC, Planning Commission (hereinafter, “Commission”), or other County Staff may submit an Administrative Interpretation Application.

Section 306—Review Procedures for Administrative Interpretation Applications:

The procedures for the review of an Administrative Interpretation Application by the Zoning Administrator are identified by Figure 2-1, Chapter 15, herein.

Section 307—Minimum Requirements and Standards for Administrative Interpretation Applications:

The Zoning Administrator shall apply the following standards in making any administrative interpretation:

- 1) The administrative interpretation shall not have the effect of adding or removing any Land Use Ordinance provision.
- 2) An administrative interpretation shall be consistent with the purposes of the Land Use Ordinance, as applicable, and any previously rendered administrative interpretation(s), based on similar facts.
- 3) An administrative interpretation concerning a use interpretation shall not have the effect to allow any use that is not identified as a Permitted Use (P-1 or P-2) or Conditional Use in the Zoning District, as applicable or other County Land Use Ordinance.
- 4) No administrative interpretation shall permit the establishment of any use that is a Prohibited Use.

Section 308—Minimum Requirements and Standards for Determination of Zoning District Boundaries:

In the event of the need to identify the location of a Zoning District boundary, or resolve any dispute concerning a Zoning District boundary, the Zoning Administrator shall apply the following standards in making any Zoning District boundary determination:

- 1) The policies and development standards pertaining to such Zoning District(s).
- 2) In areas divided into lots, a Zoning District boundary shall follow the boundary of a lot, unless clearly intended to divide a lot for reasons of topography, landform, or other physical or man-made constraints.
- 3) In areas not subdivided into lots, wherever a Zoning District is indicated as a strip adjacent to and paralleling a right-of-way, the depth of such strip shall be in accordance with dimensions measured at right angles from the center line of the right-of-way, and the length of frontage shall be in accordance with dimensions measured from section, quarter section, or division lines, or center lines of rights-of-way, unless otherwise indicated.

- 4) Where a Zoning District boundary follows a creek, stream, water course, drainage channel, flood way, or other natural or man-made feature such boundary shall be deemed to be the center line of such creek, stream, water course, drainage channel, flood way, or other natural or man-made feature.
- 5) Where a Zoning District boundary follows the right-of-way of any road, street, trail, or other public or private right-of-way or easement such boundary shall be deemed to be the center line of such road, street, trail, or other public or private right-of-way or easement, unless clearly intended to do otherwise for reasons of topography, landform, or other natural or man-made feature.

Section 309—Effect of Approval and Appeals:

- 1) An administrative interpretation shall apply only to the property for which an interpretation is given. An interpretation finding a use to be a Permitted Use or Conditional Use shall not authorize the establishment of such use but may authorize the filing of the Land Use Applications necessary for any approvals, permits or licenses as may be required by the County's Land Use Ordinances.
- 2) Any person adversely affected by an administrative interpretation rendered by the Zoning Administrator may appeal the decision to the Commission, as provided by Chapter 13, Zoning Ordinance.

CHAPTER 4 PERMITTED USE APPLICATIONS

Section 401—Purpose:

This Chapter identifies and provides the procedures for the review of all Permitted Use Applications and required to determine compliance with the County's Land Use Ordinances, including the Zoning Ordinance.

Section 402—Application Initiation:

- 1) All requests for a Permitted P-1 Use Application approval shall be made by filing a Permitted P-1 Use Application.
- 2) All requests for a Permitted P-1 Sign Application approval shall be made by filing a Permitted P-1 Sign Application.
- 3) All requests for a Permitted P-2 Use Application approval shall be made by filing a Permitted P-2 Use Application.
- 4) All requests for a Permitted P-2 Sign Application approval shall be made by filing a Permitted P-2 Sign Application.
- 5) A property owner(s), as identified on the assessment rolls of Wayne County, may submit a Permitted P-1 Use, Permitted P-1 Sign, Permitted P-2 Use, or Permitted P-2 Sign Application. An agent of the property owner(s) may submit a Permitted P-1 Use, Permitted P-1 Sign, Permitted P-2 Use, or Permitted P-2 Sign Application, provided such application is accompanied by a property owner(s) affidavit of authorization, identifying the agent as being duly authorized to represent the owner(s) in all matters related to the Permitted Use Application or Permitted Sign Application. All persons with a fee interest in the subject property shall be required to join in and sign the Permitted Use Application or Permitted Sign Application.

Section 403—Review Procedures for Permitted Use Applications:

- 1) The procedures for the review of a Permitted P-1 Use Application, by the Zoning Administrator, are identified by Figure 2-2, Chapter 15, herein.
- 2) The procedures for the review of a Permitted P-1 Sign Application, by the Zoning Administrator, are identified by Figure 2-3, Chapter 15, herein.
- 3) The procedures for the review of a Permitted P-2 Use Application, by the Commission, are identified by Figure 2-4, Chapter 15, herein.

- 4) The procedures for the review of a Permitted P-2 Sign Application, by the Commission, are identified by Figure 2-5, Chapter 15, herein.

Section 404—Minimum Requirements and Findings and Standards for Approval of Permitted P-1 Use and P-2 Use Applications and Permitted P-1 and P-2 Sign Applications:

The Zoning Administrator for Permitted P-1 Use and Permitted P-1 Sign Applications, and the Commission for Permitted P-2 Use and Permitted P-2 Sign Applications, shall comply with the requirements of Sections 703, Zoning Ordinance.

Section 405—Decision for a Permitted Use Application, Effect of Approval and Appeals:

See Sections 705, 706, and 707, Zoning Ordinance.

Section 406—Permitted Use Approval Amendment:

See Section 208, herein.

Section 407—Permitted Use Application Expiration:

A Permitted Use Application or Permitted Sign Application approval shall expire and shall be invalid if a building, activity, construction, or occupancy, as authorized by the approval, is not commenced or established within one hundred eighty (180) calendar days from the date of approval. If work has not commenced, or a use established within one hundred eighty (180) calendar days from the date of Permitted Use Application or Permitted Sign Application approval, the approval shall be void and a new Permitted Use Application or Permitted Sign Application shall be required.

CHAPTER 5 CONDITIONAL USE APPLICATIONS

Section 501—Purpose:

This Chapter identifies and provides the procedures for the review of all Conditional Use Applications and required to determine compliance with the County's Land Use Ordinances.

Section 502—Application Initiation:

- 1) All requests for a Conditional Use Application approval shall be made by filing a Conditional Use Application.
- 2) All requests for a Conditional Sign Application approval shall be made by filing a Conditional Sign Application.
- 3) A property owner(s), as identified on the assessment rolls of Wayne County, may submit a Conditional Use Application or Conditional Sign Application. An agent of the property owner(s) may submit a Conditional Use Application or Conditional Sign Application, provided such application is accompanied by a property owner(s) affidavit of authorization, identifying the agent as being duly authorized to represent the owner(s) in all matters related to the Conditional Use Application or Conditional Sign Application. All persons with a fee interest in the subject property shall be required to join in and sign the Conditional Use Application or Conditional Sign Application.

Section 503—Review Procedures for Conditional Use Applications:

- 1) The procedures for the review of a Conditional Use Application, by the BOCC, are identified by Figure 2-6, Chapter 15, herein.
- 2) The procedures for the review of a Conditional Sign Application, by the BOCC, are identified by Figure 2-7, Chapter 15, herein.

Section 504—Minimum Requirements and Findings and Standards for Approval of Conditional Use Applications and Conditional Use Sign Applications:

The BOCC shall comply with the requirements of Sections 803, 804, and 805, Zoning Ordinance.

Section 505—Decision for a Conditional Use Application, Effect of Approval and Appeals:

See Sections 806, 807, and 808, Zoning Ordinance.

Section 506—Conditional Use Application Amendment:

See Section 208, herein.

Section 507—Conditional Use Application Expiration:

A Conditional Use Application or Conditional Sign Application approval shall expire and shall be invalid if a building, activity, construction, or occupancy, as authorized by the approval, is not commenced or established within one hundred eighty (180) calendar days from the date of approval. If work has not commenced, or a use established within one hundred (180) calendar days from date of Conditional Use Application or Conditional Sign Application approval, the approval shall be void and a new Conditional Use Application or Conditional Sign Application shall be required.

CHAPTER 6 CONCEPT SUBDIVISION APPLICATIONS

Section 601—Purpose:

This Chapter identifies and provides the procedures for the review of all Concept Subdivision Applications, and required to determine compliance with the County's Land Use Ordinances, including the Subdivision Ordinance.

Section 602—Application Initiation:

- 1) All requests to establish a subdivision may first be made by filing a Concept Subdivision Application.
- 2) A property owner(s), as identified on the assessment rolls of Wayne County, may submit a Concept Subdivision Application. An agent of the property owner(s) may submit a Concept Subdivision Application, provided such application is accompanied by a property owner(s) affidavit of authorization, identifying the agent as being duly authorized to represent the owner(s) in all matters related to the Concept Subdivision Application. All persons with a fee interest in the subject property shall be required to join in and sign the Concept Subdivision Application.

Section 603—Review Procedures for Concept Subdivision Applications:

- 1) The procedures for the review of a Concept Subdivision Application, by the Commission, are identified by Figure 2-12, Chapter 15, herein.

Section 604—Effect of Concept Subdivision Meeting:

- 1) As provided by Section 505, Subdivision Ordinance, a Concept Subdivision Application does not constitute a Land Use Application for any subdivision approval and is in no way binding on the County or the Applicant(s). Any discussion before the Zoning Administrator and Commission, meeting when the Concept Subdivision Application is discussed, shall not be considered by the Applicant as any indication of approval or disapproval, either actual or implied of any subsequent Land Use Application.
- 2) Following a Concept Subdivision Meeting with the Zoning Administrator and Commission, an owner, or agent of the owner, may submit a Preliminary Subdivision Application to the Treasurer/Recorder for processing and review by the County, as provided by Chapter 7, herein. (See also Section 506, Subdivision Ordinance).

Section 605—Concept Subdivision Application and Meeting Expiration:

If a Preliminary Subdivision Application is not filed with the Treasurer/Recorder within one hundred eighty (180) calendar days from the date of the Concept Subdivision Meeting with the Commission, the Concept Subdivision Application and the Concept Subdivision Meeting discussion shall be deemed to have expired and shall a new Concept Subdivision Application and Concept Subdivision Meeting shall be required.

CHAPTER 7

PRELIMINARY SUBDIVISION APPLICATIONS (MINOR OR MAJOR)

Section 701—Purpose:

This Chapter identifies and provides the procedures for the review of all Preliminary Subdivision Applications (Minor) and Preliminary Subdivision Applications (Major) and required to determine compliance with the County's Land Use Ordinances.

Section 702—Application Initiation:

- 1) A Concept Subdivision Application for the Subject Property may be required and a Concept Subdivision Meeting held with the Zoning Administrator and Commission before filing a Preliminary Subdivision Application (Minor) or Preliminary Subdivision Application (Major) with the Treasurer/Recorder.
- 2) A property owner(s), as identified on the assessment rolls of Wayne County, may submit a Preliminary Subdivision Application (Minor) or Preliminary Subdivision Applications (Major). An agent of the property owner(s) may submit a Preliminary Subdivision Application (Minor) or Preliminary Subdivision Applications (Major), provided such application is accompanied by a property owner(s) affidavit of authorization, identifying the agent as being duly authorized to represent the owner(s) in all matters related to the Preliminary Subdivision Application (Minor) or Preliminary Subdivision Applications (Major). All persons with a fee interest in the subject property shall be required to join in and sign the Preliminary Subdivision Application (Minor) or Preliminary Subdivision Applications (Major).

Section 703—Review Procedures for Permitted Use Applications:

- 1) The procedures for the review of a Preliminary Subdivision Application (Minor), by the Commission, are identified by Figure 2-13, Chapter 15, herein.
- 2) The procedures for the review of a Preliminary Subdivision Application (Major), by the BOCC, are identified by Figure 2-14, Chapter 15, herein.

Section 704—Minimum Requirements and Findings and Standards for Approval of Preliminary Subdivision Applications:

- 1) The Commission shall comply with the requirements of Sections 703, 704 and 705, Subdivision Ordinance for Preliminary Subdivision Applications (Minor).
- 2) The Commission and BOCC shall comply with the requirements of Sections 603, 604 and 605, Subdivision Ordinance for Preliminary Subdivision Applications (Major).

Section 705—Decision for a Preliminary Subdivision Application, Effect of Approval and Appeals:

See Sections 607 and 609, Subdivision Ordinance, for Preliminary Subdivision Applications (Major) and Sections 706 and 708, Subdivision Ordinance, for Preliminary Subdivision Applications (Minor).

Section 706—Preliminary Subdivision Application Amendment:

See Section 208, herein.

Section 707—Preliminary Subdivision Application Expiration:

A Preliminary Subdivision Application (Minor) and a Preliminary Subdivision Application (Major) approval shall expire and shall be invalid if a Final Subdivision Application is not filed with the Treasurer/Recorder within one hundred eighty (180) calendar days from the date of Preliminary Subdivision Application approval by the BOCC (See Sections 607, and 706, Subdivision Ordinance).

CHAPTER 8
FINAL SUBDIVISION APPLICATIONS (MINOR OR MAJOR)

Section 801—Purpose:

This Chapter identifies and provides the procedures for the review of all Final Subdivision Applications (Minor) and all Final Subdivision Applications (Major) required to determine compliance with the County's Land Use Ordinances, including the Subdivision Ordinance.

Section 802—Application Initiation:

- 1) A Preliminary Subdivision Application (Minor) or a Preliminary Subdivision Application (Major) for the subject property, with or without requirements, may be required to be approved by the Commission or BOCC, as applicable, before filing a Final Subdivision Application (Minor) or Final Subdivision Application (Major) with the Treasurer/Recorder.
- 2) A property owner(s), as identified on the assessment rolls of Wayne County, may submit a Final Subdivision Application (Minor) or a Final Subdivision Applications (Major). An agent of the property owner(s) may submit a Final Subdivision Application (Minor) or a Final Subdivision Applications (Major), provided such application is accompanied by a property owner(s) affidavit of authorization, identifying the agent as being duly authorized to represent the owner(s) in all matters related to the Final Subdivision Application (Minor) or Final Subdivision Applications (Major). All persons with a fee interest in the subject property shall be required to join in and sign the Final Subdivision Application (Minor) or Final Subdivision Applications (Major).

Section 803—Review Procedures for Final Subdivision Applications:

- 1) The procedures for the review of a Final Subdivision Application (Minor), by the Commission, are identified by Figure 2-15, Chapter 15, herein.
- 2) The procedures for the review of a Final Subdivision Application (Major), by the BOCC, are identified by Figure 2-16, Chapter 15, herein.

Section 804—Dedication of Streets and other Public Places:

- 1) Final Subdivision Plats, when made, acknowledged, and recorded in the Office of the Wayne County Recorder, according to the procedures and requirements of the County's Land Use Ordinances, operate as a dedication of all roads, streets and other public places, and vest the fee of those parcels of land with the County for the use of the public for the uses named or intended by the Final Subdivision Plat.
- 2) The dedication established by this Section does not impose liability upon the County for roads, streets and other public places that are dedicated in this manner but are unimproved.

Section 805—Common Area Parcels on a Final Subdivision Plat – No Separate Ownership – Ownership Interest Equally Divided among other Parcels on the Final Subdivision Plat and included in Description of other Parcels:

- 1) A parcel designated as common area on any Final Subdivision Plat and recorded in the Office of the Wayne County Recorder shall not be separately owned or conveyed independent of the other parcels created by the Final Subdivision Plat.
- 2) The ownership interest in a common area parcel described in Subsection (1) herein shall:
 - a) For purposes of assessment, be divided equally among all parcels created by the Final Subdivision Plat, unless a different division of interest for assessment purposes is indicated on the Final Subdivision Plat or an accompanying recorded document; and
 - b) Be considered to be included in the description of each instrument describing a parcel on the Final Subdivision Plat by its identifying plat number, even if the common area interest is not explicitly stated in the instrument.

Section 806—Minimum Requirements and Findings and Standards for Approval of Final Subdivision Applications:

The Commission, for Final Subdivision Applications (Minor) and the BOCC, for Final Subdivision Applications (Major) shall comply with the requirements of Section 803, Subdivision Ordinance.

Section 807—Decision for a Final Subdivision Application, Effect of Approval and Appeals:

See Sections 806 and 808, Subdivision Ordinance.

Section 808—Site Preparation Work Prohibited:

See Section 807, Subdivision Ordinance.

Section 809—Final Subdivision Application Amendment:

The BOCC may vacate or amend a recorded Final Subdivision Plat (Minor) or (Major), or any portion of a recorded Final Subdivision Plat (Minor) or (Major), by following and complying with all requirements for vacating or changing a Subdivision Plat, as identified by Sections 10-9a-608 and 10-9a-609, Utah Code Annotated, 1953, as amended.

Section 810—Final Subdivision Application Expiration:

After the Final Subdivision Plat has been recorded in the Office of the Wayne County Recorder a Final Subdivision Plat shall not expire and shall be valid unless vacated or amended, as provided by the laws of the State of Utah (See Section 809 herein).

CHAPTER 9 GENERAL PLAN AMENDMENT APPLICATIONS

Section 901—Purpose:

This Chapter identifies and provides the procedures for the review of all General Plan Amendment Applications and required to determine compliance with the County's Land Use Ordinances.

Section 902—Application Initiation:

- 1) All requests for a General Plan Amendment shall be made on a General Plan Amendment Application.
- 2) A property owner(s), as identified on the assessment rolls of Wayne County, may submit a General Plan Amendment Application. An agent of the property owner(s) may submit a General Plan Amendment Application, provided such application is accompanied by a property owner(s) affidavit of authorization, identifying the agent as being duly authorized to represent the owner(s) in all matters related to the General Plan Amendment Application. All persons with a fee interest in the subject property shall be required to join in and sign the General Plan Amendment Application.
- 3) The BOCC, Commission, Treasurer/Recorder, Zoning Administrator, or other County Staff may submit a General Plan Amendment Application.

Section 903—Review Procedures for General Plan Amendment Applications:

The procedures for the review of a General Plan Amendment Application are identified by Figure 2-10, Chapter 15, herein.

Section 904—Minimum Requirements and Findings and Standards for Approval of General Plan Amendment Applications:

The Commission and BOCC shall comply with the requirements of Sections 503 and 504, Zoning Ordinance.

Section 905—Decision for a General Plan Amendment Application, Effect of Approval and Appeals:

See Sections 505 and 506, Zoning Ordinance.

Section 906—General Plan Amendment Application Amendment:

See Section 208, herein.

Section 907—General Plan Amendment Application Expiration:

A General Plan Amendment Application approval shall not expire and shall be valid unless amended or modified by a subsequent General Plan Amendment Application approval.

CHAPTER 10 LAND USE ORDINANCE AMENDMENT APPLICATIONS

Section 1001—Purpose:

This Chapter identifies and provides the procedures for the review of all Land Use Ordinance Amendment Applications, including Applications to amend the Zoning Districts Map or Official Maps, and required to determine compliance with the County's Land Use Ordinances.

Section 1002—Application Initiation:

- 1) All requests for a Land Use Ordinance Amendment shall be made on a Land Use Ordinance Amendment Application.
- 2) A property owner(s), as identified on the assessment rolls of Wayne County, may submit a Land Use Ordinance Amendment Application. An agent of the property owner(s) may submit a Land Use Ordinance Amendment Application, provided such application is accompanied by a property owner(s) affidavit of authorization, identifying the agent as being duly authorized to represent the owner(s) in all matters related to the Land Use Ordinance Amendment Application. All persons with a fee interest in the subject property shall be required to join in and sign the Land Use Ordinance Amendment Application.
- 3) The BOCC, Commission, Treasurer/Recorder, Zoning Administrator, or other County Staff may submit a Land Use Ordinance General Plan Amendment Application.

Section 1003—Review Procedures for Land Use Ordinance Amendment Applications:

The procedures for the review of a Land Use Ordinance Amendment Application are identified by Figure 2-11, Chapter 15, herein.

Section 1004—Minimum Requirements and Findings and Standards for Land Use Ordinance Amendment Applications:

The Commission and BOCC shall comply with the requirements of Sections 603 and 604, Zoning Ordinance.

Section 1005— Decision for a Land Use Ordinance Amendment Application, Effect of Approval and Appeals:

See Sections 605 and 606, Zoning Ordinance.

Section 1006—Land Use Ordinance Approval Amendment:

See Section 208, herein.

Section 1007—Expiration:

A Land Use Ordinance Amendment Application approval shall not expire and shall be valid unless amended or modified by a subsequent Land Use Ordinance Amendment Application approval.

Section 1008—Treasurer/Recorder May Provide Notice of Pending Land Use Ordinance or Official Map Amendments to Applicants:

The Treasurer/Recorder may provide applicants affected by a pending Land Use Ordinance Amendment Application or Temporary Zoning Ordinance notice that:

- 1) Identifies that a Land Use Ordinance Amendment is pending with the Commission and/or BOCC or a Temporary Zoning Ordinance is in effect.
- 2) The Land Use Application approval, permit, or license may be affected by the pending Land Use Ordinance Amendment, or Temporary Zoning Ordinance.
- 3) A copy of the pending Land Use Ordinance or Temporary Zoning Ordinance is available for inspection in the Office of the Treasurer/Recorder.

CHAPTER 11 VARIANCE APPLICATIONS

Section 1101—Purpose:

This Chapter identifies and provides the procedures for the review of all Variance Applications and required to determine compliance with the County's Land Use Ordinances.

Section 1102—Application Initiation:

- 1) All requests for a Variance shall be made on a Variance Application.
- 2) A property owner(s), as identified on the assessment rolls of Wayne County, may submit a Variance Application. An agent of the property owner(s) may submit a Variance Application, provided such application is accompanied by a property owner(s) affidavit of authorization, identifying the agent as being duly authorized to represent the owner(s) in all matters related to the Variance Application. All persons with a fee interest in the subject property shall be required to join in and sign the Variance Application.
- 3) The BOCC, Commission, Treasurer/Recorder, Zoning Administrator, or other County Staff may submit a Variance Application.

Section 1103—Review Procedures for Variance Applications:

The procedures for the review of a Variance Application, by the Commission, are identified by Figure 2-17, Chapter 15, herein.

Section 1104—Minimum Standards and Findings for Approval of a Variance Application:

The Commission shall comply with the requirements of Sections 1003 and 1004, Zoning Ordinance.

Section 1105—Decision for a Variance Application, Effect of Approval and Appeals:

See Sections 1005, 1006, 1007, 1008, and 1009, Zoning Ordinance.

Section 1106—Variance Approval Amendment:

See Section 208, herein.

Section 1107—Variance Application Expiration:

A Variance Application approval shall expire and shall be invalid unless a subsequent Land Use Application approval is granted by a Land Use Authority, as applicable, within one hundred eighty (180) calendar days from the date of Variance Application approval by the Commission.

CHAPTER 12
NONCONFORMING USES, NONCOMPLYING STRUCTURES, AND OTHER
NONCONFORMITIES

Section 1201 – Purpose:

This Chapter identifies and provides the procedures for determining the existence, expansion, or modification of a legal nonconforming use, a legal noncomplying structure, or other legal nonconformity, including noncomplying lots and signs, (“Determination of Legal Nonconforming Use or Legal Noncomplying Structure”) and required to determine compliance with the County’s Land Use Ordinances.

Section 1202—Application Initiation:

- 1) All requests for a Determination of Legal Nonconforming Use or Legal Noncomplying Structure shall be made on the Determination of Legal Nonconforming Use or Legal Noncomplying Structure Application.
- 2) A property owner(s), as identified on the assessment rolls of Wayne County, may submit a Determination of Legal Nonconforming Use or Legal Noncomplying Structure Application. An agent of the property owner(s) may submit a Determination of Legal Nonconforming Use or Legal Noncomplying Structure Application, provided such application is accompanied by a property owner(s) affidavit of authorization, identifying the agent as being duly authorized to represent the owner(s) in all matters related to the Determination of Legal Nonconforming Use or Legal Noncomplying Structure Application. All persons with a fee interest in the subject property shall be required to join in and sign the Determination of Legal Nonconforming Use or Legal Noncomplying Structure Application.
- 3) The BOCC, Commission, Treasurer/Recorder, Zoning Administrator, or other County Staff may submit a Determination of Legal Nonconforming Use or Legal Noncomplying Structure Application.

Section 1203—Review Procedures for Determination of Legal Nonconforming Use or Legal Noncomplying Structure Applications:

The procedures for the review of a Determination of Legal Nonconforming Use or Legal Noncomplying Structure Application are identified by Figure 2-18, Chapter 15, herein.

Section 1204—Minimum Requirements and Findings and Standards for Approval of Determination of Legal Nonconforming Use or Legal Noncomplying Structure Applications:

The Commission shall comply with the requirements of Sections 1103, 1104, 1105, 1106, 1107, 1108, and 1112, Zoning Ordinance.

Section 1205—Determination of Legal Nonconforming Use, Noncomplying Structure, or Other Nonconformity Application Expiration:

A Determination of a Legal Nonconforming Use, Noncomplying Structure, or Other Nonconformity Application approval shall not expire and shall be valid until the Legal Nonconforming Use, Noncomplying Structure, or other Nonconformity fails to comply with all requirements of the County's Land Use Ordinances or the Act.

CHAPTER 13 CONSTITUTIONAL TAKINGS

Section 1301—Purpose:

The policies of the County, favor the careful consideration of matters involving constitutional taking claims, in fairness to the owner of private property bringing the claim, and in view of the uncertainty and expense involved in defending such issues. At the same time, the legitimate role of the County in lawfully regulating real property must be preserved and the public's right to require the dedication or exaction of property, consistent with the Constitution. Consistent with these policies, this Chapter establishes a procedure for the review of actions that may involve the issue of constitutional takings, as well as providing guidelines for such considerations. This chapter is further intended and shall be construed to objectively and fairly review claims that a specific government action should require payment of just compensation, while preserving the ability of the County to lawfully regulate real property and fulfill its obligations, duties and functions.

Section 1302—Guidelines Advisory:

The guidelines provided and decisions rendered pursuant to the provisions of this Chapter are advisory only, and shall not be construed to expand or limit the scope of the County's liability for a constitutional taking.

Section 1303—Application Initiation:

- 1) All requests for a takings review shall be made on a Takings Review Application.
- 2) A property owner(s), as identified on the assessment rolls of Wayne County, may submit a Takings Review Application. An agent of the property owner(s) may submit a Takings Review Application, provided such application is accompanied by a property owner(s) affidavit of authorization, identifying the agent as being duly authorized to represent the owner(s) in all matters related to the Takings Review Application. All persons with a fee interest in the subject property shall be required to join in and sign the Takings Review Application.

Section 1304—Review Procedures for Takings Review Applications:

- 1) The procedures for the review of a Takings Review Application are identified by Figure 2-19, Chapter 15, herein.
- 2) The BOCC, or designee of the BOCC, shall immediately set a time to review the decision that gave rise to the Takings Claim.
- 3) A decision on a review of a Takings Claim shall be rendered within fourteen (14) days from the date the complete Takings Review Application has been received by the County

Recorder. The decision of the BOCC, or designee, regarding the results of the review shall be given in writing to the applicant and the Land Use Authority that rendered the decision that gave rise to the Takings Claim.

- 4) If the BOCC, or designee, fails to hear and decide the review within fourteen (14) calendar days, the decision appealed from shall be presumed to have been determined to be valid and the Takings Claim denied by the BOCC, or designee.

Section 1305—Reviewing Guidelines:

The BOCC, or the BOCC's authorized designee, shall review the facts and information presented by the applicant to determine whether or not the decision by the County's Land Use Authority constitutes a constitutional taking as defined by the Act. In doing so, they shall consider;

- 1) Whether the physical taking or exaction of the private real property bears an essential nexus to a legitimate governmental interest.
- 2) Whether a legitimate governmental interest exists for the action taken by the County.
- 3) Is the property and exaction taken roughly proportionate and reasonably related, both in nature and extent, to the impact caused by the activities that are the subject of the decision being reviewed?

Section 1306—Results of Review:

After completing the review, the BOCC, or designee, shall make a determination regarding the above issues and where determined to be necessary and appropriate, shall make a recommendation to the Land Use Authority that made the decision that gave rise to the constitutional takings claim. The BOCC, or designee, shall provide, in writing, the results of the takings review to the Applicant within ten (10) calendar days of the conclusion of the takings review by the BOCC, or designee.

CHAPTER 14
APPLICATION FEE AND REVIEW FEE SCHEDULES

This Chapter provides the Land Use Application fees and other administrative fees as determined necessary by the BOCC to review the Land Use Applications required by the County's Land Use Ordinances.

CHAPTER 15

APPLICATIONS AND APPLICATION REVIEW PROCEDURES

This Chapter identifies the Land Use Applications required by the County's Land Use Ordinances and provides the review procedures for all Land Use Applications. The procedures for the review identify the Land Use Authority authorized to render a final decision for each Land Use Application. All Land Use Applications shall comply with the requirements of the County's Land Use Ordinances, including the Zoning Ordinance and Subdivision Ordinance, and this Administrative Manual.

	WAYNE County	18 South Main – P.O. Box 189 – Loa, Utah 84747
	ADMINISTRATIVE INTERPRETATION APPLICATION	(435) 836-2731

Date of Application:

APPLICANT INFORMATION

Contact Person: _____ Phone: _____

Name of Applicant: _____

Applicant Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____

Email: _____

- Administrative Interpretation of Land Use Ordinance
- Interpretation of a Zoning District Boundary

Fee Amount: \$ _____

Nature of Interpretation (Section or Map): _____

Location/Address of Subject Property: _____

Current Zoning District: _____

Name of Property Owners: _____
(Provide Additional Sheet,
if needed) _____

WAYNE COUNTY OFFICE USE ONLY

Date Received: _____ Date Determined Complete: _____ Fees Paid: _____

PROPERTY OWNER AFFIDAVIT

STATE OF UTAH }
 }ss
COUNTY OF WAYNE}

I (we), _____, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

(Property Owner)

(Property Owner)

Subscribed and sworn to me this _____ day of _____, 20_____.

(Notary)

My commission expires: _____

.....
AGENT AUTHORIZATION AFFIDAVIT

I (we), _____, the owner(s) of the real property described in the attached application, do authorized as my (our) agent(s), _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Property Owner)

Dated this _____ day of _____, 20_____, personally appeared before me _____, the signer(s) of the agent authorization who duly acknowledged to me that they executed the same.

(Notary)

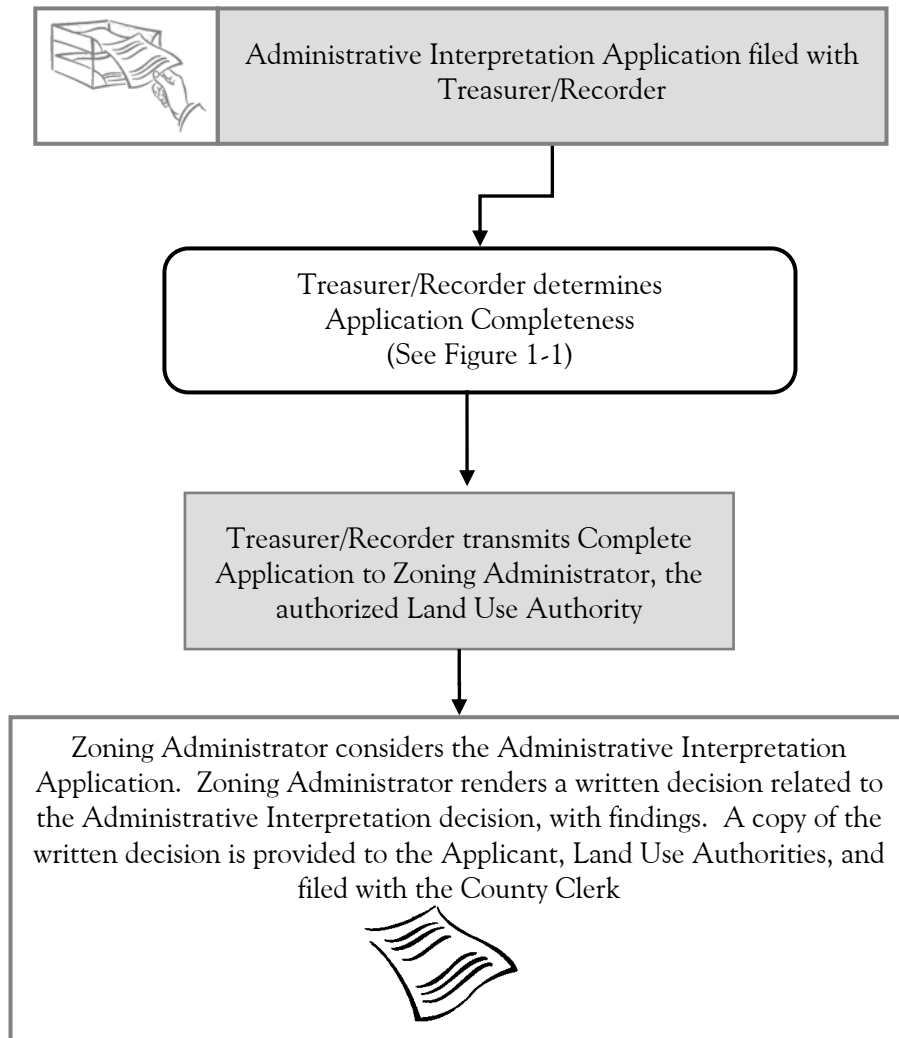
My commission expires: _____

Administrative Interpretation Application Requirements:

All Administrative Interpretation Applications shall include and provide the following information:

- 1. An Administrative Interpretation Application, including the payment of all required fees.
- 2. All information and materials, as determined necessary by the Applicant, that the Applicant considers necessary to assist the Zoning Administrator in making the Administrative Interpretation.
- 3. All other information, as may be required by the Zoning Administrator, necessary to review the Administrative Interpretation Application.

FIGURE 2-1
ADMINISTRATIVE INTERPRETATION APPLICATION PROCEDURES





WAYNE County
PERMITTED P-1 USE APPLICATION

18 South Main – P.O. Box 189 – Loa, Utah 84747
(435) 836-2731

Date of Application:

APPLICANT INFORMATION

Contact Person:

Phone:

Name of Applicant:

Applicant Address:

City:

State:

Zip:

Phone:

Fax:

Email:

LAND USE APPLICATION

Fee Amount: \$

Proposed Permitted P-1 Use:

Location/Address of Subject Property:

Current Zoning District:

Total Acreage (square feet or acres) of Site:

Name of Property Owners: _____
(Provide Additional Sheet,
if needed) _____

WAYNE COUNTY OFFICE USE ONLY

Date Received:

Date Determined Complete:

Fees Paid:

PROPERTY OWNER AFFIDAVIT

STATE OF UTAH }
 }ss
COUNTY OF WAYNE}

I (we), _____, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

(Property Owner)

(Property Owner)

Subscribed and sworn to me this _____ day of _____, 20_____.

(Notary)

My commission expires: _____

.....
AGENT AUTHORIZATION AFFIDAVIT

I (we), _____, the owner(s) of the real property described in the attached application, do authorized as my (our) agent(s), _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Property Owner)

Dated this _____ day of _____, 20_____, personally appeared before me _____, the signer(s) of the agent authorization who duly acknowledged to me that they executed the same.

(Notary)

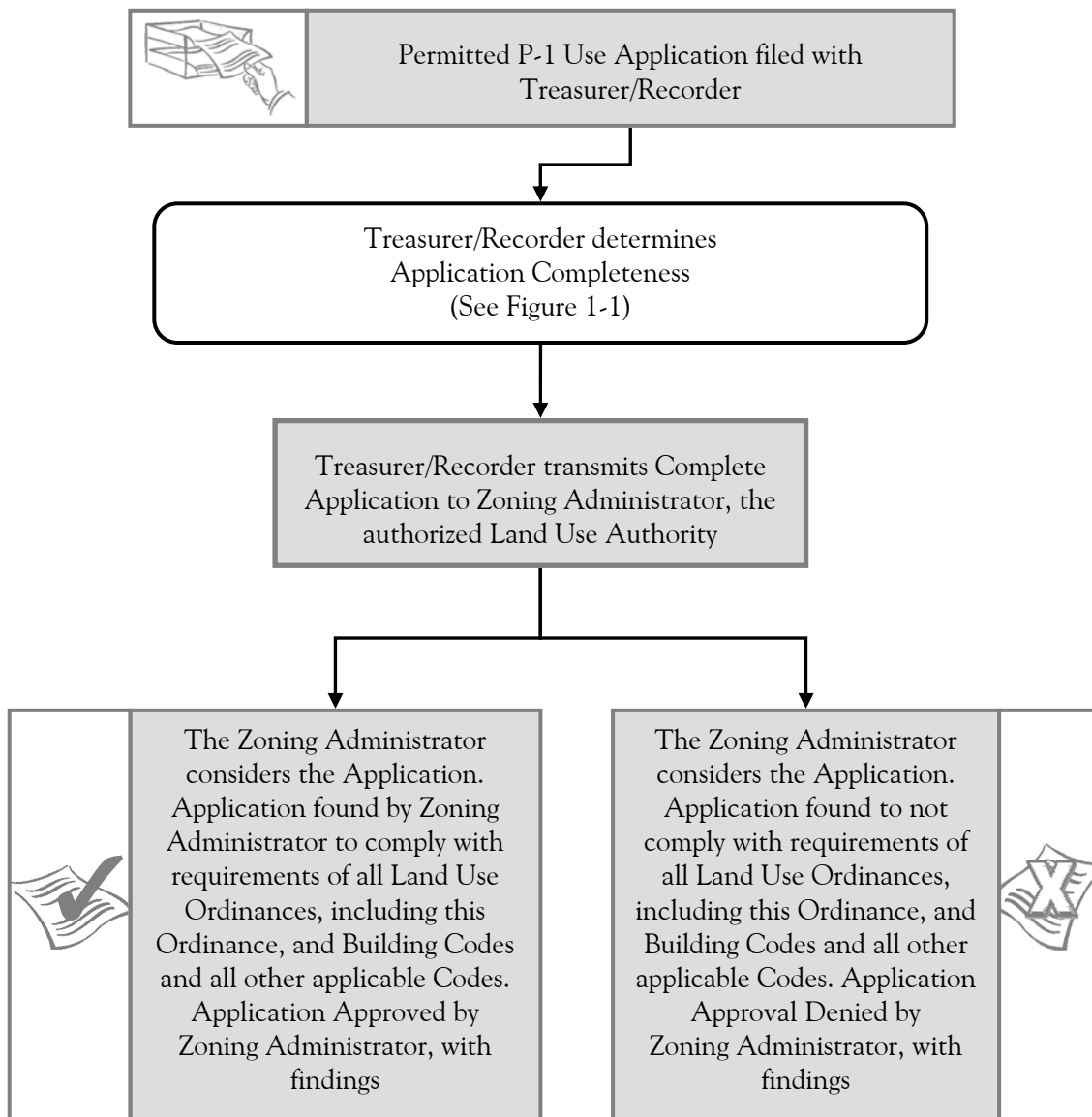
My commission expires: _____

Permitted P-1 Use Application Requirements:

Depending on the scope and complexity of the project, all applications to establish a Permitted P-1 Use, or expand an existing Permitted P-1 Use, may include and provide the following information:

- A Permitted P-1 Use Application, including the payment of all required fees.
- One (1) copy of a site plan, drawn at a scale of 1 inch = 40 feet, or as required by the Zoning Administrator, plus two (2) eleven (11) x seventeen (17) inch copies of a site plan identifying the following;
 - a) The location and dimension of the property boundaries and all proposed uses, and existing buildings or other structures located on the property.
 - b) The required setbacks for the Zoning District and the exterior dimensions of any proposed buildings and structures.
 - c) The location of all roads and streets serving the site, or proposed to serve the site.
 - d) The location and dimension of all existing and proposed ingress and egress points and off-street parking.
- As necessary, all information and materials required by the Building Code, as adopted, for a complete Building Permit Application, as applicable.
- Following review of the application, additional information may be required.

FIGURE 2-2
PERMITTED P-1 USE APPLICATION PROCEDURES
FOR APPROVAL BY THE ZONING ADMINISTRATOR



PERMITTED P-1 SIGN APPLICATION

	WAYNE County	18 South Main – P.O. Box 189 – Loa, Utah 84747 (435) 836-2731
---	---------------------	--

Date Received:

Date Determined Complete:

Fees Paid:

Date of Application:

APPLICANT INFORMATION

Contact Person:

Phone:

Name of Applicant:

Applicant Address:

City:

State:

Zip:

Phone:

Fax:

Email:

LAND USE APPLICATION

Fee Amount: \$

Proposed Permitted P-1 Sign:

Location/Address of Subject Property:

Current Zoning District:

Total Acreage (square feet or acres) of Site:

Name of Property Owners: _____
(Provide Additional Sheet,
if needed) _____

WAYNE COUNTY OFFICE USE ONLY

PROPERTY OWNER AFFIDAVIT

STATE OF UTAH }
 }ss
COUNTY OF WAYNE}

I (we), _____, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

(Property Owner)

(Property Owner)

Subscribed and sworn to me this _____ day of _____, 20_____.

(Notary)

My commission expires: _____

.....
AGENT AUTHORIZATION AFFIDAVIT

I (we), _____, the owner(s) of the real property described in the attached application, do authorized as my (our) agent(s), _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Property Owner)

Dated this _____ day of _____, 20_____, personally appeared before me _____, the signer(s) of the agent authorization who duly acknowledged to me that they executed the same.

(Notary)

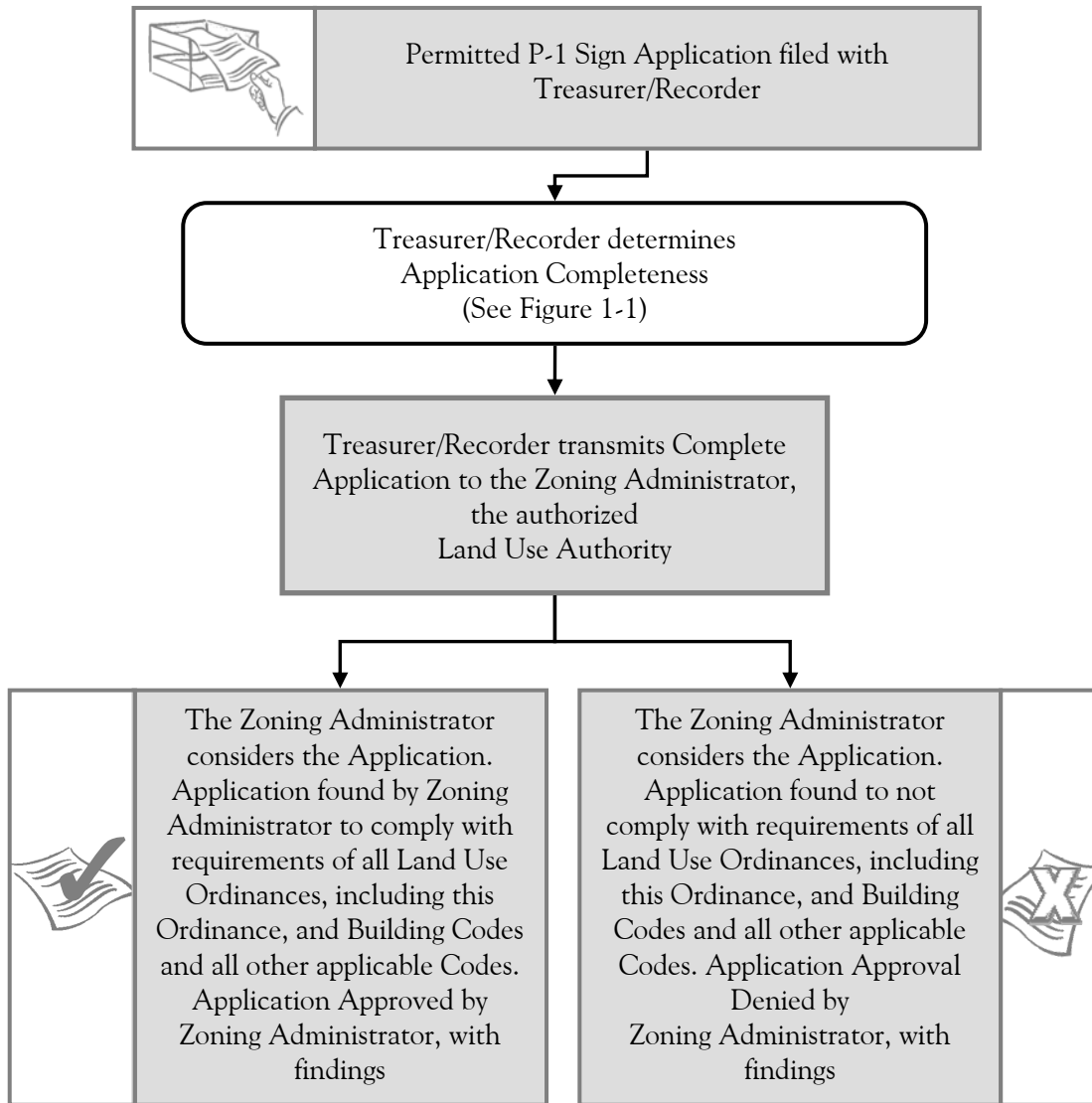
My commission expires: _____


Permitted P-1 Sign Application Requirements:

Depending on the scope and complexity of the project, all applications to establish a Permitted P-1 Sign, or enlarge an existing Permitted P-2 Sign may include and provide the following information:

- A Permitted P-1 Sign Application, including the payment of all required fees.
- One (1) copy of a site plan, drawn at a scale of 1 inch = 40 feet, or as required by the Zoning Administrator, plus two (2) eleven (11) x seventeen (17) inch copies of a site plan identifying the following;
 - a) The location and dimension of the property boundaries and all proposed uses, and existing buildings or other structures located on the property.
 - b) The required setbacks for the Zoning District and the exterior dimensions of any proposed buildings and structures.
 - c) The location of all roads and streets serving the site, or proposed to serve the site.
 - d) The location and dimension of all existing and proposed ingress and egress points and off-street parking.
- Accurate scaled drawings, or other illustration materials, sufficient to identify the location dimensions, colors, materials, shape, design, height, and construction details of all proposed signs.
 - a) Samples of all proposed sign materials and colors.
 - b) An accurate lighting plan which identifies the type of all proposed sign illumination devices, including the type of fixtures, lamps, bulb type, supports, color of light, installation and electrical details of all proposed sign lighting.
 - c) Details of proposed sign foundation and support structure(s).
 - d) Calculations identifying the proposed maximum total sign area for the site and individual buildings, and identifying separate individual calculations for the total sign area for each proposed sign.
- As necessary, all information and materials required by the Building Code, as adopted, for a complete Building Permit Application, as applicable.
- Following review of the application, additional information may be required.

FIGURE 2-3
PERMITTED P-1 SIGN APPLICATION PROCEDURES
FOR APPROVAL BY THE ZONING ADMINISTRATOR



	WAYNE PERMITTED P-2 USE APPLICATION	18 South Main – P.O. Box 189 – Loa, Utah 84747 (435) 836-2731
---	--	--

Date of Application:

APPLICANT INFORMATION

Contact Person: _____ Phone: _____

Name of Applicant: _____

Applicant Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____

Email: _____

LAND USE APPLICATION	Fee Amount: \$
-----------------------------	-----------------------

Proposed Permitted P-2 Use: _____

Location/Address of Subject Property: _____

Current Zoning District: _____

Total Acreage (square feet or acres) of Site: _____

Name of Property Owners: _____
(Provide Additional Sheet, if needed) _____

WAYNE COUNTY OFFICE USE ONLY

Date Received: _____ Date Determined Complete: _____ Fees Paid: _____

PROPERTY OWNER AFFIDAVIT

STATE OF UTAH }
 }ss
COUNTY OF WAYNE}

I (we), _____, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

(Property Owner)

(Property Owner)

Subscribed and sworn to me this _____ day of _____, 20_____.

(Notary)

My commission expires: _____

.....
AGENT AUTHORIZATION AFFIDAVIT

I (we), _____, the owner(s) of the real property described in the attached application, do authorized as my (our) agent(s), _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Property Owner)

Dated this _____ day of _____, 20_____, personally appeared before me _____, the signer(s) of the agent authorization who duly acknowledged to me that they executed the same.

(Notary)

My commission expires: _____

Permitted P-2 Use Application Requirements:

Depending on the scope and complexity of the project, all applications to establish a Permitted P-2 Use, or expand an existing Permitted P-2 Use, may include and provide the following information:

- A Permitted P-2 Use Application, including the payment of all required fees.
- One (1) copy of a site plan, drawn at a scale of 1 inch = 50 feet, or as required by the Zoning Administrator, and prepared by a licensed engineer or architect, plus six (6) copies of a 11 inch x 17 inch reduced copy of the site plan set identifying the following;
 - a) The location and dimension of the property and all proposed uses and buildings, all existing uses, buildings or other structures located on the property, and existing buildings and structures located within one-hundred (100) feet of the property. Existing property lines and existing fence lines shall be shown.
 - b) The location and dimension of all existing natural features including, but not limited to wetlands, drainage ways, flood plains, and water bodies.
 - c) Existing site grade, and the proposed finished grade, shown at a maximum contour interval of two (2) feet, or as required by the Zoning Administrator.
 - d) The required setbacks for the Zoning District and exterior dimensions of any proposed buildings and structures.
 - e) The location of all roads and streets serving the site, or proposed to serve the site, and including any permits as required by Wayne County or the Utah Department of Transportation, as applicable.
 - f) The location and dimension of all existing and proposed ingress and egress points, off-street parking, and loading areas, including the total number of parking and loading spaces.
 - g) All public and private rights-of-way and easements located on, or adjacent to the property, proposed to be continued, created, relocated, or abandoned.
- Located on the site plan sheet(s), or on separate sheets, as may be proposed by the applicant, or required by the Zoning Administrator for readability, the following information may be provided:
 - a) The location and sizes of all existing water, sewer, storm drainage, power, gas, and telephone lines, and other utility facilities.

- b) The design plans for all new water, sewer, storm drainage, power, gas, and telephone lines, and other utility facilities, as applicable. Access points to all utilities and locations of utility connections shall be shown.
- c) The design and cross-section of all new roads and streets proposed, meeting the design and construction requirements of the County, or other agencies, as applicable, and prepared by a licensed engineer, at a scale acceptable to the Zoning Administrator.
- d) Landscape plan(s) identifying all proposed landscape, screening and buffering features, including all proposed plant materials, including their locations and sizes.
- e) Fences and Walls. The location of all proposed fences and walls, identifying proposed height, materials, and colors shall be shown.

Building Plans.

- a) As necessary, all information and materials required by the Building Code, as adopted, for a complete Building Permit Application, as applicable.
- b) The exterior elevations of every side of all proposed buildings and structures may be provided, clearly showing building materials and colors proposed. This information may include a proposed building materials and colors, including color chips and material samples.
- c) The location of all associated mechanical and ancillary equipment, if any, may be provided, including any screening treatments proposed.

Site and Building Lighting Plans. Plans may be provided identifying all proposed site and building lighting identifying the type, design, location, intensity, height, and direction of all site and building lighting.

Waste Collection. The location and dimensions of all proposed solid waste collection areas and storage areas, including the proposed methods of screening.

Erosion Control Plan(s). Plans identifying proposed temporary and permanent erosion control measures.

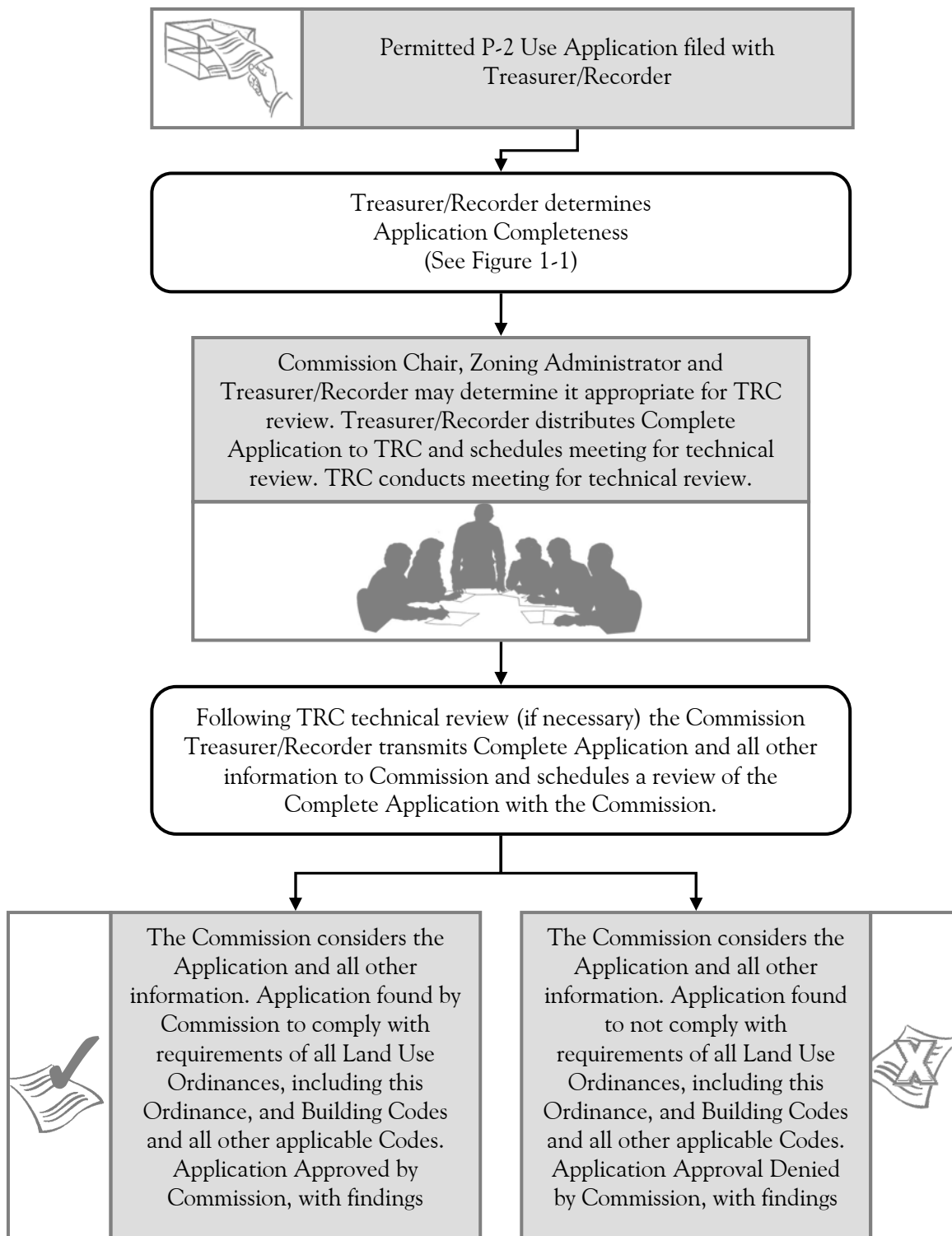
Construction Plan(s). Plans identifying the phases of construction, a construction schedule, and a list of all permits necessary for the proposed use(s), as applicable.

A Narrative, accompanied by necessary tables and other information, describing the proposed uses and construction sufficient to assist the Commission review the proposed site plan, and including:

- a) A calculation, identifying all pervious and impervious areas.

- b) A description of all proposed uses and buildings, including the total site area and building square footage, by building.
- Following review of the application, additional information may be required.

FIGURE 2-4
PERMITTED P-2 USE APPLICATION PROCEDURES
FOR APPROVAL BY THE COMMISSION



	WAYNE COUNTY	18 South Main – P.O. Box 189 – Loa, Utah 84747 435-836-2731
---	---------------------	--

Date of Application:

APPLICANT INFORMATION

Contact Person:

Phone:

Name of Applicant:

Applicant Address:

City:

State:

Zip:

Phone:

Fax:

Email:

LAND USE APPLICATION

Fee Amount: \$

Proposed Permitted P-2 Sign:

Location/Address of Subject Property:

Current Zoning District:

Total Acreage (square feet or acres) of Site:

Name of Property Owners: _____
(Provide Additional Sheet, _____
if needed)

WAYNE COUNTY OFFICE USE ONLY

Date Received:

Date Determined Complete:

Fees Paid:

PROPERTY OWNER AFFIDAVIT

STATE OF UTAH }
 }ss
COUNTY OF WAYNE}

I (we), _____, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

(Property Owner)

(Property Owner)

Subscribed and sworn to me this _____ day of _____, 20_____.

(Notary)

My commission expires: _____

.....
AGENT AUTHORIZATION AFFIDAVIT

I (we), _____, the owner(s) of the real property described in the attached application, do authorized as my (our) agent(s), _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Property Owner)

Dated this _____ day of _____, 20_____, personally appeared before me _____, the signer(s) of the agent authorization who duly acknowledged to me that they executed the same.

(Notary)

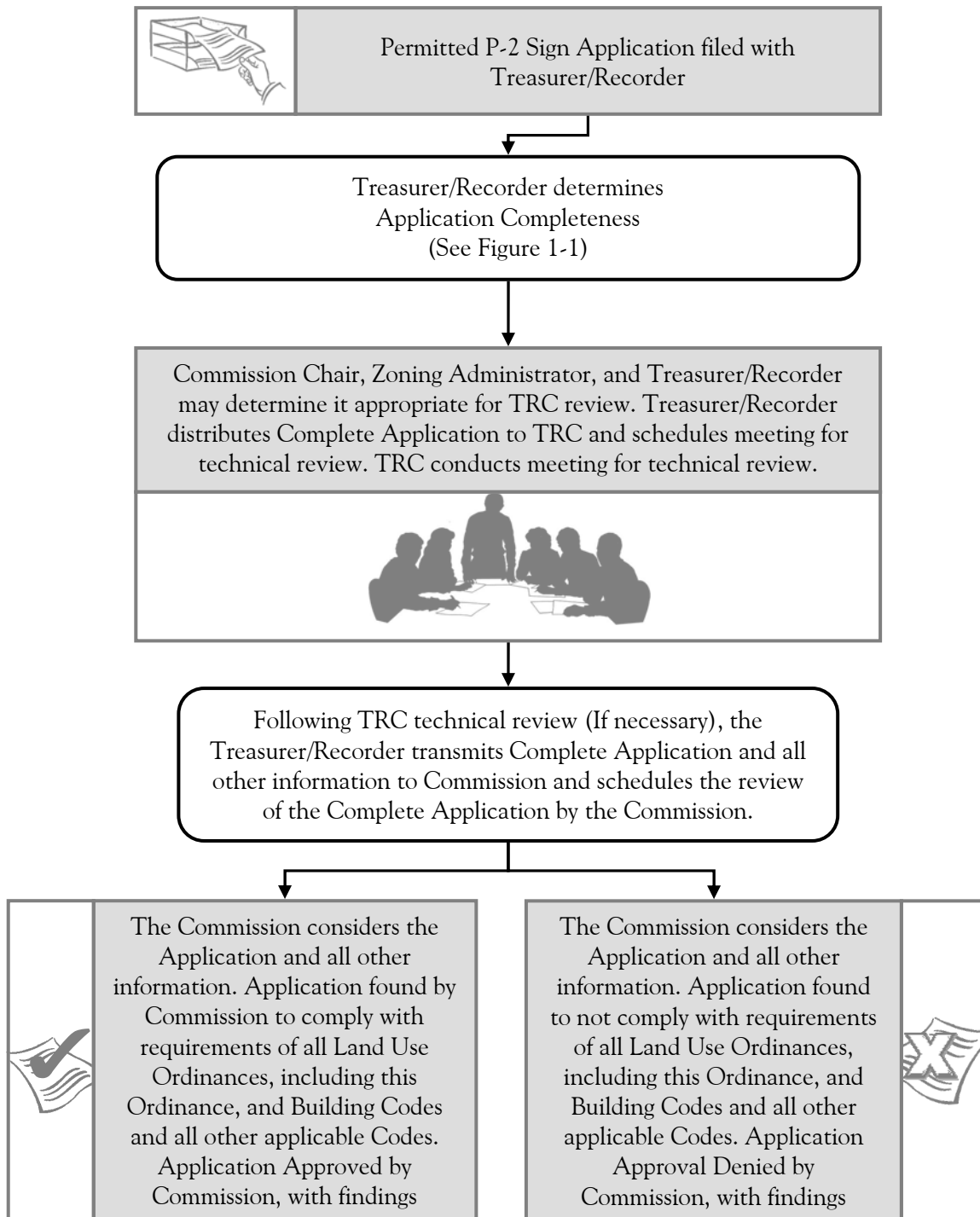
My commission expires: _____


Permitted P-2 Sign Application Requirements:

Depending on the scope and complexity of the project, all applications to establish a Permitted P-2 Sign, or enlarge an existing Permitted P-2 Sign may include and provide the following information:

- A Permitted P-2 Sign Application, including the payment of all required fees.
- One (1) copy of a site plan, drawn at a scale of 1 inch = 50 feet, or as required by the Zoning Administrator, plus six (6) copies of a 11 inch x 17 inch copy of a site plan identifying the following;
 - a) The location and dimension of the property boundaries and all proposed uses, and existing buildings or other structures located on the property.
 - b) The required setbacks for the Zoning District and the exterior dimensions of any proposed buildings and structures.
 - c) The location of all roads and streets serving the site, or proposed to serve the site.
 - d) The location and dimension of all existing and proposed ingress and egress points and off-street parking.
- Accurate scaled drawings or other illustration materials, sufficient to identify the location, dimensions, colors, materials, shape, design, height, and construction details of all proposed signs.
 - a) Samples of all proposed sign materials and colors.
 - b) An accurate lighting plan which identifies the type of all proposed sign illumination devices, including the type of fixtures, lamps, bulb type, supports, color of light, installation and electrical details of all proposed sign lighting.
 - c) Details of proposed sign foundation and support structure(s).
 - d) Calculations identifying the proposed maximum total sign area for the site and individual buildings, and identifying separate individual calculations for the total sign area for each proposed sign.
- As necessary, all information and materials required by the Building Code, as adopted, for a complete Building Permit Application, as applicable.
- Following review of the application, additional information may be required.

FIGURE 2-5
PERMITTED P-2 SIGN APPLICATION PROCEDURES
FOR APPROVAL BY THE COMMISSION



	CONDITIONAL USE APPLICATION	18 South Main - P.O. Box 189 - Loa, Utah 84747
	WAYNE County	(435) 836-2731

Date Received:

Date Determined Complete:

Fees Paid:

Date of Application:

APPLICANT INFORMATION

Contact Person:

Phone:

Name of Applicant:

Applicant Address:

City:

State:

Zip:

Phone:

Fax:

Email:

LAND USE APPLICATION

Fee Amount: \$

Proposed Conditional Use:

Location/Address of Subject Property:

Current Zoning District:

Total Acreage (square feet or acres) of Site:

Name of Property Owners: _____
(Provide Additional Sheet,
if needed) _____

WAYNE COUNTY OFFICE USE ONLY

PROPERTY OWNER AFFIDAVIT

STATE OF UTAH }
 }ss
COUNTY OF WAYNE}

I (we), _____, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

(Property Owner)

(Property Owner)

Subscribed and sworn to me this _____ day of _____, 20_____.

(Notary)

My commission expires: _____

.....
AGENT AUTHORIZATION AFFIDAVIT

I (we), _____, the owner(s) of the real property described in the attached application, do authorized as my (our) agent(s), _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Property Owner)

Dated this _____ day of _____, 20_____, personally appeared before me _____, the signer(s) of the agent authorization who duly acknowledged to me that they executed the same.

(Notary)

My commission expires: _____

Conditional Use Application Requirements:

Depending on the scope and complexity of the project, all applications to establish a Conditional Use, or expand an existing Conditional Use may include and provide the following information:

- ☐ A complete Conditional Use Application, including the payment of all required fees.
- ☐ One (1) copies of a site plan, drawn at a scale of 1 inch = 50 feet, or as required by the Commission, and prepared by a licensed engineer or architect, plus six (6) copies of a 11 inch x 17 inch reduced copy of the site plan set identifying the following;
 - a) The location and dimension of the property and all proposed uses and buildings, all existing uses, buildings or other structures located on the property, and existing buildings and structures located within one-hundred (100) feet of the property. Existing property lines and existing fence lines shall be shown.
 - b) The location and dimension of all existing natural features including, but not limited to wetlands, drainage ways, flood plains, and water bodies.
 - c) Existing site grade, and the proposed finished grade, shown at a maximum contour interval of two (2) feet, or as required by the Commission.
 - d) The required setbacks for the Zoning District and exterior dimensions of any proposed buildings and structures.
 - e) The location of all roads and streets serving the site, or proposed to serve the site, and including any permits as required by the County or the Utah Department of Transportation, as applicable.
 - f) The location and dimension of all existing and proposed ingress and egress points, off-street parking, and loading areas, including the total number of parking and loading spaces.
 - g) All public and private rights-of-way and easements located on, or adjacent to the property, proposed to be continued, created, relocated, or abandoned shall be shown.
- ☐ Located on the site plan sheet(s), or on separate sheets, as may be proposed by the applicant, or required by the Zoning Administrator for readability, the following information may be provided:
 - a) The location and sizes of all existing water, sewer, storm drainage, power, gas, and telephone lines, and other utility facilities.

- b) The design plans for all new water, sewer, storm drainage, power, gas, and telephone lines, and other utility facilities, as applicable. Access points to all utilities and locations of utility connections shall be shown.
- c) The design and cross-section of all new roads and streets proposed, meeting the design and construction requirements of the County, or other agencies, as applicable, and prepared by a licensed engineer, at a scale acceptable to the Building Official.
- d) Landscape plan(s), identifying all proposed landscape, screening and buffering features, including all proposed plant materials, including their locations and sizes.
- e) Fences and Walls. The location of all proposed fences and walls, identifying proposed height, materials, and colors shall be shown.

Building Plans.

- a) As necessary, all information and materials required by the Building Code, as adopted, for a complete Building Permit Application, as applicable.
- b) The exterior elevations of every side of all proposed buildings and structures may be provided, clearly showing building materials and colors proposed. This information may include a proposed building materials and colors, including color chips and material samples.
- c) The location of all associated mechanical and ancillary equipment, if any, may be provided, including any screening treatments proposed.

Site and Building Lighting Plans. Plans shall be provided identifying all proposed site and building lighting identifying the type, design, location, intensity, height, and direction of all site and building lighting.

Waste Collection. The location and dimensions of all proposed solid waste collection areas and storage areas, including the proposed methods of screening.

Erosion Control Plan(s). Plans identifying proposed temporary and permanent erosion control measures.

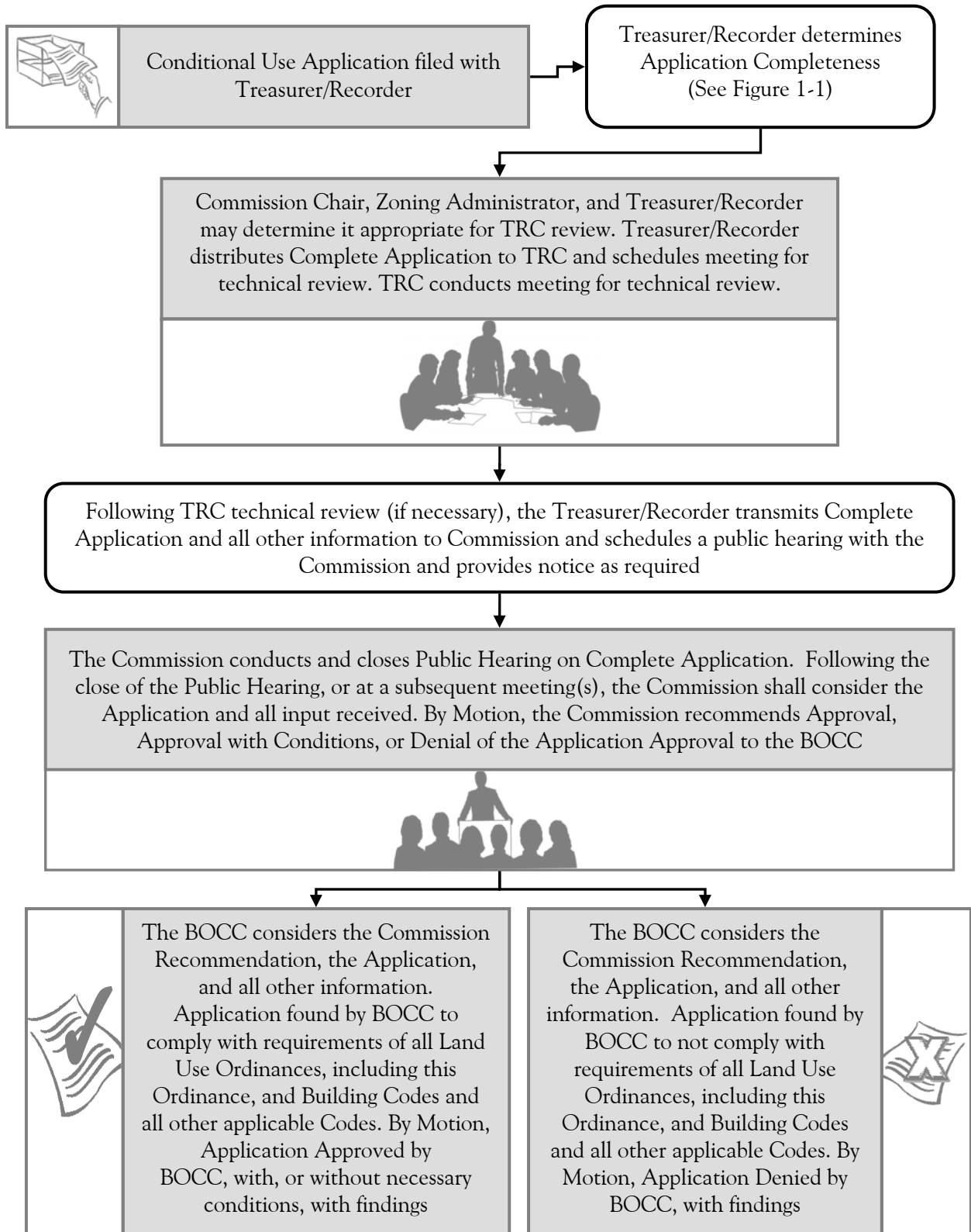
Construction Plan(s). Plan identifying the phases of construction, a construction schedule, and a list of all permits necessary for the proposed use(s), as applicable.

A narrative, accompanied by necessary tables and other information, describing the proposed uses and construction sufficient to assist the Commission and BOCC review the proposed site plan, and including:

- a) A calculation, identifying all pervious and impervious areas.

- b) A description of all proposed uses and buildings, including the total site area and building square footage, by building.
- Following review of the application, additional information may be required.

FIGURE 2-6
 CONDITIONAL USE APPLICATION PROCEDURES





WAYNE COUNTY CONDITIONAL SIGN APPLICATION

18 South Main – P.O. Box 189 – Loa, Utah 84747
(435) 836-2731

Date of Application:

APPLICANT INFORMATION

Contact Person:

Phone:

Name of Applicant:

Applicant Address:

City:

State:

Zip:

Phone:

Fax:

Email:

LAND USE APPLICATION

Fee Amount: \$

Proposed Conditional Sign:

Location/Address of Subject Property:

Current Zoning District:

Total Acreage (square feet or acres) of Site:

Name of Property Owners: _____
(Provide Additional Sheet, _____
if needed)

WAYNE COUNTY OFFICE USE ONLY

Date Received:

Date Determined Complete:

Fees Paid:

PROPERTY OWNER AFFIDAVIT

STATE OF UTAH }
 }ss
COUNTY OF WAYNE}

I (we), _____, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

(Property Owner)

(Property Owner)

Subscribed and sworn to me this _____ day of _____, 20_____.

(Notary)

My commission expires: _____

.....
AGENT AUTHORIZATION AFFIDAVIT

I (we), _____, the owner(s) of the real property described in the attached application, do authorized as my (our) agent(s), _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Property Owner)

Dated this _____ day of _____, 20_____, personally appeared before me _____, the signer(s) of the agent authorization who duly acknowledged to me that they executed the same.

(Notary)

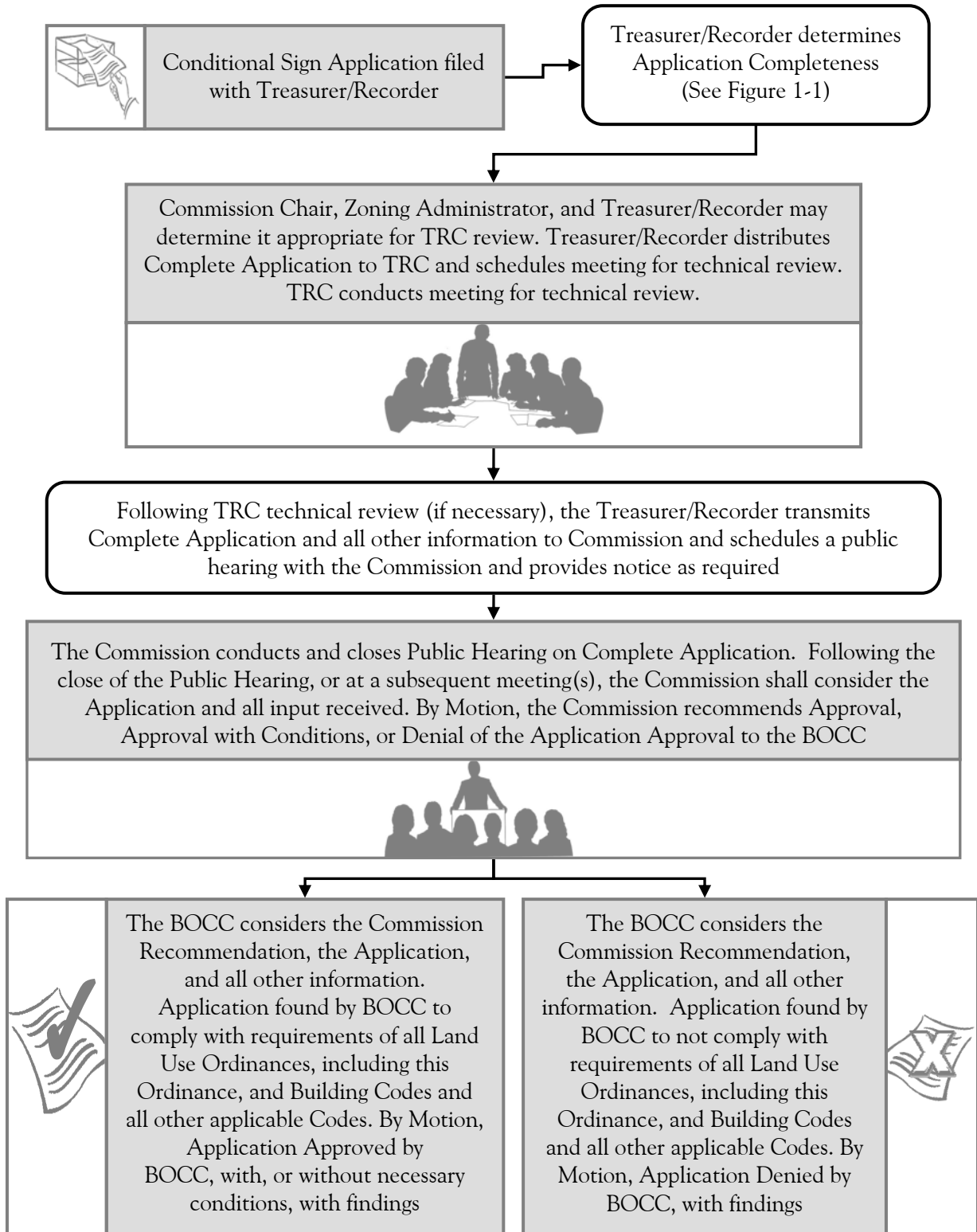
My commission expires: _____

Conditional Sign Application Requirements:

Depending on the scope and complexity of the project, all applications to establish a Conditional Use Sign, or enlarge an existing Conditional Use Sign may include and provide the following information:

- A Conditional Use Sign Application, including the payment of all required fees.
- One (1) copy of a site plan, drawn at a scale of 1 inch = 50 feet, or as required by the Commission, plus six (6) 11 inch) x 17 inch copies of a site plan identifying the following;
 - a) The location and dimension of the property boundaries and all proposed uses, and existing buildings or other structures located on the property.
 - b) The required setbacks for the Zoning District and the exterior dimensions of any proposed buildings and structures.
 - c) The location of all roads and streets serving the site, or proposed to serve the site.
 - d) The location and dimension of all existing and proposed ingress and egress points and off-street parking.
- Accurate scaled drawings or other illustration materials, sufficient to identify the location, dimensions, colors, materials, shape, design, height, and construction details of all proposed signs.
 - a) Samples of all proposed sign materials and colors.
 - b) An accurate lighting plan which identifies the type of all proposed sign illumination devices, including the type of fixtures, lamps, bulb type, supports, color of light, installation and electrical details of all proposed sign lighting.
 - c) Details of proposed sign foundation and support structure(s).
 - d) Calculations identifying the proposed maximum total sign area for the site and individual buildings, and identifying separate individual calculations for the total sign area for each proposed sign.
- As necessary, all information and materials required by the Building Code, as adopted, for a complete Building Permit Application, as applicable.
- Following review of the application, additional information may be required.

FIGURE 2-7
 CONDITIONAL SIGN APPLICATION PROCEDURES



	WIND ENERGY SYSTEM (RESIDENTIAL) APPLICATION	18 South Main - P.O. Box 189 - Loa, Utah 84747
	WAYNE County	(435) 836-2731

Date of Application:

APPLICANT INFORMATION

Contact Person:

Phone:

Name of Applicant:

Applicant Address:

City:

State:

Zip:

Phone:

Fax:

Email:

LAND USE APPLICATION

Fee Amount: \$

Location/Address of Subject Property:

Current Zoning District:

Total Acreage (square feet or acres) of Site:

Name of Property Owners: _____
(Provide Additional Sheet,
if needed) _____

WAYNE COUNTY OFFICE USE ONLY

Date Received:

Date Determined Complete:

Fees Paid:

PROPERTY OWNER AFFIDAVIT

STATE OF UTAH }
 }ss
COUNTY OF WAYNE}

I (we), _____, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

(Property Owner)

(Property Owner)

Subscribed and sworn to me this _____ day of _____, 20____.

(Notary)

My commission expires: _____

.....
AGENT AUTHORIZATION AFFIDAVIT

I (we), _____, the owner(s) of the real property described in the attached application, do authorized as my (our) agent(s), _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Property Owner)

Dated this _____ day of _____, 20____, personally appeared before me _____, the signer(s) of the agent authorization who duly acknowledged to me that they executed the same.

(Notary)

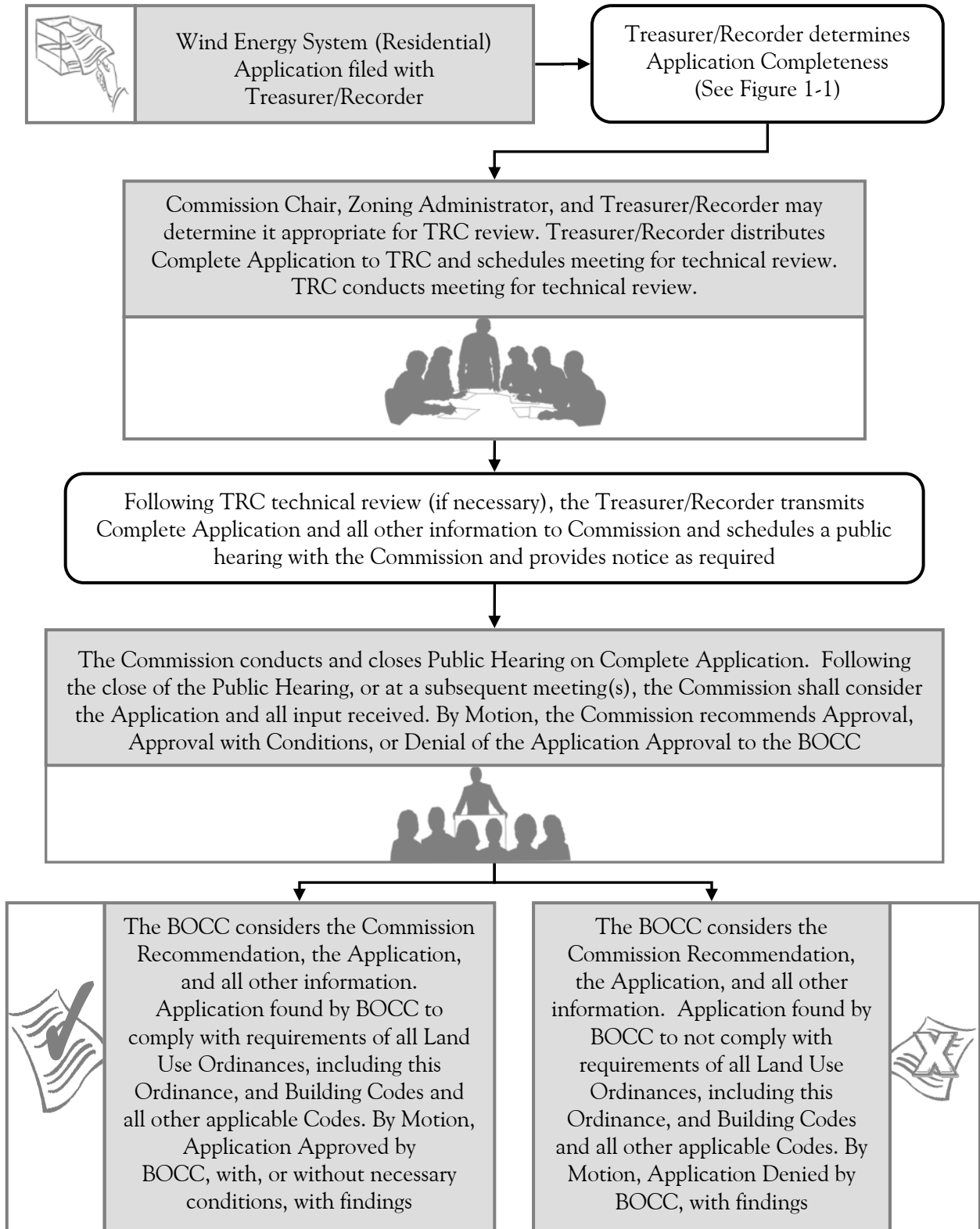
My commission expires: _____

Wind Energy System (Residential) Requirements:

Depending on the scope and complexity of the project, all applications to establish a Wind Energy System (Residential) may include and provide the following information:

- A Wind Energy System (Residential) Application, including the payment of all required fees.
- One (1) copy of a site plan, drawn at a scale of 1 inch = 50 feet, or as required by the Commission, plus six (6) 11 inch x 17 inch copies of a site plan identifying the following:
 - a) The location and dimension of the property boundaries and all proposed uses, and existing buildings or other structures located on the property.
- Accurate scaled drawings or other illustration materials, sufficient to identify the location and construction details of all proposed Wind Energy System (Residential) Facilities including:
 - a) Distance to all existing structures, buildings, roads and streets, electrical lines, property and fence lines.
 - b) Engineering drawings of the proposed Wind Energy System (Residential) identifying:
 - i) Tower design, including its weight-bearing capacity.
 - ii) Foundation and anchor design and soil conditions and specifications for the soil conditions at the site.
- Specific information on the type, size, rotor material, rated power output, performance, safety and noise characteristics of the proposed Wind Energy System (Residential) including the name and address of the manufacturer and model.
- Emergency and normal shutdown procedures.
- Electrical drawings identifying all electrical components and in sufficient detail to establish that the installation conforms to all applicable electrical codes.
- Evidence that the electrical service provider has been notified of the intent to install an interconnected electrical generator, unless the system will not be connected to the electricity grid.
- As necessary, all information and materials required by the Building Code, as adopted, for a complete Building Permit Application, as applicable.
- Following review of the application, additional information may be required.

**FIGURE 2-8
 WIND ENERGY SYSTEM (RESIDENTIAL) APPLICATION PROCEDURES**





Date of Application:

APPLICANT INFORMATION

Contact Person:

Phone:

Name of Applicant:

Applicant Address:

City:

State:

Zip:

Phone:

Fax:

Email:

LAND USE APPLICATION

Fee Amount: \$

Location/Address of Subject Property:

Current Zoning District:

Total Acreage (square feet or acres) of Site:

Name of Property Owners: _____
(Provide Additional Sheet,
if needed) _____

WAYNE COUNTY OFFICE USE ONLY

Date Received:

Date Determined Complete:

Fees Paid:

PROPERTY OWNER AFFIDAVIT

STATE OF UTAH }
 }ss
COUNTY OF WAYNE}

I (we), _____, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

(Property Owner)

(Property Owner)

Subscribed and sworn to me this _____ day of _____, 20____.

(Notary)

My commission expires: _____

.....
AGENT AUTHORIZATION AFFIDAVIT

I (we), _____, the owner(s) of the real property described in the attached application, do authorized as my (our) agent(s), _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Property Owner)

Dated this _____ day of _____, 20____, personally appeared before me _____, the signer(s) of the agent authorization who duly acknowledged to me that they executed the same.

(Notary)

My commission expires: _____

Wind Energy System (Commercial/Industrial) Requirements:

Depending on the scope and complexity of the project, all applications to establish a Wind Energy System (Commercial/Industrial) may include and provide the following information:

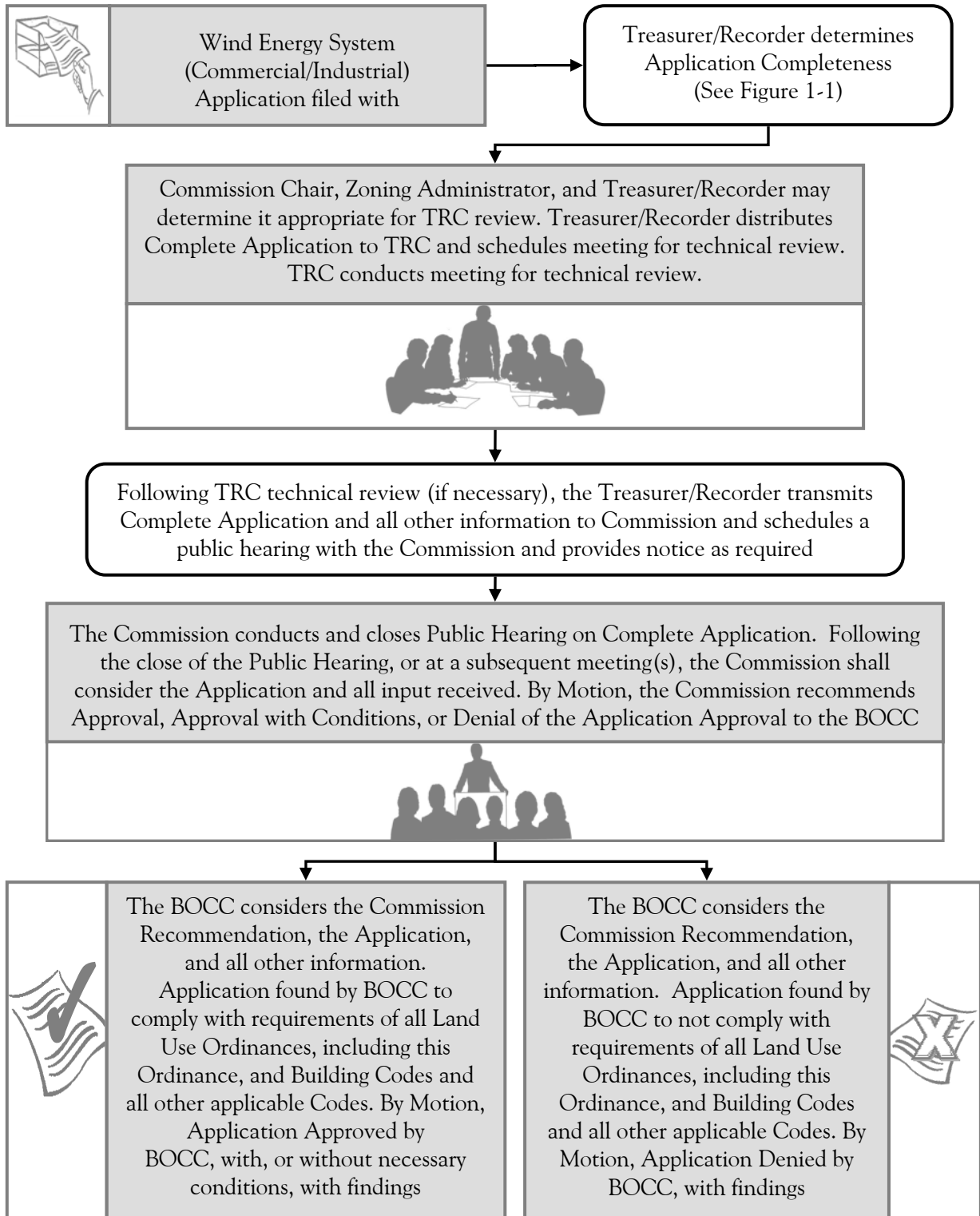
- ☐ A Wind Energy System (Commercial/Industrial) Application, including the payment of all required fees.
- ☐ One (1) copy of a site plan, drawn at a scale of 1 inch = 50 feet, or as required by the Commission, and prepared by a licensed engineer or architect, plus six (6) copies of a 11 inch x 17 inch reduced copy of the site plan set identifying the following;
 - a) The location and dimension of the property and all proposed uses and buildings, all existing uses, buildings or other structures located on the property, and existing buildings and structures located within one-hundred (100) feet of the property. Existing property lines and existing fence lines shall be shown.
 - b) The location and dimension of all existing natural features including, but not limited to wetlands, drainage ways, flood plains, and water bodies.
 - c) Existing site grade, and the proposed finished grade, shown at a maximum contour interval of two (2) feet, or as required by the Commission.
 - d) The proposed setbacks and exterior dimensions of all proposed buildings and structures.
 - e) The location of all roads and streets adjoining the site, or proposed to serve the site, and including any permits as required by the County or the Utah Department of Transportation, as applicable.
 - f) The location and dimension of all proposed ingress and egress points, off-street parking, and loading areas, including the total number of parking and loading spaces.
 - g) All public and private rights-of-way and easements located on, or adjacent to the property, proposed to be continued, created, relocated, or abandoned shall be shown.
- ☐ Located on the site plan sheet(s), or on separate sheets, as may be proposed by the applicant, or required by the Commission for readability, the following information may be provided:
 - a) The location and sizes of all existing water, sewer, storm drainage, power, gas, and telephone lines, and other utility facilities.

- b) The design plans for all new water, sewer, storm drainage, power, gas, and telephone lines, and other utility facilities, as applicable. Access points to all utilities and locations of utility connections shall be shown.
 - c) The design and cross-section of all new roads and streets proposed, meeting the design and construction requirements of the County, or other agencies, as applicable, and prepared by a licensed engineer, at a scale acceptable to the Commission.
 - d) Fences and Walls. The location of all fences and walls, identifying proposed height, materials, and colors shall be shown.
- Accurate scaled drawings or other illustration materials, sufficient to identify the location and construction details of all proposed Wind Energy System (Commercial/Industrial) Facilities including:
- a) Elevations of the height, design and configuration of the Wind Energy System (Commercial/Industrial).
 - b) Distance to all existing structures, buildings, roads and streets, electrical lines, property and fence lines.
 - c) Engineering drawings of the proposed Wind Energy System (Commercial/Industrial) identifying;
 - i) Tower design, including its weight-bearing capacity.
 - ii) Foundation and anchor design and soil conditions and specifications for the soil conditions at the site.
- Specific information on the type, size, rotor material, rated power output, performance, safety and noise characteristics of the proposed Wind Energy System (Commercial/Industrial) including the name and address of the manufacturer and model.
- Emergency and normal shutdown procedures.
- Electrical drawings identifying all electrical components and in sufficient detail to establish that the installation conforms to all applicable electrical codes.
- As necessary, all information and materials required by the Building Code, as adopted, for a complete Building Permit Application, as applicable.
- Erosion Control Plan(s)**. Plans identifying proposed temporary and permanent erosion control measures.
- Construction Plan(s)**. Plan identifying the phases of construction, a construction schedule, and a list of all permits necessary for the proposed use(s), as applicable.

- ☐ A narrative, accompanied by necessary tables and other information, describing the proposed uses and construction sufficient to assist the Commission and BOCC review the proposed site plan, and including:
 - a) A calculation, identifying all pervious and impervious areas.
 - b) A description of all proposed uses and buildings, including the total site area and building square footage, by building.

- ☐ Following review of the application, additional information may be required.

**FIGURE 2-9
 WIND ENERGY SYSTEM (COMMERCIAL/INDUSTRIAL)
 APPLICATION PROCEDURES**



	GENERAL PLAN AMENDMENT APPLICATION
	WAYNE County 18 South Main – P.O. Box 189 – Loa, Utah 84747 (435) 836- 2731

Date of Application:

APPLICANT INFORMATION

Contact Person:

Phone:

Name of Applicant:

Applicant Address:

City:

State:

Zip:

Phone:

Fax:

Email:

LAND USE APPLICATION

Fee Amount: \$

Proposed General Plan Amendment (Text or Map):

Location/Address of Subject Property:

Current Land Use Designation and Zoning District:

Total Acreage (square feet or acres) of Subject Property:

Name of Property Owners: _____
(Provide Additional Sheet,
if needed) _____

WAYNE COUNTY OFFICE USE ONLY

Date Received:

Date Determined Complete:

Fees Paid:

PROPERTY OWNER AFFIDAVIT

STATE OF UTAH }
 }ss
COUNTY OF WAYNE}

I (we), _____, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

(Property Owner)

(Property Owner)

Subscribed and sworn to me this _____ day of _____, 20_____.

(Notary)

My commission expires: _____

.....
AGENT AUTHORIZATION AFFIDAVIT

I (we), _____, the owner(s) of the real property described in the attached application, do authorized as my (our) agent(s), _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Property Owner)

Dated this _____ day of _____, 20_____, personally appeared before me _____, the signer(s) of the agent authorization who duly acknowledged to me that they executed the same.

(Notary)

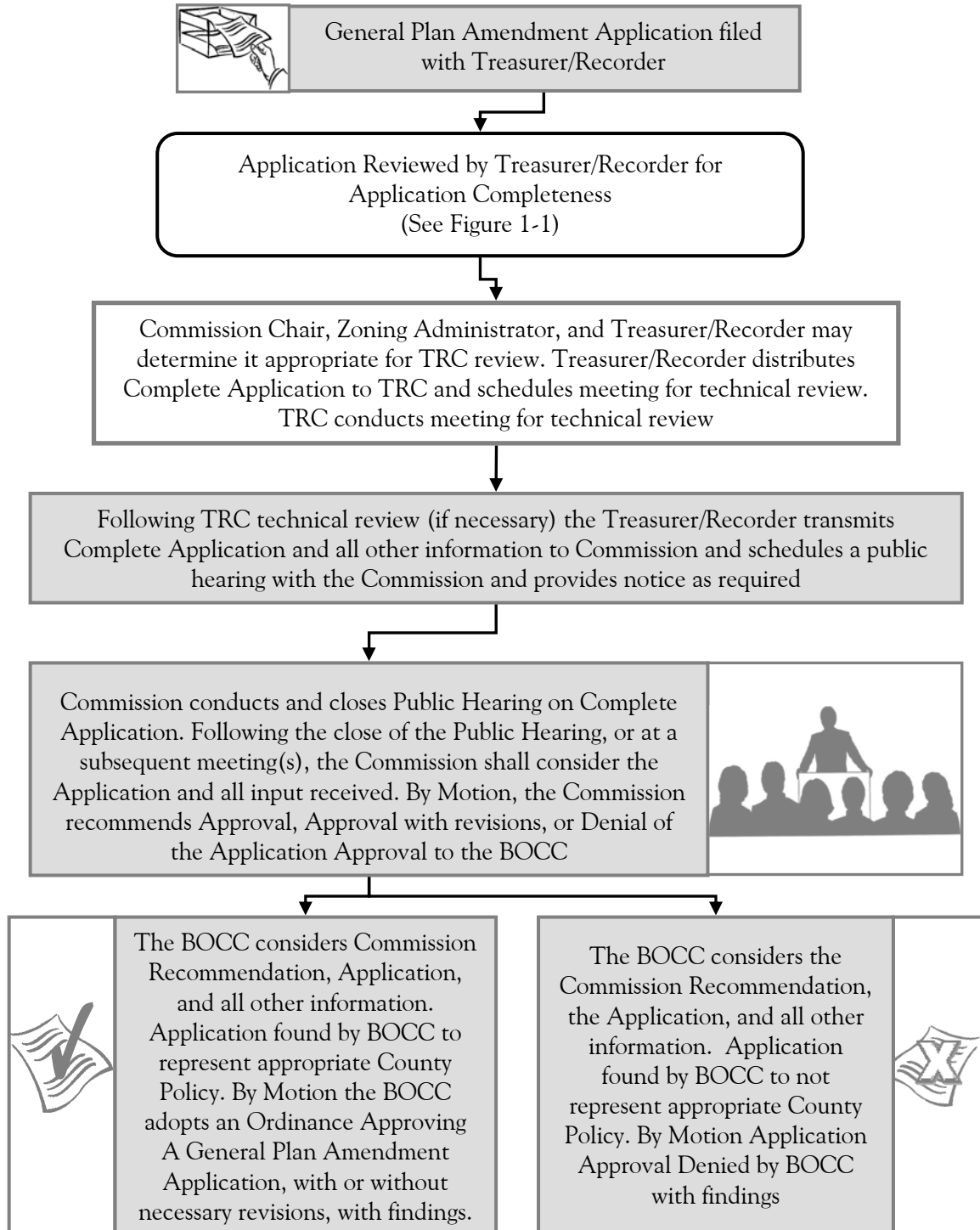
My commission expires: _____

General Plan Amendment Application Requirements:


All applications for a General Plan Amendment shall include and provide the following information:

- A General Plan Amendment Application, including the payment of all required fees.
- All information and materials, as determined necessary by the Applicant, and sufficient to identify and demonstrate the rationale and basis for the proposed General Plan Amendment.
- Written statements identifying how the General Plan, as adopted, is in error or deficient, and how the proposed General Plan Amendment will correct any error or deficiency.
- All other information, as may be required by the Commission, or Board of County Commissioners necessary to review the General Plan Amendment Application.

**FIGURE 2-10
 GENERAL PLAN AMENDMENT APPLICATION REVIEW PROCEDURES**



LAND USE ORDINANCE AMENDMENT APPLICATION

	<h1 style="margin: 0;">WAYNE County</h1>	<p>18 South Main – P.O. Box 189 – Loa, Utah 84747 (435) 836- 2731</p>
---	--	---

Date Received:

Date Determined Complete:

Fees Paid:

Date of Application:

APPLICANT INFORMATION

Contact Person:

Phone:

Name of Applicant:

Applicant Address:

City:

State:

Zip:

Phone:

Fax:

Email:

LAND USE APPLICATION

Fee Amount: \$

Proposed Land Use Ordinance Amendment (Text or Map):

Location/Address of Subject Property:

Current Land Use Designation and Zoning District:

Total Acreage (square feet or acres) of Subject Property:

Name of Property Owners: _____
(Provide Additional Sheet,
if needed) _____

WAYNE COUNTY OFFICE USE ONLY

PROPERTY OWNER AFFIDAVIT

STATE OF UTAH }
 }ss
COUNTY OF WAYNE}

I (we), _____, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

(Property Owner)

(Property Owner)

Subscribed and sworn to me this _____ day of _____, 20_____.

(Notary)

My commission expires: _____

.....
AGENT AUTHORIZATION AFFIDAVIT

I (we), _____, the owner(s) of the real property described in the attached application, do authorized as my (our) agent(s), _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Property Owner)

Dated this _____ day of _____, 20_____, personally appeared before me _____, the signer(s) of the agent authorization who duly acknowledged to me that they executed the same.

(Notary)

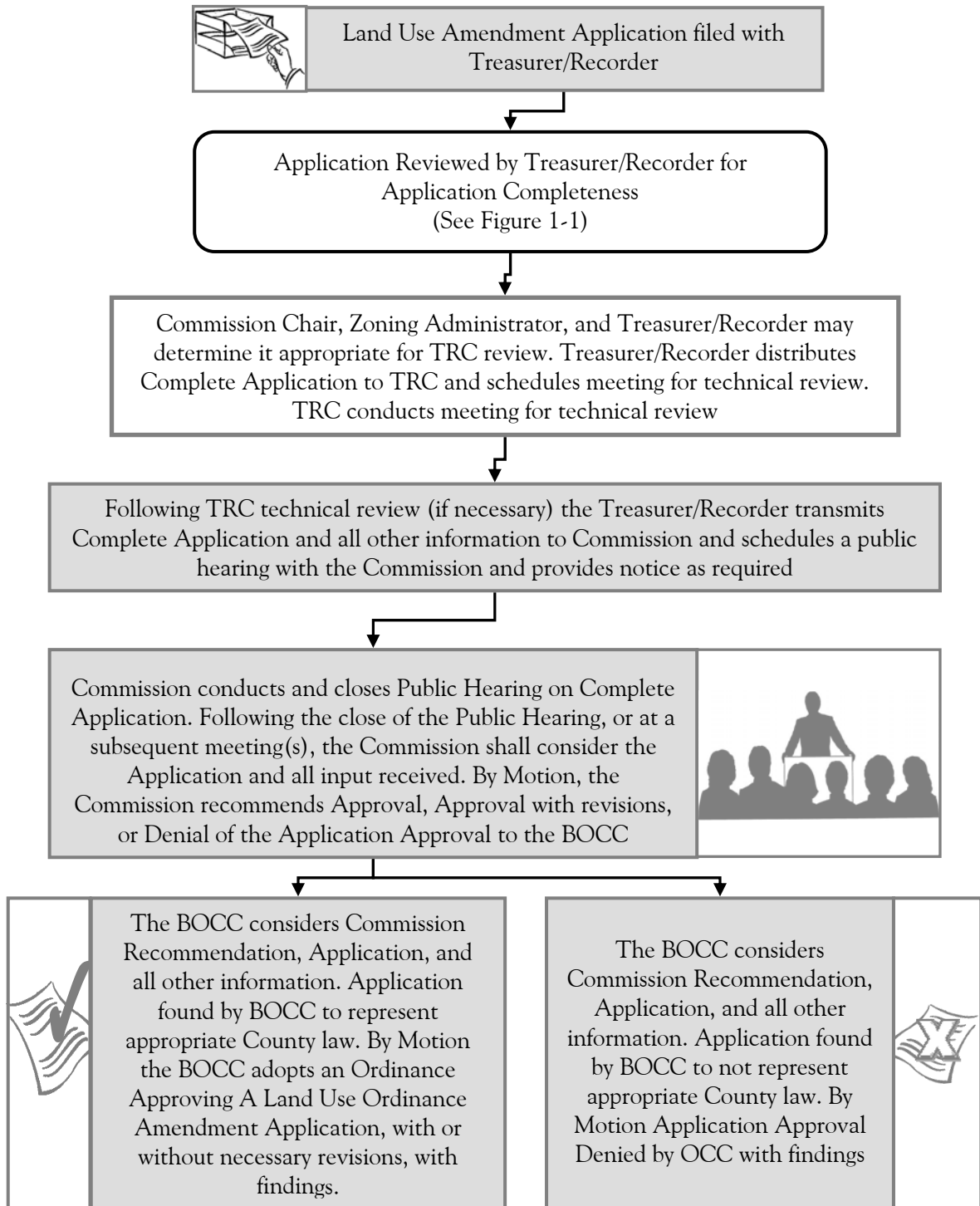
My commission expires: _____


Land Use Ordinance Amendment Application Requirements:

All applications for a Land Use Ordinance Amendment shall include and provide the following information:

- A Land Use Ordinance Amendment Application, including the payment of all required fees.
- All information and materials, as determined necessary by the Applicant, and sufficient to identify and demonstrate the rationale and basis for the proposed Land Use Ordinance Amendment.
- Written statements identifying how the Land Use Ordinance, as adopted, is in error or deficient, and how the proposed Land Use Ordinance Amendment will correct any error or deficiency.
- All other information, as may be required by the Commission or Board of County Commissioners necessary to review the Land Use Ordinance Amendment Application.

**FIGURE 2-11
 LAND USE AMENDMENT APPLICATION REVIEW PROCEDURES**



	WAYNE COUNTY	18 South Main – P.O. Box 189 – Loa, Utah 84747 (435) 830-2731
---	---------------------	---

Date of Application:

APPLICANT INFORMATION

Contact Person:

Phone:

Name of Applicant:

Applicant Address:

City:

State:

Zip:

Phone:

Fax:

Email:

LAND USE APPLICATION

Fee Amount: \$

Proposed Subdivision Name:

Location/Address of Proposed Application:

Current Zoning District:

Total Acreage of Proposed Site and Number of Proposed Lots:

acres/

lots

Name of Property Owners: _____
(Provide Additional Sheet,
if needed)

WAYNE COUNTY OFFICE USE ONLY

Date Received:

Date Determined Complete:

Fees Paid:

PROPERTY OWNER AFFIDAVIT

STATE OF UTAH }
 }ss
COUNTY OF WAYNE}

I (we), _____, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

(Property Owner)

(Property Owner)

Subscribed and sworn to me this _____ day of _____, 20_____.

(Notary)

My commission expires: _____

.....
AGENT AUTHORIZATION AFFIDAVIT

I (we), _____, the owner(s) of the real property described in the attached application, do authorized as my (our) agent(s), _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Property Owner)

Dated this _____ day of _____, 20_____, personally appeared before me _____, the signer(s) of the agent authorization who duly acknowledged to me that they executed the same.

(Notary)

My commission expires: _____

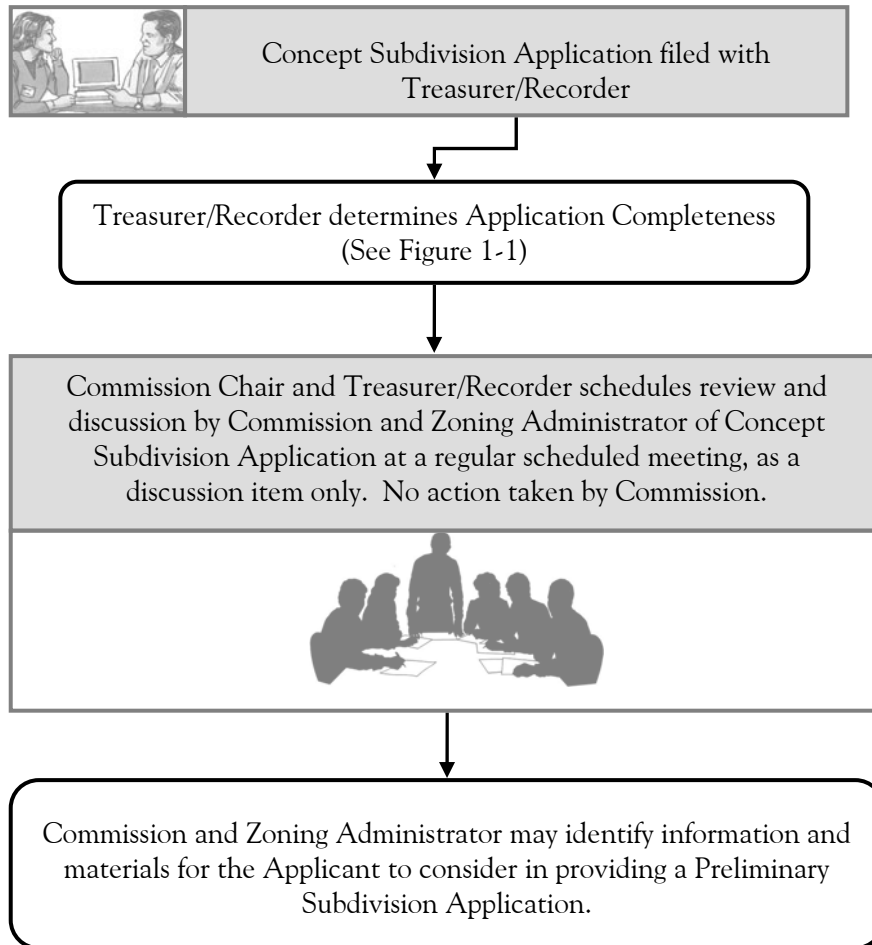
Concept Subdivision Application Requirements:

A Concept Subdivision Application is required for a Concept Subdivision Meeting, but no Application Fee or Review Fee is required. The Concept Subdivision Application is a discussion document only, designed to allow the identification of processing and review procedures, requirements and standards, and other items that may be considered in subdivision review once a complete Preliminary Subdivision Application is received.


Depending on the scope and complexity of the project, all Concept Subdivision Applications may include and provide the following information for review and discussion at the Concept Subdivision Meeting:

- A Concept Subdivision Application.
- Five (5) 11 inch x 17 inch copies of the concept layout of the proposed subdivision for the entire area of the subdivision site ("Subject Property") at a scale determined necessary by the Applicant to clearly identifying the following;
 - a) All proposed lots, meeting the minimum development standards, as required by the Zoning District in which the Subject Property is located including minimum lot area, lot frontage, lot width, and yard requirements.
 - b) The proposed layout of all roads and streets including proposed rights-of-way widths, road and street lengths, and proposed connections to all existing roads and streets and adjoining properties.
 - c) The location of proposed connections to infrastructure and services including, but not limited to, culinary water, sanitary sewer, secondary water, storm drainage and flood control facilities and power, gas, and telephone facilities and services.
 - d) Vicinity Map, identifying the location of the subject property.
 - e) Proposed subdivision name.
 - f) All subdivision phases, as applicable.
- Following review of the application, additional information may be required.

FIGURE 2-12
CONCEPT SUBDIVISION APPLICATION PROCEDURES



A Concept Subdivision Application does not constitute an application for subdivision approval and is in no way binding on the Wayne County or the Applicant(s). Any discussion before the Commission shall not be considered by the Applicant as any indication of subdivision approval or disapproval, either actual or implied by Wayne County.

	WAYNE COUNTY PRELIMINARY SUBDIVISION APPLICATION (MINOR)	18 South Main – P.O. Box 189 – Loa, Utah 84747 409.836.2750
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Date of Application:

APPLICANT INFORMATION

Contact Person:

Phone:

Name of Applicant:

Applicant Address:

City:

State:

Zip:

Phone:

Fax:

Email:

LAND USE APPLICATION

Fee Amount: \$

Proposed Subdivision Name:

Location/Address of Proposed Application:

Current Zoning District:

Total Acreage of Proposed Site and Number of Proposed Lots: _____ acres/ _____ lots

Name of Property Owners: _____
(Provide Additional Sheet, if needed) _____

WAYNE COUNTY OFFICE USE ONLY

Date Received:

Date Determined Complete:

Fees Paid:

PROPERTY OWNER AFFIDAVIT

STATE OF UTAH }
 }ss
COUNTY OF WAYNE}

I (we), _____, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

(Property Owner)

(Property Owner)

Subscribed and sworn to me this _____ day of _____, 20_____.

(Notary)

My commission expires: _____

.....
AGENT AUTHORIZATION AFFIDAVIT

I (we), _____, the owner(s) of the real property described in the attached application, do authorized as my (our) agent(s), _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Property Owner)

Dated this _____ day of _____, 20_____, personally appeared before me _____, the signer(s) of the agent authorization who duly acknowledged to me that they executed the same.

(Notary)

My commission expires: _____

PRELIMINARY SUBDIVISION APPLICATION REQUIREMENTS – MINOR SUBDIVISIONS –

For a proposed subdivision to be considered by the County as a Minor Subdivision the Subject Property shall comply with ALL of the following requirements (See Definitions, Chapter 16, herein):

- 1) Does not require the dedication of any land for a road or street or for any other public purposes.
- 2) Has been approved by the Culinary Water Authority and the Sanitary Sewer Authority.
- 3) Is located in a zoned area.
- 4) Conforms to all applicable land use ordinances; and
- 5) Contains no more than four (4) lots, including any lot or parcel containing any remaining portion of the Subject Property.

Depending on the scope and complexity of the project, all Preliminary Subdivision Applications (Minor) may include and provide the following information:

- A Preliminary Subdivision Application (Minor), including the payment of all required fees.
- Legal Description.** A complete and accurate legal description of the entire subject property.
- Preliminary Subdivision Plat.** A Preliminary Subdivision Plat, prepared by a licensed land surveyor, as required by the Act, and drawn at a scale of not less than one inch equals one-hundred feet (1" = 100'), or as recommended by the Zoning Administrator. The Preliminary Subdivision Plat shall be prepared in pen and all sheets shall be numbered. A minimum of six (6) 11 inch x 17 inch size and one (1) 24 inch x 36 inch size paper copies may be provided and accompany the Preliminary Subdivision Application. A digital copy of the Preliminary Subdivision Plat, in a format acceptable to the County's Geographic Information System, may also be provided. The Preliminary Subdivision Plat may clearly identify the following:
 - a) A vicinity map, at a minimum scale of one inch (1") = one-thousand feet (1000'), clearly identifying the boundaries of the entire subject property, accesses, adjoining subdivision outlines and names, as applicable, and other relevant information within one-half (1/2) mile of the boundary of the subject property. The location of the subject property with respect to surrounding property and roads, and the names of all adjoining property owners of record shall be shown.
 - b) A map of the boundary of the subject property; accurate in scale, dimension and bearing, and giving the location of and ties to the nearest survey monument. The map shall have an error of closure of not greater than 1:10,000. Survey tie to the State grid or other permanent marker established by the Wayne County surveyor is required, if practical.

- c) Located at the top-center and lower right-hand corner of the Preliminary Subdivision Plat (Minor), the proposed plat may provide a name of the subdivision that is distinct from any other subdivision already recorded in the Wayne County Recorder's Office. The basis of bearings used, graphic and written scale, true north point, township, range, section, quarter section, block, and lot number, and total area of the subject property shall be shown.
 - d) Proposed lot and street layout. All existing and proposed road and street names shall be shown.
 - e) The lot or unit reference, block or building reference, road/street or site address, the road/street name or coordinate address, boundaries, course, and dimensions, acreage or square footage for all parcels, units, or lots, and length and width of the blocks and lots proposed to be created. All parcels, units, lots, or blocks created shall be numbered consecutively.
 - f) The boundaries, course, and dimensions of all of the parcels of ground divided, by their boundaries, course, and extent, whether the owner proposes that any parcel of ground is intended to be used as a road, street or for any other public use, and whether any such area is reserved or proposed for dedication for a public purpose.
 - g) The location of any common space or open space areas, including the location of all property proposed to be set aside for public or private reservation, with the designation of the purpose of such set asides, and conditions, if any, of the dedication or reservation.
 - h) All existing and proposed right-of-way and easement grants of record for any above-grade or underground utility facilities, as defined by Section 54-8a-2, Utah Code Annotated, 1953, as amended, and including all utility facilities within the proposed rights-of-way.
 - i) Each proposed lot shall identify required setback lines identifying the required minimum front, side, and rear yard setbacks, as required by the Zoning District in which the subject property is located.
 - j) A title block, placed on the lower right hand corner of the Preliminary Subdivision Plat showing:
 - i) Proposed name of the subdivision that is distinct from any other plat already recorded in the Office of the Wayne County Recorder.
 - ii) Name and address of the owner(s) of record and the name, address and license number of the licensed surveyor or engineer responsible for preparing the Preliminary Subdivision Plat.
 - iii) Date of preparation of the Preliminary Subdivision Plat, and all revision dates, as applicable.
 - iv) Signature blocks for the dated signatures of the Commission Chair, BOCC Chair, and authorized representative of all independent Service Providers, as applicable.
- Required Subject Property Information.** The following information may be required and may be provided on separate sheets at the same scale as the Preliminary Subdivision Plat:
- a) The location of known natural features including, but not limited to, jurisdictional wetlands as identified by the United States Army Corps of Engineers, flood plains and flood channels as

identified by a Federal or State Agency, all water courses, areas where ground water is located within three (3) feet of the ground surface, water bodies, drainage ways, and any other natural features, as required by the Zoning Administrator for the subject property, including the total area of each.

- b) Existing site contours, at intervals of no greater than two (2) feet, overlaid with the proposed subdivision layout. Elevations shall be based on national Geodetic Survey sea level data. In cases of predominately-level topography one (1) foot interval contours may be required.
 - c) The location of known man-made features including, but not limited to, existing platted lots, all utility easements, power lines and power poles, telephone and other telecommunication lines and facilities, bridges, culverts, drainage channels, road rights-of-way and easements, field drains, and well or spring protection areas. Indicate which features will remain and which will be removed.
 - d) The location and dimensions of all existing buildings, fence lines and property lines, overlaid with the proposed subdivision layout.
 - e) The layout of existing power lines including the source and connection to the existing power supply.
 - f) All existing and proposed roadway locations and dimensions, with cross sections and profiles of all proposed new streets and roads, identification of all streets and roads proposed to be dedicated to the County, the grades of all proposed streets and roads, including direction of slope, and all proposed cuts and fills exceeding three (3) feet. The proposed radius of all centerline curves shall be shown.
 - g) The location and size of existing and proposed culinary water and sanitary sewer system and the location of all wells and springs, if any, and the location of all secondary water locations, as required by the Zoning Administrator, overlaid with the proposed subdivision layout plan.
 - h) Proposed storm drainage and flood control systems including proposed pipe sizes, inlets, detention areas, and drainage arrows.
 - i) The location of all existing and proposed fire hydrants, including the sizes of all existing and proposed water lines serving all fire hydrants.
 - j) The location of all existing and proposed streetlights identifying the location, type, height, and light output of all existing and proposed street lights.
- Geotechnical Report.** A report providing geologic maps, soil type maps, and tables of soil type interpretations based on the national Cooperative Soils Survey, United States Department of Agriculture, and Soil Conservation Service. Other investigation reports regarding the suitability of the subject property for the proposed subdivision may be required.
- Preliminary Grading and Drainage Plan.** For the entire subject property a preliminary grading plan may be provided indicated by solid-line contours, using two (2) foot intervals, imposed on dashed line contours, also using two (2) foot intervals, of the existing topography for the subject property. For

properties that have predominately-level, topography one (1) foot contour intervals may be required by the Zoning Administrator.

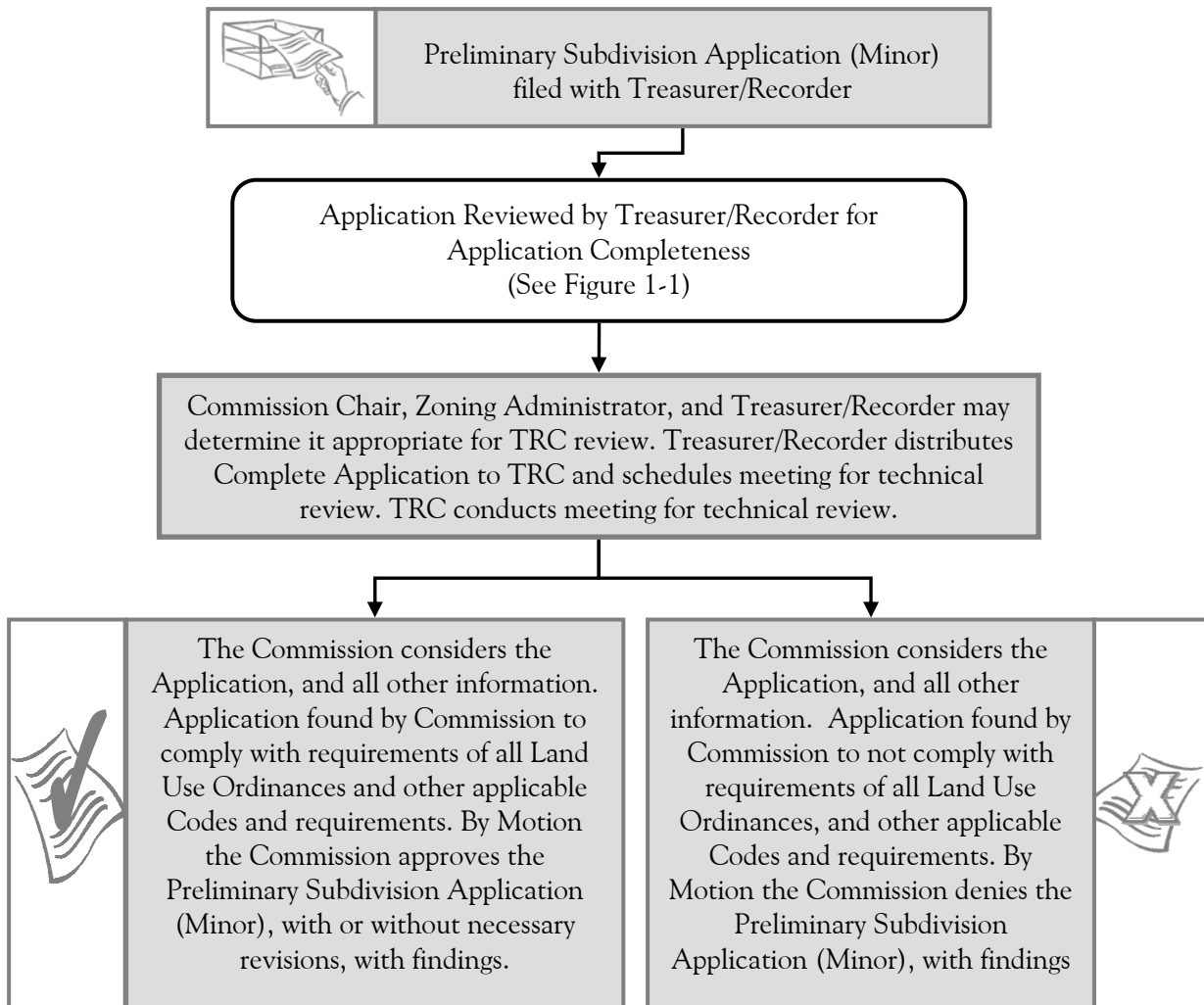
- Preliminary Erosion Control Plan.** A preliminary erosion control plan, identifying existing and proposed erosion and control facilities.
- Preliminary Easement Plan.** A preliminary easement plan, identifying the location, size, and use of all existing and proposed easements.
- Title Report.** A Title Report for the subject property, provided by a title company and no older than thirty (30) calendar days from the date of filing of the Preliminary Subdivision Application.
- Tax Clearance.** A tax clearance from the Wayne County Treasurer.
- Evidence of Availability of Necessary Services.** The following information may be required to be presented, necessary to establish the availability of required services to the subject property.
 - a) Written Approval of Culinary Water Feasibility. As required and provided by the Act, the _____ is designated as the Culinary Water Authority for the County. It shall be the responsibility of the Applicant to provide all information and materials, as required by the _____, necessary to review and provide a written approval of the feasibility of the proposed culinary water system and culinary water sources.
 - b) Written Approval of Sanitary Sewer Feasibility. As required and provided by the Act, the _____, is hereby designated as the Sanitary Sewer Authority for the County. It shall be the responsibility of the Applicant to provide information and materials, as required by the _____, necessary to review and provide a written approval of the feasibility of the proposed sanitary sewer system.
 - c) Written Recommendation of Fire Protection, Suppression, and Fire Access Facilities. As provided by the Act, the Wayne County Fire Chief is hereby designated as the Fire Authority for the County. It shall be the responsibility of the Applicant to provide information and materials, as required by the Fire Chief, necessary to review and provide a written recommendation of the proposed fire protection, suppression and fire access facilities.
 - d) Roads and Streets. The Preliminary Subdivision Application shall identify the proposed road and street layout. Proposed subdivision roads and streets shall make provision for the continuation of existing roads and streets. All subdivision roads and streets shall be designed as required by the County's Construction and Design Specifications. If the proposed subdivision will be accessed directly from a State Highway, an appropriate access permit approval, as required by the State of Utah Department of Transportation, shall be provided. If the subdivision will be accessed directly from a County Road, authorization from Wayne County to allow subdivision access from a County Road shall be provided. It shall be the responsibility of the Applicant to provide information and materials, as required by the Wayne County Public Works Director/Supervisor necessary to review and provide a written recommendation of the proposed road and street system.

- e) Storm Drainage and Flood Control Facilities. The Preliminary Subdivision Application shall identify the proposed storm drainage and flood control system. The proposed subdivision storm drainage and flood control system shall make provision for the continuation of existing facilities.

- Additional Information**. When the County Staff, Commission, or BOCC deem necessary, the Applicant may be required to provide other information, materials, letters of feasibility, conduct studies, and provide other evidence indicating the suitability of the subject property for the proposed subdivision, including, but not limited to, access management plans, adequacy of utilities, public safety and fire protection, ground water protection, geologic or flood hazard, erosion control, wildlife habitat, and any other infrastructure, physical, environmental, or cultural matters.

- Phasing Schedule**. If the Applicant is proposing phasing the subdivision into two (2) or more phases, a phasing schedule describing each phase, the approximate size in area of each phase, the order of phasing and the projected time for recording each phase.

FIGURE 2-13
PRELIMINARY SUBDIVISION APPLICATION (MINOR) PROCEDURES



PRELIMINARY SUBDIVISION APPLICATION (MAJOR)



WAYNECounty

18 South Main – P.O. Box 189 – Loa, Utah 84747
(435) 836- 2731

Date Received:

Date Determined Complete:

Fees Paid:

Date of Application:

APPLICANT INFORMATION

Contact Person:

Phone:

Name of Applicant:

Applicant Address:

City:

State:

Zip:

Phone:

Fax:

Email:

LAND USE APPLICATION

Fee Amount: \$

Proposed Subdivision Name:

Location/Address of Proposed Application:

Current Zoning District:

Total Acreage of Proposed Site and Number of Proposed Lots:

acres/

lots

Name of Property Owners: _____
(Provide Additional Sheet,
if needed)

WAYNE COUNTY OFFICE USE ONLY

PROPERTY OWNER AFFIDAVIT

STATE OF UTAH }
 }ss
COUNTY OF WAYNE}

I (we), _____, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

(Property Owner)

(Property Owner)

Subscribed and sworn to me this _____ day of _____, 20_____.

(Notary)

My commission expires: _____

.....
AGENT AUTHORIZATION AFFIDAVIT

I (we), _____, the owner(s) of the real property described in the attached application, do authorized as my (our) agent(s), _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Property Owner)

Dated this _____ day of _____, 20_____, personally appeared before me _____, the signer(s) of the agent authorization who duly acknowledged to me that they executed the same.

(Notary)

My commission expires: _____

PRELIMINARY SUBDIVISION APPLICATION REQUIREMENTS – MAJOR SUBDIVISIONS –

Depending on the scope and complexity of the project, all Preliminary Subdivision Applications (Major) may include and provide the following information:

- A Preliminary Subdivision Application (Major), including the payment of all required fees.
- Legal Description.** A complete and accurate legal description of the entire subject property.
- Preliminary Subdivision Plat.** A Preliminary Subdivision Plat prepared by a licensed land surveyor, as required by the Act, and drawn at a scale of not less than one inch equals one-hundred feet (1" = 100'), or as recommended by the Zoning Administrator. The Preliminary Subdivision Plat shall be prepared in pen and all sheets shall be numbered. A minimum of six (6) 11 inch x 17 inch size and one (1) 24 inch x 36 inch size paper copies may be provided and accompany the Preliminary Subdivision Application. A digital copy of the Preliminary Subdivision Plat, in a format acceptable to the County's Geographic Information System, may also be provided. The Preliminary Subdivision Plat may clearly identify the following:
 - a) A vicinity map, at a minimum scale of one inch (1") = one-thousand feet (1000'), clearly identifying the boundaries of the entire subject property, accesses, adjoining subdivision outlines and names, as applicable, and other relevant information within one-half (½) mile of the boundary of the subject property. The location of the subject property with respect to surrounding property and roads, and the names of all adjoining property owners of record shall be shown.
 - b) A map of the boundary of the subject property; accurate in scale, dimension and bearing, and giving the location of and ties to the nearest survey monument. The map shall have an error of closure of not greater than 1:10,000. Survey tie to the State grid or other permanent marker established by the Wayne County surveyor is required, if practical.
 - c) Located at the top-center and lower right-hand corner of the Preliminary Subdivision Plat, the proposed name of the subdivision that is distinct from any other subdivision already recorded in the Wayne County Recorder's Office. The basis of bearings used, graphic and written scale, true north point, township, range, section, quarter section, block, and lot number, and total area of the subject property shall be shown.
 - d) Proposed lot and street layout. All existing and proposed street names shall be shown.
 - e) The lot or unit reference, block or building reference, road/street or site address, the street name or coordinate address, boundaries, course, and dimensions, acreage or square footage for all parcels, units, or lots, and length and width of the blocks and lots proposed to be created. All parcels, units, lots, or blocks created shall be numbered consecutively.
 - f) The boundaries, course, and dimensions of all of the parcels of ground divided, by their boundaries, course, and extent, whether the owner proposes that any parcel of ground is intended to be used as a road, street or for any other public use, and whether any such area is reserved or proposed for dedication for a public purpose.

- g) The location of any common space or open space areas, including the location of all property proposed to be set aside for public or private reservation, with the designation of the purpose of such set asides, and conditions, if any, of the dedication or reservation.
- h) All existing and proposed right-of-way and easement grants of record for underground utility facilities, as defined by Section 54-8a-2, Utah Code Annotated, 1953, as amended, and including all utility facilities within the proposed rights-of-way.
- i) Each proposed lot shall identify required setback lines identifying the required minimum front, side, and rear yard setback, as required by the Zoning District in which the subject property is located.
- j) A title block, placed on the lower right hand corner of the Preliminary Subdivision Plat showing:
 - i) Proposed name of the subdivision that is distinct from any other plat already recorded in the Office of the Wayne County Recorder.
 - ii) Name and address of the owner(s) of record and the name, address and license number of the licensed surveyor or engineer responsible for preparing the Preliminary Subdivision Plat.
 - iii) Date of preparation of the Preliminary Subdivision Plat, and all revision dates, as applicable.
 - iv) Signature blocks for the dated signatures of the Commission Chair, BOCC Chair, and authorized representative of all independent Service Providers, as applicable.

Required Subject Property Information. The following information may be required and may be provided on separate sheets at the same scale as the Preliminary Subdivision Plat:

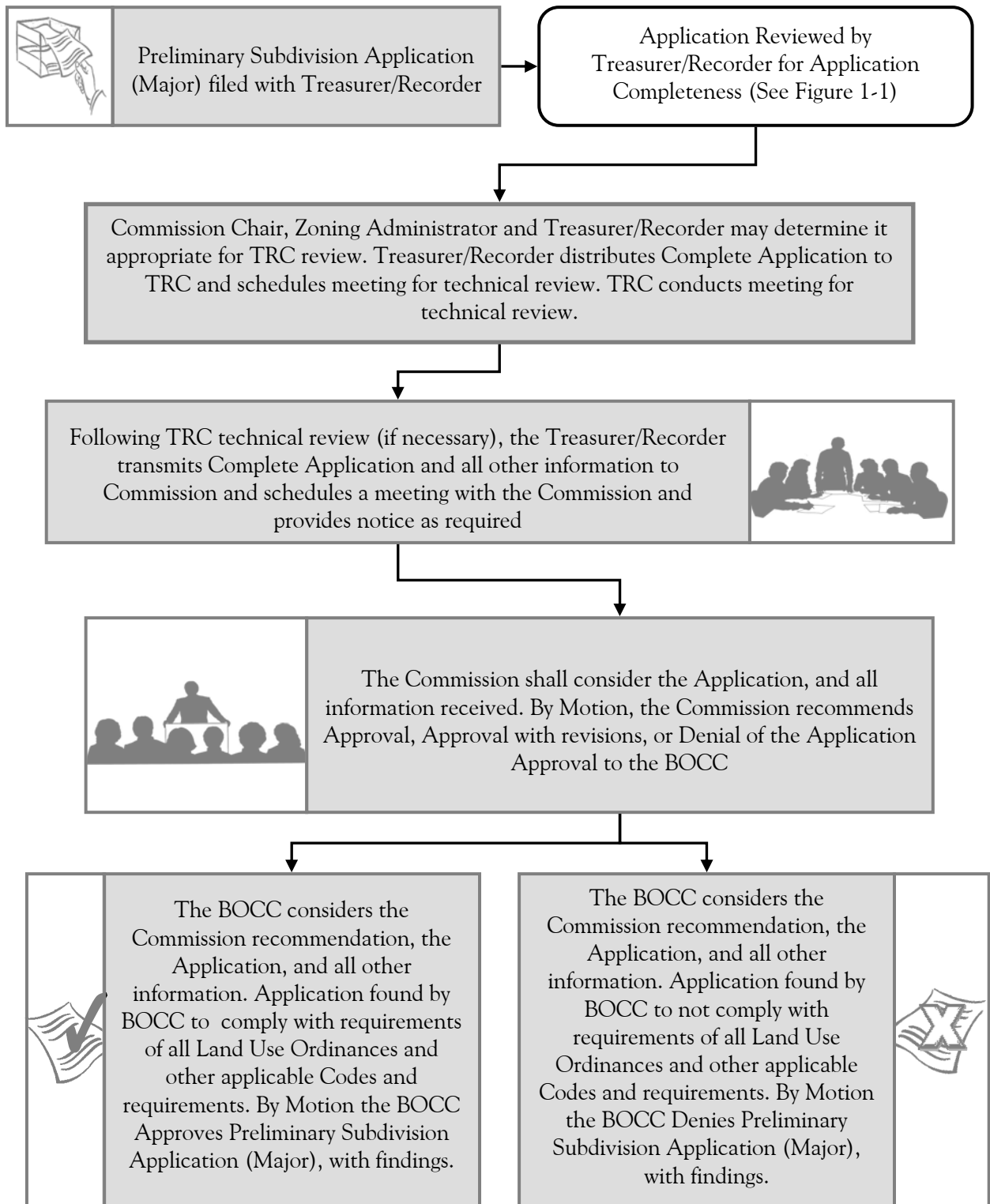
- a) The location of known natural features including, but not limited to, jurisdictional wetlands as identified by the United States Army Corps of Engineers, flood plains and flood channels as identified by a Federal or State Agency, all water courses, areas where ground water is located within three (3) feet of the ground surface, water bodies, drainage ways, and any other natural features, as required by the Zoning Administrator for the subject property, including the total area of each.
- b) Existing site contours, at intervals of no greater than two (2) feet, overlaid with the proposed subdivision layout. Elevations shall be based on national Geodetic Survey sea level data. In cases of predominately-level topography one (1) foot interval contours may be required.
- c) The location of known man-made features including, but not limited to, existing platted lots, all utility easements, power lines and power poles, telephone and other telecommunication lines and facilities, bridges, culverts, drainage channels, road rights-of-way and easements, field drains, and well or spring protection areas. Indicate which features will remain and which will be removed.
- d) The location and dimensions of all existing buildings, fence lines and property lines, overlaid with the proposed subdivision layout.

- e) The layout of existing power lines including the source and connection to the existing power supply.
 - f) All existing and proposed roadway locations and dimensions, with cross sections and profiles of all proposed new streets and roads, identification of all streets and roads proposed to be dedicated to the County, the grades of all proposed streets and roads, including direction of slope, and all proposed cuts and fills exceeding three (3) feet. The proposed radius of all centerline curves shall be shown.
 - g) The location and size of existing and proposed culinary water and sanitary sewer system and the location of all wells and springs, if any, and the location of all secondary water locations, as required by the Zoning Administrator, overlaid with the proposed subdivision layout plan.
 - h) Proposed storm drainage and flood control systems including proposed pipe sizes, inlets, detention areas, and drainage arrows.
 - i) The location of all existing and proposed fire hydrants, including the sizes of all existing and proposed water lines serving all fire hydrants.
 - j) The location of all existing and proposed streetlights identifying the location, type, height, and light output of all existing and proposed street lights.
- Geotechnical Report.** A report providing geologic maps, soil type maps, and tables of soil type interpretations based on the national Cooperative Soils Survey, United States Department of Agriculture, and Soil Conservation Service. Other investigation reports regarding the suitability of the subject property for the proposed subdivision may be required.
- Preliminary Grading and Drainage Plan.** For the entire subject property a preliminary grading plan may be provided indicated by solid-line contours, using two (2) foot intervals, imposed on dashed line contours, also using two (2) foot) intervals, of the existing topography for the subject property. For properties that have predominately-level, topography one (1) foot contour intervals may be required by the Zoning Administrator.
- Preliminary Erosion Control Plan.** A Preliminary Erosion Control Plan, identifying existing and proposed erosion and control facilities.
- Preliminary Easement Plan.** A preliminary easement plan, identifying the location, size, and use of all existing and proposed easements.
- Title Report.** A Title Report for the subject property, provided by a title company and no older than thirty (30) calendar days from the date of filing of the Preliminary Subdivision Application.
- Tax Clearance.** A tax clearance from the Wayne County Treasurer.
- Evidence of Availability of Necessary Services.** The following information may be required to be presented, necessary to establish the availability of required services to the subject property.
- a) Written Approval of Culinary Water Feasibility. As required and provided by the Act, the _____ is designated as the Culinary Water Authority for the County. It

shall be the responsibility of the Applicant to provide all information and materials, as required by the _____, necessary to review and provide a written approval of the feasibility of the proposed culinary water system and culinary water sources.

- b) Written Approval of Sanitary Sewer Feasibility. As required and provided by the Act, the _____ is hereby designated as the Sanitary Sewer Authority for the County. It shall be the responsibility of the Applicant to provide information and materials, as required by the _____, necessary to review and provide a written approval of the feasibility of the proposed sanitary sewer system.
 - c) Written Recommendation of Fire Protection, Suppression, and Fire Access Facilities. As provided by the Act, the Wayne County Fire Chief is hereby designated as the Fire Authority for the County. It shall be the responsibility of the Applicant to provide information and materials, as required by the Fire Chief, necessary to review and provide a written recommendation of the proposed fire protection, suppression and fire access facilities.
 - d) Roads and Streets. The Preliminary Subdivision Application shall identify the proposed road and street layout. Proposed subdivision roads and streets shall make provision for the continuation of existing streets. All subdivision roads and streets shall be designed as required by the County's Construction and Design Specifications. If the proposed subdivision will be accessed directly from a State Highway, an appropriate access permit approval, as required by the State of Utah Department of Transportation, shall be provided. If the subdivision will be accessed directly from a County Road, authorization from Wayne County to allow subdivision access from a County Road shall be provided. It shall be the responsibility of the Applicant to provide information and materials, as required by the Wayne County Public Works Director/Supervisor necessary to review and provide a written recommendation of the proposed road and street system.
 - e) Storm Drainage and Flood Control Facilities. The Preliminary Subdivision Application shall identify the proposed storm drainage and flood control system. The proposed subdivision storm drainage and flood control system shall make provision for the continuation of existing facilities.
- Additional Information.** When the County Staff, Commission, or BOCC deem necessary, the Applicant may be required to provide other information, materials, letters of feasibility, conduct studies, and provide other evidence indicating the suitability of the subject property for the proposed subdivision, including, but not limited to, access management plans, adequacy of utilities, public safety and fire protection, ground water protection, geologic or flood hazard, erosion control, wildlife habitat, and any other infrastructure, physical, environmental, or cultural matters.
- Phasing Schedule.** If the Applicant is proposing phasing the subdivision into two (2) or more phases, a phasing schedule, describing each phase, the approximate size in area of each phase, the order of phasing and the projected time for recording each phase.

FIGURE 2-14
PRELIMINARY SUBDIVISION APPLICATION (MAJOR) PROCEDURES



FINAL SUBDIVISION APPLICATION (MINOR)



WAYNECounty

18 South Main – P.O. Box 189 – Loa, Utah 84747
(435) 836- 2731

Date Received:

Date Determined Complete:

Fees Paid:

Date of Application:

APPLICANT INFORMATION

Contact Person:

Phone:

Name of Applicant:

Applicant Address:

City:

State:

Zip:

Phone:

Fax:

Email:

LAND USE APPLICATION

Fee Amount: \$

Proposed Subdivision Name:

Location/Address of Proposed Application:

Current Zoning District:

Total Acreage of Proposed Site and Number of Proposed Lots:

acres/

lots

Name of Property Owners: _____
(Provide Additional Sheet,
if needed)

WAYNE COUNTY OFFICE USE ONLY

PROPERTY OWNER AFFIDAVIT

STATE OF UTAH }
 }ss
COUNTY OF WAYNE}

I (we), _____, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

(Property Owner)

(Property Owner)

Subscribed and sworn to me this _____ day of _____, 20_____.

(Notary)

My commission expires: _____

.....
AGENT AUTHORIZATION AFFIDAVIT

I (we), _____, the owner(s) of the real property described in the attached application, do authorized as my (our) agent(s), _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Property Owner)

Dated this _____ day of _____, 20_____, personally appeared before me _____, the signer(s) of the agent authorization who duly acknowledged to me that they executed the same.

(Notary)

My commission expires: _____

FINAL SUBDIVISION APPLICATION REQUIREMENTS – MINOR SUBDIVISIONS –

For a proposed subdivision to be considered by the County as a Minor Subdivision the Subject Property shall comply with ALL of the following requirements (See Definitions, Chapter 16, herein):

- 1) Does not require the dedication of any land for a road or street or for any other public purposes.
- 2) Has been approved by the culinary water authority and the sanitary sewer authority.
- 3) Is located in a zoned area.
- 4) Conforms to all applicable land use ordinances; and
- 5) Contains no more than four (4) lots, including any lot or parcel containing any remaining portion of the Subject Property.

Depending on the scope and complexity of the project, all Final Subdivision Applications (Minor) may include and provide the following information:

- A Final Subdivision Application (Minor), including the payment of all required fees.
- Legal Description.** A complete and accurate legal description of the entire subject property.
- Final Subdivision Plat.** A Final Subdivision Plat, prepared by a licensed land surveyor, as required by the Act, and drawn at a scale of not less than one inch equals one-hundred feet (1" = 100'), or as required by the Zoning Administrator. The Final Subdivision Plat (Minor) may be prepared in pen and all sheets may be numbered. All required certificates may appear on a single sheet (along with the index and vicinity maps). Two (2) copies of the Final Subdivision Plat (Minor) and two (2) copies of the Final Subdivision Plan profiles may be provided along with a minimum of six (6) 11 inch x 17 inch size and one (1) 24 inch x 36 inch paper copies, accompanying the Final Subdivision Application (Minor). A digital copy of the Final Subdivision Plat (Minor), in a format acceptable to the County's Geographic Information System shall also be provided. The Final Subdivision Plat may contain the same information as required for the Preliminary Subdivision Plat (Minor), and may include any revisions or additions, as required by the Commission, as part of the Preliminary Subdivision Application approval. The Final Subdivision Plat (Minor) may clearly identify the following:
 - a) The accurate survey of the perimeter of the subject property and all parcels, units, or lots, created, accurate in scale, dimension and bearing, and giving the location of and ties to the nearest survey monument. Bearings shall be shown to the nearest second; lengths to the nearest hundredth (100th) foot; areas to the nearest hundredth (100th) acre. All parcels, units, or lots created shall be numbered consecutively. All lands within the boundaries of the subject property and the Final Subdivision Plat (Minor) shall be accounted for as parcels, lots, roads, streets, or other designation.

- b) Endorsements of every person having a security interest in the subject property subordinating their liens to all covenants, servitudes, and easements imposed on the property.
- c) The location of all monuments erected, corners, and other points established in the field. The material of which the monuments, corners, or other points are made shall be noted.
- d) All existing and proposed grid road and street numbers and street names shall be shown and the road and street address and coordinate address of all parcels, units, or lots, created shall be shown, as required by the addressing system of the County.
- e) All existing and proposed rights-of-way and easement grants of record for underground facilities, as defined by Section 54-8a-2 of the Utah Code Annotated, 1953, as amended, and including all utility facilities located within the proposed rights-of-way.
- f) The location of any common space or open space areas, including the location of all property proposed to be set aside for private reservation, with the designation of the purpose of such set asides, and conditions, if any.
- g) Each lot created shall identify required setback lines identifying the required minimum front, side, and rear yard setbacks, as required by the Zoning District in which the subject property is located.
- h) The name and address of the surveyor responsible for preparing the Final Subdivision Plat (Minor). The surveyor making the Final Plat shall certify that the surveyor:
 - i) Holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;
 - ii) Has completed a survey of the property described on the Final Subdivision Plat (Minor) in accordance with Section 17-23-17 of the Utah Code Annotated, 1953, as amended, and has verified all measurements; and
 - iii) Has placed monuments as represented on the Final Subdivision Plat (Minor).
- i) Located at the top-center and right-hand side of the Final Subdivision Plat (Minor), the plat may provide a name of the subdivision, as approved by the Wayne County Recorder's Office. The basis of bearings used, graphic and written scale, true north point, township, range, section, quarter section, block, and lot number, and total area of the subject property shall be shown.
- j) A Title Block showing:

- i) Date of preparation of the Final Subdivision Plat (Minor); and
 - ii) Signature blocks for the dated signatures of the Commission.

- All documents establishing any required agreements, guarantees, or any bonds and the payment of any required guarantees or bonds.

- Purchase Agreements.** When any parcel, unit, or lot is proposed to be purchased by a public or quasi-public agency, a letter of intention to purchase shall be provided with the Final Subdivision Application (Minor).

- Required Local, State, and Federal Approvals and Permits.** All necessary approvals, licenses, and permits, as required, shall be provided by local state, and federal departments and agencies and included with the Final Subdivision Application (Minor).

- Covenants and Restrictions.** Copies of all protective covenants, conditions and restrictions (CC&R's), trust agreements, home owner's association articles and bylaws, and all other required documents, including those required by the Commission, governing the future use of property, infrastructure, utility and service systems, re-subdivision, and other provisions required to maintain the integrity of the subdivision.

- Final Construction Drawings.** Final design and construction drawings for all proposed, or required infrastructure, utilities, improvements, or services prepared by a licensed civil engineer, and in a form and as required by the Public Works Standards, including, but not limited to, all culinary water facilities, all sanitary sewer facilities, all storm drainage and flood control facilities, bridges and culverts, the profiles and cross sections of all proposed roads and streets, all secondary water facilities, all fire hydrants and fire protection and suppression facilities and systems, all electrical power facilities, all telecommunications facilities, and all other infrastructure, utilities, improvements, or services.

- Improvement Construction Costs.** Estimated construction costs of all proposed, or required infrastructure, utilities, improvements, or services prepared by a licensed civil engineer, and as required by the Public Works Standards.

- Final Grading Plan.** A final grading plan shall be provided indicated by solid-line contours, using two (2) foot intervals, imposed on dashed line contours, also using two (2) foot intervals, of the existing topography for the entire subject property. For subject properties that have predominately-level topography one (1) foot contour intervals may be required by the Zoning Administrator. The Final Grading Plan shall identify the proposed final grades for each proposed lot or parcel to be created.

- Final Erosion Control Plan.** A final erosion control plan for the subject property identifying the proposed lot drainage and erosion control techniques and methods for each proposed lot or parcel to be created.

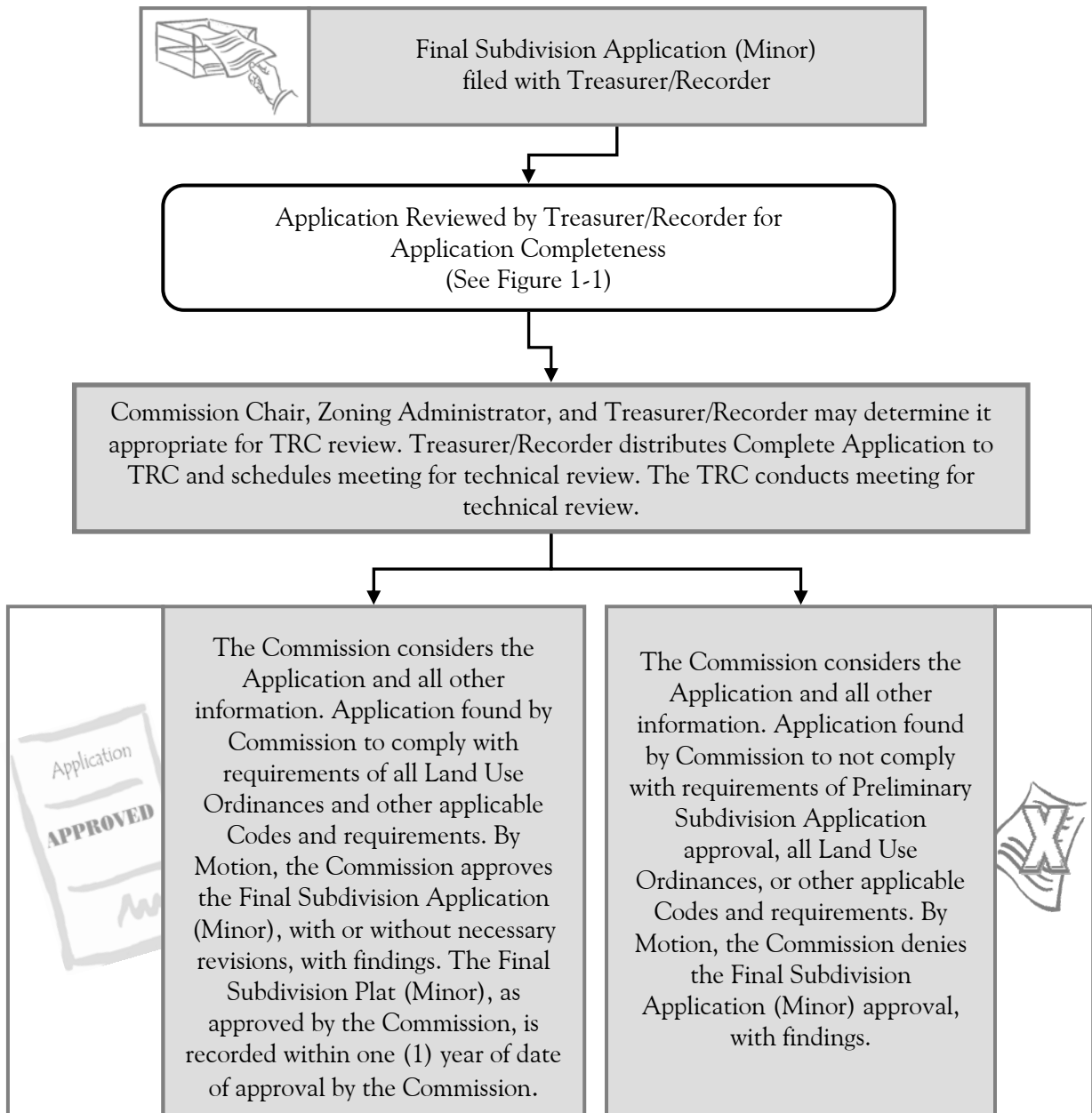
- ☐ **Final Easement Plan.** A final easement plan, identifying the location, size, and use of all existing and proposed easements located on the subject property.

- ☐ **Title Report.** If the Final Subdivision Application (Minor) is filed with the Treasurer/Recorder after one hundred-eighty (180) calendar days from the date the Preliminary Subdivision Application (Minor) is approved, or if any changes or corrections have been made to the Title of the subject property since the Preliminary Subdivision Application (Minor) was approved, a new Title Report for the subject property, provided by a Title Company, within thirty (30) calendar days from the date of filing the Final Subdivision Application (Minor) shall be provided.

- ☐ **Tax Clearance.** A tax clearance from the Wayne County Treasurer shall be provided as part of the Final Subdivision Application (Minor). The Commission may withhold an otherwise valid Final Subdivision Application (Minor) approval until the owner(s) of the subject property provides the Commission with a tax clearance indicating that all taxes, interest, and penalties owing for the subject property have been paid.

- ☐ Following the review of the Final Subdivision Application (Minor), additional information may be required.

FIGURE 2-15
FINAL SUBDIVISION APPLICATION (MINOR) PROCEDURES



	FINAL SUBDIVISION APPLICATION (MAJOR)	Loa, Utah 84747
	WAYNE County	(435) 836-2731

Date of Application:

APPLICANT INFORMATION

Contact Person:

Phone:

Name of Applicant:

Applicant Address:

City:

State:

Zip:

Phone:

Fax:

Email:

LAND USE APPLICATION

Fee Amount: \$

Proposed Subdivision Name:

Location/Address of Proposed Application:

Current Zoning District:

Total Acreage of Proposed Site and Number of Proposed Lots: _____ acres/ _____ lots

Name of Property Owners: _____
(Provide Additional Sheet, if needed) _____

WAYNE COUNTY OFFICE USE ONLY

Date Received:

Date Determined Complete:

Fees Paid:

PROPERTY OWNER AFFIDAVIT

STATE OF UTAH }
 }ss
COUNTY OF WAYNE}

I (we), _____, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

(Property Owner)

(Property Owner)

Subscribed and sworn to me this _____ day of _____, 20_____.

(Notary)

My commission expires: _____

.....
AGENT AUTHORIZATION AFFIDAVIT

I (we), _____, the owner(s) of the real property described in the attached application, do authorized as my (our) agent(s), _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Property Owner)

Dated this _____ day of _____, 20 _____, personally appeared before me _____, the signer(s) of the agent authorization who duly acknowledged to me that they executed the same.

(Notary)

My commission expires: _____

**FINAL SUBDIVISION APPLICATION REQUIREMENTS
– MAJOR SUBDIVISIONS –**

Depending on the scope and complexity of the project, all Final Subdivision Application (Major) may include and provide the following information:

- A Final Subdivision Application (Major), including the payment of all required fees.
- Legal Description.** A complete and accurate legal description of the entire subject property.
- Final Subdivision Plat.** A Final Subdivision Plat, prepared by a licensed land surveyor, as required by the Act, and drawn at a scale of not less than one inch equals one-hundred feet (1" = 100'), or as required by the Zoning Administrator. The Final Subdivision Plat (Major) may be prepared in pen and all sheets may be numbered. All required certificates may appear on a single sheet (along with the index and vicinity maps). One (1) copy of the Final Subdivision Plat (Major) and two (2) copies of the Final Subdivision Plan profiles shall be provided along with a minimum of six (6) 11 inch x 17 inch size and three (3) 24 inch x36 inch paper copies, accompanying the Final Subdivision Application (Major). A digital copy of the Final Subdivision Plat (Major), in a format acceptable to the County's Geographic Information System may also be provided. The Final Subdivision Plat may contain the same information as required for the Preliminary Subdivision Plat (Major), and may include any revisions or additions, as required by the BOCC, as part of the Preliminary Subdivision Application approval. The Final Subdivision Plat (Major) may clearly identify the following:
 - a) The accurate survey of the perimeter of the subject property and all parcels, units, or lots, created, accurate in scale, dimension and bearing, and giving the location of and ties to the nearest survey monument. Bearings shall be shown to the nearest second; lengths to the nearest hundredth (100th) foot; areas to the nearest hundredth (100th) acre. All parcels, units, or lots created shall be numbered consecutively. All lands within the boundaries of the subject property and the Final Subdivision Plat (Major) shall be accounted for as parcels, lots, roads, streets, or other designation.
 - b) Endorsements of every person having a security interest in the subject property subordinating their liens to all covenants, servitudes, and easements imposed on the property.
 - c) The location of all monuments erected, corners, and other points established in the field. The material of which the monuments, corners, or other points are made shall be noted.
 - d) All existing and proposed grid road and street numbers and street names shall be shown and the road and street address and coordinate address of all parcels, units, or lots, created shall be shown, as required by the addressing system of the County.

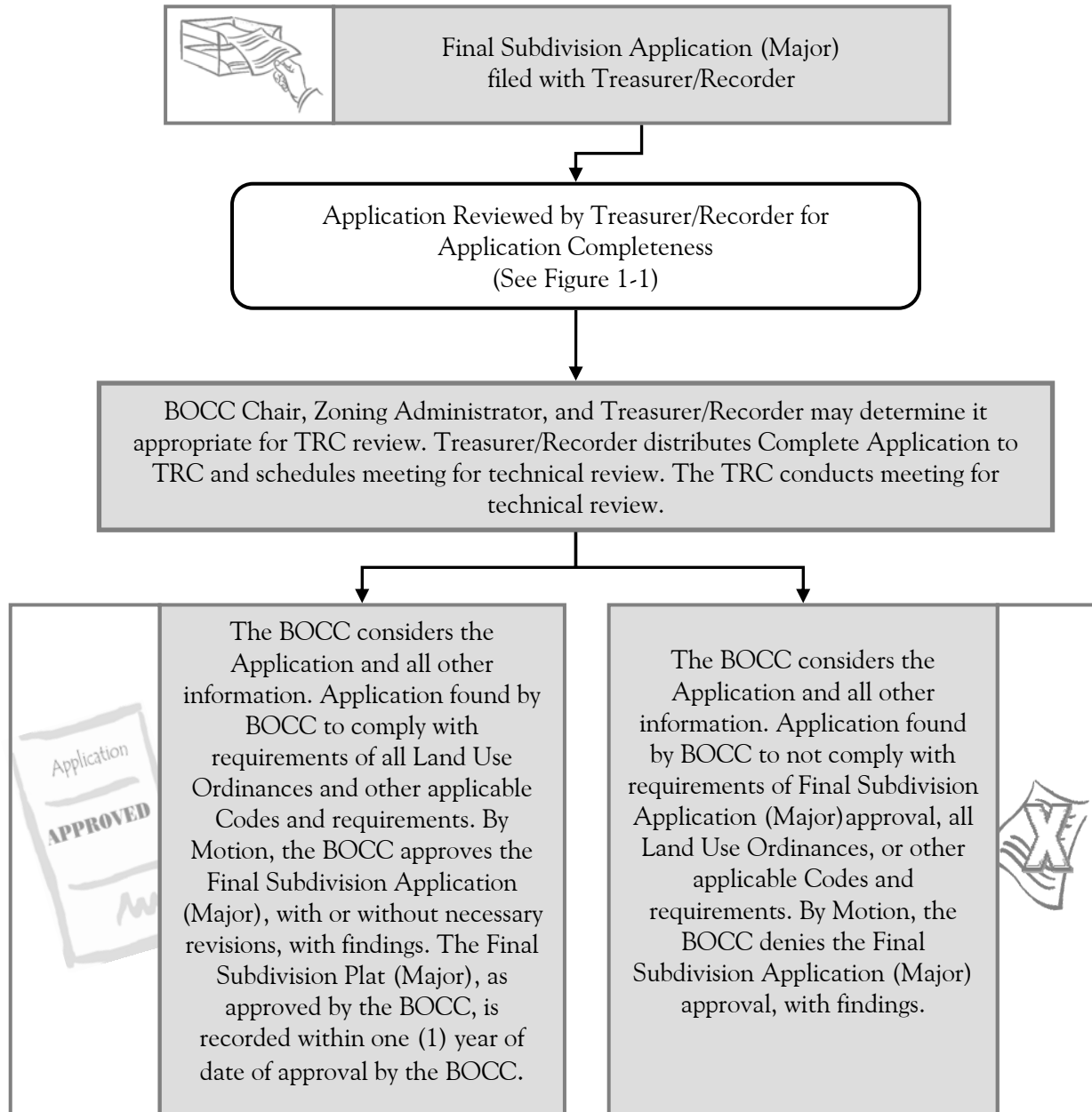
- e) All existing and proposed rights-of-way and easement grants of record for underground facilities, as defined by Section 54-8a-2 of the Utah Code Annotated, 1953, as amended, and including all utility facilities located within the proposed rights-of-way.
 - f) The location of any common space or open space areas, including the location of all property proposed to be set aside for public or private reservation, with the designation of the purpose of such set asides, and conditions, if any, of the dedication or reservation.
 - g) Each lot created shall identify required setback lines identifying the required minimum front, side, and rear yard setbacks, as required by the Zoning District in which the subject property is located.
 - h) The name and address of the surveyor responsible for preparing the Final Subdivision Plat (Major). The surveyor making the Final Plat shall certify that the surveyor:
 - i) Holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;
 - ii) Has completed a survey of the property described on the Final Subdivision Plat (Major) in accordance with Section 17-23-17 of the Utah Code Annotated, 1953, as amended, and has verified all measurements; and
 - iii) Has placed monuments as represented on the Final Subdivision Plat (Major).
 - i) Located at the top-center and right-hand side of the Final Subdivision Plat (Major), the name of the subdivision, as approved by the Wayne County Recorder's Office. The basis of bearings used, graphic and written scale, true north point, township, range, section, quarter section, block, and lot number, and total area of the subject property shall be shown.
 - j) A Title Block showing:
 - i) Date of preparation of the Final Subdivision Plat (Major); and
 - ii) Signature blocks for the dated signatures of the Commission Chair and BOCC.
- All documents establishing any required agreements, guarantees, or any bonds and the payment of any required guarantees or bonds.
- Dedications and Grants of Easements.** When the Applicant(s) is proposing, or is required, to provide dedications for any infrastructure, utilities, improvements, or services, the owner or operator of the infrastructure, utilities, improvements, or services shall approve the:
- a) Boundary, course, dimensions, and intended use of the right-of-way and easement grants of record;

- b) Location of existing underground and utility facilities;
 - c) Conditions or restrictions governing the location of the facilities within the right-of-way, and easement grants of records, and utility facilities within the subdivision; and
 - d) Such approval shall be provided in writing with the Final Subdivision Application (Major).
- Purchase Agreements.** When any parcel, unit, or lot is proposed to be purchased by a public or quasi-public agency, a letter of intention to purchase shall be provided with the Final Subdivision Application (Major).
 - Owner's Dedications.** The owner's certificate of dedication(s) including a legal description of the subject property boundaries and the dedication of all public ways or spaces. This certificate shall be signed, dated, and notarized. The owner's certificate shall include a reference to any covenants that may be declared and blanks where the Wayne County Recorder may enter the book and page number of recording.
 - Required Local, State, and Federal Approvals and Permits.** All necessary approvals, licenses, and permits, as required, shall be provided by local state, and federal departments and agencies and included with the Final Subdivision Application (Major).
 - Covenants and Restrictions.** Copies of all protective covenants, conditions and restrictions (CC&R's), trust agreements, home owner's association articles and bylaws, and all other required documents, including those required by the BOCC, governing the future use of property, infrastructure, utility and service systems, re-subdivision, and other provisions required to maintain the integrity of the subdivision.
 - Final Construction Drawings.** Final design and construction drawings for all proposed, or required infrastructure, utilities, improvements, or services prepared by a licensed civil engineer, and in a form and as required by the Public Works Standards, including, but not limited to, all culinary water facilities, all sanitary sewer facilities, all storm drainage and flood control facilities, bridges and culverts, the profiles and cross sections of all proposed roads and streets, all secondary water facilities, all fire hydrants and fire protection and suppression facilities and systems, all electrical power facilities, all telecommunications facilities, and all other infrastructure, utilities, improvements, or services.
 - Improvement Construction Costs.** Estimated construction costs of all proposed, or required infrastructure, utilities, improvements, or services prepared by a licensed civil engineer, and as required by the Public Works Standards.
 - Final Grading Plan.** A final grading plan shall be provided indicated by solid-line contours, using two (2) foot intervals, imposed on dashed line contours, also using two (2) foot intervals, of the existing

topography for the entire subject property. For subject properties that have predominately-level topography one (1) foot contour intervals may be required by the Zoning Administrator. The Final Grading Plan shall identify the proposed final grades for each proposed lot or parcel to be created.

- ☐ **Final Erosion Control Plan.** A final erosion control plan for the subject property identifying the proposed lot drainage and erosion control techniques and methods for each proposed lot or parcel to be created.
- ☐ **Final Easement Plan.** A final easement plan, identifying the location, size, and use of all existing and proposed easements located on the subject property.
- ☐ **Title Report.** If the Final Subdivision Application is filed with the Wayne County Recorder after one hundred-eighty (180) calendar days from the date the Preliminary Subdivision Application (Major) is approved, or if any changes or corrections have been made to the Title of the subject property since the Preliminary Subdivision Application (Major) was approved, a new Title Report for the subject property, provided by a Title Company, within thirty (30) calendar days from the date of filing the Final Subdivision Application (Major) shall be provided.
- ☐ **Tax Clearance.** A tax clearance from the Wayne County Treasurer shall be provided as part of the Final Subdivision Application (Major). The BOCC may withhold an otherwise valid Final Subdivision Application (minor) approval until the owner(s) of the subject property provides the BOCC with a tax clearance indicating that all taxes, interest, and penalties owing for the subject property have been paid.

FIGURE 2-16
FINAL SUBDIVISION APPLICATION (MAJOR) REVIEW PROCEDURES



VARIANCE APPLICATION



WAYNECounty

18 South Main – P.O. Box 189 – Loa, Utah 84747
(435) 836- 2731

Date Received:

Date Determined Complete:

Fees Paid:

Date of Application:

APPLICANT INFORMATION

Contact Person:

Phone:

Name of Applicant:

Applicant Address:

City:

State:

Zip:

Phone:

Fax:

Email:

LAND USE APPLICATION

Fee Amount: \$

Section of Land Use Ordinance provision for consideration:

Location/Address of Subject Property:

Current Land Use Designation and Zoning District:

Total Acreage (square feet or acres) of Subject Property:

Name of Property Owners: _____
(Provide Additional Sheet,
if needed) _____

WAYNE COUNTY OFFICE USE ONLY

PROPERTY OWNER AFFIDAVIT

STATE OF UTAH }
 }ss
COUNTY OF WAYNE}

I (we), _____, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

(Property Owner)

(Property Owner)

Subscribed and sworn to me this _____ day of _____, 20_____.

(Notary)

My commission expires: _____

.....
AGENT AUTHORIZATION AFFIDAVIT

I (we), _____, the owner(s) of the real property described in the attached application, do authorized as my (our) agent(s), _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Property Owner)

Dated this _____ day of _____, 20_____, personally appeared before me _____, the signer(s) of the agent authorization who duly acknowledged to me that they executed the same.

(Notary)

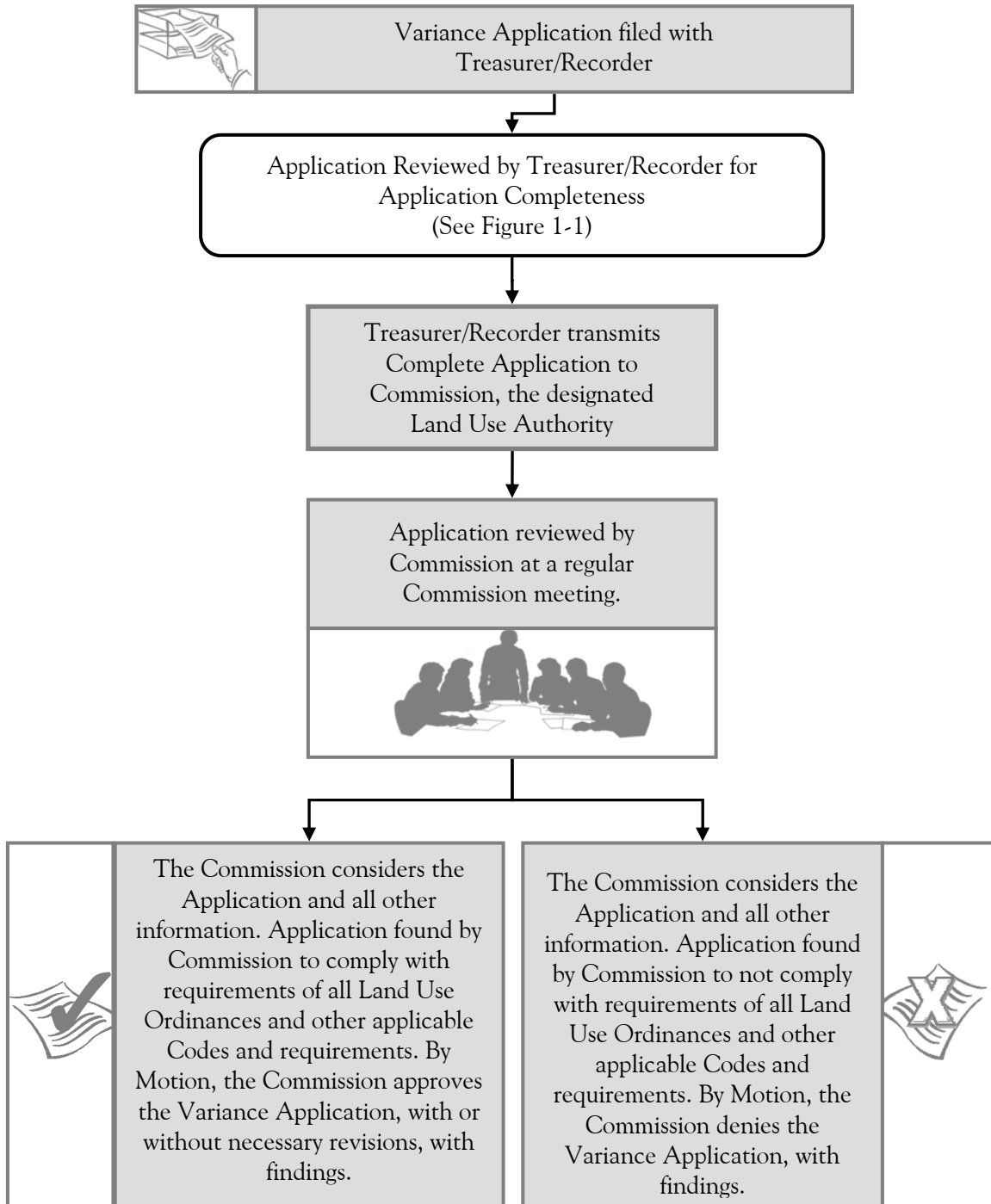
My commission expires: _____


Variance Application Requirements:

Depending on the scope and complexity of the variance, all Variance Applications may include and provide the following information:

- A Variance Application, including the payment of all required fees.
- One (1) copy of a site plan, drawn at a scale of 1 inch = 50 feet, or as required by the Wayne County Treasurer/Recorder plus six (6) copies of a 11 x 17 inch of a site plan clearly identifying the following;
 - a) The location and dimension of the property boundaries and all existing and proposed uses, and existing and proposed buildings or other structures located on the property.
 - b) The required setbacks for the Zoning District and exterior dimensions of any proposed buildings and structures.
 - c) The location of all roads and streets serving the site, or proposed to serve the site
 - d) The location and dimension of all existing and proposed ingress and egress points and off-street parking.
- All information and materials, as determined necessary by the Applicant, sufficient to identify and demonstrate what the Applicant considers to be an unreasonable hardship.
- All information and materials, as determined necessary by the Applicant, to establish the required review standards for the approval of a Variance Application can be met, as provided by Section 1003(2), Zoning Ordinance.
- All other information, as may be required by the Commission, necessary to review the Variance Application.

FIGURE 2-17
VARIANCE APPLICATION REVIEW PROCEDURES



	WAYNE County	18 South Main – P.O. Box 189 – Loa, Utah 84747
	DETERMINATION OF NONCONFORMING/NONCOMPLYING APPLICATION	(435) 836-2731

Date of Application:

APPLICANT INFORMATION

Contact Person:

Phone:

Name of Applicant:

Applicant Address:

City:

State:

Zip:

Phone:

Fax:

Email:

LAND USE APPLICATION

Fee Amount: \$

Section of Land Use Ordinance provision for consideration:

Location/Address of Subject Property:

Current Land Use Designation and Zoning District:

Total Acreage (square feet or acres) of Subject Property:

Name of Property Owners: _____
(Provide Additional Sheet,
if needed) _____

WAYNE COUNTY OFFICE USE ONLY

Date Received:

Date Determined Complete:

Fees Paid:

PROPERTY OWNER AFFIDAVIT

STATE OF UTAH }
 }ss
COUNTY OF WAYNE}

I (we), _____, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

(Property Owner)

(Property Owner)

Subscribed and sworn to me this _____ day of _____, 20_____.

(Notary)

My commission expires: _____

.....
AGENT AUTHORIZATION AFFIDAVIT

I (we), _____, the owner(s) of the real property described in the attached application, do authorized as my (our) agent(s), _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Property Owner)

Dated this _____ day of _____, 20_____, personally appeared before me _____, the signer(s) of the agent authorization who duly acknowledged to me that they executed the same.

(Notary)

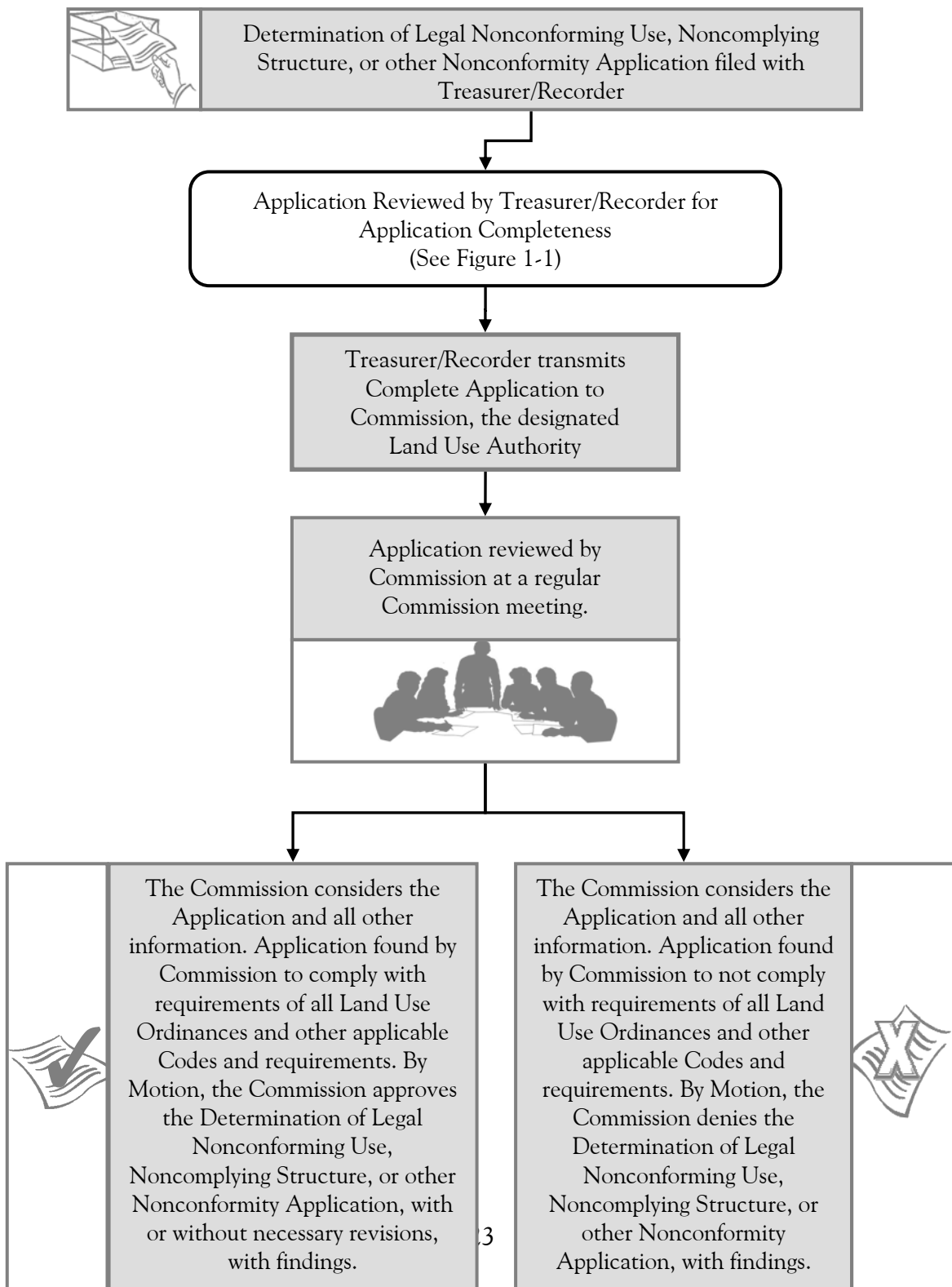
My commission expires: _____

**Determination of Legal Nonconforming Use or Legal Noncomplying Structure
Application Requirements:**

Depending on the scope and complexity of the nonconforming use or legal noncomplying structure, all applications for a Determination of Legal Nonconforming Use or Legal Noncomplying Structure Application may include and provide the following information:

- A Determination of Legal Nonconforming Use or Legal Noncomplying Structure Application, including the payment of all required fees.
- One (1) copy of a site plan, drawn at a scale of 1 inch = 50 feet, or as required by the Wayne County Treasurer/Recorder plus six (6) copies of a 11 x 17 inch site plan clearly identifying the following;
 - a) The location and dimension of the property boundaries and all existing uses, buildings or other structures located on the property.
 - b) The date of the creation of the lot or parcel and the date of establishment of all uses, and the date of construction of all buildings or structures located on the property.
- All information and materials, as determined necessary by the Applicant, to identify and demonstrate that a legal nonconforming use, noncomplying structure, or other legal nonconformity exists and complies with the requirements of the County's Land Use Ordinances, or their prior enactments. Information, materials, and other evidence provided should include the source of such information. The applicant shall have the burden of proof of establishing the existence of a legal nonconforming use, legal noncomplying structure, lot, sign, or other legal nonconformity, as provided and required by the Act.
- All other information, as may be required by the Commission, necessary to review the Determination of Legal Nonconforming Use or Legal Noncomplying Structure Application.

FIGURE 2-18
DETERMINATION OF LEGAL NONCONFORMING USE, NONCOMPLYING STRUCTURE,
OR OTHER NONCONFORMITY APPLICATION REVIEW PROCEDURES



	WAYNE County	18 South Main – P.O. Box 189 – Loa, Utah 84747 <u>TAKINGS APPLICATION</u> (435) 836- 2731
---	---------------------	--

Date of Application:

APPLICANT INFORMATION

Contact Person:

Phone:

Name of Applicant:

Applicant Address:

City:

State:

Zip:

Phone:

Fax:

Email:

LAND USE APPLICATION

Fee Amount: \$

Proposed Claim of Takings to be Considered:
(Provide Additional Information
on separate sheet, if needed)

Location/Address of Subject Property:

Current Land Use Designation and Zoning District:

Total Acreage (square feet or acres) of Subject Property:

Name of Property Owners: _____
(Provide Additional Sheet,
if needed) _____

WAYNE COUNTY OFFICE USE ONLY

Date Received:

Date Determined Complete:

Fees Paid:

PROPERTY OWNER AFFIDAVIT

STATE OF UTAH }
 }ss
COUNTY OF WAYNE}

I (we), _____, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

(Property Owner)

(Property Owner)

Subscribed and sworn to me this _____ day of _____, 20_____.

(Notary)

My commission expires: _____

.....
AGENT AUTHORIZATION AFFIDAVIT

I (we), _____, the owner(s) of the real property described in the attached application, do authorized as my (our) agent(s), _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Property Owner)

Dated this _____ day of _____, 20_____, personally appeared before me _____, the signer(s) of the agent authorization who duly acknowledged to me that they executed the same.

(Notary)

My commission expires: _____

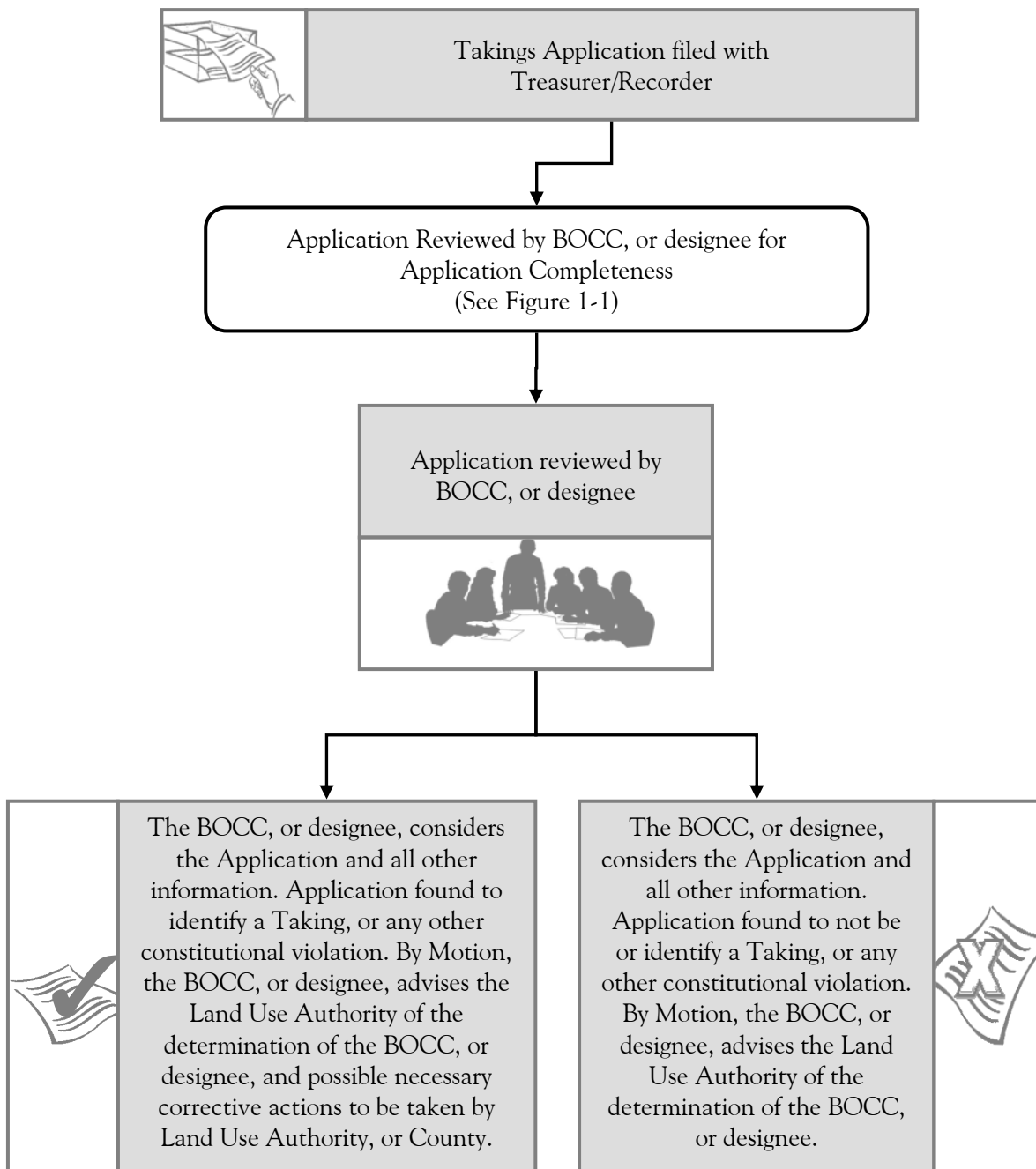
Takings Review Application Requirements:

All Takings Review Applications shall be filed with the Treasurer/Recorder within thirty (30) calendar days from the date of the decision by a County Land Use Authority that gave rise to the concern that a constitutional taking may have occurred. All Takings Review Applications may include and provide the following information:

- A Takings Review Application and required fees.
- Takings Review Application may be accompanied by the following information:
 - a) The date of the decision by a County Land Use Authority which is the subject of the Takings Review.
 - b) A detailed description of the grounds for the claim that there has been a constitutional taking.
 - c) A description of the property alleged to have been taken.
 - d) Evidence and documentation as to the value of the property alleged to have been taken, including the date and cost at the date the property was acquired. This should include any evidence of the value of the property before and after the alleged constitutional taking, the name of the party from whom purchased, if applicable, including the relationship, if any, between the person requesting a review and the party from whom the property was acquired.
 - e) The nature of the property interest claimed to be affected, such as, but not limited to, fee simple ownership, leasehold interest.
 - f) Terms (including sale price) or any previous purchase or sale of a full or partial interest in the property in the three (3) years prior to the date of application.
 - g) All appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the three (3) years prior to the date of application.
 - h) The assessed value of and ad valorem taxes paid on the property for the previous three (3) years.
 - i) All information concerning current mortgages or other loans secured by the property, including name of the mortgagee or lender, current interest rate, remaining loan balance and term of the loan and other significant provisions, including but not limited to, right of purchasers to assume the loan.

- j) All listings of the property for sale or rent, prices asked and offers received, if any, within the previous three (3) years.
 - k) All studies commissioned by the applicant, or agents of the applicant, within the previous three (3) years concerning feasibility of development or utilization of the property.
 - l) Itemized income and expense statements from the property for the previous three (3) years.
 - m) Information from a title policy or other source showing all recorded liens or encumbrances affecting the property.
 - n) The Council, or their designee, may request additional information identified to be necessary, in their opinion, to arrive at a conclusion concerning whether there has been a Constitutional taking.
- A Takings Review Application may not be deemed to be complete until the BOCC, or designee, certifies to the applicant that all the materials and information required above, have been received by the County. The BOCC, or designee, shall notify the applicant of any missing information and identifying the materials and information necessary to correct the incomplete application.

FIGURE 2-19
TAKINGS APPLICATION REVIEW PROCEDURES



	WAYNE County	18 South Main – P.O. Box 189 – Loa, Utah 84747 (435) 836- 2731
APPEAL APPLICATION		

Date of Application:

APPLICANT INFORMATION

Contact Person:

Phone:

Name of Applicant:

Applicant Address:

City:

State:

Zip:

Phone:

Fax:

Email:

LAND USE APPLICATION

Fee Amount: \$

Nature of Proposed Appeal to be Considered:

Location/Address of Subject Property:

Current Land Use Designation and Zoning District:

Total Acreage (square feet or acres) of Subject Property:

Name of Property Owners: _____
(Provide Additional Sheet,
if needed) _____

WAYNE COUNTY OFFICE USE ONLY

Date Received:

Date Determined Complete:

Fees Paid:

PROPERTY OWNER AFFIDAVIT

STATE OF UTAH }
 }ss
COUNTY OF WAYNE}

I (we), _____, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

(Property Owner)

(Property Owner)

Subscribed and sworn to me this _____ day of _____, 20_____.

(Notary)

My commission expires: _____

.....
AGENT AUTHORIZATION AFFIDAVIT

I (we), _____, the owner(s) of the real property described in the attached application, do authorized as my (our) agent(s), _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Property Owner)

Dated this _____ day of _____, 20_____, personally appeared before me _____, the signer(s) of the agent authorization who duly acknowledged to me that they executed the same.

(Notary)

My commission expires: _____

Appeal Application Requirements:

All Appeal Applications shall include and provide the following information:

- An Appeal Application, accompanied by the payment of all required fees.
- All information and materials, as determined necessary by the Applicant, that the Applicant considers necessary for the Appeal Authority to review the Appeal Application.
- The Applicant shall clearly identify and provide all materials the Applicant considers necessary to identify the alleged error in any order, requirement, decision, or determination made by the Land Use Authority in the administration or interpretation of a County Land Use Ordinance. (Only those decisions in which a Land Use Authority has applied the requirements of a Land Use Ordinance to a particular Land Use Application, person, lot, or parcel may be appealed to an Appeal Authority.)

FIGURE 2-20
APPEAL AUTHORITIES

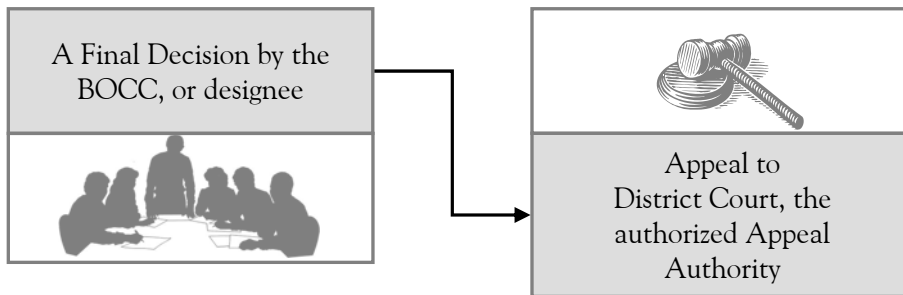
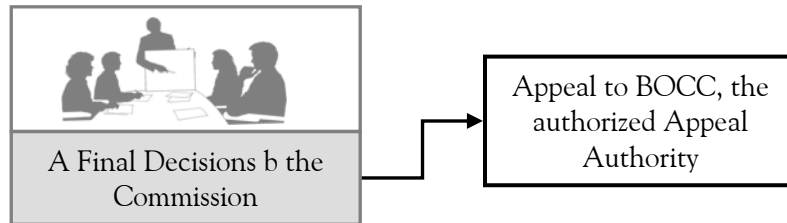
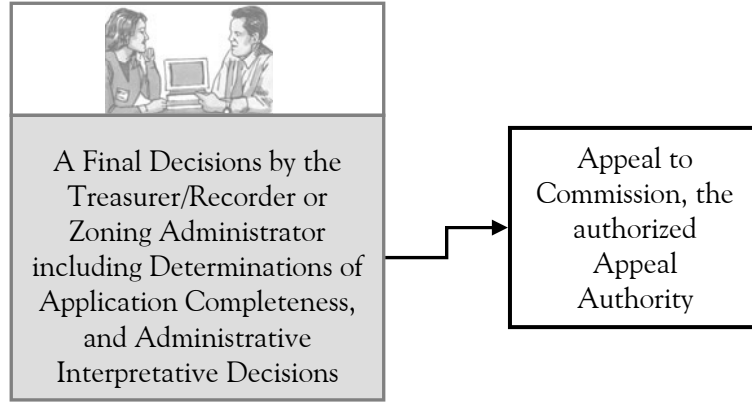
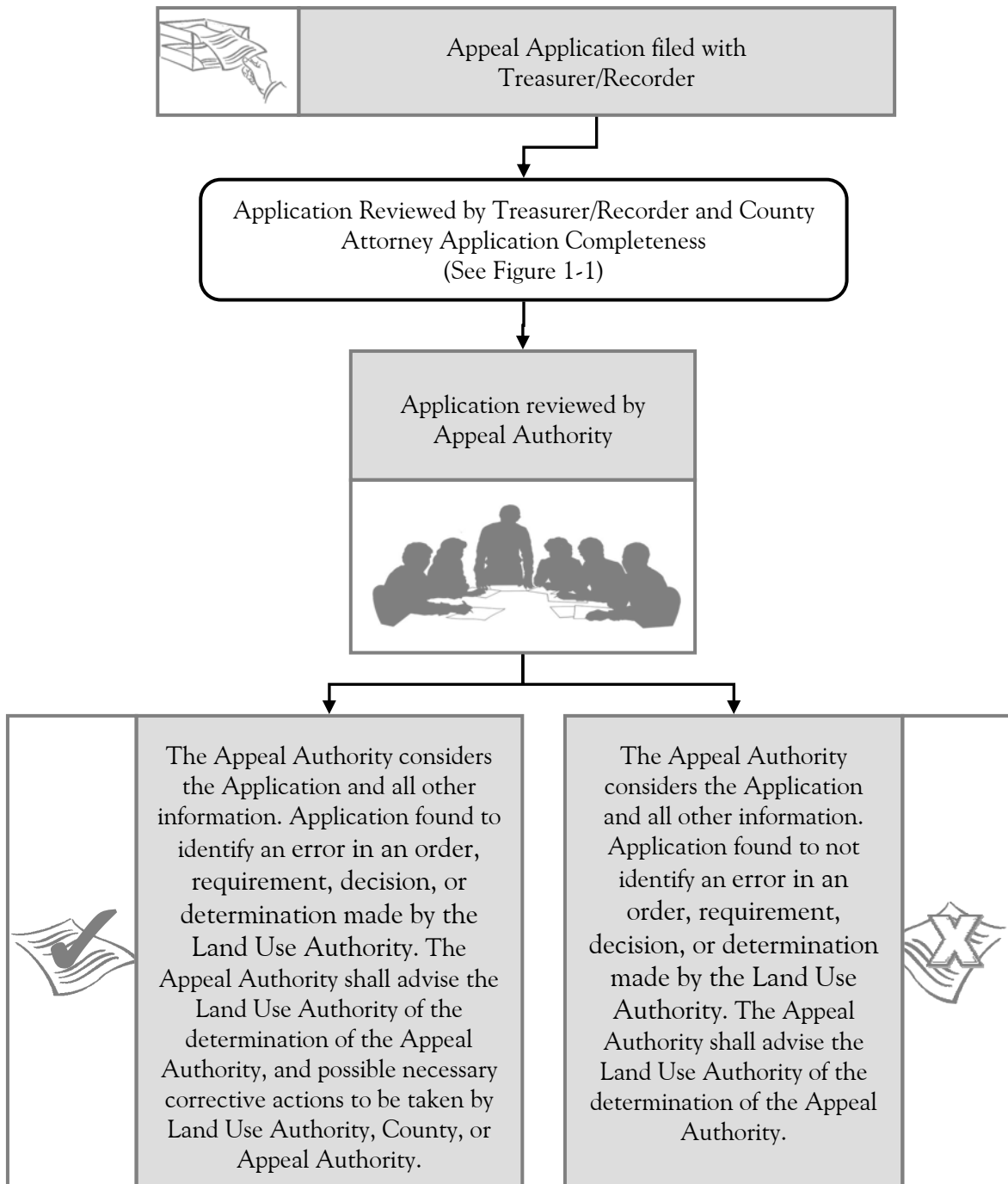


FIGURE 2-21
APPEAL APPLICATION REVIEW PROCEDURES



CHAPTER 16 DEFINITIONS

Purpose and Conflicts:

This Chapter provides definitions of general terms used throughout this County's Land Use Ordinances for which a definition is considered necessary. Words not defined herein shall have a meaning consistent with Webster's New Collegiate Dictionary, latest edition. For the convenience of users of this County's Land Use Ordinances, certain terms may be illustrated. If a conflict arises between an illustration and a definition, the definition shall apply.

Access: The provision of vehicular and/or pedestrian ingress and egress to lot, parcel, building, or structure.

Access Right of Way: A strip of land which is part of a lot and provides access to the part thereof used or to be used for buildings or structures.

Act: Means the State of Utah County Land Use, Development, and Management Act, and as provided at §17-27a *et seq.* Utah Code Annotated, 1953, as amended.

Active or Valid Building Permit: A building permit that has not expired.

Ad Valorem Taxes: A tax "based on value" which applies to property taxes based on a percentage of the County's assessment of the property's value.

Adjacent Property/Landowners: A lot or parcel of property, or the owner of record of such, according to the records of the Wayne County Recorder that has a common immediately contiguous boundary line.

Affected Entity: means a county, municipality, independent special district under Title 17A, Chapter 2, Independent Special Districts, Local district under Title 17B, Chapter 2, Local Districts, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified public utility, or the Utah Department of Transportation, if: (a) the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land; (b) the entity has filed with the municipality a copy of the entity's general or long-range plan; or (c) the entity's boundaries or facilities are within one mile of land which is the subject of a general plan amendment or land use County's Land Use Ordinances change.

Agent: The person with written authorization to represent an owner.

Alcoholic Beverages: Means and includes beer and liquor as those terms are defined in the Utah Alcoholic Beverage Control Act, as amended.

Alteration: Any change, addition, or modification in construction of a building or structure.

Appeal Authority: Means the person, board, commission, agency, or other body designated by this County's Land Use Ordinances to decide an appeal of a decision of a Land Use Authority or review a Variance Application.

Applicant(s): Any person, partnership or corporation applying for any Land Use Application approval, permit or license required by this County's Land Use Ordinances.

Application: A written request, completed in a manner prescribed in this County's Land Use Ordinances, for review, approval, or issuance of an approval, permit, or license.

Application, Complete: An application that includes all information requested on the appropriate form and payment of all applicable fees.

Application, Incomplete: An application that lacks information requested on the appropriate form or the payment of all applicable fees.

Architectural Projection: Any projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building, but shall not include signs or balconies.

Authorized Officers: Those persons authorized by the County to inspect businesses and enforce the provisions of this County's Land Use Ordinances, or other applicable regulations.

Basement: A story partly underground and having at least one-half (1/2) its height below the average level of the adjoining ground.

Beer: As defined by the Utah Alcoholic Beverage Control Act, as amended.

Berm: A mound of earth.

Best Management Practices (BMPs): A practice, or combination of practices, determined to be the most effective (including technological, economic, and institutional considerations) means of preventing or reducing disturbance or disruption to the natural environment.

Billboard: A freestanding sign designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.

Board of County Commissioners: The duly-elected Board of County Commissioners of Wayne County, Utah.

Building: Any structure, whether permanent or temporary, including but not limited to dwelling units, which are designed, intended or used for occupancy by any person, animals, possessions, or for storage of property or goods of any kind.

Buildable Area: That area of a lot or parcel which is outside of any required setback areas and outside of any other areas regulated by this County's Land Use Ordinances.

Building Code: The International Building Code, as adopted by the County.

Building Facade: That portion of an exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.

Building Frontage: The horizontal, linear dimension of that side of a building facing a street, a parking area, or other circulation area open to the public.

Building, Height: The vertical distance from the natural or finished grade to the highest point of the building or structure.

Building Line, Front: A line parallel to the front lot line and at a distance there from equal to the required depth of the front yard setback and extending across the entire width of the lot or parcel.

Building Line, Rear: A line parallel to the rear lot line and at a distance there from equal to the required depth of the rear yard setback and extending across the entire width of the lot or parcel.

Building Line, Side: A line parallel to the side lot line and at a distance there from equal to the required depth of the side yard setback and extending between the front and rear building lines.

Building Line: The line circumscribing the buildable area of a lot.

Building Official: The official, or other person, charged with the administration and enforcement of the Building Code.

Building Permit: A permit required by the Building Code and issued by the Building Official authorizing a construction activity.

Business: Means and includes all trades, occupations, professions or activities engaged in within the unincorporated areas of the County and carried on for the purpose of gain or economic profit.

Business License: The license required by the Business License County's Land Use Ordinances of the County.

Carport: A roofed structure designed for the shelter of a motor vehicle and open on at least two sides and subject to all requirements prescribed for a private garage.

Certificate of Occupancy: A certificate issued by the Building Official authorizing occupancy of a building or structure requiring a building permit.

Clear View Area: Areas at intersecting streets and driveways where unobstructed vision is maintained, as required by this County's Land Use Ordinances.

Cluster Development: A design that concentrates buildings in specific areas on a site to allow the remaining land to be used, but not limited to, recreation, open space, and preservation of sensitive land areas.

Commission: The Planning Commission of Wayne County, Utah.

Common Area: Facilities, land areas, and yards under common ownership.

Common Open Space: The land area reserved and set aside for recreational uses, landscaping, open green areas, parking and driveway areas for the common use and enjoyment of the owners.

Conditional Use: As defined by the Act.

Conditional Use Permit: The approval granted by a Land Use Authority to establish a Conditional Use, which may provide for reasonable conditions to establish such use.

Constitutional Taking: Means a governmental action that results in a taking of private property so that compensation to the owner of the property is required by the: (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or (b) Utah Constitution.

Construction: The materials, architecture, assembly, and installation of a building or structure.

Construction Activity: All grading, excavation, construction, grubbing, mining, or other development activity which disturbs or changes the natural vegetation, grade, or any existing structure, or the act of adding an addition to an existing structure, or the erection of a new primary or accessory structure on a lot or parcel.

County: The unincorporated area of Wayne County, Utah.

Cul-de-sac: A street with only one (1) outlet and an area for the safe and convenient turning of vehicles.

Culinary Water Authority: Means the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

Cut: The process of lowering the natural grade for a portion of the development site, or the depth or the volume of such material removal. The reference for a cut shall be measured from natural to finished grade.

Decibel (dB): A unit of measure used to express intensity of noise.

Declaration: The legal instrument by which property is subjected to the provisions of the Utah Condominium Ownership Act, or a declaration of covenants, conditions, and restrictions.

Dedication: The setting aside of land by an owner for a public use or purpose.

Demolish or Demolition: Any act or process that destroys, in part or in whole, a building or structure.

Density: The intensity or number of non-residential and residential uses expressed in terms of unit equivalents per acre or lot or units per acre. Density is a function of both the number and type of dwelling units and/or non-residential square footage and the land area.

Density Base: The number of dwelling units per acre allowed in a Zoning District.

Density, Gross: The number of dwelling units per acre within a subdivision or other development based on the total area whether developable or not, including streets, public areas, water areas, open space areas, and sensitive lands.

Density, Incentive: The number of additional dwelling units per acre allowed in addition to base density.

Density, Net: The number of dwelling units per acre within a subdivision or other development and excluding all areas used for streets, public areas, water areas, open space areas, sensitive lands, or encumbered in any other way or any other purpose.

Developer: A person or organization that develops, or intends to develop or sell property for the purpose of future development subject to the provisions of this County's Land Use Ordinances or the Subdivision County's Land Use Ordinances.

Development Activity: Any of the following: (a) Any man-made change to improved or unimproved lands, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations; (b) Any construction, reconstruction, or expansion of a building, structure, or use; (c) Any change in the use of a building or structure; (d) Any change in the use of land that creates additional demand and need for capital facilities or services; (e) The property being developed and/or subdivided; or (f) The act, process or result of developing.

Development Permit: Any written authorization from a Land Use Authority that authorizes the commencement of a development activity.

Development Site: The total area and perimeters of a tract, lot, or parcel of land intended to be used for a development activity.

Disability: Means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment. "Disability" does not include current illegal use of, or addiction to, any Federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802.

Driveway: A private access, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel on which it is located.

Dwelling Unit: A building, or portion thereof, containing one (1) or more rooms and one (1) kitchen and including areas for living and sleeping, designed to be used for human occupancy, complying with all provisions of the Building Codes and County's Land Use Ordinances.

The definition of a dwelling unit shall include:

a. **Dwelling Unit, Manufactured.** A transportable factory built housing unit (dwelling unit) constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more sections, which, in the traveling mode, is eight (8) feet or more in width or forty (40) feet or more in length, or when erected on site, is four hundred (400) or more square feet, and which is built on a permanent chassis and is designed to be used as a dwelling unit with, or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

To meet the requirements of this County's Land Use Ordinances and State laws, when erected on the site the home must be at least 24 feet in width at the narrowest dimension, have exterior and roofing materials acceptable to the International Building Code, as adopted by Wayne County, have a minimum roof pitch of 2:12, and be located on a permanent foundation, in accordance with plans providing for vertical loads, uplift, and lateral forces and frost protection in compliance with the International Building Code. All appendages, including carports, garages, storage buildings, additions, or alterations must be built in compliance with the International Building Code. The manufactured dwelling must be connected to the required utilities, including plumbing, heating, air-conditioning, and electrical systems. All manufactured dwelling units constructed on or after June 15, 1976, shall be identifiable by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was

manufactured to HUD standards. A Manufactured dwelling Unit shall be identified as real property on the property assessment rolls of Wayne County.

b. **Dwelling Unit, Mobile Home.** A transportable factory built housing unit (dwelling unit), constructed prior to June 15, 1976, not in accordance with the Federal Home Construction and Safety Standards Act of 1974 (HUD Code).

Easement: A portion of a lot or parcel reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement may be for use under, on, or above the lot or parcel.

Elderly Person: Means a person who is sixty (60) years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

Engaging in Business: Includes, but is not limited to, the sale of real or personal property at retail or wholesale, the bartering or trading of property or services, the manufacturing of goods or property, and the rendering of personal services for others for a consideration by persons engaged in any profession, trade, craft, business, occupation or other calling, except the rendering of personal services by an employee to his employer under any contract of personal employment.

EPA: The U.S. Environmental Protection Agency.

Escrow: A deposit of cash or approved alternate in lieu of cash held to ensure a performance or a maintenance guarantee.

Exaction: the act of exacting, excessive or unjust demand.

Excavation: The removal of boulders, gravel, rocks, earth, or similar naturally occurring deposits from its natural position.

External Illumination: Lighting which illuminates a building or structure from a remote position, or from outside of the building or structure.

Family: A person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities: (a) Any number of people who are related by blood, marriage, adoption, or court sanctioned guardianship together with any incidental domestic or support staff who may or may not reside on the premises; or (b) four [4] unrelated people; or (c) two unrelated people and any children related to either of them. "Family" does not include any group of individuals whose association is temporary or seasonal in nature or who are in a group living arrangement because of criminal offenses.

Fence: A tangible barrier or obstruction of any material, with the purpose or intent, or having the effect, of preventing passage or view across the fence line. "Fence" includes hedges and walls.

Fence, Open: A fence which permits vision through more than fifty percent (50%) of each square foot more than eight (8) inches above the natural or finished grade.

Fence, Sight Obscuring: A fence which permits no vision (0%) through any part of the fence at a more than eight (8) inches above the natural or finished grade.

Fill: Materials used to raise the natural grade, or the depth or the volume of material. The reference for a fill shall be measured from natural to finished grade.

Final Action: The final vote or decision on Land Use Application.

Fire Authority: The department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services for the subject property.

Fiscal Impact Analysis: An analysis that describes the current or anticipated effect upon the public costs and revenues imposed by a development activity.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- 1) The overflow of inland or tidal waters; and/or
- 2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM): The official map of the County on which the Federal Emergency Management Agency has delineated areas of special flood hazard designated as Zone A.

Flood Plain, 100 Year: A designated area where a peak flow magnitude has about a 1 percent chance of being equaled, or exceeded in any year. The area within a flood plain is based on statistical analysis of stream flow records available for the watershed and analysis of rainfall and runoff characteristics in the general region of the watershed. The flood would have an average frequency of occurrence of about once in 100 years.

Floor Area: The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed terraces. All dimensions shall be measured from the exterior faces of the exterior walls.

Floor Area, Livable (Net Floor Area): The sum of the footage contained within all buildings or structures on a site measured from the inside wall surfaces including basements but excluding, garages, porches, utility rooms, stairways, storage rooms, and unroofed balconies and patios.

Floor Area, Total (Gross Floor Area): The sum of the footage contained within all buildings or structures on a site measured from the outside wall surfaces and including basements, garages, porches, utility rooms, stairways, recreation rooms and storage rooms, but excluding unroofed balconies and patios.

Floor Area Ratio: The total floor area of a building divided by the area of the lot on which it is located.

Frontage: All the property fronting on a street measured along the street line.

Garage: An accessory building, or a portion of the primary building, used for the storage of motor vehicles.

Garage, Private: An enclosed space or accessory building for the storage of one (1) or more motor vehicles; provided that no business, occupation, or service is conducted for profit therein, nor space therein for more than one car is leased to a nonresident of the premises.

Garage, Public: A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling or storing motor driven vehicles.

General Plan: As defined by the Act.

Grade: The average level of the finished surface or the ground adjacent to the exterior walls of those buildings more than five feet (5') from a street line. For buildings closer than five feet (5') to a street line, the grade is the sidewalk elevation at the center of the building. If there is more than one street, an average sidewalk elevation is to be used. If there is no sidewalk, an Engineer may establish the grade.

Grading: An excavation, cut or fill, or the act of excavating, either cutting or filling.

Grade, Finished: The finished elevation of the surface of the land after the completion of any development activity or other man-made disturbance, or grading.

Grade, Natural: The elevation of the surface of the land prior to any development activity or any other man-made disturbance, or grading.

Gross Acreage: The total area of a lot or parcel of land, including all rights of ways and easements.

Groundwater: Any water that may be drawn from the ground.

Guarantee: Any form of security including cash or an escrow agreement in an amount and form satisfactory to the County.

Hard-Surfaced: Covered with concrete, brick, asphalt, or other impervious surface.

Hazardous Waste: A material as defined by the United States Environmental Protection Agency.

Health Department: The Wayne County Health Department.

Home Occupation: A commercial or other non-residential use conducted within a dwelling unit that is incidental and secondary to the use of the dwelling unit for residential purposes.

Illegal Building/Illegal Structure: A building or structure, or portion thereof, established without securing the necessary approvals, permits, or licenses, as required by the County's Land Use Ordinances or Building Code, or their prior enactments.

Illegal Lot: A lot created for a development activity that has not received the necessary approvals, permits, or licenses, as required by the County's Land Use Ordinances, or their prior enactments.

Illegal Use: A use established without securing the necessary approvals, permits, or licenses, as required by the County's Land Use Ordinances, or prior enactments.

Impact Analysis: A determination of the potential effect(s), including but not limited to environmental, fiscal, social, matters, etc., upon the County.

Impervious Material or Surface: Material that is impenetrable by water.

Improvements: Curbs, gutters, sidewalks, utilities, grading, paving, landscaping, water and sewer systems, drainage systems, fences, fire hydrants, street lights, public facilities, amenities and other such requirements of the County's Land Use Ordinances.

Incombustible Material: Any material that will not ignite at or below a temperature of one thousand two hundred degrees Fahrenheit (1,200°F) during an exposure of five (5) minutes, and will not continue to burn or glow at that temperature. Tests shall be made as specified in the building code.

Intensity: The degree of a quantitative or qualitative measurement associated with a use of land or building.

Land Use: The manner in which land is occupied or used.

Land Use Application: As defined by the Act, but including an application required by the County's Land Use Ordinances.

Land Use Authority: As defined by the Act, but including a person, board, commission, agency, or other body designated by the County's Land Use Ordinances to act upon a Land Use Application.

Land Use County's Land Use Ordinances: As defined by the Act, but including a planning, zoning, development, or subdivision ordinances of Wayne County, but does not include the General Plan.

Land Use Permit: As defined by the Act, but including any written authorization from a Land Use Authority that authorizes the commencement of a development activity.

Landscaping: Materials and treatments that include naturally growing elements such as grass, trees, shrubs, and flowers. Landscaping may also include the use of rocks, fountains, benches, and contouring of the earth.

Legal Building/Legal Structure: A building or structure, or portion thereof, complying with the requirements of the County's Land Use Ordinances and Building Code, as adopted or prior enactments.

Legal Lot/Legal Lot of Record. Any land parcel that existed, as recorded in the Office of the Wayne County Recorder, with a separate property identification number as provided by the County Recorder and County Assessor, prior to the date of the enactment of the first Wayne County Subdivision County's Land Use Ordinances, and all land parcels that were legally created for the purposes of development pursuant to the subdivision requirements of Wayne County and the laws of the State of Utah after the date of the enactment of the first Wayne County Subdivision County's Land Use Ordinances.

Legal Nonconforming Building/Structure: A building or structure, or portion thereof, lawfully existing at the time of the County's Land Use Ordinances, or prior enactments, which does not now conform to the regulations of the Zoning District in which it is located.

Legal Nonconforming Lot: A lot, lawfully existing at the time of the County's Land Use Ordinances, or prior enactments, whose width, area, or other dimension do not conform to the regulations of the Zoning District in which it is located.

Legal Nonconforming Use: A use, lawfully existing at the time of the County's Land Use Ordinances, or prior enactments, such use being maintained continuously, and which does not now comply with the use regulations of the Zoning District in which it is located.

Legal Use: A use complying with the requirements of the County's Land Use Ordinances.

Legislative Body: The Wayne County Board of County Commissioners.

Licensed Premises: Any room, house, building, structure, or place occupied by any person licensed to sell alcoholic beverages on such premises.

Licensee: Includes the person, firm, corporation, or association to whom the license is issued, and also means and includes the licensee's manager, agents, servants and employees, and all other persons acting for him.

Light Source: A single artificial point source of luminescence that emits a measurable radiant energy in or near the visible spectrum.

Liquor: As defined by the Utah Alcoholic Beverage Control Act, as amended.

Lot: A parcel of land occupied or to be occupied by a building or group of buildings, together with such yards, open spaces, lot width and lot area as are required by this title and having frontage upon a street.

Lot Area: The total land area of a lot or parcel.

Lot Coverage: The total horizontal area of a lot or parcel covered by any impervious surface, including buildings, structures, parking, driveways, etc.

Lot Depth: The mean horizontal distance from a front lot line to a rear lot line.

Lot, Interior: A lot other than a corner lot.

Lot, Irregular: A lot whose rear property line is not generally parallel to the front property line such as a pie-shaped lot on a cul-de-sac, or where the side property lines are not parallel to each other.

Lot Line: A line that divides one (1) lot or parcel from another, or from a street.

Lot Line Adjustment: Means the relocation of a lot line between two (2) adjoining lots with the consent of the owners and complying with all requirements of the Act.

Lot Line, Front: A lot or parcel line separating a lot or parcel from an existing street right-of-way or, where a new street is proposed, the proposed street right-of-way line. For a corner lot, the lot or parcel lines adjoining both streets.

Lot Line, Rear: The lot line generally opposite and most distant from the front lot line.

Lot Line, Side: Any lot or parcel line that is not a front lot line or rear lot line. A side lot line separating one (1) lot or parcel from another is an interior side lot line.

Lot Width: For an interior lot or parcel, the shorter of horizontal distance between side lot lines, measured at the required front yard setback line or rear setback line. For a corner lot, the distance between one (1) of the front lot lines and the opposite side yard line at the required setback line.

Lot, Corner: A lot abutting on two (2) intersecting streets where the interior angle of intersection or interception does not exceed one hundred thirty five degrees (135°).

Lot, Double Frontage: A lot or parcel abutting two parallel or approximately parallel streets.

Lot, Illegal: A separately delineated piece of real property, created for the purposes of a development activity, and which has not received the necessary approvals, as required by the County's Land Use Ordinances, including the Subdivision Ordinance, and State laws, and their prior enactments.

Lot, Legal: A separately delineated piece of real property, created for the purposes of a development activity, which: (a) Is shown on a recorded final subdivision plat that has received the necessary approvals, as required by the County's Land Use County's Ordinances, including the Subdivision County's Land Use Ordinances, and State laws, and their prior enactments, or (b) Is defined by some other legal instrument and has a separate property identification number according to the records of the Wayne County Recorder, and was legally created, as required by the County's Land Use Ordinances, including the Subdivision Ordinance, State laws, and their prior enactments.

Lot, Nonconforming: A lot or parcel that: (a) Legally existed before its current zoning designation; and (b) Has been shown continuously on the records of the Wayne County Recorder as an independent parcel since the time the zoning regulation governing the lot or parcel changed; and (c) Because of subsequent zoning changes does not conform with the lot size or other dimensional or property development standards applicable in the Zoning District in which the lot or parcel is located.

Lumen: A measurement of light output or the amount of light emitting from a luminaire.

Manufactured Home: A factory built structure which is constructed in compliance with the Federal manufactured housing construction and safety standards act of 1974, which became effective June 15, 1976; transportable in one or more sections; built on a permanent chassis; designed as a place for human habitation of not more than one family, with or without a permanent foundation, when connected to required utilities; and includes the plumbing, heating, air conditioning and electrical systems contained therein.

Map, Official: Any map adopted by the Board of County Commissioners under the provisions of Utah Code Annotated, as amended.

Mobile Home: A factory built, moveable living unit which does not meet the requirements of the Federal manufactured housing construction and safety standards act of 1974, which became effective on June 15, 1976; transportable in one or more sections; eight feet (8') or more in body width and thirty two feet (32') or more in body length; built on a permanent chassis with wheels; designed as a place for human habitation of not more than one family, with or without a permanent foundation, when connected to required utilities; and includes the plumbing, heating, air conditioning and electrical systems contained therein.

Moderate Income Housing: As defined by the Act.

Moderate Income Housing Plan: A written document conforming to the requirements of the Act.

Modular Home: A factory built structure which is constructed in compliance with the county's or State's adopted building codes; transportable in one or more sections; built on permanent chassis; designed as a place for human habitation when placed upon a permanent foundation and connected to all utilities; and includes the plumbing, heating, air conditioning and electrical systems contained therein. A modular home meeting the requirements of chapter 9 of this title shall be classified as a dwelling.

Monument: A permanent survey marker established by the Wayne County Surveyor and/or a survey marker set and referenced to Wayne County survey monuments.

Motor Home: A self-propelled vehicular unit, other than a mobile home primarily designed as a temporary dwelling for travel, recreational and vacation use, which is either self-propelled or is mounted on or pulled by another vehicle, including, but not limited to, a travel trailer, a camping trailer, a truck camper, a motor home, a fifth wheel trailer and a van.

Natural Features: Non man-made land characteristics, including slopes, wetlands, streams, intermittent drainage channels, and native stands of shrubs or trees.

Natural State: Land that has not been subjected to grading, removal of vegetation or any development activity.

Natural Vegetation: Vegetation existing on a lot or parcel prior to any grading, development activity or plantings.

Natural Waterways: Those areas, varying in width, along streams, creeks, gully, springs or gashes which are natural drainage channels as determined by the community and economic development director and in which areas no buildings shall be constructed.

Nominal Fee: Means a fee that reasonably reimburses the County only for time spent and expenses incurred in: (a) verifying that building plans are identical plans; and (b) reviewing

and approving those minor aspects of identical plans that differ from the previously reviewed and approved building plans.

Noncomplying Structure: As defined by the Act but includes a structure that: (a) legally existed before its current land use designation; and (b) because of one or more subsequent land use County's Land Use Ordinances changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations, which govern the use of land.

Nonconforming Use: As defined by the Act but includes the use of land that: (a) legally existed before its current land use designation; (b) has been maintained continuously since the time the land use County's Land Use Ordinances governing the land changed; and (c) because of one or more subsequent land use County's Land Use Ordinances changes, does not conform to the regulations that now govern the use of the land.

Official Map: As defined by the Act but means a map drawn by Wayne County and recorded in a County Recorder's office that: (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities; (b) provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and (c) has been adopted as an element of the General Plan.

Official Street Map: The map adopted by the Board of County Commissioners, which shows the location and alignment of existing and future roads and streets within the County.

Official Zoning Map: The map adopted by the Board of County Commissioners showing the geographic location of Zoning Districts.

Off-Street: Entirely outside of any right-of-way, street, access easement, or any private access drives.

Open Space: Land areas that are not occupied by buildings, structures, parking areas, streets, or roads. Open space may be devoted to landscaping, preservation of natural features, and recreational areas and facilities.

Operate or Cause to be Operated: To cause to function or to put or keep in a state of doing business.

Owner: Any person who alone, jointly or severally with others has legal or equitable title to any property.

Parcel: A contiguous quantity of land, in the possession of, or owned by, or recorded as the property of the same owner.

Park: A playground or other area or open space providing opportunities for active or passive recreational or leisure activities.

Park Strip: The area located between a street right-of-way line and the edge of asphalt or curb, but not including driveways, sidewalks, or trails.

Parking Area: An enclosed or unenclosed area, other than a street, and used or designed for parking of vehicles.

Parking Lot: An open area, other than a street, used for parking of more than four (4) automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

Parking Space: Space within a building, lot, or parking lot for parking or storage of one automobile.

Person: Means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

Pervious Material or Surface: Material that is penetrable by water.

Place of Business: Each separate location maintained or operated by the licensee, whether or not under the same name, within the county from which business is engaged.

Plan for Moderate Income Housing Means a written document adopted by the Board of County Commissioners that includes: (a) an estimate of the existing supply of moderate income housing located within the county; (b) an estimate of the need for moderate income housing in the county for the next five years as revised biennially; (c) a survey of total residential land use; (d) an evaluation of how existing land uses and zones affect opportunities for moderate income housing; and (e) a description of the county's program to encourage an adequate supply of moderate income housing.

Planning Commission ("Commission"): The Planning Commission of Wayne County, Utah.

Plat: Means a map or other graphical representation of lands being laid out and prepared in accordance with Section 17-27a, Section 17-23-17, or Section 57-8-13, U.C.A.

Primary Building: The principal building located on a lot or parcel designed or used to accommodate the primary use to which the premises are devoted.

Primary Use: The principal purpose for which a lot, parcel, or building is designed, arranged or intended, or for which it is occupied or maintained as allowed by the provisions of the County's Land Use Ordinances.

Private Drive: Non-dedicated thoroughfare or road used exclusively for private access to and from private land and/or developments.

Property: Any lot, parcel, or tract of land, including improvements thereon, in the possession of or owned by, or recorded as the real property of, the same person or persons.

Property Line: The boundary line of a lot or parcel.

Public: That which is under the ownership or control of the United States Government, Utah State, or any political subdivision of the State of Utah (or any departments or agencies thereof).

Public Hearing: Means a hearing at which member so the public are provided a reasonable opportunity to comment on the subject of the hearing.

Public Improvement: Any street dedications, installations of curb, gutter, sidewalk, road base and asphalt, water, sewer, and storm drainage facilities, or other utility or service required to provide services to a lot, parcel, building, or structure.

Public Meeting: Means a meeting that is required to be open to the public under Title 52, Chapter 4, Open and Public Meetings.

Quasi-Public Use: A use operated by a private nonprofit educational, religious, recreational, charitable, or philanthropic institution, serving the public.

Reasonable Accommodation: A change in a rule, policy, practice, or service necessary to afford a person equal opportunity to use and enjoy a dwelling. As used in this definition "Reasonable" means a requested accommodation will not undermine the legitimate purposes of existing zoning regulations notwithstanding the benefit that the accommodation would provide to a person with a disability, "Necessary" means the Applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice, "Equal Opportunity" means achieving equal results as between a person with a disability and a non-disabled person.

Record of Survey Map: Means a map of a survey of land prepared in accordance with Section 17-23-17, U.C.A.

Recreational and Manufactured Home Standard: A standard adopted by the American National Standards Institute or the National Fire Protection Association for recreational vehicles, and for mobile homes manufactured prior to June 15, 1976. For manufactured homes built after June 16, 1976, "standard" means the standard adopted pursuant to the national manufactured housing construction and safety standards act of 1974 and as amended from time to time.

Recreational Vehicle: A vehicular unit primarily designed as a temporary dwelling for travel, recreational and vacation use, which is either self propelled or is mounted on or pulled by another vehicle, including but not limited to a travel trailer, a camping trailer, a truck camper, a motor home, a fifth-wheel trailer and a van.

Residence: A dwelling unit or other place where an individual or family is actually living at a given point in time and not a place of temporary sojourn or transient visit.

Residential Activity: Any building, structure, or portion thereof that is designed for or used for residential purposes and any activity involving the use of occupancy of a lot for residential purposes.

Residential Facility for Elderly Persons: Means a single-family or multiple-family dwelling unit that meets the requirements of the Act, but does not include a health care facility as defined by Section 26-21-2, U.C.A.

Residential Facility for Persons with a Disability: Means a residence: (a) in which more than one person with a disability resides; and (b) (i) is licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or (ii) is licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

Right-of-Way: Any dedicated area provided for conveying vehicle and pedestrian traffic, and other public use.

Sanitary Sewer Authority: Means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

Setback or Required Yard Area: The shortest distance on a lot or parcel between a building line and a property or designated right-of-way line excluding uncovered patios, decks and balconies not greater than two (2) feet in height from grade, and not less than 4 feet from the rear property line and 8 feet from the side property line, and chimney and roof overhangs protruding no greater than two (2) feet into the setback area.

Sexually Oriented Business: An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, or adult entertainment outcall service in the form of seminude dancing or exhibition, adult motion picture theater, adult theater, seminude model studio, or sexual encounter establishment.

Sexually Oriented Entertainment Activity: The sale, rental, or exhibition for any form of consideration, of books, films, videocassettes, magazines, periodicals, or live performances that are characterized by an emphasis on the exposure or display of specific sexual activity.

Sign: A presentation or representation of words, letters, figures, designs, picture or colors, publicly displayed so as to give notice relative to a person, a business, an article or merchandise, a service, an assemblage, a solicitation, or a request for aid; also the structure or framework or a natural object on which any sign is erected or is intended to be erected or exhibited or which is being used or is intended to be used for sign purposes.

Sign, Awning: A sign attached flat against the surface of an awning.

Sign, Canopy: A sign attached to, or included in the constructed of a canopy, which may be located over a fuel island or drive through.

Sign, Free-Standing Monument: A sign attached to the ground or a foundation with no pole(s) brace(s), or other visible means of support other the attachment or foundation to the ground.

Sign, Free Standing Pylon: A sign attached to the ground or a foundation with a pole, or poles, or other visible means of support.

Sign, Limited: A sign associated with an established use and intended to be displayed for a maximum period of ninety (90) calendar days, such sign being removed after the expiration of Ninety (90) calendar days.

Sign, Wall: A sign displayed against the wall of a building, where the exposed face of the sign is parallel to the wall and extends not more than twelve (12) inches horizontally from the face of the wall.

Site Plan: A schematic, scaled drawing of a lot or parcel which indicates, as may be required by the County's Land Use Ordinances, the placement and location of buildings, setbacks, yards, property lines, adjacent parcels, utilities, topography, waterways, irrigation, drainage, landscaping, parking areas, driveways, trash containers, streets, sidewalks, curbs, gutters, signs, lighting, fences and other features of existing or proposed construction or land use.

Slope: The level of inclination of land from the horizontal plane determined by dividing the horizontal run or distance, of the land into the vertical rise, or distance, of the same land and converting the resulting figure in a percentage value.

Special District: Means an entity established under the authority of Title 17A, Special Districts, and any other governmental or quasi-governmental entity that is not a County, municipality, school district, or unit of the State.

Specified Public Utility: Means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1, U.C.A.

Start of Construction: The issuance date of a building permit if construction, repair, reconstruction, placement, or other improvement begins within one hundred eighty (180)

days of the permit date. "Begins" means either the first excavation on the site or the placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation.

Story: The space within a building, other than a cellar, included between the surface of any floor and the surface of the ceiling next above.

Street: Means a public right-of-way, including a highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other way.

Structural Alterations: Any change in supporting members of a building, such as bearing walls, columns, beams, or girders.

Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

Subdivision: As defined by the Act.

Subdivision (Major): A subdivision that is not a Subdivision (Minor).

Subdivision (Minor); A subdivision, as defined herein, and limited further as follows;

- 1) The land proposed to be divided;
 - a) Does not require the dedication of any land for a road or street or for any other public purposes.
 - b) Has been approved by the culinary water authority and the sanitary sewer authority.
 - c) Is located in a zoned area.
 - d) Conforms to all applicable County Land Use Ordinances; and
 - e) Contains no more than four (4) lots, including any lot containing any remnant of the subject property.

Subject Property: Means any land, lot, parcel, or tract that is the subject of, and is identified in any Land Use Application.

Substantial Action: Action taken in good faith to diligently pursue any matter necessary to obtain approval of an application filed pursuant to the provisions of the County's Land Use Ordinances or to exercise development rights authorized pursuant to such an approval.

Substantial Improvement: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure:

- 1) Before the improvement or repair is started; or
- 2) If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
- 3) The term does not, however, include either:
 - a) Any project for improvement of a structure to comply with existing State or Local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
 - b) Any alteration of a structure listed on the national register of historic places or a State inventory of historic places.

Swimming Pool: Any artificial or semi-artificial container, whether indoors and whether above or below the surface of the ground, or both, used or intended to be used to contain a body of water for swimming by any person or persons, together with all permanent structures, equipment, appliances and other facilities used or intended for use in and about the operation, maintenance and use of such pool.

Temporary Use: A use allowed for a limited time with the intent to discontinue the use upon expiration of the period.

Testacy: A formal testacy proceeding is one conducted with notice to interested persons before a court.

Travel Trailer: A vehicular, portable unit, mounted on wheels, not requiring special highway movement permits when drawn by a motorized vehicle:

- 1) Designed as a temporary dwelling for travel, recreational and vacation use; and
- 2) When factory equipped for the road, having a body width of not more than eight (8) feet and a body length of not more than forty (40) feet.

U.C.A. Means the Utah Code Annotated, as amended.

Unincorporated: Means the area outside of the incorporated area of any municipality located in Wayne County.

Use: The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

Use Variance. A modification to the Allowed Uses that allows a landowner to use a parcel or lot that is not permitted by the County's Land Use Ordinances.

USGS: The United States Geological Survey

Utilities: Include, but are not limited to, natural gas, electric power, cable television, telephone, telecommunication services, storm system, sewer system, irrigation facilities, culinary water, street lights and other services deemed to be of a public-utility nature by the County.

Utility Easement: The area designated for access to construct or maintain utilities on a lot or parcel.

Variance: A modification granted by the LUHO to a zoning requirement for height, bulk, area, width, setback, or other numerical or quantitative requirement for a building or structure or other site improvements, with a finding of hardship, as set forth in the County's Land Use Ordinances.

Vehicle: A properly licensed automobile, truck, trailer, boat or other device in which a person or thing is or can be transported from one (1) place to another.

Vested Right (or Vested): A right to develop property in a particular manner which cannot be abolished, modified or restricted by a Land Use County's Land Use Ordinances or regulations subsequently enacted.

Violated or Violating: There exists reasonable cause to believe that any County's Land Use Ordinances, code, statute, or law has been or is being violated and is not limited to pleas of guilty or convictions for violating said County's Land Use Ordinances, codes, statutes, or laws.

Wireless Telecommunication Facility: An unmanned structure consisting of antennas, antenna support structures, or other equipment used to provide personal wireless services as set forth in Section 704 of the Telecommunications Act of 1996, as amended.

Yard: An open space on a lot, other than a court, unoccupied and unobstructed from the ground upward by buildings, except as otherwise provided herein.

Yard, Front: An open space on the same lot with a building between the front line of the building (exclusive of steps) and the front lot line and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the building.

Yard, Rear: An open, unoccupied space on the same lot as a building, between the rear line of the building (exclusive of steps) and the rear lot line and extending the full width of the lot; except, on corner lots, the rear yard shall not include the side yard bordering the street.

Yard, Side: An open, unoccupied space on the same lot as a building, between the rear line of the building (exclusive of steps) and the front line of the building (exclusive of steps) and

extending from the side line of the building (exclusive of steps) to the side lot line; except, on corner lots, the side yard bordering the street shall extend to the rear from the front line of the building (exclusive of steps) to the rear lot line, the same distance as is required for side yard setbacks on corner lots in each zone.

Zoning Administrator: The person appointed by the Board of County Commissioners to carry out the administrative responsibilities of the County's Land Use Ordinances.

Zoning District: An area of the unincorporated territory of the County which has been given a designation which regulates the construction, reconstruction, alteration, repair or use of buildings or structures, or the use of land as set forth in the County's Land Use Ordinances.

Zoning Map: A map adopted as part of the County's Land Use Ordinances that depicts land use zoning districts or overlays.

Zoning Ordinance: The zoning ordinance of Wayne County, Utah, as set forth in the County's Land Use Ordinances, as defined by the Act, and as amended from time to time.