

**DAGGETT COUNTY, UTAH  
ORDINANCE NO. 98-12**

**AN ORDINANCE OF DAGGETT COUNTY, UTAH PROVIDING FOR THE ESTABLISHMENT OF A TEMPORARY ZONING REGULATION; PROVIDING THAT PUBLIC USES BE ALLOWED AS A CONDITIONAL USE IN ALL ZONES WITHIN UNINCORPORATED DAGGETT COUNTY FOR A MAXIMUM PERIOD OF SIX (6) MONTHS, OR UNTIL THE COMPLETION AND IMPLEMENTATION OF THE REVISED AND UPDATED DAGGETT COUNTY ZONING ORDINANCE, WHICHEVER OCCURS FIRST; PROVIDING A TITLE; PROVIDING A PURPOSE AND INTENT; PROVIDING FINDINGS; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Daggett County is updating and revising the Daggett County Zoning Ordinance; and,

**WHEREAS**, Daggett County is receiving applications for the establishment of Public Uses, as defined herein, within the unincorporated area of Daggett County; and

**WHEREAS**, to fully evaluate the appropriateness of Public Uses and provide opportunities for public comment it is determined that Public Uses should be identified as a Conditional Use in all zones; and

**WHEREAS**, the Board of County Commissioners is authorized by State law (Title 17, Chapter 27, Section 17-27-404) to adopt an ordinance establishing Temporary Zoning Regulations for any part or all of the area within the County to be effective for a period not to exceed six (6) months; and,

**WHEREAS**, Temporary Zoning Regulations may prohibit, restrict, or regulate the erection, construction, reconstruction, or alteration of any building or structure or subdivision approval.

**NOW, THEREFORE**, the Board of County Commissioners of Daggett County, ordains as follows:

**SECTION 1. FINDINGS.**

1. The Board of County Commissioners hereby finds that the existing Zoning Ordinance is deficient or lacking for provisions necessary to evaluate Public Uses; and,

2. The Board of County Commissioners hereby finds it to be a matter of compelling, countervailing public interest to establish temporary zoning regulations as set-out in this ordinance.

3. The Board of County Commissioners finds that the health, safety and the general welfare of the residents of Daggett County will be promoted by establishing a temporary zoning regulation requiring that Public Uses be allowed as a Conditional Use in all zones within the unincorporated area of Daggett County.

**SECTION 2. APPLICABILITY.**

**A. Term of Ordinance.**

This Ordinance shall remain in effect for the earlier of:

- (1) Six (6) months from its effective date following its adoption by the Board of County Commissioners; or
- (2) The date of the adoption of the permanent Daggett County Zoning Ordinance, as revised, necessary to carry out the intent and purposes of this ordinance.

**B. Affected Uses.**

All Public Uses shall be considered as a Conditional Use in all Zones within unincorporated Daggett County.

**C. Public Use - Defined.**

For the purposes of this Ordinance Public Uses shall be defined as:

A use owned and operated exclusively by a public agency, such use having the purpose of serving the public health, safety, or general welfare, and including recreational facilities, administrative service facilities, and public utilities including water and sewer lines and facilities, gas and electricity lines and facilities, cable television lines and facilities, and telecommunications facilities.

**D. Affected Area.**

This Ordinance shall apply to all properties within unincorporated Daggett County, Utah.

**E. Type of Uses and Development Approvals Affected.**

This ordinance shall apply, and to the extent set forth, to all applications for all development

approvals for Public Uses, as defined herein, after the effective date of this ordinance..

**SECTION 3. EFFECT ON EXISTING COUNTY ORDINANCES; CONFLICT.**

A. Effect.

This Ordinance is intended to repeal the existing Daggett County Zoning Ordinance for County review of Public Uses. To the maximum extent possible, the requirements of this Ordinance shall be deemed to be supplemental to, and not in substitution of, these and any other existing County ordinances and regulations.

B. Conflict.

To the extent of any conflict between other County ordinances or regulations and this ordinance, the more restrictive is deemed to be controlling.

**SECTION 6. SEVERABILITY.**

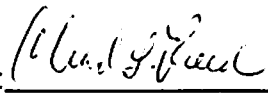
If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity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

**SECTION 7. EFFECTIVE DATE.**

This Ordinance shall take effect immediately upon its passage by the Board of County Commissioners of Daggett County , Utah.

PASSED this 17<sup>th</sup> day of June, 1998.

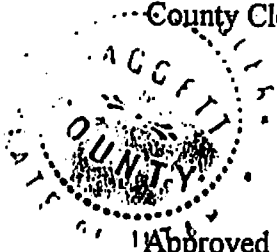
BOARD OF COUNTY COMMISSIONERS  
DAGGETT COUNTY, UTAH

By: 

Commissioner Chad L. Reed, Chair, Daggett County Board of County Commissioners

ATTEST:

Vicky McKee  
Vicky McKee,  
County Clerk



Approved as to Form:

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County Attorney