

ORDINANCE NO. 1997 - 22

AN ORDINANCE AMENDING SECTION 3-27 AND 3-28 OF THE UTAH COUNTY ZONING ORDINANCE CONCERNING GRAVEL PIT OPERATIONS AND REHABILITATION BONDING.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF UTAH ORDAINS AS FOLLOWS:

PART I:

Section 3-27 and portions of Section 3-28 are amended to read as follows:

3-27: EXPOSED SLOPES TO BE LESS THAN THE CRITICAL ANGLE OF REPOSE

No cut or fill shall result in a final slope that exceeds the critical angle of repose. Where grading work will produce temporary cuts and fills that exceed the angle of repose, a cash or surety bond in the amount set by the Zoning Administrator to cover the cost of reclamation, but not less than \$1800.00 per acre, in 1997 dollars, with an additional increase of \$50 per annum for each year after 1997, shall be posted by the property owner to guarantee reclamation and compliance with the provisions of this ordinance and the nuisance provisions of Chapter 12 of the Utah County Code. A violation of either provisions shall be sufficient grounds for forfeiture of the entire bond to Utah County Code. A violation of either provisions shall be sufficient grounds for forfeiture of entire bond to Utah County. If the bond is over the minimum bond amount per acre and the owner disputes the cost of reclamation set by the Zoning Administrator, the County Commission may determine the cost and set the bond amount, upon appeal by the owner. The bond shall be accompanied by an agreement that states the terms for rehabilitating the land and refunding of the bond.

Section 3-28B, C(10), and E(1), (5) are proposed to be amended to read as follows:

B. SCOPE

The provisions of this section shall apply to all sites where sand, gravel, clay, topsoil, rocks or minerals will be extracted by an open pit method; to all sites where such extracted earth products are stockpiled; and to sites where overburden and leftover earth materials replaced in waste dumps.

Exception: sites having a valid, current permit at the time of passage of this ordinance shall be completed according to the terms of such permit and any bonding agreements appurtenant thereto.

After October 1, 1997, the exception applies only to the portion of the site under permit at that date. Any expansion of pits, dumps, storage pits or operation areas beyond the

existing permit is subject to all provisions of this section.

C. CONDITIONS

The Zoning Administrator shall issue a permit for an open pit, a stockpile, or a waste dump only when all of the following are met:

10. The pit and/or extraction operation shall not constitute a nuisance according to Chapter 12 [Nuisances] of the Utah County Code.

Conditions 1, 2, 4, 5, and 6 are satisfied by submission of an approved operation and Reclamation Plan for Large Mining Operations as specified in Utah State Code.

D. BOND

1. A cash or surety bond in the amount set by the Zoning Administrator, but not less than \$1800.00 per acre, in 1997 dollars, with an additional increase of \$50 per annum for each year after 1997, shall be posted by the applicant to guarantee compliance with the provisions of this section and the nuisance provisions of Chapter 12 of the Utah County Code. A violation of either provisions shall be sufficient grounds for forfeiture of the entire bond to Utah County. If the bond is over the minimum bond amount per acre and the owner disputes the cost of reclamation set by the Zoning Administrator, the County Commission may determine the cost and set the bond amount, upon appeal by the owner.
5. Notwithstanding the forfeiture of the bond, the applicant shall retain individual responsibility to fully comply with this ordinance, the terms of the permits issued thereunder, and the balance of any expense not covered by the bond to rehabilitate the property.

The Bond requirement under Section D is satisfied by submission of a properly executed Reclamation Contract for surety under the Large Mining Operations requirements as found in Utah State Code.

PART II:

Other than the wording change for the stated sections, the amendment adopted by Part I, shall not affect the remaining provisions and requirements of the *Utah County Zoning Ordinance* whatsoever, and such shall remain in full force and effect.

PART III:

Insert pages reflecting the above amendments, including a title page which bears the enactment date of this ordinance, are hereby ordered to be filed in the three copies of the Utah County Zoning Ordinance which are on file with the Utah County Clerk-Auditor.

PART IV:

If any of the sections, sentences, clauses or provisions of this ordinance shall for any reason be adjudged inapplicable or invalid by a court of competent jurisdiction, such shall not affect or invalidate the remaining portion contained herein.


PART V:

This ordinance shall take effect: 1. sixteen (16) days after it is passed, or 2. after it has been published, whichever date is later.

PASSED AND ORDERED PUBLISHED THIS 12 DAY OF August, 1997.

UTAH COUNTY COMMISSION

VOTE

  
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DAVID J. GARDNER, CHAIRMAN

Aye

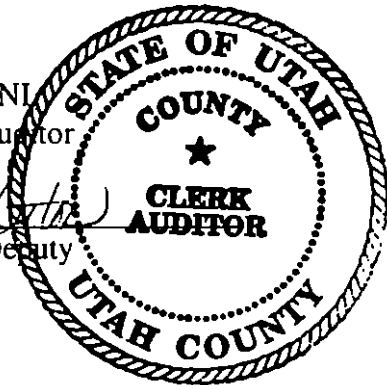
  
\_\_\_\_\_  
GARY R. HERBERT, COMMISSIONER

Aye

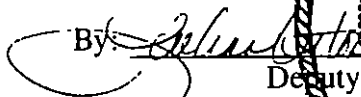
  
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JERRY D. GROVER, COMMISSIONER

Aye

ATTEST:  
ARLIN V KUHN,  
County Clerk/Auditor



APPROVED AS TO FORM :  
KAY BRYSON,  
County Attorney

By:   
\_\_\_\_\_  
Deputy

By:   
\_\_\_\_\_  
Deputy

Date of Publication: \_\_\_\_\_ [once only, as soon as possible]