

ENT 37812:2023 PG 1 of 5
ANDREA ALLEN
UTAH COUNTY RECORDER
2023 Jun 12 2:35 pm FEE 0.00 BY AR
RECORDED FOR UTAH COUNTY COMMUNITY

ORDINANCE NO. 2023 - 600

AN ORDINANCE AMENDING SECTIONS 2.08 (DEFINITIONS) AND 8.16.B.3 (TEMPORARY CONSTRUCTION YARDS) OF THE UTAH COUNTY LAND USE ORDINANCES TO INCLUDE SMALL TEMPORARY MINING OPERATIONS.

WHEREAS, an applicant initiated a review of Sections 2.08 (Definitions) and 8.16.B.3 (Temporary Construction Yards) of the Utah County Land Use Ordinance (UCLUO) to include small temporary mining operations; and

WHEREAS, the Planning Commission addressed the proposed amendment to the Utah County Land Use Ordinance during the regularly scheduled meeting of the Planning Commission on May 16, 2023, held a public hearing regarding the proposed amendment, and made a recommendation to the Board of County Commissioners regarding the proposed amendment; and

WHEREAS, the Board of County Commissioners has received and carefully reviewed the recommendation from the Planning Commission regarding the proposed amendment, and the minutes of the Planning Commission meeting and the public hearing regarding the proposed amendment to the Utah County Land Use Ordinance; and

WHEREAS, the Board of County Commissioners has received and carefully reviewed the input, documents, and testimony from the public regarding the proposed amendment to the Utah County Land Use Ordinance; and

WHEREAS, the Board of County Commissioners finds the proposed amendment to the Utah County Land Use Ordinance conforms to the Utah County General Plan, and is consistent with the other provisions of the Utah County Land Use Ordinance; and

WHEREAS, the Board of County Commissioners finds that the proposed amendment to the Utah County Land Use Ordinance is in the best interest of the health, safety, and welfare of the citizens of Utah County, considering all factors.

NOW, THEREFORE, THE COUNTY LEGISLATIVE BODY OF UTAH COUNTY ORDAINS AS FOLLOWS:

Part I:

Section 2.08 of the Utah County Land Use Ordinance is hereby amended, including the appropriate re-numbering and re-formatting of applicable subsections, to amend or add the following definitions:

2.08 Definitions – Land Use

"Grading" The excavation or removal of earth materials by mechanical means:

- A. Grading, No Removal of Earth Material from Site: Grading of earth material that conforms to any applicable grading plan which has been approved by the County Engineer that includes the extent of the area to be graded, finished grade, elevations, and methods for dust control, when all graded earth material is maintained within the lot or parcel and not removed from the site, and for which grading the owner has obtained any applicable Utah County Land Disturbance Permit or applicable building permit.
- B. Grading, Removal of Excessive Earth Material Due to Construction: When a valid Utah County Building Permit has been issued for a structure, or a large-scale development plat has been approved and recorded, excessive earth materials which are required to be excavated from the approved construction or development site to allow for the construction of the approved structure or which are required to be excavated to allow for the construction of the approved large-scale development plat improvements, may be removed from the site, pursuant to a grading plan or any applicable Utah County Land Disturbance Permit which has been approved by the County Engineer that includes the extent of the area to be graded, finished grade, elevations, and methods for dust control.

Excavation of earth materials other than those identified in (A) or (B) above or in small temporary mining operations in conjunction with a temporary construction yard, shall be considered an open pit mining operation and must comply with all requirements for such mining operation found in this land use ordinance and other applicable adopted codes.

"Small Temporary Mining Operation" The extraction of earth products included as part of an approved temporary construction yard from which earth products are only used for the construction project site, and/or access roads to the construction project site, to which the temporary construction yard is appurtenant and to which a Utah Division of Oil Gas and Mining (DOG M) permit is not required.

Part II:

Section 8.16.B.3 of the Utah County Land Use Ordinance is hereby amended, including the appropriate re-numbering and re-formatting of applicable subsections, to read as the following:

8.16.B.3. Temporary Construction Yards: Upon receipt of a complete application, the Zoning Administrator, in any zone, shall authorize a temporary use permit for a temporary construction yard, if the Zoning Administrator finds that all of the following applicable conditions and requirements are met:

- a. For private construction projects, the temporary construction yard must be:
 - (1) incidental to a private construction project;

- (2) located on the same lot, parcel, or project site plan approved by the Zoning Administrator, including approved access roads within 10 miles of the project boundary; and
 - (3) limited to one or more of the following uses used for the construction project:
 - (A) a temporary construction yard office;
 - (B) temporary buildings;
 - (C) yards for storing vehicles, materials and equipment;
 - (D) Rock crusher.
- b. For public construction projects in conjunction with county, state or federal transportation or public facilities projects, the temporary construction yard must be:
- (1) incidental to a public construction project;
 - (2) located on a lot, parcel, or right-of-way included in or within 10 miles of the project boundary;
 - (3) limited to one or more of the following uses used for the construction project:
 - (A) those uses listed in Paragraph A;
 - (B) concrete mixing plants;
 - (C) asphalt mixing plants;
 - (D) rock crushers.
- c. The permit shall be valid for a period of not more than one (1) year. If the construction project maintains a valid Utah County building permit the temporary construction yard permit may be renewed for.
- (1) One additional period of one year in the RA-5 Zone, or;
 - (2) Two additional periods of one year in all other permitted zones.
- d. All structures, vehicles, materials, construction equipment, mixing plants, crushers, and related items and equipment shall be removed, and the yard restored upon the completion of the project or expiration of the permit, whichever is earlier.
- e. A bond shall be posted for each separate use permitted in conjunction with a temporary construction yard in the following amounts:

- (1) Asphalt mixing plant \$20,000 Bond
 - (2) Concrete mixing plant \$20,000 Bond
 - (3) Small temporary mining operation shall provide a bond as outlined in UCLUO 6.28.D. for the reclamation of the project area.
- f. A temporary construction yard containing a rock crusher, a concrete mixing plant or an asphalt mixing plant, shall not be located closer than 1000 feet from any dwelling not located on the subject parcel.
- g. A temporary construction yard may include a small temporary mining operation for the improvement of the project site and/or the improvement of an approved public road subject to all of the following:
- (1) Area to be mined shall not exceed 5 acres;
 - (2) Only materials which are not required to obtain a permit from the Utah Division of Oil, Gas, and Mining (DOGM) approval may be mined;
 - (3) Operations and road improvements shall comply with all applicable Utah County Public Works Department requirements including Stormwater Pollution Protection Plan (SWPPP) and road development standards;
 - (4) The access road to be improved must be a local, state, or a county road, shown on the current Official Utah County Road Map and approved by the Utah County Engineer;
 - (5) Operations shall comply with all applicable requirements of the Utah County Health Department and the Utah Department of Environmental Quality for air and water quality;
 - (6) Small temporary mining operations are not allowed in the TR-5, RR-5 & CE-2 Zones.

Exception: A temporary use permit is not required for permitted single-family residential or agricultural construction unless requested by the owner. Only those uses specified for private construction projects in this section are allowed, however a rock crusher must meet the distance requirements in this section.

Part III:

A copy of the Utah County Land Use Ordinance, as amended herein, is hereby ordered to be filed in the office of the Utah County Clerk.

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 become effective fifteen (15) days after it is passed and upon at least one (1) publication in a newspaper published in and having general circulation in Utah County.

PASSED and ordered published this 7th day of June 2023.

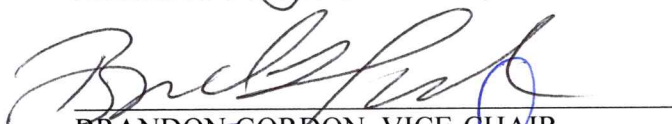
UTAH COUNTY COMMISSION

VOTE



AMELIA POWERS GARDNER, CHAIR

Yea



BRANDON GORDON, VICE-CHAIR

Yea



THOMAS V. SAKIEVICH, COMMISSIONER

Yea

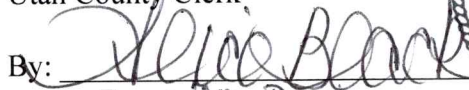
ATTEST:

AARON R. DAVIDSON
Utah County Clerk



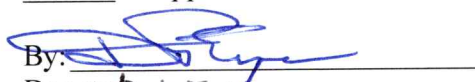
APPROVED AS TO FORM:

JEFFREY S. GRAY
Utah County Attorney

By: 
Deputy/Alice Black

Approved

Disapproved

By: 
Deputy/Dale Eyre

Date of Publication: Once only, as soon as possible