

ORDINANCE NO. 2009- 114

ENT 53809:2009 PG 1 of 4
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2009 May 15 9:01 am FEE 0.00 BY SW
RECORDED FOR COMMUNITY DEVELOPMENT

**AN ORDINANCE AMENDING THE UTAH COUNTY LAND USE ORDINANCE,
SUBSECTION 3-29-B-3, TEMPORARY CONSTRUCTION YARDS, AND
SUBSECTIONS 5-7-B-1 AND 2, MINING AND GRAZING ZONE, PERMITTED USES**

WHEREAS, the Utah County Planning Commission initiated a review of amending the UCLUO to more appropriately address the goals and policies of Utah County, including those contained in the Utah County General Plan; and

WHEREAS, the Planning Commission addressed the proposed amendments to the UCLUO, during their regularly scheduled agenda meeting of the Planning Commission, and scheduled and held a public hearing regarding the proposed amendments; and

WHEREAS, the Planning Commission recommended that the UCLUO be amended, in accordance with the amendments as set forth herein; and

WHEREAS, the Board of County Commissioners has received and carefully reviewed the recommendation from the Utah County Planning Commission regarding the proposed amendment to the UCLUO, including information found in the file and any public comments contained therein; and

WHEREAS, the Board of County Commissioners finds that the proposed amendment to the UCLUO will further the goals and policies of Utah County, including those contained in the General Plan; and

WHEREAS, the Board of County Commissioners finds that the proposed amendment to the UCLUO is in the best interest of the health, safety, and general welfare of the citizens of Utah County.

THE COUNTY LEGISLATIVE BODY OF UTAH COUNTY ORDAINS AS FOLLOWS:

Part I:

Subsection 3-29-B-3, of the Utah County Land Use Ordinance is hereby amended to read as follows:

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 conditions and requirements are met:

a. For private construction projects, the temporary construction yard

is incidental to a construction project that is located on the same parcel as the proposed temporary construction yard, and the proposed temporary construction yard is limited to one or more of the following: a temporary construction yard office, and temporary buildings and yards for storing vehicles, materials and equipment, for the construction project.

- b. For public construction projects in conjunction with county, state or federal transportation or public facilities projects, the temporary construction yard is incidental to a construction project that is located on the same parcel as the construction project, located on an adjacent parcel to the construction project, or located on a parcel whose closest boundary lies within one-half mile of the closest boundary of the parcel on which the construction project is located, and the proposed temporary construction yard is limited to one or more of the following: those uses listed in paragraph "a" above, concrete mixing plants, asphalt mixing plants, and rock crushers, for the construction project.
- c. The permit shall be valid for a period of not more than one (1) year, but is renewable for up to two additional periods of one year each as long as the construction project maintains a valid Utah County building permit.
- d. All structures, vehicles, materials, construction equipment, mixing plants, crushers, and related items and equipment shall be removed and the yard restored upon the earlier to occur of the completion of the project or expiration of the permit.
- e. A bond in the amount of \$20,000 shall be posted for temporary construction yards that contain a concrete mixing plant or an asphalt mixing plant, and a bond in the amount of \$40,000 shall be posted for a temporary construction yard that contains both a concrete mixing plant and an asphalt mixing plant, to ensure their removal.
- f. A temporary construction yard containing a rock crusher, a concrete mixing plant or an asphalt mixing plant, shall not be located closer than 500 feet from any dwelling.

Part II:

Subsections 5-7-B-1 and 2, of the Utah County Land Use Ordinance are hereby amended to read as follows:

1. Mines (underground and open pit); sand, gravel, topsoil and earth-products pits; and the attendant screens, rock crushers, stockpiles and waste dumps located within the bonded boundary of the mine or pit, subject to the provisions of chapter 3 of this land use ordinance, except that a rock crusher shall not be located closer than 500 feet from any existing dwelling and shall not be located closer than 500

feet from the boundary of any existing residential zone, as designated by this land use ordinance.

- 2. A concrete batch plant, asphalt batch plant, mineral reduction plant or mineral processing plant, which is located within the bonded portion of the pit as described on the approved reclamation plan for which a reclamation bond has been filed with the County, or with the State Division of Oil, Gas and Mining (DOGM), and the majority of the earth products (rock, sand, gravel, minerals, and related products) are derived from within said pit boundaries, except that a concrete batch plant, asphalt batch plant, mineral reduction plant or mineral processing plant shall not be located closer than 500 feet from any existing dwelling and shall not be located closer than 500 feet from the boundary of any existing residential zone, as designated by this land use ordinance.

Part III:

The Utah County Land Use Ordinance, as amended herein, is hereby adopted in book form and a copy of said Utah County Land Use Ordinance is hereby ordered to be filed in the office of the Utah County Clerk/Auditor.

Part IV:

If any of the sections, sentences, clause 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 28th day of April, 2009.

UTAH COUNTY COMMISSION

VOTE



 LARRY A. ELLERTSON, CHAIR

Aye



 STEVE WHITE, COMMISSIONER

Aye



 GARY J. ANDERSON, COMMISSIONER

Aye

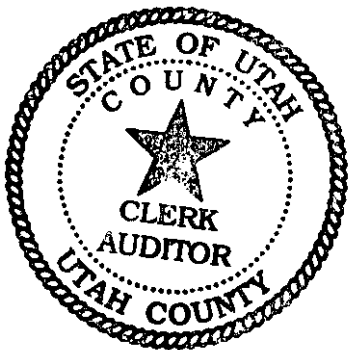
ATTEST:
BRYAN E. THOMPSON
County Clerk/Auditor

By: Linda Streeb, Deputy

APPROVED AS TO FORM:
JEFFREY R. BUHMAN
County Attorney

By: Jeffrey R. Buhman, Deputy

Date of Publication: Once only, as soon as possible



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