

ORDINANCE NO. 2009- 29

**AN ORDINANCE AMENDING THE UTAH COUNTY LAND USE ORDINANCE,  
SECTION 2-2-B, DEFINITIONS, BY ADDING A NEW DEFINITION 35.5, FILL, AND  
AMENDING DEFINITION 46, GRADING**

**WHEREAS**, the Utah County Planning Commission initiated a review of amending the Utah County Land Use Ordinance ("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:**

Section 2-2-B-35.5, of the Utah County Land Use Ordinance is hereby enacted to read as follows:

35.5 Fill

Fill material brought onto a lot or parcel of land which shall:

- a. not include junk, debris, salvage or metal scrap, waste, garbage, any organic, frozen or other deleterious materials, and no rock or similar irreducible material greater than 12 inches in any dimension;
- b. conform to a plan for fill which has been approved by the Director of Public Works, which includes the following:
  - i. the extent of the fill area;

- ii. finished grades and elevations;
- iii. methods to prevent the fill material from being removed from the site by wind, slope, or erosion;
- c. not be left in a condition which does not comply with the approved plan; and
- d. for which applicant has obtained a valid Utah County Grading Permit that meets the requirements of the currently adopted code for grading and fill or an approved Utah County Zoning Compliance Permit if a grading permit is not required.

**Part II:**

Section 2-2-B-46, of the Utah County Land Use Ordinance is amended to read as follows:

46. 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 a grading plan which has been approved by the director of Public Works 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 a valid Utah County Grading Permit that meets the requirements of the currently adopted code for grading and fill or the owner has obtained an approved Utah County Zoning Compliance Permit if a grading permit is not required.
- 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 which has been approved by the Director of Public Works 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 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.

**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 25th day of August, 2009.

**UTAH COUNTY COMMISSION**

**VOTE**

  
\_\_\_\_\_  
LARRY A. ELLERTSON, CHAIR

Aye

  
\_\_\_\_\_  
STEVE WHITE, COMMISSIONER

Aye

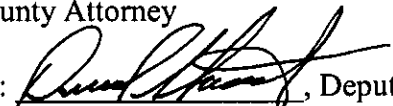
  
\_\_\_\_\_  
GARY J. ANDERSON, COMMISSIONER

Aye

**ATTEST:**  
**BRYAN E. THOMPSON**  
County Clerk/Auditor

**APPROVED AS TO FORM:**  
**JEFFREY R. BUHMAN**  
County Attorney

By:  Deputy

By: , Deputy

Date of Publication: Once only, as soon as possible

