



ENT 35793:2011 PG 1 of 3
 JEFFERY SMITH
 UTAH COUNTY RECORDER
 2011 May 12 11:51 am FEE 0.00 BY ED
 RECORDED FOR UTAH COUNTY COMMISSIONERS

ORDINANCE NO. 2011- 12

AN ORDINANCE AMENDING SECTION 3-11-A, FRONTAGE ON AN APPROVED PUBLIC STREET REQUIRED, EXCEPTION NO. 9, OF THE UTAH COUNTY LAND USE ORDINANCE, TO ADD THE CE-1 AND PC ZONES TO EXCEPTION NO. 9

WHEREAS, the Utah County Planning Commission initiated a review of the Utah County Land Use Ordinance (UCLUO), dealing with exceptions to the frontage requirement in the CE-1 and PC Zones; 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, scheduled and 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 from the Utah County Planning Commission meeting and 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 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 3-11-A-9, of the Utah County Land Use Ordinance is hereby amended to read as follows:

3-11-A:

9. In the CE-1, PC, M&G-1 and I-1 Zones, access to Mining operations that are listed as permitted uses shall be from a paved city street, county road or state road or highway, and access must be approved by the agency having jurisdiction of the

paved public street. Vehicular access from the paved public street to the mining operation that is not exclusively across land in the same ownership as the parcel upon which the mining operation is located may be approved if the Zoning Administrator finds that all of the following conditions are met:

- a. the owner of the property on which the portion of the access which falls outside of the land in the same ownership as the parcel on which the mining operation is located has granted to the owner of the parcel on which the mining operation is located, a written access easement, in a form acceptable to the Zoning Administrator, which complies with all the requirements for a legal access, which is appurtenant to the parcel upon which the mining operation is located, and which easement has been recorded in the office of the Utah County Recorder, or, if a governmental entity is the owner of the property on which the portion of the access which falls outside of the parcel on which the mining operation is located, the governmental entity has granted a private road easement, in the official form utilized by the governmental entity, to the owner of the parcel on which the mining operation is located; and
- b. the owner of the parcel on which the mining operation is located has signed and recorded in the office of the Utah County Recorder a restrictive covenant and acknowledgment, in a form acceptable to the Zoning Administrator, which provides that, if the easement, or the governmental issued private road easement, is terminated, for any reason, the permits and approvals issued by Utah County related to the mining operation will immediately and automatically be revoked and become null and void, and the subject parcel will not be used for a mining operation; and
- c. engineering plans showing the proposed access road alignment, road grades, road loading, and road cross-sections have been submitted to and approved by the Utah County Public Works Director.

Part II:

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/Auditor.

Part III:

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 IV:

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 26th day of April, 2011.

UTAH COUNTY COMMISSION

VOTE

[Signature]
GARY J. ANDERSON, CHAIR

aye

[Signature]
DOUG WITNEY, COMMISSIONER

aye

[Signature]
LARRY A. ELLERTSON, COMMISSIONER

aye

ATTEST:
BRYAN E. THOMPSON
County Clerk/Auditor

APPROVED AS TO FORM:
JEFFREY R. BUHMAN
County Attorney

By: [Signature]
Deputy

Approved

Disapproved

By: [Signature]
Deputy



Date of Publication: Once only, as soon as possible