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ANDREA ALLEN
UTAH COUNTY RECORDER
2024 Sep 5 11:50 AM FEE 0.00 BY KR
RECORDED FOR UTAH COUNTY COMMUNITY DEVE

ORDINANCE NO. 2024 - 751

AN ORDINANCE AMENDING SECTIONS 2.08, 12.28 AND 8.128 OF THE UTAH COUNTY LAND USE ORDINANCES RELATIVE TO THE RECYCLING OF FOOD GRADE OIL

WHEREAS, an applicant has initiated a review of Sections 2.08, 12.28 and 8.128 of the Utah County Land Use Ordinance (UCLUO), related to the recycling of Food Grade Oil; and

WHEREAS, the Planning Commission addressed the proposed amendment to the Utah County Land Use Ordinance during a regularly scheduled meeting of the Planning Commission on August 20th, 2024, 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 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 Utah County Land Use Ordinance; and

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

WHEREAS, the Board of County Commissioners finds the proposed 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 any

appropriate re-numbering and re-formatting of applicable subsections, to add the following definitions:

2.08 Definitions

“Customary Business Practices” A method, procedure, process, or rule used in a particular field or profession routinely found in the marketplace for commercial products and serves.

“Food-Grade Oil, Used” means oil and similar by-products used in the production and preparation of food for human consumption. Typically, a byproduct of restaurants and food manufacturers. Does not include waste oil or grease used in automotive, industrial, or similar that is not safe for human consumption.

“Recycling Facilities” means a facility designed to be a collection point where only recyclable materials are sorted or separated and/or temporarily stored prior to delivery to a permanent disposal site, or shipment to others for reuse, and/or processing into new products.

- A. **Recycling Facilities for Food Grade Oil** means a site or facility that accepts, aggregates, or temporarily stores used food-grade oil collected from used food-grade oil generation sites from which the oil is transported to customers for disposal, processing, or reuse, including reuse in agricultural products.

Part II:

Section 12.28 and 8.128 of the Utah County Land Use Ordinance is hereby amended, including any appropriate re-numbering and re-formatting of applicable subsections, to read as depicted for the applicable subsections in the attached exhibit:

See Exhibit “A”

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.

APPROVED and ADOPTED this 4th day of September 2024 .



BOARD OF COUNTY COMMISSIONERS,
UTAH COUNTY, UTAH

Brandon B. Gordon

BRANDON B. GORDON, Chair

ATTEST:
AARON R. DAVIDSON
Utah County Clerk

APPROVED AS TO FORM AND LEGALITY:
JEFFREY S. GRAY
Utah County Attorney

By: *Jolynn Clegg*

Deputy Clerk/Jolynn Clegg

By: *Dale Eyre*

Deputy County Attorney/Dale Eyre

BOARD OF COUNTY COMMISSIONERS, UTAH
COUNTY, UTAH

| | | VOTE | |
|-------------------------------------|--|----------|-------|
| | | YEA | NAY |
| BRANDON B. GORDON, CHAIR | | <u>X</u> | _____ |
| AMELIA POWERS GARDNER, COMMISSIONER | | <u>X</u> | _____ |

BRANDON B. GORDON, CHAIR

AMELIA POWERS GARDNER, COMMISSIONER

THOMAS V. SAKIEVICH, COMMISSIONER

RESIGNED 9/3/2024

Exhibit "A"

2.08 Definitions – Land Use

"Customary Business Practices" A method, procedure, process, or rule used in a particular field or profession routinely found in the marketplace for commercial products and serves.

"Food-Grade Oil, Used" means oil and similar by-products used in the production and preparation of food for human consumption. Typically, a byproduct of restaurants and food manufacturers. Does not include waste oil or grease used in automotive, industrial, or similar that is not safe for human consumption.

"Recycling Facilities" means a facility designed to be a collection point where only recyclable materials are sorted or separated and/or temporarily stored prior to delivery to a permanent disposal site, or shipment to others for reuse, and/or processing into new products.

A. **Recycling Facilities for Food Grade Oil** means a site or facility that accepts, aggregates, or temporarily stores used food-grade oil collected from used food-grade oil generation sites from which the oil is transported to customers for disposal, processing, or reuse, including reuse in agricultural products.

8.128 Buildings And Facilities For The Recycling of Food Grade Oil

1. **Scope:** The Zoning Administrator may approve a permit for buildings and facilities for the recycling of food grade oil in a zone in which such use is listed as a permitted use, provided that all of the following conditions are met.
2. **Site Plan:** The Zoning Administrator has received from the applicant a site plan that is detailed, readable, and drawn-to-scale. The site plan shall be consistent with the requirements and standards of all applicable sections of this land use ordinance and shall show all existing and proposed buildings, structures, activity areas, parking spaces, access points, and any additional information which the Zoning Administrator requires to determine whether the use meets the requirements and standards of this land use ordinance.
3. **Standards:**
 1. The buildings and facilities shall be located within a zone in which the buildings and facilities for the recycling of food grade oil are listed as a permitted use and shall meet all the minimum requirements for such buildings and facilities found in that zone.
 2. The design of the buildings and facilities, including parking, access roads and interior road system, water system, sewage disposal system, trash collection, fire protection, and any other ancillary facility, shall

meet the requirements of the adopted codes of Utah County and of this ordinance.

3. The buildings and facilities shall be located on a lot or parcel which has vehicular access from a paved state, county, or city and shall have the frontage and width required for such buildings and facilities in the applicable zone, from which frontage vehicular access is provided to the buildings and facilities, according to the provisions of UCLUO 4.
 4. Structures and uses shall meet all adopted building, fire, and health codes and requirements, including the disposal of any waste products.
 5. Parking and loading space shall be provided as required in UCLUO 4.60 & 4.64, as amended.
 6. The parking/storing of vehicles or equipment along any public road right-of-way is prohibited.
 7. All recycling facilities and parking for vehicles used to transport food grade oil to be enclosed within a sight obscuring fence following standards set in UCLUO Chapter 4.76.
 8. Signs must comply with UCLUO 8.24, as amended
 9. No structure or storage used for the recycling of food grade oil shall be located closer than two hundred (200) feet to an existing dwelling on an adjacent property.
 10. Facilities may have one outside storage area which shall not exceed five hundred (500) square feet in area and may not be located between the frontage and the front of the facility.
 11. Storage tanks are considered part of the buildings and facilities and are not counted towards the outdoor storage space.
 12. Customary business practices shall be used for the management and removal of waste and odors resulting from the operation of the facility.
4. **Permit Required:** After any construction, but prior to occupancy of the buildings and facilities, the owner shall qualify for and obtain any applicable building or land use permit from the Zoning Administrator.

12.28 M And G-1 Mining And Grazing Zone

- A. **Declaration of Legislative Intent:** The M&G-1 Mining and Grazing Zone covers the dry mountain and desert areas of the county. Limitations imposed by climate, topography, soil capability, inadequate water supply, and the presence of economically significant mineral deposits has identified this

zone as a place for the grazing of livestock on the open range, the mining of earth products, and the location of activities and industrial operations which are not appropriate near urban centers. It is hereby declared that the specific purposes and intent of the County Commission in establishing the M&G-1 Mining and Grazing Zone are:

1. To take advantage of and more fully implement the basic purposes for planning and zoning as set forth in Utah Code, as amended.
2. To promote the conservation of water, land, mineral, and other resources.
3. To foster livestock grazing and mining industries within the county.
4. To provide a location for certain types of uses which, due to odor, noise, danger, etc., are not compatible with urban development.
5. To ensure the development of adequate public facilities to match private development. The specific regulations necessary for the accomplishment of the purposes outlined above are hereinafter set forth.

B. Permitted Uses: The following shall be permitted in the M&G-1 zone upon compliance with the standards and requirements as set forth in this ordinance:

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 UCLUO 6.24 and UCLUO 6.28, 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 (DOG M), 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.

3. Office, equipment storage, and other non-residential structures that are accessory to a permitted mine, or sand, gravel or clay pit when located on the same lot or adjoining land in the same ownership as the mine or pit.
4. Oil, gas and water wells, and appurtenant pipelines, pumps and pump houses.
5. The care and keeping of domestic livestock and fowl; and barns, stables, corrals, feed yards, pens, coops, other structures for the keeping of such livestock or fowl, and ancillary agricultural wastewater treatment lagoons, and systems, and related facilities when associated with an approved fowl or domestic livestock operation and when such agricultural wastewater treatment is approved by the State Department of Environmental Quality, Division of Water Quality, or approved by other federal or state regulatory agencies with specific jurisdiction for agriculture wastewater.
6. The raising of mink and similar fur bearing animals, and the pens and sheds used in the raising of such animals.
7. The production of fruit and crops in the field, packing plants for fruit and vegetables raised on the premises, and office, restroom and shower facilities for such production of fruit and crops and packing plants.
8. Agricultural structures for the storage and keeping of farm products and machinery.
9. Buildings and other structures for the fabrication and portion control (killing, skinning, and meat cutting) of domestic livestock and poultry raised on the premise.
10. Dairy farms, milking barns including an office or an independent office structure on the same site as the dairy, for the exclusive use of the dairy operation, also restrooms, showers, and buildings and facilities for the process and packaging of milk produced on the premise.

11. Apiaries and establishments for extracting and processing honey.
12. Kennels subject to the provisions of UCLUO 8.120.
13. Fish hatcheries for the raising of game fish or fish for human consumption.
14. Plant and tree nurseries, greenhouses, and associated structures for the sale of plant stock grown on the premises.
15. Incidental produce stands, subject to the provisions of UCLUO 8.28.
16. The boarding of horses within a structure or in the open field.
17. One-family dwellings and manufactured homes.
18. Residential accessory structures, when located on the same lot as the dwelling to which such structures are appurtenant.
19. Home child care and/or private preschools.
20. Churches and other structures for religious worship, and churches with a parsonage.
21. Home occupations, subject to the requirements of UCLUO 8.20.
22. Public parks, public park facilities and public historical monuments.
23. Man-made lakes, ponds, dams and other uncovered water impoundments if such are under ten (10) acre feet in capacity; and covered water tanks which do not extend over twenty (20) feet, measured from average natural grade to the highest point of the structure including any object mounted or attached to the water tank.
24. Marinas, subject to the provisions of UCLUO 8.32.
25. Minor campgrounds, and appurtenant campsite facilities, for noncommercial use and where no fees are collected.
26. Fences, walls, and landscaping, subject to the provisions of UCLUO 4.76.

27. A Cellular telephone, radio, television, or other microwave transmission facility which has a license from the Federal Communication Commission or its successor agency.
28. Signs, subject to the provisions of UCLUO 8.24.
29. Private roping and riding arenas that do not have lights.
30. Windmills.
31. Buildings and appurtenant grounds and facilities, when such are owned and occupied by a governmental agency and used for one or more of the following:
 1. Fire and police stations, plus buildings housing ambulance and similar emergency service vehicles and equipment.
 2. Buildings and yards for the storage and upkeep of vehicles and equipment required for the maintenance and operation of roads, utility systems and other functions of the governmental entity.
 3. Office buildings housing the administrative and governmental activities of the agency; group assembly rooms; and post offices.
32. Equine reproduction and/or rehabilitation facility and accessory structures including animal shelters and enclosures, office, pools, laboratory, and arena.
33. Camping on private property by property owners and their permitted guests.
34. A hunting preserve or shotgun, pistol, or rifle shooting range and accessory structures and uses, subject to the provisions of UCLUO 8.112.
35. Accessory dwelling unit located on the same lot or parcel as the dwelling to which it is accessory to, subject to the provisions of UCLUO 8.116.
36. Temporary uses and structures subject to the provisions of UCLUO 8.16.
37. A large concentrated animal feeding operation, subject to the provisions of UCLUO 4.72.

38. Biogas processing facility and RNG conveyance systems, including access roadways, buildings, production equipment, piping systems, and pollution control devices.
39. A planned subdivision which has been approved according to the provisions of UCLUO 14.
40. A recycling facility for food-grade oil subject to the provisions of UCLUO 8.128.

C. **Permitted Conditional Uses:** In the M&G-1 zone the following shall not be permitted by the Zoning Administrator unless approval as a conditional use has been authorized in accordance with the zoning ordinance by the designated reviewing agency:

1. An automobile or motorcycle race track or race course which the Planning Commission has approved as a conditional use according to the provisions of UCLUO 16.
2. A correctional institution which the Planning Commission has approved as a conditional use according to the provisions of UCLUO 16.
3. An electrical power generation plant which the Planning Commission has approved as a conditional use according to the provisions of UCLUO 16.
4. A fairground, rodeo arena, or horse race track which is operated by a public agency and which the Planning Commission has approved as a conditional use according to the provisions of UCLUO 16.
5. A man-made lake, pond, dam or other uncovered water reservoir over ten (10) acre feet in capacity, or a covered water tank which extends over twenty (20) feet above average natural grade, when approved by the Planning Commission as a conditional use according to the provisions of UCLUO 16.
6. A preschool, or primary school or secondary school which the Planning Commission has approved as a conditional use according to the provisions of UCLUO 16.
7. A livestock auction yard, including livestock pens, auction facilities, and structures, and public and livestock transport parking, which is for the sale of domestic livestock only and has been approved by the

Planning Commission as a conditional use according to the provisions of UCLUO 16.

8. Private roping and riding arenas with lights and commercial roping and riding arenas which the Planning Commission has approved as a conditional use according to the provisions of UCLUO 16.
 9. A sanitary landfill and any ancillary trucking, grinding, compacting, or similar facility on the same site as the landfill which the Planning Commission has approved as a conditional use according to the provisions of UCLUO 16.
 10. A helicopter pad, landing strip, flying field, or airport including terminal and aircraft storage facilities which the Planning Commission has approved as a conditional use according to the provisions of UCLUO 8.48 and UCLUO 16.
 11. A building or facility for the manufacture or storage of explosives plus appurtenant facilities which the Planning Commission has approved as a conditional use according to the provisions of UCLUO 8.52 and UCLUO 16.
 12. A major campground and appurtenant campsite facilities for noncommercial use which the Planning Commission has approved as a conditional use according to the provisions of UCLUO 8.64 and UCLUO 16.
 13. A cemetery which the Planning Commission has approved as a condition use according to the provisions of UCLUO 8.72 and UCLUO 16.
 14. A nursing home which the Planning Commission has approved as a conditional use according to the provisions of UCLUO 16.
- D. **Area Requirements:** The minimum area of a zoning lot or parcel within the M&G-1 zone shall be as follows:
1. Each one-family dwelling, manufactured home, planned subdivision, roping and riding arenas, and major campground, biogas processing facility (unless appurtenant to and located on the same parcel as an approved landfill), shall be located on a lot containing at least fifty (50) acres of land.

2. Each church or other structure for religious worship shall be located on a lot containing at least two and one-half (2 1/2) acres of land; each church with a parsonage shall be on a lot containing at least fifty (50) acres of land.
3. Each minor campground and its appurtenant campsite facilities shall be located on a lot containing at least five (5) acres of land.
4. A large concentrated animal feeding operation shall be located on a lot or parcel containing at least 40 (forty) acres of land.
5. Equine reproduction and/or rehabilitation facility with or without a one-family dwelling shall be on a lot containing at least fifty (50) acres of land.
6. A recycling facility for food-grade oil shall be located on a lot or parcel containing at least 10 (ten) acres of land.
7. For other permitted structures and uses, there shall be no minimum area requirement except as may be necessary to meet the other provisions of this land use ordinance.

E. Width Requirements: The minimum width of a zoning lot within the M&G-1 Zone shall be as follows:

1. For each one-family dwelling, manufactured home, church or other structure for religious worship, or church with a parsonage, preschool, primary school or secondary school, roping and riding arena, or equine reproduction and/or rehabilitation facility with or without a one-family dwelling, recycling facility for food-grade oil the minimum width of the lot at any point between the frontage and the structure shall be three hundred thirty (330) feet.
2. For other permitted structures and uses, there shall be no minimum width requirements except as may be required under other provisions of this ordinance.

F. Location Requirements: The minimum location requirements within the M&G-1 zone shall be as follows:

1. **Front Setback:** All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of UCLUO 4, UCLUO 6, and UCLUO 8, shall have a front setback of at

least thirty (30) feet, unless an alternate setback is required or allowed by UCLUO 4, UCLUO 6, and UCLUO 8.

2. **Side and Rear Setback:** All buildings and structures, other than landscaping features and fences which meet the standards of UCLUO 4, UCLUO 6, and UCLUO 8, shall have a side and rear setback of at least fifteen (15) feet, unless an alternate setback is required or allowed by UCLUO 4, UCLUO 6, and UCLUO 8.

G. Height Requirements: The height requirements within the M&G-1 Zone shall be as follows:

1. The maximum permissible height of any structure shall be forty (40) feet as determined by the currently adopted building construction codes of Utah County or by any future edition of these codes that may be adopted, except for the following:
 1. An antenna of a "stealth telecommunications transmission facility" may exceed the initial elevation of the existing transmission tower, utility pole, or other existing building or structure to which it is attached by no more than 10 feet.
 2. For large-scale utility line structures, there shall be no maximum height.
 3. The maximum height for windmills shall be 55 feet measured from finished grade to the highest point of the windmill blade.
 4. The maximum height for a cellular telephone, radio, television, or other microwave transmission facility shall be 100 feet.
 5. The maximum height for a silo associated with an approved concrete or asphalt batch plant, or recycling facility for food-grade oil shall be 65 feet provided the following conditions are met:
 1. The silo is painted or finished in a neutral earth-tone color which is consistent with the surrounding natural terrain, and;
 2. The silo does not display any type of logo or advertisement.

6. For unoccupied structures not referenced in 12.28 (G)(1)(a)-(e), the Planning Commission may approve a conditional use for a height in excess of 40 feet according to the terms of UCLUO 16
7. Note: The provisions of the APO Airport Overlay Zone, setback standards, or other provisions of the ordinance may result in a lesser height than that stated above.

H. Special Requirements:

1. The yards around buildings shall be kept free of debris, refuse, weeds, and other flammable material which may constitute a fire hazard.
2. No building site, street, driveway, or other cut or fill shall be made so the side slopes exceed the critical angle of repose of the soil unless engineered retaining structures are approved and constructed.
3. The grade of driveways which serve a dwelling unit or other occupied structure shall not exceed twelve (12) percent.

- I. Supplementary Regulations:** Uses within this zone shall also comply with the applicable requirements set forth in UCLUO 4, UCLUO 6, and UCLUO 8, entitled Supplementary Requirements and Procedures Applicable Within Zones and all other provisions of the land use ordinance.