



AN ORDINANCE AMENDING SECTION 3-11-A-9, FRONTAGE ON AN APPROVED PUBLIC STREET REQUIRED, EXCEPTION, OF THE UTAH COUNTY LAND USE ORDINANCE

WHEREAS, the Utah County Planning Commission initiated a review of the Utah County Land Use Ordinance (UCLUO), dealing with an amendment to the exception for required frontage on an approved public street, 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, Frontage On An Approved Public Street, Exceptions, of the Utah County Land Use Ordinance is hereby amended to read as follows:

3-11: FRONTAGE ON AN APPROVED PUBLIC STREET REQUIRED, EXCEPTIONS

- A. For adequate access by emergency vehicles and local occupants, the frontage of each lot used as a site for a dwelling, commercial establishment, manned industrial plant or other facility occupied by humans, shall abut on an official state road, county road, or city street which has

been paved under the direction of the unit of government having jurisdiction, and from which frontage such facility gains vehicular and pedestrian access exclusively and entirely across the subject lot. The following are exceptions to the above requirement:

9. Access to a permitted mining operation and access to a permitted building and appurtenant grounds and facilities when owned and occupied by a governmental agency (government building), where such use is located within a zone which allows such use as a permitted use, 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 or to the government building that is not exclusively across land in the same ownership as the parcel upon which the mining operation or the government building 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 or the government building is located has granted to the owner of the parcel on which the mining operation or the government building 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 or the government building 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 or the government building is located, the governmental entity has granted a private road easement or license, in the official form utilized by the governmental entity, to the owner of the parcel on which the mining operation or the government building is located; and
 - b. the owner of the parcel on which the mining operation or the government building 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 or license, is terminated, for any reason, the permits and approvals issued by Utah County related to the mining operation or the government building will immediately and automatically be revoked and become null and void, and the subject parcel will not be used for the mining operation or the government building; 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 Engineer.

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:

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 2nd day of October, 2012.

UTAH COUNTY COMMISSION

VOTE

Larry A. Ellertson
LARRY A. ELLERTSON, CHAIR

aye

Doug Whitney
DOUG WITNEY, COMMISSIONER

aye

excused
GARY J. ANDERSON, COMMISSIONER

excused

ATTEST:
BRYAN E. THOMPSON
County Clerk/Auditor

APPROVED AS TO FORM:
JEFFREY R. BUHMAN
County Attorney

By: *Renee Huggins Carson*
Deputy

Approved

Disapproved

By: *Jeffrey R. Buhman*
Deputy



Date of Publication: Once only, as soon as possible