



ENT 10447 2025 PG 1 of 4  
ANDREA ALLEN  
UTAH COUNTY RECORDER  
2025 Feb 13 11:29 AM FEE 0.00 BY NG  
RECORDED FOR UTAH COUNTY COMMUNITY DEVE

**ORDINANCE NO. 2025-165**

**AN ORDINANCE AMENDING SECTION 4.44 OF THE UTAH COUNTY LAND USE  
ORDINANCE TO AMEND REQUIREMENTS FOR LOTS OR PARCELS SEPARATED  
FROM OFFICIAL FRONTAGE BY RAILROAD RIGHT-OF-WAY**

**WHEREAS**, an applicant has initiated a review of Section 4.44 of the Utah County Land Use Ordinance (UCLUO), to amend requirements for lots or parcels separated from official frontage by railroad right-of-way; 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 January 21st 2025, 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 text amendment; 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 text amendment; 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 text amendment; and

**WHEREAS**, the Board of County Commissioners finds the proposed Utah County Land Use Ordinance text amendment 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 4.44 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 below for the applicable subsections:

**4.44 Frontage On An Approved Public Street Required, Exceptions**

- A. For adequate access by emergency vehicles and local occupants, the frontage of each lot or parcel used as a site for a dwelling, manned industrial plant or other facility or structure occupied by humans, shall abut on an official state road, county class "B" 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 or parcel. The following are exceptions to the above requirement:
8. A nonconforming lot or parcel of record separated from official road frontage by land in State or Federal ownership, or a railroad right-of-way may gain vehicular access to the lot or parcel provided all the following are met:
    - a. The lot or parcel lies within 500 feet of an official state road, county class "B" road or city street.
    - b. The lot or parcel lies within the CE-1, CE-2 or M&G-1 Zones
    - c. A written permanent perpetual easement for land in State or Federal ownership or a private road crossing agreement, written permanent perpetual easement, or the railroad's equivalent for a railroad right-of-way granted to the owner of the subject lot or parcel and appurtenant to the subject lot or parcel, in the form utilized by the governmental entity or railroad.
    - d. The easement or agreement shall be approved by the Zoning Administrator and recorded in the Office of the Utah County Recorder, unless recordation of the easement or agreement is prohibited by the applicable governmental entity or railroad providing the access easement or agreement.
    - e. Vehicular access driveway and railroad crossings (if required), shall conform to Utah County standards, currently adopted codes and other adopted applicable ordinances or railroad standards.
    - f. Railroad crossings shall meet all applicable railroad company standards and shall receive the approval of the applicable railroad company.
    - g. Written approval from the applicable governmental agency or railroad company for any access road or railroad crossing shall be provided to the Zoning Administrator prior to the approval of the access.
    - h. The owner of the subject lot or parcel shall sign and record 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 1) the written permanent perpetual easement, or the private road crossing agreement, written permanent perpetual easement, or the railroad's equivalent for a railroad right-of-way, is terminated, for any reason, or 2)

the access road is not maintained to meet the applicable requirements of this section, the Occupancy Permit issued by Utah County will immediately and automatically be revoked and become null and void, and the subject lot or parcel will not be used for human occupancy, either temporarily or permanently, until such time as the written permanent perpetual easement is reinstated or a new private road crossing agreement, written permanent perpetual easement, or the railroad's equivalent for a railroad right-of-way as specified above and approved by the Zoning Administrator, and the access road is determined to meet all applicable access road standards by the Zoning Administrator or applicable agency.

- i. Vehicular and pedestrian access, which is not exclusively and entirely across the subject lot or parcel and the land in State or Federal ownership or a railroad right-of-way, must be allowed under and shall meet all applicable requirements of Section 4.44 Frontage on an Approved Public Street Required, Exceptions.

**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.

**Part III:**

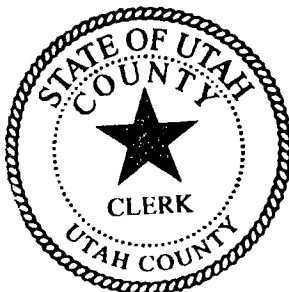
If any of the sections, sentences, clauses, or provisions of this ordinance shall for any reason be adjudged inapplicable or invalid by a court of competent jurisdiction, such shall not affect or invalidate the remaining portion contained herein.


**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.

APPROVED and ADOPTED this 12<sup>th</sup> day of February 2025.

BOARD OF COUNTY COMMISSIONERS,  
UTAH COUNTY, UTAH



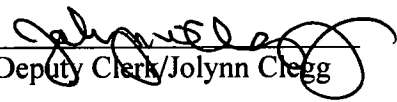
  
BRANDON B. GORDON, Chair


ATTEST:

AARON R. DAVIDSON  
Utah County Clerk

APPROVED AS TO FORM AND LEGALITY:

JEFFREY S. GRAY  
Utah County Attorney

By:   
Deputy Clerk/Jolynn Clegg

By:   
Deputy County Attorney/Dale Eyre

BOARD OF COUNTY COMMISSIONERS,  
UTAH COUNTY, UTAH

VOTE  
YEA                  NAY

BRANDON B. GORDON, CHAIR

  X                              

SKYLER BELTRAN, VICE CHAIR

  X                              

AMELIA POWERS GARDNER, COMMISSIONER

  ABSENT