

AN ORDINANCE AMENDING SECTION 2-2-A-13, TO ADD DEFINITION OF “BOND”; AMENDING VARIOUS SUBSECTIONS OF SECTION 3-24, “OPEN PIT EXTRACTION OF EARTH PRODUCTS,” SUBSECTIONS 3-24-C-10-D, TO ADD AN OPTION OF POSTING “CASH OR BOND” TO SECURE ROAD IMPROVEMENTS; 3-24-D, TO AMEND THE TITLE FOR CLARIFICATION; 3-24-D-1, TO AMEND THE REQUIRED BOND AMOUNT FOR OPEN PIT (MINING) OPERATIONS WHICH INCLUDES OPTIONS; 3-24-D-4, TO AMEND THE TIMING OF REHABILITATION TO COINCIDE WITH THE VALIDATION TIME OF A BUSINESS LICENSE OF THE UTAH COUNTY LAND USE ORDINANCE

WHEREAS, the Utah County Planning Commission (“Planning Commission”) initiated a review of the Utah County Land Use Ordinance (“UCLUO”), dealing with amending Section 2-2-a-13, to add definition of “bond”; amending various subsections of Section 3-24, “open pit extraction of earth products,” Subsections 3-24-c-10-d, to add an option of posting “cash or bond” to secure road improvements; 3-24-d, to amend the title for clarification; 3-24-d-1, to amend the required bond amount for open pit (mining) operations which includes options; 3-24-d-4, to amend the timing of rehabilitation to coincide with the validation time of a business license; and

WHEREAS, the Planning Commission addressed the proposed amendment to the UCLUO 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 Planning Commission meeting, including the input, documents, and testimony from the public hearing regarding the proposed amendment to the UCLUO; 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 welfare of the citizens of Utah County, considering all factors; and

NOW, THEREFORE, THE COUNTY LEGISLATIVE BODY OF UTAH COUNTY ORDAINS AS FOLLOWS:

Part I:

Section 2-2-A-13, “Definitions”, of the Utah County Land Use Ordinance, is hereby amended, to read as follows:

13. Bond: Includes any of the following:
 - a. A corporate surety bond from a surety company that is licensed to do business in Utah, that is listed in “A.M. Best’s Key Rating Guide” at a rating of A- or better

- or a Financial Performance Rating (FPR) of 8 or better, according to the "A.M. Best's Guide". All surety companies also will be continuously listed in the current issue of the U.S. Department of the Treasury Circular 570.
- b. An irrevocable letter of credit issued by a bank organized to do business in the United States.

Part II:

Section 3-24-C-10 "Conditions", of the Utah County Land Use Ordinance, is hereby amended, to read as follows:

- d If the travel route roads analysis shows, or the County Engineer determines, that the designated travel route roads are insufficient, the application shall not be approved until the deficient roads are improved to the required durability and capacity standards, at Applicant's expense, or the Applicant has entered into an agreement with the entity having jurisdiction of the deficient roads to address the deficient roads, which may include the posting of cash or bond based on an engineered estimated cost for the construction and restoration of the roads and appurtenant facilities.

Part III:

Section 3-24-D "Bond", of the Utah County Land Use Ordinance, is hereby amended, to read as follows:

D. EXTRACTION SITE RECLAMATION BOND

The bond and bond agreement requirements under this section may be satisfied by submission of a properly executed Reclamation Contract for Surety under the Mining Operations requirements as found in the Utah State Code, otherwise, the applicant and the property owner shall provide a bond and shall execute a bond agreement meeting the following requirements:

1. Cash or bond in the amount \$5000.00 per acre or alternatively; cash or bond in the amount established by the most recent Reclamation Surety Costs for Small Mining Operations issued by the State of Utah Board of Oil, Gas and Mining for the applicable size of operation, or cash or bond in the amount as determined by a detailed rehabilitation cost analysis supplied and paid for by the applicant and reviewed and approved by the Utah County Engineer, shall be posted by the applicant and property owner to guarantee compliance with the provisions of this section. A violation of this section, or of the rehabilitation bond agreement, shall be sufficient grounds for forfeiture of the bond to Utah County. If the bond is over the minimum bond amount per acre and the owner disputes the cost of reclamation set by the County Engineer, the County Commission may determine the cost and set the bond amount, upon appeal by the owner or applicant.
4. Rehabilitation of the site shall be completed on or before the earliest to occur of the following dates: (i) six months prior to the date of termination or expiration of the rehabilitation bond, (ii) one year after the date of cessation of operations, (iii) one year after the last date that any earth product materials are extracted from the site,

(iv) June 30th of any fiscal year in which a business license has not been issued by Utah County for such operations, and (v) December 31st of any year in which a valid Utah County zoning compliance permit is not in effect for the operation.

Part IV:

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 V:

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 VI:

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 June 2015.

UTAH COUNTY COMMISSION

VOTE

Larry A. Ellertson
LARRY A. ELLERTSON, CHAIR

aye

William C. Lee
WILLIAM C. LEE, COMMISSIONER

aye

Greg Graves
GREG GRAVES, COMMISSIONER

aye

ATTEST:
BRYAN E. THOMPSON
County Clerk/Auditor

By: *Bryan E. Thompson*
Deputy



APPROVED AS TO FORM:
JEFFREY R. BUHMAN
County Attorney

Approved

Disapproved

By: *Jeffrey R. Buhman*
Deputy

Date of Publication: Once only, as soon as possible.

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WEST VALLEY CITY, UTAH 84170
FED.TAX I.D.# 87-0217863

The Salt Lake Tribune

MEDIAOne

Deseret News

801-204-6910

PROOF OF PUBLICATION

CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS		ACCOUNT NUMBER	
UTAH COUNTY AUDITOR KENT MONSON 100 E CENTER ST STE3600 PROVO UT 84606		9001334912	
UTAH COUNTY AUDITOR			
TELEPHONE		AD ORDER #	INVOICE NUMBER
8018518238		0001009063	
SCHEDULE			
02/03/2015	Start	02/03/2015	End
CUST. REF. NO.			
2015-222			
SUMMARY OF ORDINANCE			
42	Lines	1.00	Columns
TIMES		RATE	
2			
MISC. CHARGES		AD CHARGES	
		TOTAL COST	
		49.10	

DATE
04/17/2015

SUMMARY OF ORDINANCE
ORDINANCE NO. 2014-16 WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, ON DECEMBER 16, 2014, AMENDING THE LAND USE MAP OF THE UTAH COUNTY GENERAL PLAN, 2006, FROM AGRICULTURAL /WATERSHED TO RESIDENTIAL, AND AMENDING THE OFFICIAL UTAH COUNTY ZONE MAP, A PART OF THE UTAH COUNTY LAND USE ORDINANCE, TO CHANGE THE ZONING OF CERTAIN PROPERTY (TAX SERIAL NUMBERS 49-764-0001 AND 49-764-0003) LOCATED IN SECTION 8, TOWNSHIP 4 SOUTH, RANGE 2 EAST, FROM THE CE-1, CRITICAL ENVIRONMENT ZONE, TO THE CE-2, CRITICAL ENVIRONMENT AND TR-5, TRANSITIONAL RESIDENTIAL ZONES.
A COMPLETE COPY OF THE ORDINANCE IS AVAILABLE AT THE COUNTY CLERK /AUDITOR'S OFFICE. COMMISSIONER GARY J. ANDERSON, COMMISSIONER LARRY A. ELLERTSON, AND COMMISSIONER DOUG WITNEY VOTED IN FAVOR OF THE ORDINANCE.
1009063 UPAXLP

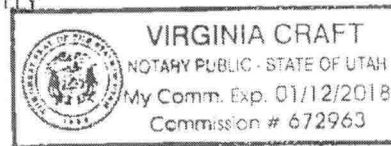
AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF SUMMARY OF ORDINANCE FOR UTAH COUNTY AUDITOR WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO PUBLISHED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINITELY.

PUBLISHED ON Start 02/03/2015 End 02/03/2015

SIGNATURE *[Signature]*

DATE 04/17/2015



Virginia Craft

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