

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

WHEREAS, the Utah County Commission initiated a review of the Utah County Land Use Ordinance (UCLUO), dealing with amending Section 3-11 related to requirements for frontage on an approved county class “B” road for dwellings or other occupied facilities; 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 meetings and public hearings 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 the proposed amendment to the Utah County Land Use Ordinance conforms to the Utah County General Plan, 2014, and is consistent with the other provisions of the Utah County Land Use Ordinance; and

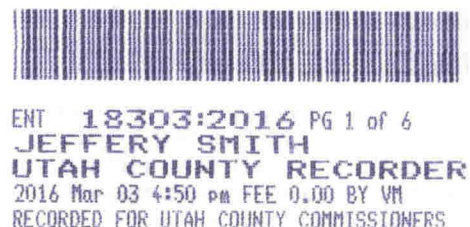
WHEREAS, the Board of County Commissioners finds that the proposed amendment to the Utah County Land Use Ordinance is in the best interest of the health, safety, and welfare of the citizens of Utah County, considering all factors.

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

Part I:

Section 3-11, “FRONTAGE ON AN APPROVED PUBLIC STREET REQUIRED, 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 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. The following are exceptions to the above requirement:

1. In commercial campgrounds or recreation vehicle courts access shall be by paved access driveways that have been provided according to the terms of land use ordinance chapter 3.
2. In the NC-1 or HS-1 zones where the land use is a listed, permitted use in the zone and abuts a paved parking area which enters onto a paved public street, access shall be from said paved parking area.
3. In large-scale developments that have been recorded with the County Recorder and where the lots or building sites abut on paved roads platted as a part of the development, access shall be from the frontage of said paved platted road across the subject lot or building site.
4. In those specific large-scale developments approved and platted before the universal road paving requirements were adopted on August 8, 1984, and wherein the subject road was not required to be paved, the lot or building site shall abut a road that meets the criteria of a suitable "graveled road" as defined in the land use ordinance chapter 2 and the Utah State Code. The gravel surfacing material must cover the full road surface width that was approved for the development and extend the entire distance of the road across the lot frontage and on to the point where the gravelled road connects with the paved road system.
5. Building permits for those land uses identified in paragraph "A" above, may utilize unpaved county class "B" roads for frontage which have been part of the county road system and continuously shown on the official county road map since December 12, 1975, meet the criteria of a suitable "graveled road" under the land use ordinance chapter 2 and the Utah State Code, and which have the required gravel surfacing material covering the entire travel-surface width as designated for the specific type of development in the Utah County Development Standards Ordinance. This gravel road requirement must be met across the entire lot frontage and on to the point where the gravelled road connects with the paved road system.
6. In approved, noncommercial campgrounds, access from a paved county class "B" or state road or city street may be by a surfaced access driveway of sufficient design using engineering standards for a minimum of "H-20" loading in accordance with A Policy of Geometric Design of Highways and Streets (1990 edition) American Association of State Highways and Transportation Officials (AASHTO) or its equivalent counterpart in subsequent editions. Minimum driving surface width shall be twelve (12) feet and shall be provided according to the terms of chapter 3 of this ordinance. A road maintenance agreement must be entered into guaranteeing vehicular access during all periods of occupancy.
7. In the M&G-1, CE-1 and CE-2 Zones, the vehicular and pedestrian access must be

- gained from the frontage, but need not be exclusively and entirely across the subject lot, if the Zoning Administrator finds that all of the following conditions are met:
- a. because of the topography, the construction of an access from the frontage to the facility, exclusively and entirely across the subject lot, would require excessive cuts and fills; and
 - b. because of the topography, the construction of an access from the frontage to the facility, exclusively and entirely across the subject lot, would require an access of excessive length; and
 - c. the owner of the property on which the portion of the access which falls outside of the subject lot is located, has granted to the owner of the subject lot, and to the subject lot owner's heirs, successors, and assigns, a written permanent perpetual easement, in a form acceptable to the Zoning Administrator, which complies with all requirements for a legal access, which is appurtenant to the subject lot, and which easement has been recorded in the office of the Utah County Recorder, or, if the United States of America is the owner of the property on which the portion of the access which falls outside of the subject lot is located, the United States of America has granted a private road easement, in the official form utilized by the governmental entity, to the owner of the subject lot; and
 - d. the owner of the subject lot 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 permanent perpetual easement, or the governmental issued private road easement, is terminated, for any reason, the Occupancy Permit issued by Utah County will immediately and automatically be revoked and become null and void, and the subject lot will not be used for human occupancy, either temporarily or permanently, until such time as the permanent perpetual easement, or the governmental issued private road easement is reinstated and approved by the Zoning Administrator; and
 - e. the access driveway must be designed and constructed to a grade no greater than 12 percent using engineering standards for a minimum of "H-20" loading in accordance with A Policy of Geometric Design of Highways and Transportation officials (AASHTO) or its equivalent counterpart in subsequent editions. A road maintenance agreement must be entered into between the owner of the subject lot and Utah County guaranteeing that the owner of the subject lot will maintain the access driveway in a condition to allow vehicular access during all periods of occupancy.
8. In the CE-1 and M&G-1 Zones, a nonconforming lot of record that lies within 500 feet of an official county class "B" road or municipal street that is separated from official road frontage by land in State or Federal ownership, may gain vehicular access to the lot by a written permanent perpetual easement or private road easement, in the official form utilized by the governmental entity and approved by the Zoning Administrator, granted to the owner of the subject lot and appurtenant to the subject lot, if said vehicular access driveway conforms to Utah County standards, currently

adopted codes and other adopted applicable ordinances. Unless prohibited by the applicable governmental entity providing the access, the granting document shall be recorded in the Office of the Utah County Recorder. The owner of the subject lot 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 the permanent perpetual easement, or the governmental issued private road easement, is terminated, for any reason, the Occupancy Permit issued by Utah County will immediately and automatically be revoked and become null and void, and the subject lot will not be used for human occupancy, either temporarily or permanently, until such time as the permanent perpetual easement, or the governmental issued private road easement, is reinstated and approved by the Zoning Administrator. The access driveway must be designed and constructed to a grade no greater than 12 percent, unless a more restrictive requirement applies, using engineering standards for a minimum of "H-20" loading in accordance with A Policy of Geometric Design of Highways and Transportation officials (AASHTO) or its equivalent counterpart in subsequent editions. A road maintenance agreement must be entered into between the owner of the subject lot and Utah County guaranteeing that the owner of the subject lot will maintain the access driveway in a condition to allow vehicular access during all periods of occupancy.

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 class "B" 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.
- B. Notwithstanding the above provisions, no road which is a county class "B" road due to its location within the ownership boundaries of the United States National Forest, the lands of the Bureau of Land Management (BLM), or the lands of another agency of the United States government, and maintained by Utah County under contract with the Forest Service, BLM, or other appropriate federal agency, shall be deemed to give adequate frontage unless:
1. Utah County has actual ownership of the right-of-way in the form of a recorded deed or written perpetual easement.
 2. The road surface is paved, in accordance with applicable County standards, to connect the subject site to the rest of the paved part of the county road system.

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 2nd day of February, 2016.

UTAH COUNTY COMMISSION

VOTE

Larry A. Ellertson
LARRY A. ELLERTSON, CHAIR

aye

William C. Lee
WILLIAM C. LEE, VICE-CHAIR

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

Jeffrey R. Buhman Approved

____ Disapproved

By: *Jeffrey R. Buhman*
Deputy

Date of Publication: Once only, as soon as possible

4770 S. 5600 W.
WEST VALLEY CITY, UTAH 84118
FED. TAX I.D.# 87-0217663
801-204-6910

Deseret News



The Salt Lake Tribune

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CUSTOMER NAME AND ADDRESS

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KENT MONSON
ATTN: ACCOUNTS PAYABLE
100 E CENTER ST STE 3600
PROVO UT 84601

9001334912

DATE

3/8/2016

ACCOUNT NAME

UTAH COUNTY AUDITOR,

TELEPHONE

ORDER # / INVOICE NUMBER

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START 03/08/2016 END 03/08/2016

CUSTOMER REFERENCE NUMBER

2016-422

CAPTION

SUMMARY OF ORDINANCE ORDINANCE NO. 2016-2 WAS ADOPTED BY THE BOAR

SIZE

26 LINES 1 COLUMN(S)

TIMES

TOTAL COST

2

32.30

SUMMARY OF ORDINANCE

ORDINANCE NO. 2016-2 WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, ON FEBRUARY 2, 2016, AMENDING SECTION 3-11, FRONTAGE ON AN APPROVED PUBLIC STREET REQUIRED, EXCEPTIONS, OF THE UTAH COUNTY LAND USE ORDINANCE.

A COMPLETE COPY OF THE ORDINANCE IS AVAILABLE AT THE COUNTY CLERK/AUDITOR'S OFFICE. COMMISSIONER LARRY A. ELLERTSON, COMMISSIONER GREG GRAVES, AND COMMISSIONER WILLIAM C. LEE VOTED IN FAVOR OF THE ORDINANCE. 1079838 UPAXLP

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba UTAH MEDIA GROUP LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF SUMMARY OF ORDINANCE ORDINANCE NO. 2016-2 WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, ON FEBRUARY 2, 2016, AMENDING SECTION 3-11, FR FOR UTAH COUNTY AUDITOR, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba UTAH MEDIA GROUP, AGENT FOR DESERET NEWS AND THE SALT LAKE TRIBUNE, 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 POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY. COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101; 46-3-104.

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DATE 3/8/2016

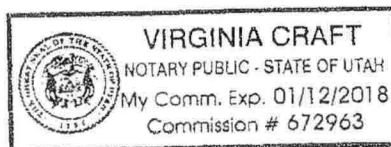
SIGNATURE *Ann Dartnell*

STATE OF UTAH)

COUNTY OF SALT LAKE)

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS 8TH DAY OF MARCH IN THE YEAR 2016

BY ANN DARTNELL



Virginia Craft
NOTARY PUBLIC SIGNATURE