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JEFFERY SMITH
UTAH COUNTY RECORDER
2020 Jun 08 10:25 am FEE 0.00 BY MA
RECORDED FOR UTAH COUNTY COMMISSIONERS

ORDINANCE NO. 2020- 379

AN ORDINANCE AMENDING SECTIONS 2-2, 7-2, AND 7-4 OF THE UTAH COUNTY LAND USE ORDINANCE RELATED TO REQUIREMENTS FOR GRADING, FILL, AND ASSOCIATED EXCAVATION ACTIVITIES IN UNINCORPORATED UTAH COUNTY

WHEREAS, the Utah County Planning Commission initiated a review of Section 2-2, 7-2, and 7-4 of the Utah County Land Use Ordinance (UCLUO) related to requirements for grading, fill, and associated excavation activities in unincorporated Utah County; and

WHEREAS, the Utah County Planning Commission addressed the proposed amendment to the Utah County Land Use Ordinance during the regularly scheduled meeting of the Planning Commission on April 21, 2020, 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 of the Planning Commission meeting and the 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 the proposed amendment to the Utah County Land Use Ordinance conforms to the Utah County General Plan, 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 2-2-A of the Utah County Land Use Ordinance is hereby amended, including the re-numbering of any applicable subsections, to read as follows:

2-2: **DEFINITIONS**

A. For purposes of this land use ordinance, definitions are provided for the following terms. Not all of the terms are used in this land use ordinance. The inclusion of any

term defining a land use does not imply that the term is a permitted or conditionally permitted use in any zone, unless specifically stated as such in the applicable zone. Any term which is defined, but not used in this land use ordinance, is included to differentiate the term from other terms which are used in this land use ordinance:

55. **Fill:** Fill material brought onto a lot or parcel of land which shall:

- a. not include junk, debris, and salvage or metal scrap, waste, garbage, an organic, frozen or other deleterious materials, and no rock or similar irreducible material greater than 12 inches in any dimension;
- b. conform to a plan for fill which has been approved by the County Engineer, which may include the following:
 - i. the extent of the fill area;
 - ii. finished grades and elevations;
 - iii. methods to prevent the fill material from being removed from the site by wind, slope, or erosion;
- c. not be left in a condition which does not comply with the approved plan; and;
- d. for which applicant has obtained any applicable Utah County Land Disturbance Permit or applicable building permit.

69. **Grading:** The excavation or removal of earth materials by mechanical means

- a. **Grading, No Removal of Earth Material from Site:** Grading of earth material that conforms to any applicable grading plan which has been approved by the County Engineer that includes the extent of the area to be graded, finished grade, elevations, and methods for dust control, when all graded earth material is maintained within the lot or parcel and not removed from the site, and for which grading the owner has obtained any applicable Utah County Land Disturbance Permit or applicable building permit

- b. **Grading, Removal of Excessive Earth Material Due to Construction:** When a valid Utah County Building Permit has been issued for a structure, or a large-scale development plat has been approved and recorded, excessive earth materials which are required to be excavated from the approved construction or development site to allow for the construction of the approved structure or which are required to be excavated to allow for the construction of the approved large-scale development plat improvements, may be removed from the site, pursuant to a grading plan or any applicable Utah County Land Disturbance Permit which has been approved by the County Engineer that includes the extent of the area to be graded, finished grade, elevations, and methods for dust control.

Excavation of earth materials other than those identified in (a) or (b) above shall be considered an open pit mining operation and must comply with all requirements for such mining operation found in this land use ordinance and other applicable adopted codes.

88. **Land Disturbance Permit:** permit issued by the County Engineer subject to the adopted stormwater regulations of the Utah County Code.

Part II:

Section 7-2 of the Utah County Land Use Ordinance is hereby amended, including the renumbering of any applicable subsections, to read as follows:

7-2: POWERS AND DUTIES OF THE ZONING ADMINISTRATOR

The Zoning Administrator is designated as the Land Use Authority to act upon the following duties concerning land use;

- A. Issue building and land use permits.
- B. Issue business licenses.
- C. Issue zoning compliance permits.
- D. Issue and renew, where applicable, temporary use permits.
- E. Enforce the provisions of this ordinance.
- F. Conduct inspections which are necessary to ensure compliance with the various provisions of this ordinance.
- G. Maintain a copy of the current Utah County land use regulations, zone map, and records of amendments thereto.
- H. Refer matters to the Planning Commission, County Commission, or other agency as required by the terms of this ordinance.
- I. Perform such other duties as are assigned by this ordinance.

Part III:

Section 7-4 of the Utah County Land Use Ordinance is hereby amended, including the renumbering of any applicable subsections, to read as follows:

7-4: PERMITS FOR BUILDING, GRADING, AND LAND USE

Any owner or authorized agent who intends to establish or change the use of land, fill, excavate, or grade earth materials, construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the building and safety codes adopted by the County, or to cause such work to be done, shall first make application to the Zoning Administrator or other applicable entity and shall obtain the required permits and any applicable zoning compliance permit. A zoning compliance permit shall not be required for any structure determined to be exempt from a building permit by the currently adopted building construction codes of Utah County. However, such structure(s) shall be required to meet all other applicable provisions of this ordinance, including setback requirements.

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 3rd day of June 2020.

UTAH COUNTY COMMISSION

VOTE

DocuSigned by:
Tanner King
TANNER KING, CHAIR

YEA

DocuSigned by:
[Signature]
NATHAN IVIE, VICE-CHAIR

YEA

DocuSigned by:
William C. Lee
WILLIAM C. LEE, COMMISSIONER

YEA

ATTEST:
AMELIA A. POWERS
Utah County Clerk/Auditor



APPROVED AS TO FORM:
DAVID O. LEAVITT
Utah County Attorney

By: Alice Black
Deputy

Approved

Disapproved

By: Robert J Moore
Deputy

Date of Publication: Once only, as soon as possible