

SALT LAKE COUNTY ORDINANCE

ORDINANCE NO. _____, 2022

AN ORDINANCE OF THE SALT LAKE COUNTY COUNCIL AMENDING SECTION 19.12.030 OF THE SALT LAKE COUNTY CODE TO ELIMINATE MINERAL EXTRACTION AND PROCESSING AS A CONDITIONAL USE AND EXPLICITLY PROHIBITING THE SAME AND OTHER RELATED USES IN THE FORESTRY AND RECREATION ZONES; AMENDING SECTION 19.72.190 TO ELIMINATE MINERAL EXTRACTION AND PROCESSING AS A USE FOR WHICH WAIVERS CAN BE GRANTED; AMENDING SECTION 19.76.030 REGARDING CLASSIFICATION OF PERMITTED AND CONDITIONAL USES NOT LISTED IN TITLE 19; AND ENACTING RELATED REGULATIONS

The County Legislative Body of Salt Lake County ordains as follows:

SECTION I. The amendments made here are designated by underlining the new substituted words. Words being deleted are designated by brackets and interlineations.

SECTION II. Section 19.12.030 of the Salt Lake County Code of Ordinances is amended as follows in order to eliminate Mineral extraction and processing as a conditional use and explicitly prohibiting the same and other related uses in the Forestry and Recreation zones; and to enact related regulations.

19.12.030 Conditional uses.

The following conditional uses are subject to the requirements of this chapter, all general and specific conditions, criteria, and approval procedures set forth in Chapter 19.84, "Conditional Uses," and for properties situated within the foothills and canyons overlay zone, the procedures and provisions of Chapter 19.72, "Foothills and Canyons Overlay Zone" and Chapter 19.73, "Foothills and Canyons Site Development and Design Standards." The following uses are explicitly prohibited in this chapter: mineral extraction and processing; mine; quarry; gravel pit;

including crushers or concrete batching plants used in connection with and as a part of an operation for the removal of sand, gravel and/or rock aggregate.

....

~~[J. Mineral extraction and processing; provided that:~~

~~1. The applicant shall comply with all applicable regulations of this chapter, including but not limited to site grading and drainage, landscaping, and environmental standards, and all applicable provisions in Chapter 19.72, "Foothills and Canyons Overlay Zone," and Chapter 19.73, "Foothills and Canyons Site Development and Design Standards," and~~

~~2. Such use shall not be located within one thousand feet of any residential use or lot, and~~

~~3. The perimeter of the site shall be screened from adjacent properties and roads with a buffer yard of adequate width and opacity as determined by the county, and~~

~~4. The applicant submits a plan, prepared by a qualified professional, that shows the location of existing and proposed watercourses and drainage systems, including lakes, ponds, and detention basins, and~~

~~5. Water accumulating on the site shall be removed to a drainage way and any contaminated water shall be treated before being allowed to enter a drainage way, and~~

~~6. The applicant shall present evidence of all necessary state and/or federal permits and approvals, and~~

~~7. Access shall be provided, either directly or over a private haul road, to an arterial street that is designed for heavy truck traffic, and~~

~~8. A haul road entering the site from a public street or road shall be paved for at least a distance of five hundred feet from the public street or road, and~~

~~9. The property shall be posted with a notice of dangerous conditions and warning trespassers away, and~~

~~10. Operations shall be conducted in compliance with health department regulations and standards regarding noise, odor, vibrations, dust, blowing debris, hazardous materials, and air quality, and~~

~~11. The applicant shall submit a general plan for proposed rehabilitation of the site, including a schedule of rehabilitation measures and proposed ground cover and landscaping to be installed following the completion of the operation or the expiration of the conditional use approval (see Sections 19.72.030H, "Tree and Vegetation Protection," and 19.72.030C, "Grading Standards"), and~~

~~12. If a change in ownership occurs, the new owner shall submit a new application for conditional use approval. Approval of the new application shall not be granted until all new federal and/or state permits are issued to the new owner, and~~

~~13. Any suspension or revocation of required state or federal permits shall constitute a violation of this chapter and will result in automatic suspension or revocation of all county approvals and permits, and~~

~~14. The county may require a bond in favor of the county to be posted by the applicant to cover damages that may occur to county roads as a result of hauling materials excavated from the permitted site. The amount of the bond less any sums needed to correct damages shall be refunded to the excavator within one year after the conclusion of the excavation, and~~

~~15. The county may impose additional conditions addressing access, circulation, operations, noise, hours of operation, and similar impacts it deems necessary to minimize potential significant impacts on adjacent properties and streets;]~~

....

SECTION III. Section 19.72.190 of the Salt Lake County Code of Ordinances is amended as follows to eliminate mineral extraction and processing as a use for which waivers can be granted.

19.72.190 Waivers for mountain resort improvements that are not within a mountain resort zone[,] and public uses [~~and mineral extraction and processing~~].

A. Authority to Grant Waivers. The topographic conditions, soil characteristics, hydrologic patterns, climatic constraints, susceptibility to natural hazards, vegetation, wildlife habitat concerns, and aesthetic considerations of foothill and canyon areas often create circumstances in which strict compliance with adopted standards is not only difficult but sometimes impossible to achieve. As these challenges are frequently created by the very nature and operational characteristics of mountain resorts[~~, mineral extraction and processing operations,~~] and many public uses, and are therefore most often self-imposed, other avenues of administrative relief are sometimes necessary and appropriate. Accordingly, the land use authority may waive or modify the development standards for these uses.

....

SECTION IV. Section 19.76.030 of the Salt Lake County Code of Ordinances is amended as follows to clarify the classification of permitted or conditional uses not listed in Title 19.

19.76.030 – Uses not listed are prohibited unless [—]Administrative determination of newly identified uses is made

[~~Determination as to the classification of~~ Permitted or Conditional uses not specifically listed in this title shall be prohibited, unless allowed by the following process. If a previously unidentified

use not contemplated in this Title is proposed, a property owner may submit a written request for
~~[made by]~~ the planning and development services division director to interpret the zoning ordinance pursuant to the procedural steps of this Section to determine whether the proposed use has the same character as an existing permitted or conditional use allowed in the zone designated for the owner's property. ~~[and]~~ The Director's determination shall be subject to appeal to the planning commission as provided in this Section. Such appeal shall be filed in writing within ten days after written notification to applicant of the planning and development services division director's determination. The procedure shall be as follows:

A. Written Request. A written request for such a determination shall be filed with the planning and development services division director. The request shall include a detailed description of the proposed use and such other information as may be required.

B. Investigation. The planning and development services division director shall thereupon make such investigations as are deemed necessary to compare the nature and characteristics of the proposed use with those of uses specifically listed in this title, and to make a determination of its classification.

C. Determination. The determination of the planning and development services division director shall be rendered in writing within thirty days unless an extension is granted by the planning commission. The determination shall state the zone classification in which the proposed use will be permitted as well as the findings which established that such use is of the same character as uses permitted in that zone classification. If the director determines that the proposed use does not have the same character as an existing permitted or conditional use allowed in the designated zone, the proposed use is prohibited. Upon making this decision, the planning and development services

division director shall forthwith notify the applicant, the planning commission and the development services division.

D. Effect. The determination and all information pertaining thereto shall become a permanent public record in the office of the planning and development services division director. Such use shall thereafter become a permitted or conditional use in the class of district specified in the determination, and shall have the same status as a permitted or conditional use specifically named in the regulations for the zone classification.

SECTION V. This ordinance shall become effective fifteen days after its passage and upon publication of the ordinance, or a summary thereof on the Utah state noticing website.

APPROVED AND ADOPTED this _____ day of _____, 2022.

SALT LAKE COUNTY COUNCIL

By: _____
Chair

ATTEST:

Sherrie Swensen
Salt Lake County Clerk

APPROVED AS TO FORM:

ORDINANCE HISTORY

Councilmember Bradley voting	_____
Councilmember Bradshaw voting	_____
Councilmember Theodore voting	_____
Councilmember DeBry voting	_____
Councilmember Granato voting	_____
Councilmember Winder Newton voting	_____
Councilmember Alvord voting	_____
Councilmember Snelgrove voting	_____
Councilmember Stringham voting	_____

Vetoed and dated this _____ day of _____, 2022.

By: _____
MAYOR JENNIFER WILSON
OR DESIGNEE

(Complete as Applicable)

Veto override: Yes____ No____ Date_____

Ordinance Published in Newspaper: Date_____

Effective Date of Ordinance:_____

SUMMARY OF

SALT LAKE COUNTY ORDINANCE NO. _____

On the _____ day of _____, 2022, the County Council of Salt Lake County adopted Ordinance No. _____, an ordinance of general revision, amending section 19.12.030 of the Salt Lake County Code to eliminate mineral extraction and processing as a conditional use and explicitly prohibiting the same and other related uses in the Forestry and Recreation zones; amending section 19.72.190 to eliminate mineral extraction and processing as a use for which waivers can be granted; amending section 19.76.030 regarding classification of permitted and conditional uses not listed in title 19; and enacting related regulations.

By: _____
Chair

ATTEST:

Sherrie Swensen
Salt Lake County Clerk

APPROVED AS TO FORM:

Councilmember Bradley voting	_____
Councilmember Bradshaw voting	_____
Councilmember Theodore voting	_____
Councilmember DeBry voting	_____
Councilmember Granato voting	_____
Councilmember Winder Newton voting	_____
Councilmember Alvord voting	_____
Councilmember Snelgrove voting	_____
Councilmember Stringham voting	_____

A complete copy of Ordinance No. _____ is available in the office of the Salt Lake County Clerk, 2001 South State Street, N2-100A, Salt Lake City, Utah.