



May 21, 2024

UTAH COUNTY PLANNING COMMISSION

STAFF REPORT

I. APPLICATION:

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| A. APPLICANT | - | Brady Roundy |
| B. REQUEST | - | Proposed Utah County Land Use Ordinance text amendment to Chapter 4.44 (Frontage on an Approved Public Street Required, Exceptions), and any other applicable sections, to include an exception from required frontage for lots or parcels that are separated from official frontage by railroad right-of-way. |
| C. LOCATION | - | Unincorporated Utah County |

II. STAFF SUMMARY:

Background

Section 4.44 Frontage on an Approved Public Street Required, Exceptions, is as the name indicates exceptions to the requirement for paved frontage for a lot or parcel used as a site for a dwelling, manned industrial plant or other facility or structure occupied by humans. Generally, the exceptions included in this section do not eliminate the requirement for a property to have access to a paved road but can allow access to paved frontage when unique conditions exist provided specific conditions are met.

The exception found in Section 4.44.A.8 was proposed by a property owner and was approved by the County Commission in 2009. This exception allows a lot or parcel to be considered to have frontage if the property is found to meet all the following conditions:

- The property is within the CE-1 or M&G-1 zone,
- The property is within 500 feet of public road and is separated from the qualifying road property owned by the state or federal government,
- A perpetual easement from the managing governmental agency is required to be provided and recorded prior to the approval of the access,
- A restrictive covenant, signed and recorded by the property owner, which revokes any occupancy permit if the perpetual easement is terminated,
- Construction and safety standards for the access road have been met, and
- A maintenance agreement between Utah County and the property owner is approved.

Applicant Request

The applicant has applied to amend the Utah County Land Use Ordinance (UCLUO) and proposed a modification to include property owned by a railroad company to the frontage exception. This addition as proposed would not change the conditions contemplated in the existing Section 4.44.A.8 exception as the property which is being developed is in the CE-2 zone, the proposal also is seeking to allow this exception in the CE-2 zone.

Staff Recommendation

After reviewing the proposed changes and the existing section, staff determined that the inclusion of a railroad may need more specific requirements to address safety and ensure any crossing receive the appropriate level of review. Staff eliminated requirements that were reviewed and were determined to be unnecessary based on current county practices and other county standards. The changes also include formatting changes to clarify all required standards.

Staff also consulted with the Fire Marshal's Office and Public Works to ensure this exception would address any concerns and requirements they may have. The proposed changes reflect comments received from those departments. Staff worked with the applicant in making these changes who, after modifications were made, did not object to the final proposed changes.

III. ORDINANCE CHANGES

The staff recommended changes to the ordinance are shown in the attached redline documents. As stated previously, the recommendations have been supported by the applicant.

IV. APPLICABLE ORDINANCES & STATUTES:

1. [U.C.L.U.O. Section 1.08](#): Intent and Purpose: identifies the intent and purpose of the Ordinance.
2. [U.C.L.U.O. Section 4.44](#): Frontage On An Approved Public Street Required, Exceptions: Exceptions to the frontage requirement, which address specific situations and conditions for a dwelling, manned industrial plant or other facility or structure occupied by humans.
3. [U.C.L.U.O. Section 16.92](#): The "Powers and Duties of the Planning Commission" includes regulations for large scale subdivision approval and land use ordinance amendments.
4. [U.C.L.U.O. Section 16.96](#): "Powers and Duties of The County Commission" includes regulations for large scale subdivision approval and land use ordinance amendments.
5. [U.C.L.U.O. Section 16.100](#): Amendments To Ordinance And Map.

V. STAFF FINDINGS:

1. The application for land use ordinance amendment would appear to meet the requirements of Section 16.92.C and Section 16.100 of the Utah County Land Use Ordinance, which establish the criteria for Planning Commission recommendation of approval to the County Commission for a land use ordinance amendment.
2. The application appears to be supportive of the stated intent and purpose of the Utah County Land Use Ordinance by promoting the efficient utilization of land, water and other resources and facilities, and providing property owners greater flexibility in the utilization of their property.

VI. MOTION:

Approval

That the Utah County Planning Commission **recommend approval** to the Utah County Commission of the proposed amendments to the Utah County Land Use Ordinance, Section 4.44 to include an exception from required frontage for lots or parcels that are separated from official frontage by railroad right-of-way, along with any applicable re-numbering and re-formatting based on the findings listed in section V of the staff report.

Denial

That the Utah County Planning Commission **recommend denial** to the Utah County Commission of the proposed Utah County Land Use Ordinance text amendment to Sections 4.44.