

ORDINANCE NO. 2010-18

AN ORDINANCE AMENDING THE UTAH COUNTY LAND USE ORDINANCE, SECTION 2-2-B, DEFINITIONS; CHAPTER 3, SUPPLEMENTARY REQUIREMENTS AND PROCEDURES WITHIN ZONES; SECTION 5-6-C, CE-2 ZONE, PERMITTED CONDITIONAL USES; SECTION 5-6-D, CE-2 ZONE, AREA REQUIREMENTS; AND SECTION 5-6-E, WIDTH REQUIREMENTS; TO ADD RECEPTION CENTERS AND DUDE RANCHES AS LAND USES IN THE CE-2 ZONE DISTRICT

WHEREAS, the Utah County Planning Commission initiated a review of amending the Utah County Land Use Ordinance, "UCLUO", to more appropriately address the goals and policies of Utah County, including those contained in the Utah County General Plan; and

WHEREAS, the Planning Commission addressed the proposed amendments to the UCLUO, during their regularly scheduled agenda meeting of the Planning Commission, and scheduled and held a public hearing regarding the proposed amendments; and

WHEREAS, the Planning Commission recommended that the UCLUO be amended, in accordance with the amendments as set forth herein; and

WHEREAS, the Board of County Commissioners has received and carefully reviewed the recommendation from the Utah County Planning Commission regarding the proposed amendment to the UCLUO, including information found in the file and any public comments contained therein; and

WHEREAS, the Board of County Commissioners finds that the proposed amendment to the UCLUO will further the goals and policies of Utah County, including those contained in the General Plan; 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 general welfare of the citizens of Utah County.

THE COUNTY LEGISLATIVE BODY OF UTAH COUNTY ORDAINS AS FOLLOWS:

Part I:



Section 2-2-B, Definitions, is amended to add the following two definitions:

25.5 Dude Ranch

An actively operating livestock ranch that provides, as an accessory use to the principal livestock ranching operation, opportunities for the guests to participate in activities commonly associated with the ranching operation, and multi-night accommodations for guests, together with on-site dining and/or assembly facilities, barns, corrals, pastures,

and livestock related to an actively operating livestock ranch operation. Dude Ranches are subject to the additional requirements of this land use ordinance.

75.5 Reception Center

A structure and ancillary facilities used for group social, business or family gatherings, without overnight lodging. A reception center does not include sporting events or concerts.

Part II:

Chapter 3, Supplementary Requirements and Procedures Applicable Within Zones, is amended to add the following two subsections:

3-50 DUDE RANCHES

A. SCOPE

The Board of Adjustment, in accordance with the provisions of chapter 7 of this land use ordinance, may approve a conditional use permit in a zone in which a dude ranch is listed as a permitted conditional use, in connection with an existing livestock ranch operation, provided the following conditions are met.

B. SITE PLAN

The Board of Adjustment has received from the owner of land in a qualifying zone, a site plan (layout map) of the dude ranch, drawn by an engineer, architect or land surveyor licensed by the State of Utah, drawn to a readable scale, showing all existing and proposed buildings, structures, activity areas, parking spaces and roads. The site plan must comply with the requirements and standards of all applicable sections of this land use ordinance.

C. STANDARDS

1. The dude ranch shall be located within a zone in which a dude ranch is listed as a permitted conditional use and shall meet the minimum area requirement for a dude ranch found in that zone.
2. The design of the dude ranch, including parking, access roads and interior road system, water system, sewage disposal system, trash collection, fire protection, and food preparation, shall meet the requirements of the adopted codes of Utah County and of this ordinance for the maximum number of individuals permitted at the dude ranch at any time.
3. The dude ranch shall have vehicular access from a paved state or county road and shall have the frontage and width required for a dude ranch in that zone, from which frontage the dude ranch gains vehicular access.
4. Structures for overnight stay by guests shall meet all adopted building, fire, and health codes, and shall not include campers, camp trailers, park models, manufactured homes, tents or other membrane structures.
5. On site food preparation and food preparation facilities shall be approved by the Utah County Health Department. Food services shall be provided only for the employed staff and the guests of the dude ranch and individual meals or other prepared foods cannot be sold to an individual who is not a staff employee or a guest of the dude ranch.

6. A dude ranch shall have on-site at least one (1) horse per guest.
7. A dude ranch shall not exceed fifty (50) guests; and the stay shall not exceed thirty (30) days in one calendar year for any individual guest.
8. In addition to horse riding activities, other activities and related facilities may occur as part of the dude ranch provided they are approved as part of the conditional use permit.
9. The applicant shall submit a plan of operations for the dude ranch, including a safety plan which addresses the safety of the guests and the employed staff.
10. County roads indicated on the "Official Utah County Road Map", that front or bisect the dude ranch property, shall have the required road right-of-way for the county road classification decided to Utah County.

D. **ZONING COMPLIANCE PERMIT**

After any construction, but prior to occupancy of the dude ranch, the owner shall qualify for and obtain a zoning compliance permit from the Zoning Administrator and a Utah County Business License.

3-51 **RECEPTION CENTERS**

A. **SCOPE**

The Board of Adjustment, in accordance with the provisions of chapter 7 of this land use ordinance, may approve a conditional use permit in a zone in which a reception center is listed as a permitted conditional use, provided the following conditions are met.

B. **SITE PLAN**

The Board of Adjustment has received from the owner of land in a qualifying zone, a site plan (layout map) of the reception center, drawn by an engineer, architect, or land surveyor licensed by the State of Utah, drawn to a readable scale, showing all existing and proposed buildings, structures, activity areas, parking spaces and roads, the site plan to be consistent with the requirements and standards of all applicable sections of this land use ordinance.

C. **STANDARDS**

1. The reception center shall be located within a zone in which a reception center is listed as a permitted conditional use and shall meet all the minimum requirements for a reception center found in that zone.
2. The design of the reception center, including parking, access roads and interior road system, water system, sewage disposal system, trash collection, fire protection, food preparation, and any other ancillary facility, shall meet the requirements of the adopted codes of Utah County and of this ordinance for the maximum number of individuals permitted at the reception center at any time.
3. The reception center shall have vehicular access from a paved state or county road and shall have the frontage and width required for a reception center in that zone, from which frontage the reception center gains vehicular access.
4. Structures shall meet all adopted building, fire, and health codes, and shall not include campers, camp trailers or manufactured homes; the reception

- center may include an attached dwelling unit for the owner or a caretaker.
5. On site food preparation and food preparation facilities shall be approved by the Utah County Health Department.
 6. Sound amplification equipment shall not be allowed outside of enclosed structures. Music that is not amplified shall be allowed outside of enclosed structures only between the hours of 9:00 a.m. and 10:00 p.m.
 7. Hours of operation shall be limited to 8:00 a.m. to 10:00 p.m. Sunday through Thursday and 8:00 a.m. to midnight on Friday and Saturday unless specific hours of operation are approved by the Board that are different than those stated.
 8. The applicant shall submit a plan of operations for the reception center, including a safety plan which addresses the safety of the guests and the employed staff.
 9. Parking shall be established by the terms of the conditional use permit, but not less than one parking space per thirty (30) square feet of reception/guest assembly area within the reception center.
 10. County roads indicated on the "Official Utah County Road Map", that front or bisect the reception center property, shall have the required road right-of-way for the county road classification deeded to Utah County.

D. ZONING COMPLIANCE PERMIT

After any construction, but prior to occupancy of the reception center, the owner shall qualify for and obtain a zoning compliance permit from the Zoning Administrator and a Utah County Business License.

Part III:

Section 5-6-C, CE-2, Critical Environment Zone, Permitted Conditional Uses, is amended to add the following:

8. A dude ranch, which the Board of Adjustment has approved as a conditional use according to the provisions of chapters 3 and 7 of this land use ordinance.
9. A reception center, which the Board of Adjustment has approved as a conditional use according to the provisions of chapters 3 and 7 of this land use ordinance.

Part IV:

Section 5-6-D, CE-2, Critical Environment Zone, Area Requirements, is amended to read as follows:

D. AREA REQUIREMENTS

The minimum area of a zoning lot within the CE-2 zone shall be as follows:

1. Each one-family dwelling, family day-care, residential facility for persons with a disability, residential facility for elderly persons, planned subdivision, mountain home development, reception center, or major campground, shall be located on a lot containing at least twenty (20) acres

- of land.
2. Each church or other structure for religious worship shall be located on a lot containing at least two and one-half (2 ½) acres of land; each church with a parsonage shall be on a lot containing twenty (20) acres of land.
 3. Each minor campground and its appurtenant campsite facilities shall be located on a lot containing at least five (5) acres of land.
 4. Each landscape park containing approved recreational facilities and each public park containing approved concessions or facilities shall be located on a lot containing at least five (5) acres of land.
 5. Each dude ranch shall be located on a lot containing at least forty (40) acres of land.
 6. For other permitted structures and uses, there shall be no minimum area requirement except as may be necessary to meet the other provisions of this ordinance.

Part V:

Section 5-6-E, CE-2, Critical Environment Zone, Width Requirements, is amended to read as follows:

E. WIDTH REQUIREMENTS

The minimum width of a zoning lot within the CE-2 zone shall be as follows:

1. For each one-family dwelling, family day-care, residential facility for persons with a disability, residential facility for elderly persons, church or other structure for religious worship, reception center, dude ranch, or church with parsonage, the minimum width of the lot at any point between the frontage and the structure shall be three hundred thirty (330) feet.

Part VI:

The Utah County Land Use Ordinance, as amended herein, is hereby adopted in book form and a copy of said Utah County Land Use Ordinance is hereby ordered to be filed in the office of the Utah County Clerk/Auditor.

Part VII:

If any of the sections, sentences, clause 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 VIII:

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 August, 2010

UTAH COUNTY COMMISSION

VOTE

Steve White
STEVE WHITE, CHAIR

aye

Gary J. Anderson
GARY J. ANDERSON, COMMISSIONER

aye

Larry A. Ellertson
LARRY A. ELLERTSON, COMMISSIONER

aye

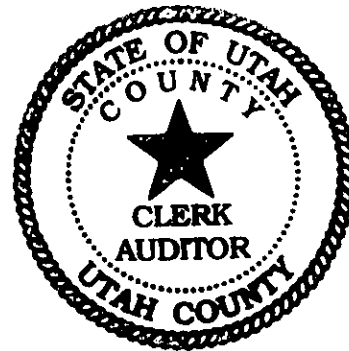
ATTEST:
BRYAN E. THOMPSON
County Clerk/Auditor

APPROVED AS TO FORM:
JEFFREY R. BUHMAN
County Attorney

By: *Renee H. Carson*, Deputy

By: *David H. ...*, Deputy

Date of Publication: Once only, as soon as possible



July 20, 2010

UTAH COUNTY PLANNING COMMISSION STAFF REPORT

- I. APPLICATION:
 - Public Hearing
- A. APPLICANT
 - Utah County Planning Commission
- B. REQUEST
 - Proposed Land Use Ordinance Text Amendments to Section 2-2-B, to add the definitions of Reception Center & Dude Ranch; Chapter 3, to add supplementary requirements and provisions for a reception center and dude ranch; and Section 5-6-C, to add reception center and dude ranch as permitted conditional uses within the CE-2 Zone.
- C. LOCATION
 - Unincorporated Utah County, CE-2, Critical Environment Zone.

II. STAFF ANALYSIS:

The following amendments to the Utah County Land Use Ordinance are proposed to provide land uses in the CE-2 Zone that do not require the full range of engineering, standards, and plat approval, found in approved recreational resort or mountain home development plats.

The proposed amendments to various sections of the land use ordinance as indicated by deletions in shaded areas and by additions in *bold italics*, are as follows:

Section 2-2-B, Definitions, is amended to add the following:

25.5 Dude Ranch

An actively operating livestock ranch that provides, as an accessory use to the principal livestock ranching operation, opportunities for the guests to participate in activities commonly associated with the ranching operation, and multi-night accommodations for guests, together with on-site dining and/or assembly facilities, barns, corrals, pastures, and livestock related to an actively operating livestock ranch operation. Dude Ranches are subject to the additional requirements of this land use ordinance.

75.5 Reception Center

A structure and ancillary facilities used for group social, business or family gatherings, without overnight lodging. A reception center does not include sporting events or

concerts.

Chapter 3, Supplementary Requirements and Procedures Applicable Within Zones, is amended to add the following:

3-50 DUDE RANCHES

A. SCOPE

The Board of Adjustment, in accordance with the provisions of chapter 7 of this land use ordinance, may approve a conditional use permit in a zone in which a dude ranch is listed as a permitted conditional use, in connection with an existing livestock ranch operation, provided the following conditions are met.

B. SITE PLAN

The Board of Adjustment has received from the owner of land in a qualifying zone, a site plan (layout map) of the dude ranch, drawn by an engineer, architect or land surveyor licensed by the State of Utah, drawn to a readable scale, showing all existing and proposed buildings, structures, activity areas, parking spaces and roads. The site plan must comply with the requirements and standards of all applicable sections of this land use ordinance.

C. STANDARDS

- 1. The dude ranch shall be located within a zone in which a dude ranch is listed as a permitted conditional use and shall meet the minimum area requirement for a dude ranch found in that zone.*
- 2. The design of the dude ranch, including parking, access roads and interior road system, water system, sewage disposal system, trash collection, fire protection, and food preparation, shall meet the requirements of the adopted codes of Utah County and of this ordinance for the maximum number of individuals permitted at the dude ranch at any time.*
- 3. The dude ranch shall have vehicular access from a paved state or county road and shall have the frontage width required for a dude ranch in that zone from which frontage the dude ranch gains vehicular access.*
- 4. Structures for overnight stay by guests shall meet all adopted building, fire, and health codes, and shall not include campers, camp trailers, park models, or manufactured homes.*
- 5. On site food preparation and food preparation facilities shall be approved by the Utah County Health Department. Food services shall be provided only for the employed staff and the guests of the dude ranch and individual meals or other prepared foods cannot be sold to an individual who is not a staff employee or a guest of the dude ranch.*
- 6. A dude ranch shall have on-site at least one (1) horse per guest.*
- 7. A dude ranch shall not exceed fifty (50) guests; and the stay shall not exceed thirty (30) days in one calendar year for any individual guest.*
- 8. In addition to horse riding activities, other activities and related facilities may occur as part of the dude ranch provided they are approved as part of the conditional use permit.*
- 9. The applicant shall submit a plan of operations for the dude ranch,*

including a safety plan which addresses the safety of the guests and the employed staff.

10. *County roads indicated on the "Official Utah County Road Map", that front or bisect the dude ranch property, shall have the required road right-of-way for the county road classification deeded to Utah County.*

D. ZONING COMPLIANCE PERMIT

After any construction, but prior to occupancy of the dude ranch, the owner shall qualify for and obtain a zoning compliance permit from the Zoning Administrator and a Utah County Business License.

3-51 RECEPTION CENTERS

A. SCOPE

The Board of Adjustment, in accordance with the provisions of chapter 7 of this land use ordinance, may approve a conditional use permit in a zone in which a reception center is listed as a permitted conditional use, provided the following conditions are met.

B. SITE PLAN

The Board of Adjustment has received from the owner of land in a qualifying zone, a site plan (layout map) of the reception center, drawn by an engineer, architect, or land surveyor licensed by the State of Utah, drawn to a readable scale, showing all existing and proposed buildings, structures, activity areas, parking spaces and roads, the site plan to be consistent with the requirements and standards of all applicable sections of this land use ordinance.

C. STANDARDS

1. *The reception center shall be located within a zone in which a reception center is listed as a permitted conditional use and shall meet all the minimum requirements for a reception center found in that zone.*
2. *The design of the reception center, including parking, access roads and interior road system, water system, sewage disposal system, trash collection, fire protection, food preparation, and any other ancillary facility, shall meet the requirements of the adopted codes of Utah County and of this ordinance for the maximum number of individuals permitted at the reception center at any time.*
3. *The reception center shall have vehicular access from a paved state or county road and shall have the frontage and width required for a reception center in that zone, from which frontage the reception center gains vehicular access.*
4. *Structures shall meet all adopted building, fire, and health codes, and shall not include campers, camp trailers or manufactured homes; the reception center may include an attached dwelling unit for the owner or a caretaker.*
5. *On site food preparation and food preparation facilities shall be approved by the Utah County Health Department.*
6. *Sound amplification equipment shall not be allowed outside of enclosed structures. Music that is not amplified shall be allowed outside of*

- enclosed structures only between the hours of 9:00 a.m. and 10:00 p.m.*
7. *Hours of operation shall be limited to 8:00 a.m. to 10:00 p.m. Sunday through Thursday and 8:00 a.m. to midnight on Friday and Saturday unless specific hours of operation are approved by the Board that are different than those stated.*
 8. *The applicant shall submit a plan of operations for the reception center, including a safety plan which addresses the safety of the guests and the employed staff.*
 9. *Parking shall be established by the terms of the conditional use permit, but not less than one parking space per thirty (30) square feet of reception/guest assembly area within the reception center.*
 10. *County roads indicated on the "Official Utah County Road Map", that front or bisect the reception center property, shall have the required road right-of-way for the county road classification deeded to Utah County.*

D. ZONING COMPLIANCE PERMIT

After any construction, but prior to occupancy of the reception center, the owner shall qualify for and obtain a zoning compliance permit from the Zoning Administrator and a Utah County Business License.

Section 5-6, CE-2, Critical Environment Zone, is amended to add the following:

Section 5-6-C, Permitted Conditional Uses;

8. *A dude ranch, which the Board of Adjustment has approved as a conditional use according to the provisions of chapters 3 and 7 of this land use ordinance.*
9. *A reception center, which the Board of Adjustment has approved as a conditional use according to the provisions of chapters 3 and 7 of this land use ordinance.*

Section 5-6-D, Area Requirements and 5-6-E, Width Requirements;

D. AREA REQUIREMENTS

The minimum area of a zoning lot within the CE-2 zone shall be as follows:

1. Each one-family dwelling, family day-care, residential facility for persons with a disability, residential facility for elderly persons, planned subdivision, mountain home development, *reception center*, or major campground, shall be located on a lot containing at least twenty (20) acres of land.
2. Each church or other structure for religious worship shall be located on a lot containing at least two and one-half (2 ½) acres of land; each church with a parsonage shall be on a lot containing twenty (20) acres of land.
3. Each minor campground and its appurtenant campsite facilities shall be located on a lot containing at least five (5) acres of land.
4. Each landscape park containing approved recreational facilities and each public park containing approved concessions or facilities shall be located on a lot containing at least five (5) acres of land.

5. *Each dude ranch shall be located on a lot containing at least forty (40) acres of land.*

6. For other permitted structures and uses, there shall be no minimum area requirement except as may be necessary to meet the other provisions of this ordinance.

E. WIDTH REQUIREMENTS

The minimum width of a zoning lot within the CE-2 zone shall be as follows:

1. For each one-family dwelling, family day-care, residential facility for persons with a disability, residential facility for elderly persons, church or other structure for religious worship, *reception center, dude ranch*, or church with parsonage, the minimum width of the lot at any point between the frontage and the structure shall be three hundred thirty (330) feet.

STAFF RECOMMENDATION

That the Utah County Planning Commission recommend the above land use ordinance text amendments to the Utah County Commission for approval, based on the following findings:

1. The land use for a “dude ranch” and for a “reception center” do not warrant the extensive site improvements found in a large scale development, recreational resort plat, which is the only current option for approval of these two land uses in the CE-2 Zone.
2. If additional development of a dude ranch or reception center is desired, after being granted approval by the Utah County Board of Adjustment, the large scale development, recreational resort plat, can be submitted for additional improvements and/or ancillary uses beyond the scope of the permitted conditional use approval.
3. The minimal areas and acreage that are within the CE-2, Critical Environment Zone, will limit the applications for these conditional use appeals to the Board of Adjustment.

Dave Shawcroft mentioned that the applicant's property is within the county limits, and the zoning for this area does allow for development.

Motion: Jan Anderson

Second: Janice Reeb

Motion to **continue** this application so that more information can be received from the applicant and a comment can be requested from Alpine City. The motion passed by the following vote: "Aye", Lyle Hillier, Jan Anderson, Mike Stansfield, Helina Carter-Thomas, Janice Reeb, Odell Miner; "Nay", none.

UTAH COUNTY PLANNING COMMISSION - Proposed Land Use Ordinance Text Amendments to Section 2-2-B, to add the definitions of Reception Center & Dude Ranch; Chapter 3, to add supplementary requirements and provisions for a reception center and dude ranch; and Section 5-6-C, to add reception center and dude ranch as permitted conditional uses within the CE-2 Zone

Bryce Armstrong stated that these text amendments are proposed to provide land uses in the CE-2 zone that do not require the full range of engineering, standards, and plat approval found in approved recreational resorts or mountain home developments. A dude ranch would require a minimum of 40 acres and a reception center a minimum of 20 acres. These uses are not currently allowed in another zone. They would be conditional uses and would still have to be approved by the Board of Adjustment.

Jan Anderson asked if these uses are permitted in other zones.

Mike Stansfield inquired as to how the numbers for horses/per guest were determined.

Dave Shawcroft replied that the intent was to really have a dude ranch, not another type of use; if more guests and days of stay were allowed then it would need to be a recreational resort.

Janice Reeb asked about differences within the CE-1 and CE-2 zones. She also inquired about the 30-day stay within a calendar year.

Dave Shawcroft replied that restrictive uses have to do with the intensity of uses; the CE-1 Zone is the most restrictive.

Bryce Armstrong commented that in 3-50-C-4 some of the intended wording had been omitted from the copy the Board received, so after manufactured homes, *tents or other membrane structures* should be added.

Peggy Kelsey explained park models.

Helina Carter-Thomas asked about language changes for structures.

Bryce Armstrong mentioned that the language in the text amendment concerning stays is a little more restrictive than the general definition of camping which allows a person to camp on their property in the county no more than 45 days a year.

Motion: Mike Stansfield

Second: Odell Miner

Motion the Utah County Planning Commission recommend **approval** to the Utah County Commission the land use ordinance text amendments based on the staff findings with the inclusion in 3-50-C-4 after manufactured homes, *tents or other membrane structures*.

Findings:

1. The land use for a “dude ranch” and for a “reception center” do not warrant the extensive site improvements found in a large scale development, recreational resort plat, which is the only current option for approval of these two land uses in the CE-2 Zone.
2. If additional development of a dude ranch or reception center is desired, after being granted approval by the Utah County Board of Adjustment, the large scale development, recreational resort plat, can be submitted for additional improvements and/or ancillary uses beyond the scope of the permitted conditional use approval.
3. The minimal areas and acreage that are within the CE-2, Critical Environment Zone, will limit the applications for these conditional use appeals to the Board of Adjustment.

The motion passed by the following vote: “Aye”, Lyle Hillier, Jan Anderson, Mike Stansfield, Helina Carter-Thomas, Janice Reeb, Odell Miner; “Nay”, none.