

ORDINANCE NO. 2010- 23

**AN ORDINANCE AMENDING THE UTAH COUNTY LAND USE ORDINANCE,
SECTION 2-2-B, DEFINITIONS; SECTIONS 5-2-B-28, 5-7-B-5 & 5-13-B-21, PRIVATE
ROPING AND RIDING ARENAS AS PERMITTED USES; SECTIONS 5-2-C-5, 5-7-C-8
& 5-13-C-2, COMMERCIAL ROPING AND RIDING ARENAS AS PERMITTED
CONDITIONAL USES; SECTIONS 5-2-D-1, 5-7-D-1& 5-13-D-1, AREA
REQUIREMENTS AND SECTIONS 5-2-E-1, 5-7-E-1& 5-13-D-1, WIDTH
REQUIREMENTS FOR ROPING AND RIDING ARENAS**

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-84, Definitions, is amended to read as follows:

84. Roping and Riding Arena, Private

A livestock enclosure within a structure or in an open corral, used by the owner or lessee of the property on which the arena is located, with not more than ten (10) invited guests of the owner or lessee of the property, for horse riding activities, using only horses owned

by the owner or lessee of the property on which the arena is located, and horses owned by invited guests, but not to exceed one horse per guest.

84.5 Roping and Riding Arena, Commercial

A livestock enclosure within a structure or in an open corral, used for the training and boarding of horses, riding schools, horse grooming, and for teaching and practicing roping, rodeo or other equestrian skills, but not including competitive events, qualifying events for any organization, events providing jackpots, monetary rewards, prizes, or gifts, events which include any participant who is not a student of the arena or any individual not allowed to practice in the arena, public rodeo events, public horse racing events, public horse jumping events, or other equestrian events. A commercial roping and riding arena (enclosed or in the open) shall not have more than a total of 49 persons, participating or nonparticipating, on the property at any time.

Part II:

Sections 5-2-B-28, 5-7-B-5, and 5-13-B-21, roping and riding arenas as permitted uses in the RA-5, M&G-1 and A-40 Zones, are amended to read as follows:

Private roping and riding arenas that do not have lights.

Part III:

Sections 5-2-C-5, 5-7-C-8, and 5-13-C-2, roping and riding arenas as permitted conditional uses in the RA-5, M&G-1 and A-40 Zones, are amended to read as follows:

Private roping and riding arenas with lights and all commercial roping and riding arenas, when approved by the Board of Adjustment as a conditional use according to the provisions of chapter 7 of this land use ordinance.

Part IV:

Sections 5-2-D-1, 5-7-D-1, and 5-13-D-1, RA-5, M&G-1 and A-40 Zones, area requirements for specific land uses within each zone, are amended to read as follows:

5-2-D. AREA REQUIREMENTS

The minimum area of a zoning lot within the RA-5 zone shall be as follows:

1. Each one-family dwelling, manufactured home, family day-care residential facility for persons with a disability, residential facility for elderly persons, nursing home, residential treatment center, planned subdivision, preschool, primary school, secondary school, or boarding school, landscape park or livestock auction yard, and roping and riding arenas, shall be on a lot containing at least five (5) acres of land.

5-7-D. AREA REQUIREMENTS

The minimum area of a zoning lot within the M&G-1 zone shall be as follows:

1. Each one-family dwelling, manufactured home, family day-care, residential facility for persons with a disability, residential facility for elderly persons, residential treatment center, planned subdivision, roping and riding arenas, and major campground, shall be located on a lot containing at least fifty (50) acres of land.

5-13-D. AREA REQUIREMENTS

The minimum area of a zoning lot within the A-40 zone shall be as follows:

1. Each planned subdivision and roping and riding arena shall be located on a lot containing at least forty (40) acres of land.

Part V:

Sections 5-2-E-1, 5-7-E-1, and 5-13-E-1, RA-5, M&G-1 and A-40 Zones, width requirements for specific land uses within each zone, are amended to read as follows:

5-2-E. WIDTH REQUIREMENTS

The minimum width of a zoning lot within the RA-5 zone shall be as follows:

1. For each one-family dwelling, manufactured home, family day-care residential facility for persons with a disability, residential facility for elderly persons, nursing home, residential treatment center, preschool, primary school, secondary school, landscape park, roping and riding arena, or livestock auction yard, the minimum width of the lot at any point between the frontage and the structure shall be two hundred fifty (250) feet.

5-7-E. WIDTH REQUIREMENTS

The minimum width of a zoning lot within the M&G-1 Zone shall be as follows:

1. For each one-family dwelling, manufactured home, family day-care, residential facility for persons with a disability, residential facility for elderly persons, residential treatment center, church or other structure for religious worship, or church with a parsonage, preschool, primary school or secondary school, and roping and riding arena, the minimum width of the lot at any point between the frontage and the structure shall be three hundred thirty (330) feet.

5-13-E WIDTH REQUIREMENTS

The minimum width of a zoning lot within the A-40 zone shall be as follows:

1. For a farm caretaker dwelling on a single parcel of land or for all farm caretaker dwellings clustered on one parcel of land, and for a migrant agricultural worker housing structure or migrant agricultural worker housing manufactured home, and for a roping and riding arena, the minimum width of the lot at any point between the frontage and the structure/s 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 28th day of September, 2010.

UTAH COUNTY COMMISSION

VOTE


STEVE WHITE, CHAIR

aye


GARY J. ANDERSON, COMMISSIONER

aye


LARRY A. ELLERTSON, COMMISSIONER

aye

ATTEST:
BRYAN E. THOMPSON
County Clerk/Auditor



APPROVED AS TO FORM:
JEFFREY R. BUHMAN
County Attorney

By: , Deputy

By: , Deputy

Date of Publication: Once only, as soon as possible

September 21, 2010

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UTAH COUNTY PLANNING COMMISSION STAFF REPORT

- I. APPLICATION:**
 - **Public Hearing (Continued from 08/17/2010)**
- A. APPLICANT**
 - **Utah County Planning Commission**
- B. REQUEST**
 - **Proposed Land Use Ordinance Text Amendments to Section 2-2-B-84, and to add 84.1, definition of private and commercial roping and riding arenas, commercial; to amend Sections 5-2-B-28, 5-7-B-30, and 5-13-B-21, roping and riding arenas as permitted uses; Sections 5-2-C-5, 5-7-C-8, and 5-13-C-2, roping and riding arenas as permitted conditional uses; Sections 5-2-D-1, 5-7-D-1, and 5-13-D-1, area requirements for roping and riding arenas; and Sections 5-2-E-1, 5-7-E-1, and 5-13-E-1, width requirements for roping and riding arenas; RA-5, M&G-1, and A-40 Zones.**
- C. LOCATION**
 - **Unincorporated Utah County, RA-5, M&G-1 and A-40 Zones.**

II. STAFF ANALYSIS:

The following amendments to the Utah County Land Use Ordinance are proposed to provide for private and commercial roping and riding arenas in the RA-5, M&G-1 and A-40 Zones, that will accommodate needs of the arena users while minimizing the effects of a roping and riding arena on adjoining properties.

The intent of allowing a private roping and riding arena as a permitted use, is for those horse owners to exercise, train and enjoy there own horses. The intent of allowing a commercial roping and riding arena as a permitted conditional use, is for private use by the owner and to teach equestrian skills and rodeo and riding skills to others who pay for the service, and to train and board others horses for a fee. Commercial roping and riding arenas require the issuance of a Utah County business license.

The intent of either private or commercial roping and riding arenas as a land use in

unincorporated Utah County was never for roping or riding events that would require all the features of an arena owned and operated by a city government or other governmental entity.

Mr. Casey Pratt responded in writing (see attached) since this item was continued on August 17, 2010, to the September 21, 2010, Planning Commission agenda meeting. He suggests that a "Private Arena/Training Facility (minimum of 7 acres) be added that would accommodate up to fifty competitors for small scale competitions for members of private organizations and high school rodeo teams, with purses of not more than \$5,000.00.

Staff feels that these types of small scale competitions should take place in an public arena and parking facility that has fire, and life safety on scene, has appropriate health and sanitary facilities, and is located within an area that is removed from nearby residences.

The proposed amendments to various sections of the land use ordinance are indicated by deletions in shaded areas and by additions in ***bold italics***, (August 17, 2010, agenda) and the additional proposed amendments for the September 21, 2010 agenda are indicated by deletion ~~strikeouts~~ and additions in the ***bold italics*** underlined areas, as follows:

Section 2-2-B-84, Definitions, is amended to read as follows:

84. Roping and Riding Arena, ***Private***

A livestock enclosure within a structure or in an open corral, for the purpose of carrying out activities related to the riding of horses, ***used exclusively by the owner or lessee of the property on which the arena is located, with not more than ten (10) invited guests of the owner or lessee of the property, for horse riding activities, using only horses owned by the owner or lessee of the property on which the arena is located, and horses owned by invited guests, but not to exceed one horse per guest.***

a. Private Roping and Riding Arena - Used exclusively by the property owner of the property on which the arena is located and their personally owned horses and livestock.

b. Commercial Roping and Riding Arena - Used for the training and boarding of horses, riding schools, horse grooming, and for teaching roping, rodeo or other equestrian skills, but not including any public entertainment such as a rodeo event, horse racing, horse jumping or other equestrian events that are made available for public viewing.

84.5 Roping and Riding Arena, ***Commercial***

A livestock enclosure within a structure or in an open corral, used for the training and boarding of horses, riding schools, horse grooming, and for teaching and practicing roping, rodeo or other equestrian skills, but not including competitive events, qualifying events for any organization, events providing jackpots, monetary rewards, prizes, or gifts, events which include any participant who is not a student of the arena or any individual not allowed to practice in the arena, public rodeo events, public horse racing events, public horse jumping events, or other equestrian events. A commercial roping and riding arena (enclosed or in the open) shall not have more than a total of 49 persons, participating or nonparticipating, on the property at any time.

(Clarification between private and commercial roping and riding arenas and what types of activities are allowed and not allowed at a commercial roping and riding arena).

Sections 5-2-B-28, 5-7-B-5, and 5-13-B-21, roping and riding arenas as permitted uses in the RA-5, M&G-1 and A-40 Zones, are amended to read as follows:

Private and commercial unlighted roping and riding arenas *that do not have lights.* and lighted roping and riding arenas which are totally enclosed within a structure.

Commercial unlighted roping and riding arenas.

(No new lighted or commercial roping or riding arenas would be allowed as a permitted use, eliminating a major conflict with neighboring properties).

Sections 5-2-C-5, 5-7-C-8, and 5-13-C-2, roping and riding arenas as permitted conditional uses in the RA-5, M&G-1 and A-40 Zones, are amended to read as follows:

A roping and riding arena which is lighted but not totally enclosed within a structure.

Private lighted roping and riding arenas with lights and all commercial lighted roping and riding arenas which are totally enclosed within a structure, when approved by the Board of Adjustment as a conditional use according to the provisions of chapter 7 of this land use ordinance.

(All commercial arenas and lighted private arenas to be reviewed by the Utah county Board of Adjustment for specific criteria found in chapter 7 of the land use ordinance and due to the increased activity of vehicles and horse trailers, off-street parking, lights and abutting property, and any other items pertinent to the specific appeal due to the more intense land use).

Sections 5-2-D-1, 5-7-D-1, and 5-13-D-1, RA-5, M&G-1 and A-40 Zones, area requirements for specific land uses within each zone, are amended to read as follows:

5-2-D. AREA REQUIREMENTS

The minimum area of a zoning lot within the RA-5 zone shall be as follows:

1. Each one-family dwelling, manufactured home, family day-care residential facility for persons with a disability, residential facility for elderly persons, nursing home, residential treatment center, planned subdivision, preschool, primary school, secondary school, or boarding school, landscape park or livestock auction yard, ***and roping and riding arenas,*** shall be on a lot containing at least five (5) acres of land.

5-7-D. AREA REQUIREMENTS

The minimum area of a zoning lot within the M&G-1 zone shall be as follows:

1. Each one-family dwelling, manufactured home, family day-care, residential facility for persons with a disability, residential facility for elderly persons, residential treatment center, planned subdivision, ***roping and riding arenas,*** and major campground, shall be located on a lot containing at least fifty (50) acres of land.

5-13-D. AREA REQUIREMENTS

The minimum area of a zoning lot within the A-40 zone shall be as follows:

1. Each planned subdivision **and roping and riding arena** shall be located on a lot containing at least forty (40) acres of land.

(Each roping and riding arena must meet the minimum area requirement of the zone in which it is located).

Sections 5-2-E-1, 5-7-E-1, and 5-13-E-1, RA-5, M&G-1 and A-40 Zones, width requirements for specific land uses within each zone, are amended to read as follows:

5-2-E. WIDTH REQUIREMENTS

The minimum width of a zoning lot within the RA-5 zone shall be as follows:

1. For each one-family dwelling, manufactured home, family day-care residential facility for persons with a disability, residential facility for elderly persons, nursing home, residential treatment center, preschool, primary school, secondary school, or boarding school, landscape park, **roping and riding arena**, or livestock auction yard, the minimum width of the lot at any point between the frontage and the structure shall be two hundred fifty (250) feet.

5-7-E. WIDTH REQUIREMENTS

The minimum width of a zoning lot within the M&G-1 Zone shall be as follows:

1. For each one-family dwelling, manufactured home, family day-care, residential facility for persons with a disability, residential facility for elderly persons, residential treatment center, church or other structure for religious worship, or church with a parsonage, preschool, primary school or secondary school, **and roping and riding arena**, the minimum width of the lot at any point between the frontage and the structure shall be three hundred thirty (330) feet.

5-13-E. WIDTH REQUIREMENTS

The minimum width of a zoning lot within the A-40 zone shall be as follows:

1. For a farm caretaker dwelling on a single parcel of land or for all farm caretaker dwellings clustered on one parcel of land, and for a migrant agricultural worker housing structure or migrant agricultural worker housing manufactured home, **and for a roping and riding arena**, the minimum width of the lot at any point between the frontage and the structure/s shall be three hundred thirty (330) feet.

(Each roping and riding arena must meet the minimum width requirement of the zone in which it is located).

The cities of Eagle Mountain, Lehi, Pleasant Grove, Springville, Spanish Fork, Salem and Santaquin, along with the County's Equestrian Park in Highland, allow for groups and organizations to utilize their municipal and county rodeo arenas for a fee (Cedar Fort is in the process of developing a process for use of their arena). These arenas are set up for rodeo or equestrian events and most require the necessary liability and property damage insurance along with a veterinarian to be on site in case an animal is injured.

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 proposed amendments will clarify the difference between a private and commercial roping and riding arena and identify the equestrian uses permitted and those uses not permitted.
2. That each arena will be required to meet the minimum area and width of the zone in which it is located, eliminating arenas on small lots that are legally nonconforming but do not have the area needed to contain the arena facility and the necessary off-street parking.
3. That all commercial arenas and arenas with lights will need approval by the Utah county Board of Adjustment to mitigate any conflicts with neighboring properties for lights and the increased activities of commercial arenas.
4. That small scale competitions require more safety, health and parking than generally can be accommodated in the RA-5 Zone.
5. That at least eight arenas currently exist in Utah County that are available for public rodeo events with paid admission, entry fees, cash prizes and awards.