



ENT 53998-2024 PG 1 of 7  
ANDREA ALLEN  
UTAH COUNTY RECORDER  
2024 Aug 12 02:26 PM FEE 0.00 BY KR  
RECORDED FOR UTAH COUNTY COMMUNITY DEVEL

**ORDINANCE NO. 2024-680**

**AN ORDINANCE AMENDING SECTION 8.16.B.12 OF THE UTAH COUNTY LAND USE ORDINANCES RELATIVE TO TEMPORARY USES AND STRUCTURES, AND ANY OTHER APPLICABLE SECTION REALTED TO ALLOWING PERMANENT STRUCTURES AS PART OF CERTAIN TEMPORARY USES, INCLUDING AGRITOURISM**

**WHEREAS**, an applicant has initiated a review of Section 8.16 of the Utah County Land Use Ordinance (UCLUO), related to the temporary uses and structures related to allowing permanent structures as part of certain temporary uses, including agritourism; and

**WHEREAS**, the Planning Commission addressed the proposed amendment to the Utah County Land Use Ordinance during a regularly scheduled meeting of the Planning Commission on June 25th, 2024, 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 from the Utah County Planning Commission meeting and public hearing regarding the proposed 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 Utah County Land Use Ordinance; and

**WHEREAS**, the Board of County Commissioners finds the amendment to the Utah County Land Use Ordinance is consistent with the Utah County General Plan and the other provisions of the Utah County Land Use Ordinance; and

**WHEREAS**, the Board of County Commissioners finds the proposed 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 8.16.B.12. of the Utah County Land Use Ordinance is hereby amended, including any appropriate re-numbering and re-formatting of applicable subsections, to read as depicted for the applicable subsections in the attached exhibit:

**See Exhibit "A"**

**Part II:**

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.

**Part III:**

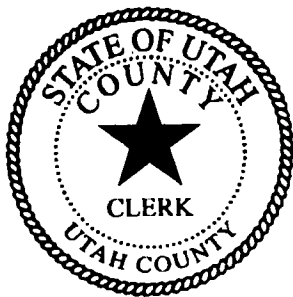
If any of the sections, sentences, clauses, or provisions of this ordinance shall for any reason be adjudged inapplicable or invalid by a court of competent jurisdiction, such shall not affect or invalidate the remaining portion contained herein.

**Part IV:**

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.

APPROVED and ADOPTED this 7<sup>th</sup> day of August 2024 .

BOARD OF COUNTY COMMISSIONERS,  
UTAH COUNTY, UTAH



*Brandon B. Gordon*  
\_\_\_\_\_  
BRANDON B. GORDON, Chair

ATTEST:  
AARON R. DAVIDSON  
Utah County Clerk

APPROVED AS TO FORM AND LEGALITY:  
JEFFREY S. GRAY  
Utah County Attorney

By: *Jolynn Clegg*  
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Deputy Clerk/Jolynn Clegg

By: *Ben Stanley*  
\_\_\_\_\_  
Deputy County Attorney/Ben Stanley

BOARD OF COUNTY COMMISSIONERS,  
UTAH COUNTY, UTAH

	VOTE	
	YEA	NAY
BRANDON B. GORDON, CHAIR	<u>  X  </u>	<u>      </u>
AMELIA POWERS GARDNER, COMMISSIONER	<u>  X  </u>	<u>      </u>
THOMAS V. SAKIEVICH, COMMISSIONER	<u>  X  </u>	<u>      </u>

**Exhibit "A"****8.16 Temporary Use and Structures**

12. **Agritourism:** Upon receipt of a complete application, the Zoning Administrator shall authorize a temporary use permit for an agritourism operation in the RA-5 zone for a maximum of sixty-five (65) days annually which complies with the following conditions and requirements:
- a. The agritourism operation is located on a lot or parcel or adjacent lots or parcels with a combined minimum total of 20 acres. The 20-acre area must be included in the Farmland Assessment Act as documented with a recorded Application for Assessment and Taxation of Agricultural Land, as updated in form by the Utah State Tax Commission.
  - b. Agritourism activities include:
    - (1) Guided tours of the farm;
    - (2) Petting zoo with farm animals, including pony rides;
    - (3) Pumpkin patch or pumpkin walk;
    - (4) Corn maze;
    - (5) Farm related educational games and activities;
    - (6) Farm day camps;
    - (7) Concessions
    - (8) Amusement rides
  - c. The maximum duration of one or more temporary use permit(s) issued for agritourism and seasonal or holiday event may not exceed a combined total of ninety (90) days annually.
  - d. The applicant has submitted a detailed site plan, drawn to a readable scale, that identifies all areas of the event including, but not limited to, the following:
    - (1) All existing and proposed structures, along with all proposed activity areas including estimated dimensions of all activity areas;

- (2) Designated off-road parking area(s) that meet all applicable requirements of Section 4.60 UCLUO and is/are designed to eliminate the need for an individual to cross a public road to access the site;
  - (3) Restroom locations;
  - (4) Boundary of the entire area to be utilized;
  - (5) Concession locations;
  - (6) Lighting locations with illumination direction;
  - (7) Location of all required fire apparatus;
  - (8) Location of all signs which comply with UCLUO 8.24.
  - (9) Location and dimensions of all onsite storage areas as provided for in this Section.
- e. No portion of the agritourism or its related activities, including storage areas, may be located closer than five hundred (500) feet from an existing dwelling unless:
- (1) the dwelling is located on the subject lots or parcels;
  - (2) the dwelling is in the same ownership as the property on which the agritourism is located; or
  - (3) the applicant can submit written approval from the property owner of the dwelling; or
  - (4) The existing dwelling(s) was constructed after an agritourism event that received an approved temporary use permit for agritourism within the previous two (2) years.
- f. Approval for access from a state or county road, if required.
- g. Approval from the following, if required: Utah County Fire Marshal; Utah County Health Department; Utah County Building Official; Utah County Sheriff.
- h. Hours of operation are limited to the following:
- (1) 8:00 a.m. to 10:00 p.m. Sunday through Thursday
  - (2) 8:00 a.m. to 11:00 p.m. Friday and Saturday
- i. Outdoor light fixtures used for the temporary event shall be shielded or positioned so as to not shine directly into neighboring properties.

- j. Outdoor temporary event lighting shall only be utilized during operational hours of an approved event. Essential security lighting may be used outside of the hours of operation.
- k. No sale of alcoholic beverages.
- l. Must comply with adopted Utah County Noise Ordinance.
- m. Permanent structures are permitted as follows:
  - (1) Permanent structures must meet all applicable building, health, fire, zoning and safety requirements for commercial use unless otherwise exempted by adopted building codes.
  - (2) The agritourism use of the permanent structure(s) must be accessory, incidental, and subordinate to the existing farm use.
  - (3) Structures used for agritourism may only be used for agritourism during a permitted and approved temporary event, otherwise it may only be used for a use permitted in the zone.
  - (4) Permanent structures shall not include "amusement rides" as defined in Utah State Code 72-16-102, as amended.
  - (5) A traffic count estimate shall be required for any agritourism event permit which results in an increased Average Daily Traffic (ADT) volume of 200 vehicles or more. Such estimate shall provide and meet the following requirements:
    - (A) Existing and anticipated traffic volumes and travel routes for all public roads which provide ingress and/or egress to and from the event to the nearest State Road.
    - (B) Traffic volumes anticipated during the scheduled event, including anticipated peak volumes with corresponding times of day.
    - (C) Estimated seasonal Average Daily Traffic (ADT) volumes exceeding 1,000 vehicles shall require the submittal of a traffic study prepared by an engineer licensed in the State of Utah.
    - (D) Observation or reports of traffic problems associated with the event upon operation shall be reviewed by the County Engineer who may determine a traffic study will be required prior to a subsequent Agritourism event permit being issued.

- (E) All traffic count estimates, travel routes, or studies shall be reviewed by the County Engineer.
  - (F) Any improvement or other mitigation measure required or recommended by a traffic study may be required by the County Engineer to be installed prior to opening of the event.
- (6) The maximum height of any permanent structure or other constructed feature shall be twenty (20) feet as determined by the currently adopted building construction codes of Utah County.
- (7) Signs shall meet all applicable requirements of Section 8.24 UCLUO.
- n. All structures associated with the temporary event, which are not permanent structures and required to receive a permit as allowed in this section, must be stored within a permitted enclosed structure or within onsite storage areas that do not exceed a combined area of 10% of total area for activity areas as shown on the approved site plan upon completion of the event.
  - (1) Storage structures and storage areas shall not be located between the frontage and the front of any existing dwelling on the subject property.
  - (2) Structures which require location on the ground with a height less than three (3) feet are not subject to the onsite storage area requirements specified in this Section.