

**ORDINANCE NO. 2024 - 288**

**AN ORDINANCE AMENDING SECTIONS 2.08, 12.08 AND 8.125 OF THE UTAH COUNTY LAND USE ORDINANCES RELATIVE TO RESIDENTIAL AGRICULTURE ZONE, HOOPHOUSES AND HIGH TUNNELS**

**WHEREAS**, an applicant has initiated a review of Sections 2.08, 12.08 and 8.125 of the Utah County Land Use Ordinance (UCLUO), to amend the definitions, residential agriculture zone, hoophouses and high tunnels; and

**WHEREAS**, the Planning Commission addressed the proposed amendment to the Utah County Land Use Ordinance (UCLUO), during a regularly scheduled meeting of the Planning Commission on March 19th, 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 conforms to the Utah County General Plan, is consistent with 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 2.08 of the Utah County Land Use Ordinance is hereby amended, including any appropriate re-numbering and re-formatting of applicable subsections, to add the following definition:

## 2.08 Definitions – Land Use

“**High Tunnel or Hoophouse**” A temporary structure typically made of, but not limited to, piping or other material covered with translucent material for the purpose of extending the growing season and the growing, storing and selling of food or ornamental crops.

### Part II:

Section 12.08-B and 8.124 of the Utah County Land Use Ordinance are hereby amended, including the appropriate re-numbering and re-formatting of any applicable subsections, to read as depicted for the applicable subsections:

### 12.08.B.35 RA-5 Residential Agriculture Zone Permitted Uses

35. The assembly and sale of High Tunnels or Hoophouses, subject to UCLUO 8.124

### 8.124 Assembly and Sale of High Tunnels and Hoophouses

- A. **Intent:** It is the intent of this section to provide standards for the approval of the assembly and sale of High Tunnels or Hoophouses in unincorporated Utah County without causing a deleterious effect upon the residential aspect of the zone.
- B. **Scope:** Upon receipt of a complete application the Zoning Administrator shall approve a business license or other applicable permit for the operation of a business for the assembly and sale of high tunnels or hoophouses in a zone in which such use is listed as a permitted use, provided that all of the following conditions are met.
- C. **Site Plan:** The applicant shall submit a site plan (layout map) of all structures on the property, drawn to a readable scale, showing all existing and proposed buildings, structures, parking spaces, delivery and pick-up areas, and roads. The site plan is to be consistent with the requirements and standards of all applicable sections of this land use ordinance.
- D. **General Standards:**
  1. Unless otherwise permitted in a zone as the manufacturing of goods, the assembly and sales of High Tunnels or Hoophouse must be a permitted use in the intended zone.
  2. A Utah County Business License is required for the assembly and/or sale of High Tunnels or Hoophouses, whether in kit form or fully assembled.
  3. The use is subject to Utah County Code Chapter 4 Business license/regulation, all applicable requirements of this land use ordinance, and all adopted building, fire, and health codes.
  4. The operator of the business shall reside on the property.
  5. The use is incidental and secondary to the residential use of the property.
  6. No onsite retail sales are permitted.
  7. The assembly and material storage must be completely conducted in enclosed and approved accessory structures which shall not exceed a maximum floor area of 5000 square feet total.
  8. An outside storage area shall not exceed 200 square feet.
  9. The subject use shall be on a lot or parcel with a minimum area of 5 acres.

10. No structure used for the assembly and material storage of high tunnels or hoopouses shall be constructed closer than two hundred (200) feet to an existing dwelling on an adjacent property.
11. No more than four (4) persons who do not live on the subject property shall be employed at the business.
12. Adequate off-street parking for all business vehicles, trailers and vehicles of any visiting clientele, and outside employees shall be provided.
13. The vehicles and trailers used for the business shall meet the following:
  - i. One (1) motorized vehicle not to exceed a one (1)-ton rated capacity, and one (1) trailer not to exceed 20 feet in length.
14. Deliveries and shipping products for the business shall be limited to no more than two per week and adequate off-street parking, unloading and turnaround for delivery vehicles must be conducted completely on the property and at no time will block street traffic or flow.
15. Storage of business materials or products shall not be permitted in any garage or carport on the property.
16. Hours of operation, assembly, deliveries, and pick-ups shall only be conducted between 8:00 am and 7:00 pm.
17. Signs are permitted subject to the provisions of UCLUO 4, UCLUO 6 and UCLUO 8. Permitted trailers with advertising on them may not be stored in the open.
18. The business use does not create any odors, smoke, dust, heat, fumes, light, glare, sounds, noises, vibrations, radio interference or television interference which are not commonly created by residential use.

### **Part III:**

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 IV:**

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 V:**

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 10th day of April 2024.

**UTAH COUNTY COMMISSION**

**VOTE**

  
BRANDON B. GORDON, CHAIR

Yea

  
AMELIA POWERS GARDNER, COMMISSIONER

Yea

  
THOMAS V. SAKIEVICH, COMMISSIONER

Yea

**ATTEST:**  
**AARON R. DAVIDSON**  
Utah County Clerk



By:   
Deputy Alice Black

**APPROVED AS TO FORM:**

Utah County Attorney

Approved

Disapproved

By:   
Deputy

Date of Publication: Once only, as soon as possible