



## LEGISLATIVE STAFF REPORT

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**MEETING DATE:** January 21, 2025

**ITEM TITLE, PRESENTER:** Consideration and Approval of the 2025 Land Use, Development and Management Ordinance, Zoning Maps and Use Tables, Kristen Bushnell, Planning Administrator

**RECOMMENDATION:** Make a motion approving the 2025 Land Use, Development and Management Ordinance, Zoning Maps and Use Tables.

Make a motion denying the 2025 Land Use, Development and Management Ordinance, Zoning Maps and Use Tables.

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### SUMMARY

Over the past year the Planning Commission has worked to update the long overdue 2011 Zoning Ordinance. Resources, community workshops and commission work sessions have been on-going and open to the public since April 2024. Documents have been reviewed by land use attorneys for compliance with Utah State Code and to mitigate potential risks in decision-making regarding land use. This document's intent is to be continuously re-evaluated each year to address the growing and changing needs of our communities. It serves as the guiding basis of rules and regulations our county staff references in administrative decisions and sets the procedures for applicants to address the commissioners as appropriate.

#### Administrative Comments:

- CLARIFICATION that the Development & Design Standards (Chapter 7) would be the responsibility of applicants from this point forward.
- CLARIFICATION that currently you may **not** live in an RV dwelling long term. The new ordinance would allow this housing option so long as sanitation and welfare of occupants are addressed with the restrictions of 1 unit per 0.5 acres minimum and 2 units per 1 acre minimum, with a maximum of 2 units per lot/parcel. These restrictions do not apply to "Seasonal RV Camps / Hunting Camps" in which parcels are occupied less than 180 days per calendar year.
- CORRECTION on Page 65 – Addition of International Fire & Building Code language to the Private Roads section to replace specific road standards as adopted by the Planning Commission.

### **Use Table Requests:**

- Request for “Agricultural Production: Hay Production” to be added as permitted in Recreational Support.
- Request for “Kennels” to be added as a conditional use in Agriculture.
- Request for “Barber & Beauty Shops / Cosmetic Services” be added as permitted in Agriculture.
- Request for “Fabrication of Metal Products” be added as permitted in Agriculture.
- Request for “Paint & Powder Coating Shops” be added to the Use Table and allowed in Agriculture as a permitted use and others as appropriate.
- Request for “Butcher” be added to the Use Table and allowed in Agriculture, Community Commercial, and MultiUse.

### **Zoning Map Requests:**

- Request for MultiUse Zone to be extended to East Allen Cul-De-Sac.
- Request for MultiUse Zone to be added to Industrial Area of Lisbon Valley Mine for the intent of short-term employee housing.
- Request for Upper Pack Creek Ranch to be zoned as Agricultural.
- DISCUSSION Pack Creek Ranch residents are split between wanting Residential or Recreational Support. Currently zoned as Residential.

### **Ordinance Requests:**

- Page 13 – Remove animal limits and redefine “KENNEL: as an establishment for the breeding or boarding of dogs and/or cats”.

### **Rescinded Requests:**

- Request for Green Haven Subdivision in La Sal to be zoned as Residential.

### **Denied Requests:**

- Request for all lots to have a 1 acre minimum.
- Request to add to the definition of "Nuisance" and include noise Inside residential zones, infrasound and low frequency vibration below 20hz from diesel construction equipment, generators, engines, stereos etc. that are run by transient workers/property owner builders living onsite and in rvs full time, 24/7/365 for the five-year permitted building time.

Approval of the above requests does not hinder the intent or complete nature of the purpose of the approval from the Planning Commission of January 9, 2025. These administrative changes, if approved, allow the County Commission to address issues that have been raised during the opposition period of this 2025 Land Use, Development and Management Ordinance.

## **HISTORY**

The 2011 Zoning Ordinance was adopted to replace an existing ordinance from the 1970's.

With substantial growth in the Spanish Valley area, the 2011 document needed immediate attention to address the significant changes that this area was experiencing. This was a distrusted time between County Commissioners, the Planning Commission, and the publishers of the documents. A draft document was put forward in early 2019. The Planning Commission hosted community workshops and work sessions to update the documents into a final submittal. The final documents were approved by the Planning Commission and moved forward to the County Commissioners later that fall. The County Commissioners rejected the final submittal and instead adopted the original “DRAFT” document which omitted the collected feedback and work session updates. This has caused many problems for the Spanish Valley Area.

With both the county-wide 2011 Zoning Ordinance being out of compliance with current state laws and the Spanish Valley 2019 Zoning Ordinance causing major lawsuits, the Planning Administrator launched efforts to update a county-wide land use plan in 2020. The document was worked on by the Planning Administrator and the County Attorney. Outside resources helped to create the zoning maps. As they neared the final stage, the ordinance was delayed with issues of public engagement, and development kept growing at an exponential rate to add more sections addressing those issues such as Telecommunication Towers and Short-Term Rentals. The county fell further behind on Utah State Code updates. Being overwhelmed, the plans fell through and the Planning Administrator resigned in early 2023.

The Planning Administrator position was vacant from March 2023 to December 2023 in which time duties fell to the Chief Administrator. Taking on these responsibilities in addition to the many other short-handed departments at the time, the updates to the ordinance were pushed aside to address more immediate matters.

The current Planning Administrator was hired in mid-December 2023. She was immediately tasked with taking on the ordinance updates to become compliant with Utah State Codes. The Planning Administrator gathered all applicable departments to represent their expertise and reviewed the documents left behind from her predecessor as these had a solid foundation and had already been reviewed by legal teams. Staff worked together to update the document to comply with the current Utah State laws that governed their departments. Staff also reviewed wide-spread issues and created productive solutions to avoid detrimental impacts to our county in the future. A planning consultant was hired in March to work through the documents and create updated maps. Draft documents were published in the community in April 2024.

The Planning Commission held five work sessions in addition to their regular meetings, of which several were also used to discuss the documents. Community workshops were held in Spanish Valley and Monticello in May. Staff and our consultants continued to work through the community feedback to make updates to the documents. Public Notices were sent to every property owner in the county of public hearings and potential adoption dates being set for July. At the last minute, the document was pulled, needing more time for review.

The Planning Administrator began working with legal teams in August to review the documents for compliance with Utah State Code and to navigate some of the issues that staff had identified in the county. Another community workshop was held in La Sal in September. The legal teams worked through each section of the document until the first part of December 2024. Public Notices were posted as of December 10<sup>th</sup> and one more work session was held by the Planning Commission to review final documents.

The Subdivision Ordinance (Chapter 6) was passed separately on December 30, 2024, through both the Planning Commission and the County Commission and is included in the final documents now.

Public Hearing was held at the January 9, 2025, Planning Commission meeting. Planning Commissioners discussed updates to the documents based on feedback, both in person and in writing, that had been received from the community. The Planning Commission voted and approved the adoption of the 2025 Land Use, Development and Management Ordinance; 6 in favor to 1 opposed.