

**TOOELE COUNTY
ORDINANCE 2021-42**

AN ORDINANCE AMENDING SECTION 4-4, EVERY DWELLING TO BE ON A LOT – EXCEPTIONS, AND SECTION 4-25, TEMPORARY RESIDENCES FOR EMERGENCY CONSTRUCTION OR REPAIR, OF CHAPTER 4, SUPPLEMENTARY AND QUALIFYING REGULATIONS, AND SECTION 11-2, STORAGE AND USE OF RECREATIONAL COACHES, OF CHAPTER 11, RECREATIONAL USES AND RECREATIONAL COACH PARKS, OF THE TOOELE COUNTY LAND USE ORDINANCE

WHEREAS, Leland Kent Fife requested amendments to Chapters 4 and 11 of the Tooele County Land Use Ordinance to allow property owners with a conditional use permit (CUP) to temporarily use a RV on a lot where they plan to build a home in the near future; and

WHEREAS, public notice of the requested land use amendment was provided as required by UCA Section 17-27a-205; and

WHEREAS, the Planning Commission conducted a public hearing and discussed the requested land use amendment; and

WHEREAS, the Planning Commission voted to recommend amendments to the Tooele County Land Use Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE BODY OF TOOELE COUNTY, UTAH AS FOLLOWS:

SECTION I – SECTION AMENDED. Section 4-4, *Every dwelling to be on a lot - Exceptions*, of Chapter 4, *Supplementary and Qualifying Regulations*, of the Tooele County Land Use Ordinance is hereby amended to read as attached hereto, which attachment is, by this reference, made a part hereof.

SECTION II – SECTION AMENDED. Section 4-25, *Temporary residences for emergency construction or repair*, of Chapter 4, *Supplementary and Qualifying Regulations*, of

the Tooele County Land Use Ordinance is hereby amended to read as attached hereto, which attachment is, by this reference, made a part hereof.

SECTION III – SECTION AMENDED. Section 11-2, *Storage and use of recreational coaches*, of Chapter 11, *Recreational Uses and Recreational Coach Parks*, of the Tooele County Land Use Ordinance is hereby amended to read as attached hereto, which attachment is, by this reference, made a part hereof.

SECTION IV – REPEALER. Ordinances in conflict herewith are hereby repealed to the extent of such conflict.


SECTION V – EFFECTIVE DATE. This ordinance shall become effective fifteen (15) days after its passage, provided it has been published, or at such publication date if more than fifteen (15) days after passage.

IN WITNESS WHEREOF the Tooele County Council, which is the legislative body of Tooele County, passed, approved and enacted this ordinance this 5th day of October, 2021.

ATTEST:


TRACY D. SHAW, County Clerk


TOOELE COUNTY COUNCIL:


TOM TRIPP, Chair



Council Member Hamner voted aye
Council Member Hoffmann voted aye
Council Member Thomas voted aye
Council Member Tripp voted aye
Council Member Wardle voted absent

APPROVED AS TO FORM:


COLIN R. WINCHESTER
Deputy Tooele County Attorney

TOOELE COUNTY LAND USE ORDINANCE

CHAPTER 4 SUPPLEMENTARY AND QUALIFYING REGULATIONS

4 – 4. Every dwelling to be on a lot - Exceptions.

- (1) Except as otherwise stated herein, every dwelling shall be placed and maintained on a separate lot.
- (2) Group and cluster dwellings, condominiums and other multi-structure dwelling complexes with single ownership and management may occupy one lot for each such multi-structure complex.
- (3) A conditional use permit may be issued for an existing home, a manufactured home, a mobile home or a recreational vehicle brought on to a vacant lot, that may be used as a principal dwelling while a new dwelling is being constructed. The permit may be issued by the zoning administrator with the following conditions:
 - (a) the structure used as a temporary dwelling shall be removed from the site 60 days after a demolition permit for the temporary building is issued; or if a recreational vehicle is used, it shall cease to be occupied as a temporary dwelling as soon as the permanent structure's certificate of occupancy is issued but may continue to be stored on the site as a recreational vehicle with utility connections disconnected;
 - (b) a demolition permit shall be applied for at the time a certificate of occupancy is issued; the certificate of occupancy shall not be issued until the demolition permit is applied for. If a recreational vehicle is used as the temporary dwelling, then the demolition permit is unnecessary;
 - (c) the temporary dwelling shall not be used as a dwelling for a period of more than 24 months; however, the zoning administrator may issue up to two 6-month extensions, provided sufficient progress has been made to the new dwelling within the initial 24 months;
 - (d) bids shall be obtained by the zoning administrator for the removal and disposal of the dwelling or the manufactured home used as a temporary dwelling prior to the issuance of the certificate of occupancy;
 - (e) the Tooele County Health Department shall be consulted on existing structures to determine if any environmentally hazardous materials exist in the structure to be removed;
 - (f) the applicant shall give permission to the County to enter the property at reasonable times with those contractors establishing a bid to determine the extent of work involved to remove and dispose of the temporary structure;
 - (g) all structures shall meet the setback requirements for the zoning district in which the property is located;
 - (h) the applicant shall file a hold harmless agreement with the County for any enforcement action it deems appropriate to ensure compliance with the permit as issued;
 - (i) a bond shall be filed with the County for the cost of the highest bid plus 20% in the form of cash, irrevocable letter of credit or an escrow that can be drawn by Tooele County should the zoning administrator deem that the permittee has failed to comply with the conditions of the permit which shall be cause for the County to remove the structure used as a temporary dwelling;
 - (j) if the bond is forfeited the funds of the bond exceeding the cost of removal shall remain with the County, and any costs over that of the bond amount shall be paid by the permittee to the County within 20 days from the receipt of an invoice;

(k) the County may pursue restitution in civil court and placement of a tax lien on the property for any amounts that are owed to the County and remain unpaid;

(l) If a recreational vehicle is used, proper power, water and septic connections may be required and inspected by a building inspector, health department and fire agency. If connections and inspections are not required, the applicant may need to provide proper plans on how power, water and septic will be properly maintained. If an extension is requested, further inspections by a building inspector, health department and fire agency may be required;

(m) A conditional use permit for a temporary dwelling shall not be issued or approved prior to submitting a building permit for the main dwelling; and

(n) If the temporary dwelling is an existing structure and it meets the requirements of Tooele County's Land Use Table 15-5-3.3, a conditional use permit may be issued to allow the temporary dwelling to become an accessory housing unit. This determination shall be made and requested by the property owner prior to the certificate of occupancy being issued for the new structure. If it is determined the temporary dwelling does not meet the regulations of Table 15-5-3.3 or that it is the intent of the property owner to remove the temporary housing, then the zoning administrator shall require the structure to comply with demolition listed above. Under no circumstances shall a mobile home/manufactured home or recreational vehicle be allowed to become an accessory housing unit.

4 – 25. Temporary residences for emergency construction or repair.

If for reason of emergency construction or major repair there is need for a temporary residence on construction sites, a temporary use permit shall be considered to allow temporary placement of mobile homes, manufactured homes or the use of recreational vehicles to provide temporary housing. Any such use must be approved by the director of the Department of Engineering with the following terms and conditions:

(1) The temporary use approval of the structure, recreational vehicle, mobile home, or manufactured housing is temporary and is not to exceed six months, with the exception that the owner can apply for a six month extension, provided that substantial progress of the emergency, construction or repair is demonstrated. There shall be no more than three extensions granted for any temporary use permit or any lot, parcel or property;

(2) The temporary structure, mobile home, manufactured housing, or recreational vehicle shall be constructed or placed in accordance with the Building Code and the Tooele County Land Use Ordinance and shall be required to have a permit from the Tooele County Health Department in regard to sanitation facilities and a building permit issued before commencement of construction or placement of the temporary structure.

(3) The temporary structure, mobile home, manufactured home, or recreational vehicle shall be removed:

- (a) immediately following completion of the project, construction or repairs, or
- (b) immediately upon the expiration of the term of the temporary use permit.

(4) The Department of Engineering and its employees may review the temporary use permit or the structures on the property to ensure compliance and substantial progress.

(5) Mobile and manufactured homes will be placed in accordance with Chapter 10 of the Tooele County Land Use Ordinance with the following exceptions:

- (a) They shall leave the running gear intact.
 - (b) The skirting shall be of a temporary construction, not of masonry material.
- (6) The temporary structure, mobile home, manufactured housing or recreational vehicle shall not be issued a building permit, placed, stored, located, or constructed on the property until a temporary use permit has been issued.
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CHAPTER 11 RECREATIONAL USES AND RECREATIONAL COACH PARKS

11 – 2. Storage and use of recreational coaches.

(1) No recreational coach, boat, tent, lean to, or camper shall be located, placed, used, or occupied for residential purposes in any zoning district unless a conditional use permit has been applied for and approved for temporary RV use as per Tooele County Land Use Ordinance chapter 4-4. Their use shall be kept to a temporary recreational occupancy within recreational coach parks, campgrounds and as otherwise provided in this chapter.

(2) Recreational coaches, boats, and campers may be stored in an off-premise outside self service storage which allows recreational vehicles, but shall not be kept in a state of disrepair, damaged or inoperable.

(3) Recreational coaches, boats, and campers may be commercially displayed and sold in commercial and manufacturing districts when such use is permitted or conditionally permitted.

(4) No recreational coach, boat, tent, lean to, or camper shall be occupied except where a residential structure permit is issued for temporary placement as allowed in Chapter 4-25, Tooele County Land Use Ordinance.

TOOELE COUNTY LAND USE ORDINANCE

CHAPTER 4 SUPPLEMENTARY AND QUALIFYING REGULATIONS

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(1) Except as otherwise stated herein, every dwelling shall be placed and maintained on a separate lot.
(2) Group and cluster dwellings, condominiums and other multi-structure dwelling complexes with single ownership and management may occupy one lot for each such multi-structure complex.

(3) A conditional use permit may be issued for an existing home, ~~or~~ a manufactured home, a mobile home or a recreational vehicle brought on to a vacant lot, that may be used as a principal dwelling while a new dwelling is being constructed. The permit may be issued by the zoning administrator with the following conditions:

(a) the structure used as a temporary dwelling shall be removed from the site ~~30~~ 60 days after a demolition permit for the temporary building is issued; or if a recreational vehicle is used, it shall cease to be occupied as a temporary dwelling as soon as the permanent structure's certificate of occupancy is issued but may continue to be stored on the site as a recreational vehicle with utility connections disconnected;

(b) a demolition permit shall be applied for at the time ~~that a temporary~~ a certificate of occupancy is issued; the certificate of occupancy shall not be issued until the demolition permit is applied for. If a recreational vehicle is used as the temporary dwelling, then the demolition permit is unnecessary;

(c) the temporary dwelling shall not be used as a dwelling for a period of more than ~~three years~~ 24 months; however, the zoning administrator may issue up to two 6-month extensions, provided sufficient progress has been made to the new dwelling within the initial 24 months;

(d) bids shall be obtained by the zoning administrator for the removal and disposal of the dwelling or the manufactured home used as a temporary dwelling prior to the issuance of the ~~permit~~ certificate of occupancy;

(e) the Tooele County Health Department shall be consulted on existing structures to determine if any environmentally hazardous materials exist in the structure to be removed;

(f) the applicant shall give permission to the County to enter the property at reasonable times with those contractors establishing a bid to determine the extent of work involved to remove and dispose of the temporary structure;

(g) all structures shall meet the setback requirements for the zoning district in which the property is located;

(h) the applicant shall file a hold harmless agreement with the County for any enforcement action it deems appropriate to ~~insure-ensure~~ compliance with the permit as issued;

(i) a bond shall be filed with the County for the cost of the highest bid plus 20% in the form of cash, irrevocable letter of credit or an escrow that can be drawn by Tooele County should the zoning administrator deem that the permittee has failed to comply with the conditions of the permit which shall be cause for the County to remove the structure used as a temporary dwelling;

(j) if the bond is forfeited the funds of the bond exceeding the cost of removal shall remain with the County, and any costs over that of the bond amount shall be paid by the permittee to the County within 20 days from the receipt of an invoice; ~~and~~

(k) the County may pursue restitution in civil court and placement of a tax lien on the property for any amounts that are owed to the County and remain unpaid;

(l) If a recreational vehicle is used, proper power, water and septic connections may be required and inspected by a building inspector, health department and fire agency. If connections and inspections are not required, the applicant may need to provide proper plans on how power, water and septic will be properly maintained. If an extension is requested, further inspections by a building inspector, health department and fire agency may be required;

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4 – 25. Temporary residences for emergency construction or repair.

If for reason of emergency construction or major repair there is need for a temporary residence on construction sites ~~of non-residential premises in the remote areas of the county where travel would exceed one hour at posted speed limits to a residence or a trailer park~~, a temporary use permit shall be considered to allow temporary placement of mobile homes, manufactured homes or the use of recreational vehicles to provide temporary housing. Any such use must be approved by the director of the Department of Engineering with the following terms and conditions:

(1) The temporary use approval of the structure, recreational vehicle, mobile home, or manufactured housing is temporary and is not to exceed six months, with the exception that the owner can apply for a six month extension, provided that substantial progress of the emergency, construction or repair is demonstrated. There shall be no more than three extensions granted for any temporary use permit or any lot, parcel or property;

(2) The temporary structure, mobile home, manufactured housing, or recreational vehicle shall be constructed or placed in accordance with the Building Code and the Tooele County Land Use Ordinance and shall be required to have a permit from the Tooele County Health Department in regard to sanitation facilities and a building permit issued before commencement of construction or placement of the temporary structure.

(3) The temporary structure, mobile home, manufactured home, or recreational vehicle shall be removed:

- (a) immediately following completion of the project, construction or repairs, or
- (b) immediately upon the expiration of the term of the temporary use permit.

(4) The Department of Engineering and its employees may review the temporary use permit or the structures on the property to ~~insure-ensure~~ compliance and substantial progress.

- (5) Mobile and manufactured homes will be placed in accordance with Chapter 10 of the Tooele County Land Use Ordinance with the following exceptions:
- (a) They shall leave the running gear intact.
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(2) Recreational coaches, boats, and campers may be stored in an off-premise outside self service storage which allows recreational vehicles, but shall not be kept in a state of disrepair, damaged or inoperable.

(3) Recreational coaches, boats, and campers may be commercially displayed and sold in commercial and manufacturing districts when such use is permitted or conditionally permitted.

(4) No recreational coach, boat, tent, lean to, or camper shall be occupied except where a residential structure permit is issued for temporary placement as allowed in Chapter 4-~~2625~~, Tooele County Land Use Ordinance.