

GARFIELD COUNTY, UTAH

ORDINANCE 2020-2

AN ORDINANCE AMENDING CHAPTER 8 OF THE GARFIELD COUNTY, UTAH ZONING ORDINANCE.

WHEREAS, The Board of County Commissioners of Garfield County, Utah deem it necessary to amend Chapter 8 of the Garfield County Zoning Ordinance in the interest of the health, safety and welfare of the citizens of Garfield County, Utah. Any previously enacted ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed, but only to the extent that they are inconsistent with this ordinance. The repealer shall not, however, be construed to revive any ordinance heretofore repealed.

Be it ordained by the Board of Commissioners of Garfield County, Utah as follows:

Chapter 8. CONDITIONAL USES

8-1 Purpose.

To provide for the regulation of uses and their compatible integration in the Zoning Districts of Garfield County, Utah.

8-2 Conditional Use Permit.

An approved Conditional Use Permit shall be required for each Conditional Use listed in this Ordinance. No building permit, other permit or license shall be issued for a Conditional Use by any officer or employee unless a Conditional Use Permit has been recommended by the Garfield County Planning Commission and approved by the Garfield County Commission.

1. **Application:** Application for a Conditional Use Permit shall be available at the office of the Garfield County Planner or on the County's Website. A development plan may be required with the application if applicable.
2. **Fees:** The application fee for a Conditional Use Permit shall be accompanied by the appropriate fee identified in the Planning and Zoning Fee Resolution. (**Appendix B**)
3. **Hearing:** A public hearing need not be held; however, hearings may be held when the Planning Commission or County Commission deem it necessary or desirable to serve the public interest. Impacted property owners shall be advised through appropriate advertising or direct contact.

4. **Planning Commission Action:** The Planning Commission shall recommend approval, approval with modifications or deny the Conditional Use application. In recommending any Conditional Use Permit, the Planning Commission shall set conditions based on the standards listed in Section 11 of this Chapter. Conditional Use applications recommended by the Planning Commission shall be heard by the Garfield County Commission for approval, rejection or modification within sixty (60) days of recommendation.
5. **County Commission Action:** The County Commission shall approve, approve with modifications or deny recommended Conditional Use applications within forty-five (45) days of public review. In approving a Conditional Use Permit, the County Commission shall determine if the proposed use:
 - a. Has reasonable conditions proposed, or imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the applicable standards listed in Section 11 of this Chapter.
 - b. Will not be detrimental to the health, safety or general welfare of persons residing or working in the area, or injurious to the property or improvements in the area.
 - c. Is in harmony with the intent of the County's General Plan, Zoning Ordinance and the Zoning District in which it is located.
6. **Appeals:** Appeal of Planning Commission decisions shall be to the Board of County Commissioners. Appeal of County Commission decisions shall be to the Board of Adjustment. Appeals shall be in writing and shall be filed at the appropriate office not more than thirty (30) days after the decision by the governing body. The appeal authority may affirm, modify or reverse the decision of the governing body. Appeal review by the Board of County Commissioners or Board of Adjustment shall be recorded in an open public meeting. Appeal authority decisions will be final.
7. **Inspection:** The Building Official shall inspect applicable Conditional Uses during the course of review or construction to ensure compliance with the conditions of the permit.
8. **Time Limit:** Approved Conditional Use Permits shall be valid until a) the Conditional Use is no longer in the public interest, b) stipulations have been violated, or c) substantial work has not been accomplished toward its completion.
9. **Temporary Construction Camp:** A Conditional Use Permit for a temporary construction camp may be issued for a time limit not exceeding the period of construction, plus six (6) months. In addition to the development plan submitted in accordance with 8-2-1 of this Ordinance, the applicant shall also submit plans for the water supply and sewage systems and shall obtain the approval of the State or local Health Department and Building Official.

10. Revocation:

- a. A Conditional Use Permit may be revoked upon failure to comply with the conditions imposed with the original approval of the permit or failure to comply with related Ordinance requirements.
- b. Conditional Use Permits shall be suspended upon failure to renew any associated business licenses. Upon suspension, the Garfield County Planning Commission shall determine if the Conditional Use Permit is to be renewed or revoked.
- c. The Planning Commission may initiate revocation proceedings when evidence indicates the Conditional Use Permit is no longer in the public interest, or when directed by the Garfield County Commission. Conditional Use Permit holders and impacted land owners shall be granted the opportunity of a public hearing prior to any revocation.

11. **Standards:** Garfield County elects to allow certain Conditional Uses in various Zoning Districts. Below are the standards (bolded) and non-exhaustive examples of conditions.

a. **The Safety of People and/or Property.**

- i. Traffic control.
- ii. Parking regulations.
- iii. Requiring fencing or other types of protection.
- iv. Requiring Additional setbacks or land area.

b. **Health and Sanitation.**

- i. Control of outdoor storage.
- ii. Requiring sewer connections.
- iii. Proper disposal of waste.

c. **Environmental Concerns.**

- i. Controlling dust, smoke and other types of air pollution.
- ii. Mitigating run-off issues.
- iii. Protection of water, aquifers, etc.
- iv. Controlling the disposal of hazardous materials.

d. **Lighting.**

- i. Light trespassing.
- ii. Light pollution.
- iii. Special events.

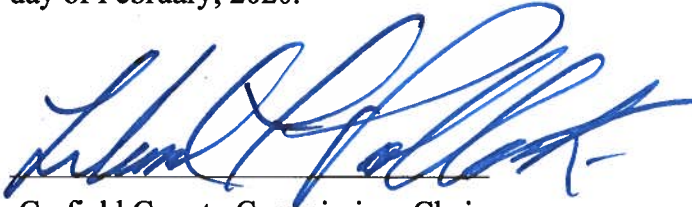
e. **Hours of Operation.**

- i. Noise.
- ii. Special events.

f. **The General Plan and/or Zoning Ordinance.**

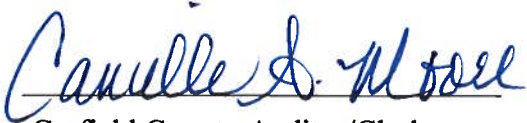
- i. Protecting the quality of the underlying zone.
 - 1. Esthetics/landscaping.
 - 2. General use and design.

Passed and adopted by the Board of County Commissioners of Garfield County, Utah, this 10th day of February, 2020.



Garfield County Commission, Chair
Leland F. Pollock

ATTEST:



Garfield County Auditor/Clerk
Camille A. Moore

County Seal:

