

IRON COUNTY ORDINANCE NO. 2011-6

AN ORDINANCE OF IRON COUNTY, UTAH, AMENDING THE COUNTY CODE CHAPTER 17, BY ADDING DEFINITIONS IN SECTIONS 17.84.010 AND 17.20.010; ADOPTING A NEW SECTION 17.36.260 KNOWN AS “PERMANENT FARM WORKER DWELLING REQUIREMENTS”; AND AMENDING THE TABLE OF USES SECTION 17.16.030.

WHEREAS, Iron County has determined to promote and preserve agricultural land and resources while providing for the changing needs of agricultural economies and recognizes the importance of its numerous contributions to the County;

WHEREAS, Iron County has identified the need to provide for permanent workforce housing associated with intense agricultural uses in close proximity to said agricultural activity;

WHEREAS, Iron County has drafted an ordinance to accommodate the stated need and to establish minimum standards of safety for farm worker housing development to occur.

WHEREAS, Iron County desires to minimize the potential of agricultural conflicts with residential uses and identified concerns adversely affecting public health, safety, and property;

WHEREAS, after receiving and discussing the draft ordinance at their May 5, 2011 meeting the Iron County Planning Commission held two properly advertised public hearing on the draft ordinance at their May 5, 2011 and July 7, 2011 meetings, and further accepted comments at their June 2, 2011, September 1, 2011 and October 6, 2011 meetings. Changes to the draft were made at each meeting to improve the document and address concerns, after which the Planning Commission voted unanimously to pass the ordinance on to the County Commission for approval;

WHEREAS, a public hearing was held at the October 24, 2011 County Commission meeting on the version of the ordinance recommended by the Planning Commission;

WHEREAS, Iron County finds that the criteria of Section 17.12.060 Iron County Code, pertaining to zoning amendments, have been properly considered, as presented for this proposal;

WHEREAS, after considering public comments, staff recommendations, and the document itself, the Iron County Commission concludes that the proposed amendments to the zoning ordinance are appropriate to protect the health, safety, and general welfare of the public, and are necessary for the reasons stated above.

NOW THEREFORE, THE COUNTY LEGISLATIVE BODY OF IRON COUNTY, UTAH ORDAINS AS FOLLOWS:

SECTION 1. ADOPTION.

The attached Exhibit A entitled “FARM WORKER HOUSING” is hereby adopted - amending the County Zoning Ordinance Title 17, by adding definitions in Sections 17.84.010 and 17.20.010; adopting a new Section 17.36.260 known as “PERMANENT FARM WORKER DWELLING REQUIREMENTS”; and amending the Table of Uses Section 17.16.030.

SECTION 2. SEVERABILITY.

Should any portion of this ordinance be found for any reason to be unconstitutional, unlawful, or otherwise void or unenforceable, the balance of the ordinance shall be severable therefrom, and shall survive such declaration, remaining in full force and effect.

SECTION 3. REPEAL OF CONFLICTING ORDINANCES.

To the extent that any ordinances, resolutions or policies of Iron County conflict with the provisions of this ordinance, they are hereby amended to comply with the provisions hereof.

EFFECTIVE DATE:

This ordinance shall become effective immediately after the required publication thereof, as set forth in Utah Code § 17-53-208.

**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF
IRON COUNTY, UTAH this 24th day of October, 2011.**

BOARD OF COUNTY COMMISSIONERS
IRON COUNTY, UTAH

By: _____
Alma L. Adams, Chair

ATTEST:

David I. Yardley,
County Clerk

VOTING:

Alma A Adams _____
Dale Brinkerhoff _____
Dan Webster _____

Exhibit “A”

Farm Worker Housing

I. DEFINITION AMENDMENTS:

Add to Iron County Code 17.84.010:

“Permanent Farm Worker”

A permanent farm worker is a farm worker whose primary source of income comes from farm work and who is compensated for that farm work by a constant year-round salary or wage. This definition does not include seasonal farm workers or migrant farm workers.

Add to Iron County Code 17.20.010:

“Permanent Farm Worker Dwelling Unit, On-Farm”

A dwelling occupied by a permanent farm worker household—defined as a household that consists of a permanent farm worker (see definition) and his/her family, or not more than four unrelated permanent farm workers living together as a single household; which dwelling is located on, and owned by, the farm operation that employs the permanent farm worker(s). On-farm permanent farm worker dwelling units shall be considered an accessory use to the principal use of farming, in that they shall not be considered single-family, two-family, three-family, four-family, or multi-family dwellings for purposes of zoning definition and classification. On-farm permanent farm worker dwelling units are subject to the requirements of Iron County Code 17.36.260.

II. ADD NEW SECTION:

17.36.260 Permanent Farm worker Dwelling Requirements

In addition to meeting the definition thereof, on-farm permanent farm worker dwelling units are subject to the following requirements:

- (1) The number of permanent farm worker dwelling units may not exceed the amount that corresponds to the year-round, long-term employment needs of the farming operation. However, in no case shall more than eight (8) attached permanent farm worker dwelling units be approved for any one farm operation.
- (2) The dwelling units may be constructed in attached or detached configurations; provided they must be in a relatively closely-spaced cluster(s), with no more than four dwelling units in any building.
- (3) The farm worker dwelling unit(s) shall be located on a single parcel, which parcel shall also contain a significant (preferably majority) portion of the farm operation that employs the permanent farm worker(s).
- (4) Mobile homes, travel trailers, RVs, tents, yurts, and other temporary structures shall not be utilized for permanent farm worker dwelling units. All permitted farm worker housing structures shall conform with the building requirements of a 'Dwelling, Single Family', 'Dwelling, Multiple Family', or 'Manufactured Home', as defined and regulated by the Iron County Zoning Ordinance.
- (5) Primary zoning setback requirements from property lines are applicable to the unit(s), while setbacks between units shall only be subject to building and fire code requirements.
- (6) Vehicle access to the dwelling units shall be constructed to applicable county standards and be taken directly from a County or State maintained roadway, or a similarly improved and maintained roadway. If the roadway is classified as a collector or arterial, all farm worker dwelling units shall share a single road approach, as approved by the County Engineer. It is preferred that all farm worker dwelling units utilize a shared single road approach to the public roadway regardless of roadway classifications, whenever possible.
- (7) The dwellings shall not be divided or sold separately from the parcel containing the farm use for which they were authorized.
- (8) Each farm worker dwelling unit shall be occupied by only one family, as defined in Iron County Ordinance.

III. LAND USE TABLE AMENDMENTS:

Table 17.16.030 of Iron County Code, shall be amended, as follows:

Add Category “**Permanent Farm Worker Dwelling Units, On-Farm**”. List it as a “Conditional Use” in the Intensive Agriculture (IA) zone, and “Not Permitted” in all other zones.

TABLE OF USES									
USES	ZONE DISTRICTS								
	A-20	R-5	R-2	R-1	R-½	C	LI	I	IA
Permanent Farm Worker Dwelling Units, On Farm	X	X	X	X	X	X	X	X	C