



Planning and Zoning

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TCLUO 2021-064

Temporary dwelling and RV usage Summary and Recommendation

Public Body: Tooele County Planning Commission

Meeting Date: September 15, 2021

Request: Recommendation of approval for ordinance updates for Temporary dwelling and RV usage.

Planners: Trish DuClos

Planning Commission Recommendation: Not yet received.

Planning Staff Recommendation: Approval

Applicant Name: Leland Kent Fife

PROJECT DESCRIPTION

Leland Kent Fife is requesting an ordinance update to Chapters 4 and 11 of the Tooele County Land Use Ordinance regarding temporary dwellings and recreational vehicle use. The change in Chapter 4 would allow temporary use with a conditional use permit (CUP) of a RV on a lot where they plan to build a home in the near future. It also makes changes to Chapter 11 'Storage and use of recreational coaches' to allow this use.

COMMUNITY RESPONSE

Planning staff has received multiple requests on this matter within a year's time and received a couple of CUP applications for using a mobile home or RV for a temporary dwelling while the home is being built.

Code Enforcement has also received many complaints on people living in RVs.

PLANNING COMMISSION RESPONSE

Tabled on 06/02/2021 for more information and further changes. Tabled again on 06/16/2021 for further changes.

PLANNING STAFF ANALYSIS

Planning staff has reviewed the proposed changes and found it would be a beneficial change to Chapters 4 and 11. Chapter 4 currently states that only an existing home or a manufactured home can be used for a temporary dwelling while a new dwelling is being constructed for no more than 3 years. It states that the temporary dwelling must be removed or demolished 30 days after a demolition permit is issued and shall be applied for at the time the certificate of occupancy is issued. (Currently our CUP for an accessory housing unit does not allow manufactured homes.)

Planning staff recognizes the hardship of getting and placing a manufactured home on the property only to demolish it shortly after. With the proposed updates it allows a more temporary dwelling that can easily be removed or stored after. The proposed update also requires the mobile home or RV to be properly insulated and have proper power, water and septic connections and requires them to be inspected. Once the home is built it requires these connections to be disconnected. (Proposed applicant changes written in red on draft page.)

Planning staff noticed that the current time frame of the temporary dwelling of 3 years was excessive and recommends the length of time be changed to 18 months with one possible 6-month extension, approved by the zoning administrator provided sufficient progress has been made to build a home within those 18 months. (Written in blue on the draft page.)

In Chapter 11 it currently states that no recreational coach, boat, tent, lean to, or camper shall be located, place, used or occupied for residential purposes in any zoning district. The recommended change adds to that section to allow the temporary use of RV with an approved CUP. (Planning staff made a few changes in that sentence to be more cohesive with the wording in Chapter 4.)

Planning staff also recognized a chapter reference mistake in Chapter 11-2 and ask that be changed to match what the reference is made to. It states we have a section 26 of chapter 4, but there is no such section and reference is supposed to be section 25 of chapter 4.

Planning staff has taken planning commission's request to update Chapter 4-25 and adjusted the time frame for the CUP along with other restrictions.

PLANNING STAFF RECOMMENDATION

Planning Staff encourages the Planning Commission to review the proposed ordinance updates regarding temporary dwellings and RV usage prior to considering a motion on the proposed updates.

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, ~~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 should cease to be occupied as a temporary dwelling as soon as the permanent structure's certificate of occupancy is issued and may continue to be stored ~~may be occupied but remain~~ 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 ~~TOOELE COUNTY LAND USE ORDINANCE – CHAPTER 4 Page 3~~ is issued; ~~The certificate of occupancy shall not be issued until the demolition permit is applied for. If~~ unless 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~~ 18 24 months with ~~one possible 6 month extensions, up to 3 years,~~ approved by the zoning administrator provided sufficient progress has been made to build a home within those ~~18~~ 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;
 - (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; 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, ~~the applicant is responsible to properly insulate the vehicle so attached water lines do not freeze in the winter. In addition,~~ proper power, water and septic connections ~~will~~ may be required and inspected by a building inspector ~~and/or,~~ health department ~~and fire agency.~~ If connections and inspections are not required applicant may need to provide proper plans on how power, water and septic will be properly maintained;
 - (i) 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.
 - (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 could 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.

- (i) Under no circumstances shall a mobile home/manufactured home or recreational vehicle be allowed to become an accessory housing unit.

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 proper temporary housing conditional use permits have been applied for and received approved for temporary RV use as per section Tooele County Land Use 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- 2625, Tooele County Land Use Ordinance. (Ord.2005-30, 11/22/05)

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 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. (Ord 2005-22, 9/13/05)