

## **12.08 RA-5 Residential Agricultural Zone**

- A. **Declaration of Legislative Intent:** The RA-5 Residential Agricultural Zone covers that portion of Utah County which historically has been irrigated land and utilized for the growing of crops and the raising of livestock. It includes that area of the county where the combination of soil quality, size of land parcel, availability and supply of water, and other natural and man-caused factors make the land most appropriately suited for agricultural use. Although the main thrust of the RA-5 zone is to protect the farming industry, certain non-farm uses and residences on lots large enough to preclude conflict with the surrounding farms are allowed in the zone.

It is hereby declared that the specific purposes and intent of the County Commission in establishing the RA-5 Residential Agricultural Zone are:

1. To take advantage of the powers and more fully implement the basic purposes for planning and zoning set forth in Utah Code, as amended.
  2. To preserve agricultural land.
  3. To foster and protect agriculture from incompatible land uses.
  4. To coordinate rural development in a way that is economical for the continuation of agriculture.
  5. To encourage the cultivation of crops and the raising and keeping of livestock and related uses.
  6. To promote the conservation of water, land, and other resources.
  7. To maintain open space and agricultural areas near urban centers for the preservation of the environment.
  8. To avoid public service costs which result from the remoteness of urban uses.
- The specific regulations necessary for the accomplishment of the purposes outlined above are hereinafter set forth.

- B. **Permitted Uses:** The following shall be permitted in the RA-5 zone upon compliance with the standards and requirements as set forth in this ordinance:

1. The care and keeping of domestic livestock and fowl; and barns, stables, corrals, feed yards, pens, coops, other structures for the keeping of such livestock or fowl, and ancillary agricultural wastewater treatment lagoons, and systems, and related facilities when associated with an approved fowl or domestic livestock operation and when such agricultural wastewater treatment is approved by the State Department of Environmental Quality, Division of Water Quality, or approved by other federal or state regulatory agencies with specific jurisdiction for agriculture wastewater.
2. The raising of mink, and similar fur bearing animals, and the pens and sheds used in the raising of such animals.
3. The production of fruit and crops in the field, packing plants for fruit and vegetables, and office, restroom and shower facilities for such production of fruit and crops and packing plants.
4. Agricultural structures for the storage and keeping of farm products and farm machinery.
5. Buildings and facilities for the fabrication and portion control (killing, skinning, and meat cutting) of domestic livestock and poultry raised on the premise.

6. Dairy farms, milking barns including an office, or an independent office structure on the same site as the dairy, for the exclusive use of the dairy operation, also restrooms, showers, and buildings and facilities for the processing and packaging of milk produced on the premise.
7. Apiaries and establishments for extracting and processing honey.
8. Private dog kennels as an accessory use to the dwelling in which the owner of the kennel resides.
9. Fish hatcheries for the raising of game fish or fish for human consumption.
10. Plant and tree nurseries, greenhouses, and associated structures for the sale of plant stock grown on the premises.
11. Incidental produce stands, and Farmers' Markets, subject to the provisions of UCLUO 8.28.
12. The boarding of horses within a structure or in the open field.
13. One-family dwellings and manufactured homes.
14. Residential accessory structures, when located on the same parcel as the dwelling to which such structures are appurtenant.
15. Home child care and/or private preschools.
16. Home occupations, subject to the provisions of UCLUO 8.20.
17. Churches and other structures for religious worship, and churches with a parsonage.
18. Public parks and public park facilities, public information structures and rest areas, and public historical monuments.
19. Landscape parks.
20. Man-made lakes, ponds, dams and other uncovered water impoundments if such are under ten (10) acre feet in capacity; and covered water tanks and reservoirs which do not extend over two (2) feet above natural grade.
21. Marinas, subject to the provisions of UCLUO 8.32.
22. Fences, walls, and landscaping, subject to the provisions of UCLUO 4.76.
23. Signs, subject to the provisions of UCLUO 8.24.
24. A Cellular telephone, radio, television, or other microwave transmission facility which has a license from the Federal Communication Commission or its successor agency.
25. Oil, gas, and water wells, and appurtenant pipelines, pumps and pump houses.
26. Private roping and riding arenas that do not have lights.
27. Windmills.
28. Buildings and appurtenant grounds and facilities, when such are owned and occupied by a governmental agency and used for one or more of the following:
  - a. Fire and police stations, plus buildings housing ambulance and similar emergency service vehicles and equipment.
  - b. Buildings and yards for the storage and upkeep of vehicles and equipment required for the maintenance and operation of roads, utility systems and other functions of a governmental entity.

- c. Office buildings housing the administrative and governmental activities of the agency; group assembly rooms; and post offices.
- 29. Buildings and facilities for the repair of agricultural equipment and agricultural vehicles as an accessory use to the dwelling in which the owner of the repair business resides, subject to the provisions of UCLUO 8.104.
- 30. Equine reproduction and/or rehabilitation facility and accessory structures and uses including animal shelters and enclosures, office, pools, laboratory, and arena.
- 31. Camping on private property by property owners and their permitted guests.
- 32. A hunting preserve or shotgun shooting range and accessory structures and uses, subject to the provisions of UCLUO 8.112.
- 33. Accessory dwelling unit located on the same lot or parcel as the dwelling to which it is accessory to, subject to the provisions of UCLUO 8.116.
- 34. Temporary uses and structures subject to the provisions of UCLUO 8.16.

**C. Permitted Conditional Uses:** In the RA-5 zone the following shall not be permitted by the Zoning Administrator unless approval of a conditional use has been authorized in accordance with this land use ordinance by the designated reviewing agency:

- 1. A man-made lake, pond, dam or other uncovered water reservoir over ten (10) acre feet in capacity, or a covered water tank or reservoir which extends over two (2) feet above natural grade, when such is found to be compatible with the surrounding neighborhood and approved by the Board of Adjustment as a conditional use according to the provisions of UCLUO 16.
- 2. A preschool, primary school, or secondary school, which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 16.
- 3. A nursing home which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 16.
- 4. Private roping and riding arenas with lights and all commercial roping and riding arenas, when approved by the Board of Adjustment as a conditional use according to the provisions of UCLUO 16.
- 5. A helicopter pad, landing strip, flying field, or airport, including terminal and aircraft storage facilities, which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 8.48 and UCLUO 16.
- 6. A landscape park recreational facility which the Board of Adjustment has approved within a landscape park and approved as a conditional use according to the provisions of UCLUO 4, UCLUO 6, and UCLUO 8 and UCLUO 16.
- 7. A cemetery which has been approved as a conditional use by the Board of Adjustment according to the provisions of UCLUO 8.72 and UCLUO 16.
- 8. A planned subdivision which has been approved as a conditional use and plat approval by the County Commission according to the provisions of UCLUO 14.
- 9. An agricultural accessory use for the production of value added agricultural products when approved by the Board of Adjustment as a conditional use, according to the provisions of UCLUO 16, and when the Board finds that all of the following standards are met:

- a. The subject parcel of property shall be located in an Agriculture Protection Area.

- b. The property shall not be less than five (5) acres in area.
  - c. The property owner shall designate the specific agricultural product for which the value added use is requested (the "Pre-Value Added Product"), and shall designate the value added agricultural product which will be produced (the "Value Added Product").
  - d. The area of the property used for the value added agricultural use shall not exceed two and one-half (2 1/2) acres, and the area of the property devoted to the active agricultural production of the Pre-Value Added Product, shall not be less than fifty percent (50%) of the total area of the Property.
  - e. The Value Added Product shall contain not less than fifty percent (50%), by weight, of the Pre-Value Added Product, as determined when the Value Added Product leaves the Property.
  - f. Not less than fifty percent (50%) of the Pre-Value Added Product shall be grown or produced exclusively on the property, or on the property and on other property located in Utah County which (i) either has identical ownership as the property or is leased by a lessee which is identical to the ownership of the property, (ii) has a direct relationship to the total agricultural enterprise, (iii) makes a significant contribution to the total production of the agricultural enterprise, and (iv) is assessed under the Farmland Assessment Act, Utah Code, as amended; provided that this fifty percent (50%) production requirement shall be determined by the production of each consecutive two (2) year period.
  - g. The Board of Adjustment may establish the maximum daily hours of operation of the agricultural accessory use, the permitted days of operation, the maximum noise levels as measured at any boundary of the Property, the maximum number and size of transport vehicles, required buffers, or visual barriers, dust control measures, odor control measures, traffic and road usage restrictions, and other items deemed appropriate by the Board of Adjustment to mitigate public health and safety concerns, and such other items to address the standards of UCLUO 16.
  - h. Value added production processes which include the rendering of any animal, or animal product, shall not be permitted.
  - i. The value added use shall be found to be compatible with both the existing residential uses and the potential future residential uses in the zone.
  - j. Only the designated and approved Value-Added Product shall be produced.
10. A livestock auction yard including livestock pens, auction facilities and structures, and public and livestock transport parking, for the sale of domestic livestock only, which has been approved by the Board of Adjustment as a conditional use, according to the provisions of UCLUO 16.
11. Commercial dog kennels as an accessory use to the dwelling in which the owner of the kennel resides, when approved by the Board of Adjustment as a conditional use according to the provisions of UCLUO 16.
12. Buildings and facilities for a veterinarian licensed by the State of Utah engaged in the practice of treating domestic livestock, which may include the treatment of other small animals, which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 8.100 and UCLUO 16.

**D. Area Requirements:** The minimum area of a zoning lot within the RA-5 zone shall be as follows:

1. Each one-family dwelling, manufactured home, nursing home, planned subdivision, preschool, primary school, secondary school, landscape park, livestock auction yard, roping and riding arenas, or veterinary facility, shall be on a lot containing at least five (5) acres of land.
2. Each church or other structure for religious worship shall be located on a lot containing at least two and one-half (2 1/2) acres of land; each church with a parsonage shall be on a lot containing at least five (5) acres of land.
3. Each private, private rescue, commercial or commercial rescue kennel shall be on a parcel with a minimum area of five (5) acres and located on the same parcel as the dwelling to which it is accessory.
4. Each agricultural equipment and agricultural vehicle repair facility, including the one-family dwelling to which it is accessory, shall be on a parcel with a minimum area of five (5) acres. Exception: Each agricultural equipment and agricultural vehicle repair facility with an existing one-family dwelling on a parcel recognized as legal nonconforming shall be on a parcel with a minimum area of three (3) acres.
5. Equine reproduction and/or rehabilitation facility with or without a one-family dwelling shall be on a lot containing at least five (5) acres of land.
6. For other permitted structures and uses, there shall be no minimum area requirement except as may be necessary to meet the other provisions of this land use ordinance.

**E. Width Requirements:** The minimum width of a zoning lot within the RA-5 zone shall be as follows:

1. For each one-family dwelling, manufactured home, nursing home, preschool, primary school, secondary school, landscape park, roping and riding arena, livestock auction yard, veterinary facility, or equine reproduction and/or rehabilitation facility, the minimum width of the lot at any point between the frontage and the structure shall be two hundred fifty (250) feet.
2. For each church or other structure for public worship, or church with a parsonage, the minimum width of the lot at any point between the frontage and the structure shall be two hundred fifty (250) feet.
3. For each agricultural equipment and agricultural vehicle repair facility, including the one-family dwelling to which it is accessory, the minimum width of the lot at any point between the frontage and the dwelling shall be two hundred fifty (250) feet.

Exception: For each agricultural equipment and agricultural vehicle repair facility with an existing one-family dwelling on a parcel recognized as legal nonconforming, the minimum width of the parcel at any point between the frontage and the dwelling shall be one hundred (100) feet.

4. For other permitted uses and structures, there shall be no minimum width requirement, except as may be necessary to meet the other provisions of this land use ordinance.

**F. Location Requirements:** The minimum location requirements within the RA-5 zone shall be as follows:

1. **Front Setback:** All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of UCLUO 4, UCLUO 6, and UCLUO 8, shall have a front setback of at least thirty (30) feet, unless an alternate setback is required or allowed by UCLUO 4, UCLUO 6, and UCLUO 8.
2. **Side and Rear Setback:** All buildings and structures, other than landscaping features

and fences which meet the standards of UCLUO 4, UCLUO 6, and UCLUO 8, shall have a side and rear setback of at least fifteen (15) feet, unless an alternate setback is required or allowed by UCLUO 4, UCLUO 6, and UCLUO 8.

**G. Height Requirements:** The height requirements within the RA-5 Zone shall be as follows:

1. The maximum permissible height of any structure shall be forty (40) feet as determined by the currently adopted building construction codes of Utah County or by any future edition of these codes that may be adopted, except for the following".
  - a. An antenna of a "stealth telecommunications transmission facility" may exceed the initial elevation of the existing transmission tower, utility pole, or other existing building or structure to which it is attached by no more than 10 feet.
  - b. For large-scale utility line structures, there shall be no maximum height.
  - c. The maximum height for windmills shall be 55 feet measured from finished grade to the highest point of the windmill blade.
  - d. Otherwise, a height in excess of 40 feet, if for unoccupied structures, may be approved by the Board of Adjustment as a conditional use granted according to the terms of UCLUO 16.
  - e. Note: The provisions of the APO Airport Overlay Zone, setback standards, or other provisions of the ordinance may result in a lesser height than that stated above.

**H. Dwelling Size and Pattern:** For any one-family dwelling, manufactured home, or other building containing a dwelling unit permitted in the zone:

1. The combined minimum habitable floor area of a dwelling's ground level story and any habitable stories above the ground level shall be not less than eleven-hundred (1100) square feet, excluding basements, crawl spaces, decks, patios, garages, unoccupied areas and non-habitable areas. For the purposes of this section, a story is deemed to be "ground level" or above if half or more of the distance between the floor and ceiling is elevated above the average grade of the ground surrounding the building. A "basement" is a story with half or more of the distance between the floor and ceiling below such average grade.

**I. Special Requirements:**

1. The yards around buildings shall be kept free of debris, refuse, weeds, and other flammable material which may constitute a fire or health hazard.
2. No building site, street, driveway, or other cut or fill shall be made so the side slopes exceed the critical angle of repose of the soil unless engineered retaining structures are approved and constructed.
3. The grade of driveways which serve a dwelling unit or other occupied structure shall not exceed twelve (12) percent.

**J. Supplementary Regulations:** Uses within this zone shall also comply with the applicable requirements set forth in UCLUO 4, UCLUO 6, and UCLUO 8, entitled Supplementary Requirements and Procedures Applicable Within Zones and all other provisions of this land use ordinance.

#### HISTORY

Amended by Ord. [2021-258 Clarification of the height exception for stealth telecommunications transmission facility](https://utahcounty.municipalcodeonline.com/book/print?type=landordinances&name=12.08_RA-5_Residential_Agricultural_Zone) on



4/9/2021

Amended by Ord. [2021-257 Clarify temporary uses as a permitted us in the zone.](#) on 4/9/2021