



June 17, 2025

UTAH COUNTY PLANNING COMMISSION

STAFF REPORT

I. APPLICATION:

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| A. APPLICANT | - | Utah County Planning Commission |
| B. REQUEST | - | Proposed Utah County Land Use Ordinance text amendment to Sections 12.12 (RR-5 Zone) and 12.16 (TR-5 Zone), to reduce the required side and rear setbacks for residential accessory structures including detached accessory dwelling units—measuring 1,500 square feet or less, from 15 feet to 10 feet. |
| C. LOCATION | - | Unincorporated Areas of Utah County |

II. STAFF SUMMARY:

Background

The Utah County Land Use Ordinance current stipulates a minimum side and rear setback of 15 feet for all structures within the RR-5 Rural Residential Zone and TR-5 Trans Zone, unless an alternative setback is necessitated or permitted by UCLUO 4, UCLUO 6, and UCLUO 8.

The purpose of the proposed modifications is to give landowners in the RR-5 and TR-5 zones the opportunity to use their property more efficiently, allow greater flexibility in site design, and support the development of moderate-income housing in accordance with state guidelines, local housing needs, Utah State Code 17-27a-403, and the County's adopted Moderate Income Housing Plan. Staff has considered various factors, including public utility easements, road easements, adherence to fire codes, and privacy concerns.

The Utah County Land Use Ordinance (UCLUO) governing the RR-5 zone and TR-5 zone have undergone several revisions since the inception of Utah County zoning regulations, with the most recent amendments being officially adopted in 2018.

RR-5 Side and Rear Setbacks Ordinance History

Year	Side Setback (Side Yard) Requirements
1977-1984	Side Yard: At least ten (10) feet, and the total distance for the two side setbacks shall be at least twenty-four (24) feet. Exception for accessory buildings which are located over 100 feet from the front lot line or at least 12

	feet in the rear of any dwelling; no side setback; Corner lots: at least 30 feet from each street for both main and accessory buildings
1990	Side Setback: All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of zoning sections 3-47, 3-21, and 3-20 of this ordinance, shall have at least 14 feet, unless a greater setback is required by Section 3-16 of this ordinance. Exception: the minimum setback shall be the approved setback line where such line has been shown on a recorded large scale development plat which has a water system in place supplying standard fire flows to hydrants
1992-2007	Side Setback: All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of zoning sections 3-20, 3-21, and 3-44 of this ordinance, shall have at least 14 feet, unless a greater setback is required by Section 3-16 of this ordinance. Exception: the minimum setback shall be the approved setback line where such line has been shown on a recorded large scale development plat which has a water system supplying hydrants with fire flow amounts meeting current Utah County standards
2008-2017	Side setback: At least 15 feet, unless a greater setback is required by chapter 3 of this land use ordinance or by adopted building and fire codes. Exception : The minimum setback shall be the approved setback line where such line has been shown on a recorded large scale development plat which has a water system supplying hydrants with fire flow amounts meeting current Utah County standards.
2018	Side setback: At least 15 feet, unless a greater setback is required by chapter 3 of this land use ordinance or by adopted building and fire codes. Exception : The minimum setback shall be the approved setback line where such line has been shown on a recorded large scale development plat which has a water system supplying hydrants with fire flow amounts meeting current Utah County standards.

TR-5 Side and Rear Setbacks Ordinance History

Year	Side Setback (Side Yard) Requirements
1977-1984	Side Yard: At least ten (10) feet, and the total distance for the two side setbacks shall be at least twenty-four (24) feet. Exception for accessory buildings which are located over 100 feet from the front lot line or at least 12 feet in the rear of any dwelling; no side setback; Corner lots: at least 30 feet from each street for both main and accessory buildings
1990	Side Setback: All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of zoning sections 3-47, 3-21, and 3-20 of this ordinance, shall have at least 14 feet, unless a greater setback is required by Section 3-16 of this ordinance. Exception: the minimum setback shall be the approved setback line where such line has been shown on a recorded large scale development plat which has a water system in place supplying standard fire flows to hydrants
1992-2007	Side Setback: All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of zoning sections 3-20, 3-21, and 3-44 of this ordinance, shall have at least 14 feet, unless a greater setback is required by Section 3-16 of this ordinance. Exception: the minimum setback shall be the approved setback line where such line has been shown on

	a recorded large scale development plat which has a water system supplying hydrants with fire flow amounts meeting current Utah County standards
2008-2017	Side setback: At least 15 feet, unless a greater setback is required by chapter 3 of this land use ordinance or by adopted building and fire codes. Exception: The minimum setback shall be the approved setback line where such line has been shown on a recorded large scale development plat which has a water system supplying hydrants with fire flow amounts meeting current Utah County standards.
2018	Side setback: At least 15 feet, unless a greater setback is required by chapter 3 of this land use ordinance or by adopted building and fire codes. Exception: The minimum setback shall be the approved setback line where such line has been shown on a recorded large scale development plat which has a water system supplying hydrants with fire flow amounts meeting current Utah County standards.

Applicant Request

The applicant, Utah County Community Development, is requesting a reduction in the required side and rear setbacks for residential accessory structures—including detached accessory dwelling units with a floor area of 1,500 square feet or less—in the RR-5 and TR-5 Zones. The proposed reduction would decrease the setback from 15 feet to 10 feet from the property line. The purpose of this request is to allow landowners in the RR-5 and TR-5 Zones to make more efficient use of their property, increase flexibility in site design, and support the development of moderate-income housing in alignment with state guidelines, local housing needs, Utah State Code 17-27a-403, and the County’s adopted Moderate Income Housing Plan.

Staff also collaborated with various departments, including the Health Department, the building official, and the Fire Marshal, to develop amendments that align with the applicant’s request and staff recommendations.

- **Utah County Health Department:** The Health Department did not have an objection to the reduction of the side and rear setbacks. However, the Health Department stated currently one conventional drainfield line could fit between a home and the property line with a 15’ setback, but no septic drainfield lines would be able to fit with a 10’ setback. Placing one drainfield line in between a home and property line is not a common practice, so it is unlikely to be an issue if changed.
- **Utah County Building Official:** the Building Official also did not have an objection to the setback reduction and stated that a side setback of 10 feet is permitted per building code.
- **Utah County Fire Marshal:** Although the building code and fire code are the same on the required setbacks, the greater the distance between structures the less likely fire will spread from one to another, particularly in wildland urban interface areas that fire will move faster due to vegetation and terrain. Therefore, requesting 5-foot setbacks anywhere in the county may lead to issues and exacerbate an already challenging situation from the fire experts’ perspectives.

III. ORDINANCE CHANGES

Staff proposed ordinance changes showing additions and deletions.
Edits are shown below as follows:

Added Language
~~Deleted Language~~

12.12 RR-5 Rural Residential Zone

- F. **Location Requirements** ~~Except in recorded planned unit development the~~ The minimum location requirements within the RR-5 zone shall be as follows:
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, or as provided for below:
 - a. A residential accessory structure, including a detached accessory dwelling unit, with a floor area of 1,500 square feet or less may have a minimum setback of ten (10) feet.

12.16 TR-5 Rural Residential Zone

- F. **Location Requirements** ~~Except in recorded planned unit development plats, where Buildings shall be located as depicted on the approved plat and plans, the~~ The minimum location requirements within the TR-5 zone shall be as follows:
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, or as provided for below:
 - a. A residential accessory structure, including a detached accessory dwelling unit, with a floor area of 1,500 square feet or less may have a minimum setback of ten (10) feet.

IV. APPLICABLE ORDINANCES & STATUTES:

1. U.C.L.U.O. Section 12.12.F.2: County code regulations pertaining to “RR-5 Rural Residential Zone Regulations.”
2. U.C.L.U.O. Section 12.16.F.2: County code regulations pertaining to “TR-5 Rural Residential Zone Regulations.”
3. U.C.L.U.O. Section 1.08: The “Intent and Purpose” of the Utah County Land Use Ordinance.
4. U.C.L.U.O. Section 16.92.C: The “Powers and Duties of the Planning Commission” regarding land use ordinance or zone map amendments.
5. U.C.L.U.O. Section 16.100: Regulations pertaining to “Amendments to Ordinance and Map.”

V. STAFF FINDINGS:

1. The application for land use ordinance amendment would appear to meet the requirements of Section 16.92.C and Section 16.100 of the Utah County Land Use Ordinance, which establish the criteria for Planning Commission recommendation of approval to the County Commission for a land use ordinance amendment.
2. The application appears to be supportive of the stated intent and purpose of the Utah County Land Use Ordinance found in Section 1.08 related to promoting the efficient and economical utilization, conservation, and production of land, water, and other resources and facilities (Section 1.08.C) and to encourage and facilitate orderly growth and development in the county (Section 1.08.A).

VI. MOTION:

Approval

That the Utah County Planning Commission **recommend approval**, to the Utah County Commission, of the proposed text amendments to Sections 12.12 and 12.16 of the Utah County Land Use Ordinance, with modifications as specified in the staff report, along with any applicable re-numbering and re-formatting in each section based on the finding specified in this staff report under subsection V.

Denial

That the Utah County Planning Commission **recommend denial**, to the Utah County Commission, of the proposed Utah County Land Use Ordinance text amendment to Sections 12.12 and 12.16.