

## ORDINANCE NO. 17-[09]

Jack Johnson Group, representatives of Stichting Mayflower Fonds is requesting an amendment to ordinance 16.21.07(A) to allow an 80' setback from a UDOT right-of-way. Current code requires a 150' setback for residential buildings along State highways. The request would be for the setback amendment along Highway 319 which is the State road to the Jordanelle State Park.

### RECITALS

**WHEREAS**, Utah Code 17-27a-102 authorizes Wasatch County to enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that they consider necessary or appropriate for the use and development of land within the unincorporated area of Wasatch County; and

**WHEREAS**, Utah Code 17-27a-503 authorizes the county legislative body to amend zoning and land use regulations, provided the planning commission has proposed the change or has had the change submitted to them for its recommendation; and

**WHEREAS**, the planning commission recommended to the County Council enactment of this ordinance on July 13, 2017; and

**WHEREAS**, Utah Code 17-27a-502 requires Wasatch County to give notice of public hearing as provided in Utah Code 17-27a-205(1)(a), and to hold a public hearing; and

**WHEREAS**, Wasatch County gave notice of all public meeting and public hearings related to this ordinance as required, and the County Council held a public hearing and first reading on July 19, 2017; and

**WHEREAS**, the county legislative body believes it is appropriate to allow for a lesser setback on State Route 319 due to the lower traffic volumes, lower speeds, large dedicated right-of-way width and the dead end nature of the highway; and

**WHEREAS**, after considering all public comments, the recommendation of the planning commission, and carefully studying the matter, the county legislative body has determined that a change to 16.27.07(A) will better provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of Wasatch County and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the state's agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values;

**NOW THEREFORE**, The County Legislative Body of Wasatch County ordains as follows:

SECTION I: **Enactment.**

**The following provisions of Title 16 of the Wasatch County Code are hereby AMENDED to read as follows:**

16.21.07: GENERAL SETBACK REQUIREMENTS

Highways: Unless otherwise provided herein, all residential buildings abutting upon highways having a state or federal designation shall be set back at least one hundred fifty feet (150') from the right of way line. Due to traffic volumes, posted speed limits and that SR 319 is a dead end, an exception to this requirement is allowed where the setback requirement shall be eighty five feet (85') from the centerline of SR-319, or fifty feet (50') from the right of way, whichever is greater. As an added requirement on SR 319- due to the lessened setback allowance an earthen berm with vegetative cover shall be used in residential areas to insulate the residents from the impacts of the road. In the event a proposed residential building lot or parcel is adjacent (on the same side of the highway) to a separate incorporated lot or parcel on at least two (2) sides, the setback adopted by the incorporated municipality may apply if determined by planning staff to be consistent with the goals of general plan.

SECTION II: **Repealer.** If any provisions of the County Code heretofore adopted are inconsistent herewith they are hereby repealed.

SECTION III: **Amendment of Conflicting Ordinances.** To the extent that any ordinances, resolutions, or policies of Wasatch County conflict with the provisions of this ordinance, they are hereby amended to comply with the provisions hereof.

SECTION IV: **Effective Date.** This ordinance shall become effective immediately upon execution by the Chair of the County Council and the completion of public notice requirements imposed by state statute.

SECTION V: **Severability.** If any section, subsection, sentence, clause, or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION VI: **Public Notice.** The Wasatch County Clerk, and ex officio Clerk of the Wasatch County Council, is hereby ordered, in accordance with the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, to do as follows:

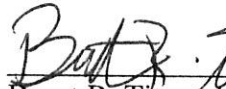
- a. Enter at length this ordinance in the ordinance book;
- b. Deposit a copy of this ordinance in the office of the County Clerk;
- c. Publish a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance,

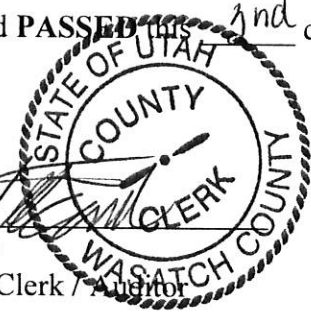
for at least one publication in a newspaper published in and having general circulation in the county; or post a complete copy of this ordinance in nine (9) public places within the County.

APPROVED and PASSED this 1<sup>st</sup> day of August, 2017.

Attest:

WASATCH COUNTY COUNCIL:

  
Brent R. Titcomb  
Wasatch County Clerk / Auditor



  
Greg McPhie, Chair  
Wasatch County Council

**VOTE**

- Greg McPhie, Chairman
- Kendall Crittenden, Vice-Chair
- Danny Goode
- Mike Petersen
- Mark Nelson
- Steve Farrell
- Spencer Park

ADOPTION OF ORDINANCE AFFIDAVIT

STATE OF UTAH )  
 ) : ss.  
COUNTY OF WASATCH )

I, the undersigned, the duly qualified and acting County Clerk of Wasatch County, Utah, and ex officio Clerk of the Wasatch County Council do hereby further certify, according to the records of said Council in my official possession, and upon my own knowledge and belief, that I have fulfilled the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, by:

- (a) Causing this ordinance to be entered at length in the ordinance book;
- (b) Causing three (3) copies of this ordinance to be deposited in the office of the County Clerk;
- (c) Causing a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance to be published for at least one publication in *The Wasatch Wave*, a newspaper of general circulation within the geographical jurisdiction of Wasatch County; or posting a complete copy of this ordinance in nine (9) public places within the County.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of the County Council of Wasatch County, Utah, this 21 day of November, 2017.

Brent R. Titcomb  
Brent R. Titcomb  
Wasatch County Clerk / Auditor

SUBSCRIBED AND SWORN to me, a Notary Public, this 21<sup>st</sup> day of November, 2017.

Sandra Hansen  
Notary Public

Residing in: Wasatch Co. Utah  
My commission expires: 3-31-2019

