

**ORDINANCE NO. 24-07**

An ordinance amending Wasatch County Code §16.01.07(C) entitled "Building Permits Required" to permit High Tunnell greenhouses in accordance with the Utah State code for High Tunnell greenhouses in municipalities as allowed in state code section 10-9a-525.

**RECITALS**

**WHEREAS**, Wasatch County exempts uses that are considered "agricultural uses" as determined by the building department from a building permit; and

**WHEREAS**, exemptions from a building permit still requires approval for setbacks and heights; and

**WHEREAS**, High tunnel greenhouses are greenhouses that have a soft covering that is clear or opaque; and

**WHEREAS**, the state code for high tunnel greenhouses in municipalities exempts high tunnel greenhouses from any building permit or municipal building code regulations (10-9a-525); and

**WHEREAS**, the County Legislative Body has determined that the proposed request is in compliance with the General Plan; 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 meetings and public hearings related to this ordinance as required, and the planning commission held a public hearing as required; and

**WHEREAS**, the County Legislative Body, having considered all of the evidence provided to be in the best interest of the health, general welfare, and safety of the inhabitants of Wasatch County;

**NOW THEREFORE**, the County Legislative Body of Wasatch County ordains that the Wasatch County Zoning Map and Land Use and Development Code be amended as follows:

SECTION I: **Enactment.** The following amendments, additions, and deletions to Title 16, the Land Use and Development Code, are hereby enacted: *See attached Exhibit A.*

SECTION II: **Repealer.** If any provisions of the County Code heretofore adopted are wholly inconsistent with this ordinance, they are hereby repealed.

SECTION III: **Amendment of Conflicting Ordinances.** To the extent that any ordinances, resolutions, or policies of Wasatch County partially conflict with 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 17 day of July, 2024.

Attest:

WASATCH COUNTY COUNCIL:

*Joey D. Granger*  
 \_\_\_\_\_  
 Joey Granger  
 Wasatch County Clerk / Auditor



*Karl McMillan*  
 \_\_\_\_\_  
 Spencer Park, Chair Karl McMillan  
 Wasatch County Council vice chair

	VOTE
Spencer Park, Chairman	<u>—</u>
Karl McMillan, Vice-Chair	<u>Y</u>
Luke Searle	<u>Y</u>
Steve Farrell	<u>Y</u>
Erik Rowland	<u>Y</u>
Kendall Crittenden	<u>Y</u>
Mark Nelson	<u>Y</u>

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.

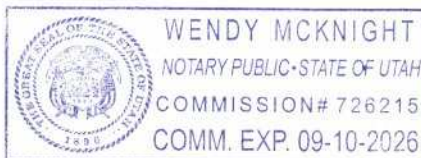
IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of the County Council of Wasatch County, Utah, this 17 day of July, 2024.

Joey Granger  
Joey Granger  
Wasatch County Clerk / Auditor

SUBSCRIBED AND SWORN to me, a Notary Public, this 17 day of July, 2024.

Wendy McKnight  
Notary Public

Residing in: Wasatch  
My commission expires: 09/10/2026



**EXHIBIT A – PROPOSED AMENDMENT**

1 16.04.02 DEFINITIONS OF TERMS AND WORDS

2 HIGH WATER TABLE: A condition where the groundwater is less than six feet (6') below  
3 the ground surface.

4 HIGH TUNNEL: a temporary agricultural structure made with a metal, plastic or wood frame  
5 typically of an arched fashion with a plastic, woven textile or other flexible covering.

6 HOG FARM: A tract of land and the facilities for raising and feeding swine.

7 **16.21.08: ACCESSORY BUILDINGS**

8 A. Accessory Building Permit Requirement: Accessory buildings (regardless of their  
9 use) over two hundred (200) square feet, must apply for a building permit-except as  
10 provided below:

11 1. Agricultural buildings which are exempt under Utah Code 15A-1-204, as  
12 amended, from receiving a building permit are also exempt from this section  
13 except they require a site plan approval from the planning department. The  
14 site plan must include the location of the structure on the property including  
15 dimension to all property lines and all existing and proposed structures on  
16 the property and adjoining properties.

17 2. High Tunnels Greenhouses are exempt from regulations in accordance with Utah  
18 State Code 10-9a-525 for municipalities and any other updates to state code  
19 with the following stipulations:

- 20 a) Building codes and land use codes do not apply.  
21 b) No permit or application shall be required.  
22 c) Setbacks shall be sufficient to maintain drainage on-site.  
23 d) Shall be located behind the rear façade in the rear yard if there is a  
24 dwelling on the site.  
25 e) Shall be out of any clear view area as defined by County code.  
26 f) Shall have a minimum of a 30' setback from any road.  
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