

**ORDINANCE NO. 22-21**

**AN ORDINANCE AMENDING WASATCH COUNTY CODE CHAPTER 16.21 TO MODIFY THE GENERAL LANDSCAPE REQUIREMENTS THROUGHOUT THE COUNTY AND TO ADD WATER EFFICIENT LANDSCAPE REQUIREMENTS.**

**RECITALS**

**WHEREAS**, Chapter 16.21 of the Wasatch County Code regulates General Landscape Requirements; and

**WHEREAS**, the current landscape regulations have ambiguities to when and where they apply; and

**WHEREAS**, the County Legislative Body desires to clarify the expectations and requirements for landscaping within the county; and

**WHEREAS**, the County Legislative Body desires to promote the design, installation and maintenance of landscaping that is both attractive and water efficient; and

**WHEREAS**, HB 282 (2022) requires Counties to allow certain practices that help prevent irrigation water from being wasted; 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:

**See Exhibit A**

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

**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If any provisions of the County Code heretofore adopted are wholly inconsistent with this ordinance, they are hereby repealed.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 21 day of December, 2022.

Attest:



Joey Granger  
 Joey Granger  
 Wasatch County Clerk/Auditor

WASATCH COUNTY COUNCIL:

Mark Nelson  
 Mark Nelson, Chair  
 Wasatch County Council

Spencer Park  
 Spencer Park  
 Wasatch County Council vice-chair

Mark Nelson, Chairman  
 Spencer Park, Vice-Chair  
 Marilyn Crittenden  
 Jeff Wade  
 Kendall Crittenden  
 Steve Farrell  
 Danny Goode

**VOTE**  
 y  
 y  
 y  
 y  
 y  
 y

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:

- [x] (a) Causing this ordinance to be entered at length in the ordinance book;
[x] (b) Causing three (3) copies of this ordinance to be deposited in the office of the County Clerk;
[x] (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 December, 2022.

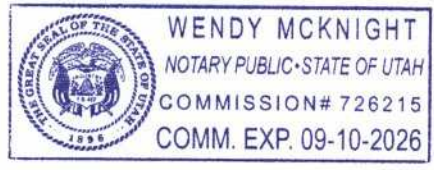
Handwritten signature of Joey Granger
Joey Granger
Wasatch County Clerk / Auditor



SUBSCRIBED AND SWORN to me, a Notary Public, this 21 day of December, 2022.

Handwritten signature of Wendy McKnight
Wendy McKnight
Notary Public

Residing in: Wasatch
My commission expires: 09/10/22



**EXHIBIT A – PROPOSED AMENDMENT****16.21.10: GENERAL LANDSCAPE STANDARDS**

~~The landscaping standards set forth herein are the minimum requirements and do not apply to residential developments, except for subsection G of this section. Each zone may set forth additional standards that apply for that zone. Both the requirements of this section, as well as more specific sections, shall be required. In the event of a conflict, the more specific section shall apply.~~

~~A. Intent: The purpose of the landscaping standards and requirements shall be to enhance and conserve property values by encouraging pleasant and attractive surroundings that create the necessary atmosphere for the orderly development of a pleasant community. Landscaping contributes to the relief of heat, noise, glare and buffers unattractive uses, through the proper placement of plants and trees, and should also be designed to conserve the public's water resources. Each zone may set forth additional standards that apply for that zone. Both the requirements of this section, as well as more specific sections, such as Title 10, shall be required. In the event of a direct conflict, the more specific section shall apply.~~

A. Applicability: The provisions of this ordinance shall apply to all new and rehabilitated landscaping for public agency projects, private development projects, developer-installed landscaping in multi-family and single-family residential projects, and homeowner provided landscape improvements within the front, side, and rear yards of single and two-family dwellings.

B. Maintenance: Landscaped areas shall be maintained in a neat, clean, orderly and healthful condition. This includes proper pruning, mowing, weeding, removal of litter, fertilizing, replacement of dead plants and the regular watering of all plantings.

C. Site-Landscape Plan Required: A site plan showing the proposed landscape development, watering system and use of the property shall be submitted to the planning department whenever landscaping or alternation of existing landscaping is required by this Title. Landscape and irrigation plans shall be prepared by a landscape architect licensed in the State of Utah. The same plot plan used to show parking layout or other requirements may be used to show landscaping, providing all proposed landscaping is detailed adequately on the site plan. Whenever the submission and approval of a landscape plan is required by this Title, such plan shall be an integral part of any application for approval. Single-family residential lots shall be exempt from this landscape plan requirement except for open space and common areas within the development which must be landscape by the developer as part of the development plans.

D. Preservation of Existing Vegetation: Developments shall be designed to incorporate existing large trees, clusters of trees, or clusters of large shrubs unless the Planning Commission, after recommendation from the Fire District, finds that such preservation is a fire hazard or violates applicable fire laws. The Planning Commission shall review the appropriateness of removal of such vegetation if proposed in a development application.

C-1. The Planning Commission, at its sole discretion, may approve removal of some or all existing vegetation based on a determination of the benefits of such vegetation and the efforts made to save and incorporate the vegetation into the design of a development verses the problems such vegetation may create for the development in terms of general construction techniques, the impact removal may have on the character of the area, the topography of the site, and harmful conditions the vegetation may create.

E. Required Landscaped Area: All of the area contained within the front and side yards not being used by approved parking areas or permitted agricultural uses shall be landscaped. Living vegetation including turf grass, shrubs, perennials, or ornamental grasses shall cover a minimum of 35% of the required landscape area within three (3) years of planting. Tree canopies or weeds may not

46 count toward this percentage. The remaining unbuilt area not covered by living vegetation shall be  
 47 covered by bark or wood mulch, decorative stone, hardscape, or any combination of these materials.  
 48 Living plants should be dispersed aesthetically throughout the yard.

49 F. Size And Number Of Plants: All areas required to be landscaped shall meet the following  
 50 requirements:

- 51 1. At least one tree shall be planted ~~on center every fifty feet (50')~~ along the roadway for each  
 52 fifty feet (50') frontage along any road, ~~and an additional~~
- 53 2. ~~One tree that may be clustered elsewhere on the property,~~ for each one thousand (1,000)  
 54 square feet of ~~required~~ landscape area. Such trees shall be at least two inch (2") caliper and  
 55 shall be at least six feet (6') tall at time of planting.
- 56 3. At least one shrub shall be planted for each five hundred (500) square feet of ~~landscape~~  
 57 area ~~to be landscaped, but may be clustered.~~ At least fifty percent (50%) of the shrubs  
 58 planted shall be five (5) gallons or larger, and the remainder may not be smaller than one  
 59 gallon. ~~Additional bedding plants and grass areas shall cover the remaining landscaped~~  
 60 ~~areas. Any trees or shrubs not living after a period of eighteen (18) months from the time~~  
 61 ~~they are planted shall be replaced with trees or shrubs of a size equal to those trees or shrubs~~  
 62 ~~remaining still alive on site. Plants, trees and shrubs must be chosen from those acceptable~~  
 63 ~~plant materials listed for landscaping in Wasatch County, unless approved otherwise as~~  
 64 ~~described in subsection G of this section. Please refer to figure 9 of appendix 2, chapter~~  
 65 ~~16.37 of this title.~~

66 D.—

67 G. Approved Plant Lists Selection: When possible, plants, shrubs and trees should be chosen using the  
 68 information contained on the approved list attached as figure 9 of appendix 2, chapter 16.37 of this  
 69 title. If plants not listed on the approved list are being considered for use, a letter from a landscape  
 70 architect or contractor should be provided showing that the plant is appropriate for this climate and  
 71 location and is drought tolerant. ~~Landscape design shall recognize the climatic and geologic~~  
 72 ~~limitations of Wasatch County and the need for water conservation. While irrigation systems are~~  
 73 ~~required for certain landscape areas, and may be desirable for other applications, all irrigation~~  
 74 ~~systems shall be designed to minimize the use and runoff of water. To promote water conservation,~~  
 75 ~~every effort should be made to use drought-tolerant species that can withstand dry conditions once~~  
 76 ~~established. Both native and locally-adapted plants are acceptable. Plants with similar water needs~~  
 77 ~~shall be grouped together as much as possible.~~

- 78 1. Living ground covers may be used together with mulch to provide complete coverage of  
 79 bare ground. Mulch, including decorative stone, shall not be used by itself as a substitute  
 80 for required landscaping.
- 81 2. Areas with slopes greater than 25 percent, or 4:1 grade, shall be landscaped with deep-  
 82 rooting, water-conserving plants.
- 83 3. Parkstrips and other landscape areas less than eight (8) feet wide shall be landscaped with  
 84 water-conserving plants.
- 85 4. Landscapes in Commercial, Industrial, and Institutional Developments are not required to  
 86 have turf areas that exceed 20% of the total landscaped area outside of active recreation  
 87 areas.
- 88 5. The use of invasive species or noxious weeds are prohibited.

89 H. Irrigation Design Standards: Supplemental irrigation shall be designed to irrigate a landscape with  
 90 similar site, slope and soil conditions and plant materials with similar watering needs.

- 91 1. Turf and non-turf areas shall be irrigated on separate valves.
- 92 2. Drip emitters or bubblers shall be used to irrigate plants in non-turf areas.
- 93 3. Sprinklers shall have matched precipitation rates with each control valve circuit and are  
 94 encouraged to have pressure regulation measures where variation in water pressure occurs  
 95 within the irrigation system.

E.4. Landscape areas shall be provided with a WaterSense labeled smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities.

I. Nonresidential Developments Or Multi-Family Residential Developments Landscape Installation Timing: Nonresidential Landscaping adjacent to nonresidential developments, attached single-family, or and multi-family residential developments shall complete the required landscaping prior to bond release and prior to certificate of occupancy for the respective development. Common areas, open space, entry features, or common amenities for all development types shall have landscaping completed prior to 50% of certificates of occupancy being issued, unless agreed upon by the County that specific landscaping will be damaged or destroyed during construction, in which case a specific timeframe shall be presented and approved by the County for those landscaping improvements through which the landscaping will be completed as soon as possible after 50% of certificates of occupancy have been issued. Detached Single-Family Residential lots shall have a period of eighteen (18) months from the date of certificate of occupancy to complete landscaping, or prior to certificate of occupancy, whichever is first.

1. Any trees or shrubs not living after a period of eighteen (18) months from the time they are planted shall be replaced with trees or shrubs of a size equal to those trees or shrubs remaining still alive on site.

F.J. Active Recreation Areas and Farming: Areas that are dedicated to active play where turf grass may be used as the playing surface such as sports fields, play areas, and other similar uses, and areas intended for farm production may be granted an exception to some of the standards of this chapter at the discretion of the Planning Commission after considering the use of the site and its ability to serve the intended active play or farming need.

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**16.37.09: WASATCH COUNTY APPROVED PLANT LIST RESERVED**

Trees:	
Abies concolor	White fir
Abies lasiocarpa	Subalpine fir
Acer glabrum	Rocky Mountain maple
Acer grandidentatum	Bigtooth maple
Alnus tenuifolia	Thinleaf alder
Amelanchier utahensis	Utah serviceberry

<i>Betulus occidentalis</i>	River birch
<i>Cercocarpus montanus</i>	Mountain mahogany
<i>Pinus edulis</i>	Pinon pine
<i>Juniperus virginiana</i>	Juniper
<i>Juniperus scopulorum</i>	Western red cedar
<i>Morus alba</i>	Mulberry (fruitless)
<i>Pinus flexilis</i>	Limber pine
<i>Pinus nigra</i>	Austrian pine
<i>Pinus sylvestris</i>	Scotch pine
<i>Populus deltoides</i>	Cottonwood
<i>Populus tremuloides</i>	Aspen
<i>Prunus virginiana</i>	Chokecherry
<i>Pseudotsuga menziesii</i>	Douglas fir
<i>Sambucus racemosa</i>	Elderberry
Shrubs:	
<i>Amelanchier alnifolia</i>	Serviceberry
<i>Aretostaphylos uva-ursi</i>	Kinnikinnick
<i>Artemisia</i> spp.	Sage
<i>Cornus stolonifera</i>	Redtwig dogwood

Cotoneaster spp.	Cotoneaster
Cowanis mexicana	Cliffrose
Euonymus spp.	Burning-Bush
Mahonia spp.	Oregon-grape
Pachistima myrsinites	Mountain-lover
Parthenocissus quinquefolia	Virginia-creeper
Potentilla spp.	Cinquefoil
Pushia tridentata	Bitterbrush
Ribes alpinum	Golden-currant, gooseberry
Rosa woodsii	Rose
Rhus	Sumac
Spirea spp.	Spirea
Symphoricarpos albus	Snowberry
Viburnum spp.	Viburnum
Wygelia	Wygelia
Yucca spp.	Yucca