

**ORDINANCE NO. 21-01**

**AN ORDINANCE AMENDING THE WASATCH COUNTY CODE SECTION 16.21.18, REGARDING NONMOTORIZED TRAILS. ADDING A PROVISION FOR WAIVING THE TRAIL REQUIREMENT FOR HARD SURFACE TRAILS IF CERTAIN CRITERIA ARE MET.**

**WHEREAS**, the code requires that all subdivisions provide for public trails; and

**WHEREAS**, County understands that this code, meant to be enforced on a countywide basis, may not always be appropriate due to the varied nature of development and land use in the County; and

**WHEREAS**, there are substantial benefits to trails, including:

- Lower healthcare costs,
  - Reduced body mass index,
  - Reduced chronic diseases, including diabetes, stroke, and heart disease,
  - Increased traffic safety,
- Reduced work absenteeism,
- Lower greenhouse gas emissions,
- Better air quality,
- Reduced mortality; and <sup>1</sup>

**WHEREAS**, property values in the vicinity of multi-use trails increase<sup>2</sup>; and

**WHEREAS**, the costs associating with dedicating the land and the trail improvements during the development process are lower for the Developer than the County because the County does not have the ability to require dedication of just the trails outside of a development approval process due to the powers of eminent domain being statutorily limited to not include trails, and the developer is able to benefit from synergies due to their ability to have trails installed and graded at the same time as roads in a development are installed and graded; and

**WHEREAS**, some smaller developments that are not close to other developed trails may bear costs that seem unnecessary due to the fact that trails built in the development will not connect to other trails in the near future; and

**WHEREAS**, obtaining trail right of ways through the development process is substantially more cost effective for the developer than it is for the government to purchase the property outside of the development process; and

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<sup>1</sup> Economic Impacts of Active Transportation, Utah Active Transportation Study, March 2017; <https://static1.squarespace.com/static/5b8b54d1f407b40494055e8f/t/5bdc820c4fa51a4d9f77e014/1541177878083/Utah+Active+Transportation+Benefits+Study+-+Final+Report.pdf>. Utah Transit Authority and Mountainland Association of Governments, among others, supported and contributed to this study.

<sup>2</sup> Id pg. 6-7.

**WHEREAS**, more homes and businesses being built in Wasatch County impacts the county by increasing the use and demand on the existing public trails, and creates increased need for trails in the vicinity of the development as more residents, employees, and the public actually use, and desire to use trails in the vicinity of the development; and

**WHEREAS**, the General Plan requires developments to contribute to the trail system to maintain the character and rural charm of the county, and states: the “trail plan is intended to effectively maintain quality of life standards by reducing traffic congestion and pollution, protect access to state and federal lands, promote the health and well-being of county residents and provide opportunities for visitors and residents to explore and easily transport themselves around the area”; and

**WHEREAS**, the proposed amendment would allow, in limited circumstances, the waiver of hard surface trails if certain criteria can be met; and

**WHEREAS**, the proposed language outlines requirements for submittals in furtherance of County ideals; and

**WHEREAS**, the County Legislative Body of Wasatch County noted a statement of intent to have staff draft and for the legislative body to consider this ordinance during an April 7, 2021 meeting.

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

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

**SECTION II: Enactment.**

Section 16.21.18 of the Wasatch County Code is hereby amended as follows:

**16.21.18: NONMOTORIZED TRAILS**

To facilitate the transportation and recreational needs of the county residents and visitors, non-motorized trails systems shall be provided and subject to the following standards:

- A. All new developments shall provide public trails. Connections must be made with adjoining properties on at least four (4) sides of the development and/or with a complete loop trail system. Public trails and connections must be in compliance with the master trail plan if applicable. In limited circumstances a waiver of the improved trail requirement for hard surface trails may be allowed in certain circumstances if all the below criteria are met:
1. Small scale subdivisions (5 lots or less).
  2. The development is made up of large lots (10-acre average) with a minimum lot size of 5 acres.
  3. A minimum distance of 1 mile, measured along roadways, to the nearest hard surface trail, or a sidewalk of over 500 feet in length.

4. Any further subdividing of lots, if allowed, would require trail improvements to be completed. This would be stated on the plat with a note.
5. Due to increased development pressure on areas that have the potential for sewer and water connections the proposed subdivision cannot be within the boundary of any special service district which provides culinary water or sewer.
6. Dedication of an easement for the future trail is required.
7. Only residential developments are eligible for the improved trail waiver.

SECTION III: **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 IV: **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.


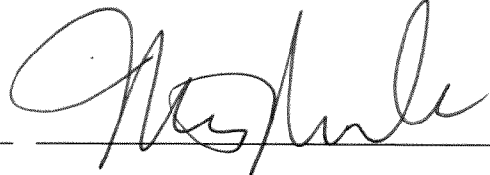
SECTION V: **Public Notice.** The Wasatch County Clerk, and ex officio Clerk of the Wasatch County Council, is hereby ordered, in accordance with the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, to do as follows:

- 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 April, 2021.

Attest:

WASATCH COUNTY COUNCIL:

 _____ Joey Granger Wasatch County Clerk / Auditor	 _____ Mark Nelson, Chair Wasatch County Council
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	VOTE
Mark Nelson, Chairman	<u>✓</u>
Steve Farrell	<u>✓</u>
Kendall Crittenden	<u>✓</u>
Danny Goode	<u>✓</u>
Spencer Park	<u>✓</u>
Marilyn Crittenden	<u>✓</u>
Jeff Wade	<u>✓</u>

ADOPTION OF ORDINANCE AFFIDAVIT

STATE OF UTAH )

: ss.

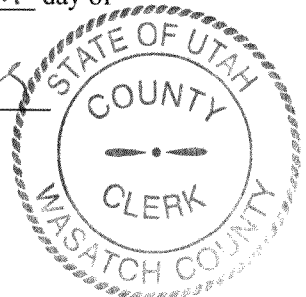
COUNTY OF WASATCH )

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 Legislative Body of Wasatch County, Utah, this 21 day of April, 2021.

Joey D. Granger  
Joey Granger  
Wasatch County Clerk / Auditor



SUBSCRIBED AND SWORN to me, a Notary Public, this 21 day of April, 2021.

Wendy McKnight  
Notary Public

Residing in: Wasatch  
My commission expires: 09/10/2021

