

ORDINANCE NO. 25-04

An ordinance amending 6.21.18 "Nonmotorized Trails" and the required conditions for waiving trail requirements.

RECITALS

WHEREAS, Wasatch County has rural areas throughout the County far removed from urbanizing areas; and

WHEREAS, the County has a master trail plan that requires trails to be built as part of subdivision approvals in areas along higher classification county roads; and

WHEREAS, the current County code requires trails to be installed unless strict specific criteria can be met; and

WHEREAS, the cost of a trail can be substantial and depending on where located may not connect to another trail segment for many years; and

WHEREAS, due to the hardships mentioned the County has a desire to amend the code and allow some relief for trail requirements if meeting specific criteria; 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If any provisions of the County Code heretofore adopted are wholly inconsistent with this ordinance, they are hereby repealed.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 14 day of April, 2025.

Attest:

Joey O. Granger
Joey Granger
Wasatch County Clerk / Auditor



WASATCH COUNTY COUNCIL:

Karl McMillan
Karl McMillan, Chair
Wasatch County Council

Karl McMillan, Chairman
 Spencer Park
 Luke Searle
 Coleen Bonner
 Erik Rowland, Vice Chair
 Kendall Crittenden
 Mark Nelson

VOTE

✓
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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 16 day of April, 2025.

Joey D. Granger
Joey Granger
Wasatch County Clerk / Auditor



SUBSCRIBED AND SWORN to me, a Notary Public, this 16 day of April, 2025.

Wendy McKnight
Notary Public

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

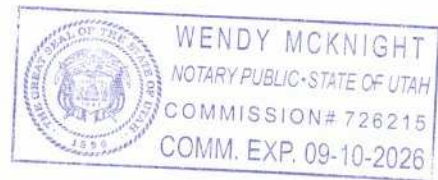


EXHIBIT A – PROPOSED AMENDMENT**16.21.18: NONMOTORIZED TRAILS**

To facilitate the transportation and recreational needs of the county residents and visitors, nonmotorized 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.

B. In limited circumstances a waiver of the improved trail requirement for hard surface trails may be allowed by the land use authority for the subdivision final approval as follows:

A.1. ~~For small scale subdivisions in certain circumstances~~ if all the below criteria are met:

~~1.a.~~ Small scale subdivisions (5 lots or less).

~~2.b.~~ The development is made up of large lots (~~10-acre average~~) with a minimum lot size of 5 acres.

~~3.c.~~ 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.d.~~ 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.e.~~ 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.f.~~ Dedication of an easement for the future trail(s) is required unless part of a deeded right-of-way.

g. Only residential developments are eligible for the improved trail waiver.

2. For farm preservation developments if all the below criteria are met:

a. The trails in the farm preservation subdivision, but outside of the farm preservation parcel, are dedicated and constructed;

1. unless If there is a distance of 1 mile, measured along roadways, to the nearest hard surface trail, or sidewalk of over 500 feet in length, the trails in the farm preservation subdivision do not need to be constructed;

b. Any trails in the farm preservation parcel are dedicated to the public, and may be built by the County in its discretion; and

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- c. If the farm preservation parcel later develops, the trails shall be constructed by the developer.
- 3. An escrow, providing the full cost of constructing the trail, may be used in lieu of construction of the trail, if all the below criteria are met:
 - a. No dedicated trail connections are available within 600 feet 200 yards of the proposed development;
 - b. The paved public trails in the proposed subdivision are less than 1,200 feet 400-yards;
 - c. All unbuilt public trails are dedicated to the public by easement, unless included in the dedicated right-of-way;
 - d. A practical difficulty exists with ~~constructing or maintenance~~ ~~aiming of the trail~~ or a safety hazard is created by building the trail at this time;
 - e. If a trail is completed within 600 feet of the development providing the escrow, ~~the homeowner's association~~, or if ~~none~~, the ~~adjacent~~ property owner(s), are required to build ~~complete the~~ trail, and will be entitled to ~~the unused escrowed money upon completion of the trail~~ ~~if a trail connection is completed on an adjacent property~~; and
 - f. The trails may be built or required to be built by the County at any time in its discretion.

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- B. New developments shall make connections to the Wasatch County trail network when possible.
- C. Trail plans must comply with the standards provided in Wasatch County trail design standards. See [chapter 16.38](#), "Appendix 3, Wasatch County Trail Standards And Design Guidelines", of this title, and include a sign plan.
- D. If allowed under UCA 17-27a-508.1, ~~F~~trail maintenance shall be provided by the developer or future homeowners' association (HOA) with provisions made in the covenants, conditions and restrictions (CC&Rs) to fund the necessary maintenance.
- E. Trail plans must be submitted in hard copy and electronic formats and must show the closest section corner. Electronic files types accepted are ARC view files in NAD 83 meters and AutoCAD. Hard copy submissions must show the relationship to development units, all stream channels and water sources, roads and slopes.
- F. Public trail plans shall include the grades of the trails at regular intervals.
- G. All public trails shall be recorded on the plat as public trails and dedicated to the public.

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