

**ORDINANCE NO. 25-01**

**AN ORDINANCE AMENDING WASATCH COUNTY CODE CHAPTER 16.15.03 TO ALLOW FOR CARETAKER ACCESSORY DWELLING UNITS AS A CONDITIONAL USE IN THE RESIDENTIAL LAND USE CATEGORIES OF THE JORDANELLE BASIN OVERLAY ZONE. ALSO, AN AMENDMENT TO CHAPTER 16.21.46 TO PROHIBIT CARETAKER ADU DEVELOPMENT ON PROPERTIES WITH SLOPE CONSTRAINTS.**

**RECITALS**

**WHEREAS**, the County has adopted an ordinance allowing for Caretaker Accessory Dwelling Units (ADU's); and

**WHEREAS**, the current code requires a minimum of 10-acres for a caretaker ADU; and

**WHEREAS**, the current code allowing caretaker ADU's does not allow for them in the Jordanelle Basin Overlay Zone (JBOZ); and

**WHEREAS**, the Victory Ranch development has a number of lots that are over 10-acres but, according to the current code, are not allowed to have caretaker ADU's; and

**WHEREAS**, Victory Ranch has applied for this ordinance amendment to allow caretaker ADU's in the JBOZ; and

**WHEREAS**, the purpose of the caretaker ADU ordinance is to further the viability of farming and ranching but to also allow for maintenance and security for estate type properties; and

**WHEREAS**, many properties in the JBOZ have slope issues which is proposed to be addressed by language in the proposed code; 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 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If any provisions of the County Code heretofore adopted are wholly inconsistent with this ordinance, they are hereby repealed.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 22 day of January, 2025.

Attest:

WASATCH COUNTY COUNCIL:

Joey D. Granger  
Joey Granger  
Wasatch County Clerk / Auditor

Karl McMillan  
Karl McMillan, Chair  
Wasatch County Council

	<b>VOTE</b>
Karl McMillan, Chairman	<u>Y</u>
Erik Rowland, Vice-Chair	<u>Y</u>
Luke Searle	<u>Y</u>
Coleen Bonner	<u>Y</u>
Spencer Park	<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 22 day of January, 2025.

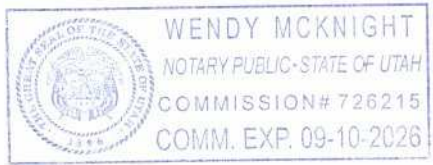
Handwritten signature of Joey Granger
Joey Granger
Wasatch County Clerk / Auditor



SUBSCRIBED AND SWORN to me, a Notary Public, this 22 day of January, 2025.

Handwritten signature of Wendy McKnight
Wendy McKnight
Notary Public

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



**EXHIBIT A – PROPOSED AMENDMENT**

1 ...

2 **16.15.03: PERMITTED AND CONDITIONAL USES**

3 Those principal uses or categories of uses as listed herein, and no others, are allowed as a permitted or  
4 conditional use in the JBOZ.

5 A. All uses contained herein are listed by number as designated in the Wasatch County land use  
6 classification, which is published and maintained by the planning department, and are attached, as  
7 appendix 1, chapter 16.36 of this title. Classes or groupings of uses permitted in the zone are  
8 identified by a four (4) digit number in which the last one or two (2) digits are zeros, and subuses  
9 of those categories or groupings will follow that number. (For example, a particular category may  
10 be listed as 8100, and a subcategory of 8100 would be 8110 and a subcategory of 8110 would be  
11 8111.) This document, available in the planning office, is to be used by the planning office and  
12 others to assist in determining similar uses and the intent of this chapter.

13 B. Those uses labeled as conditional may be granted only after the issuance of a conditional use permit.

14 C. All such classes listed herein and all specific uses contained within them in the Wasatch County  
15 land use classification will be permitted in the Jordanelle Basin Overlay Zone (JBOZ), subject to  
16 the limitations set forth herein:

17 **PERMITTED AND CONDITIONAL USES IN THE JORDANELLE BASIN OVERLAY ZONE (JBOZ)**

18 P = Permitted C = Conditional - = Not allowed

Use Number	Use Classification	Critical / Sensitive Lands Open Space	Countryside Residential	Low Density Residential	Medium Density Residential	High Density Residential	Mixed Use Commercial	Neighborhood Commercial	Community Commercial
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19 ...

1907	Guest ADU	-	C	C	C	C	-	-	-
1908	Internal Accessory Dwelling Unit (IADU)	-	P	P	P	P	P	-	-
<u>1905</u>	<u>Caretaker ADU</u>	<u>-</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>-</u>	<u>-</u>	<u>-</u>

20 ...

21 **Chapter 16.21.46: INTERNAL ACCESSORY DWELLING UNITS (IADU),**  
22 **CARETAKER ACCESSORY DWELLING UNITS, AND, GUEST UNITS**

23 ...

24 E. Caretaker Accessory Dwelling Unit (Caretake ADU's): Caretaker ADU's are only allowed  
25 upon issuance of a conditional use permit in compliance with the standards of Chapter 16.23 and  
26 the following additional restrictions:

27 1. There is no maximum size limit for the caretaker ADU, however, the caretaker ADU must  
28 clearly be incidental to the main use in size, location, and appearance.

29 2. ~~The parcel must be a minimum of 10 acres and in compliance with the underlying zone. The~~  
30 ~~lot must meet the minimum size requirements of the underlying zone or be a minimum of 10-~~  
31 ~~acres, whichever is larger, and must have a contiguous generally rectangular building envelope~~  
32 ~~of no less than one(1) acre that: a) does not violate any of the physical constraint analysis~~  
33 ~~requirements in 16.27.25 of this chapter, and b) contains no natural or manmade slopes over~~  
34 ~~twenty-five percent (25%) grade.~~

35 3. Legally non-conforming lots or lots of record cannot have a caretaker dwelling.

36 4. Approved transient lodges on 10 acres or more may have caretaker dwellings.

37 5. A caretaker ADU may be placed within a larger detached accessory structure (such as a  
38 garage, barn, or arena, etc.).

39 6. No more than one caretaker ADU may be permitted on a single lot or parcel.

40 7. Height of structure, setbacks, and location on property shall conform to all applicable county  
41 zoning codes.

42 8. A caretaker ADU must be connected to a public sewer system or an on-site septic system. If  
43 connected to an on-site septic system, special conditions may be imposed by the Wasatch County  
44 health department to protect the surface water and groundwater quality from increase  
45 degradation above that of a single residence on the property. This may include the use of an  
46 alternative on site system for nitrogen reduction, compliance with R317-4-4.2 method 1 for  
47 determining lot size, or other property specific requirements. The Health department may also  
48 not approve the additional load on the septic system. In which case the conditional use shall be  
49 denied.

50 9. Required utilities (irrigation, water, sewer, power, gas) are encouraged to be connected  
51 through the same connections and hookups as the main dwelling unit. If possible no separate  
52 meters should be used for utilities, including water, gas or power unless required by the utility  
53 provider and approved by the land use authority as part of the conditional use.

54 10. Impact fees will apply for a detached caretaker dwelling.

55 11. The caretaker ADU may not be rented, leased, sold or separated from the entire property. A  
56 deed restriction shall be filed by the applicant on a form provided by the county that prohibits the  
57 rental, sale, condominiumization, subdivision, or separation of the caretaker ADU as a separate  
58 parcel of property (an illegal subdivision of property). The deed restriction shall recite that in the  
59 event that the caretaker ADU is not used by a caretaker for farming or ranching operations,  
60 property maintenance, security, the caretaker ADU is rented, or the property is subdivided so the  
61 acreage is below the required 10 acre minimum the conditional use shall be forfeited.

62 12. All parking for the caretaker ADU shall be provided on the property, and not on a public  
63 road, and shall be subject to any additional requirements of section 16.33.

64 13. A caretaker ADU will need to submit for approval from the county water board for additional  
65 water requirements that may be necessary to supply water to the caretaker ADU.

66 14. A main residential structure must accompany a caretaker ADU structure. A caretaker ADU  
67 may be constructed prior to the main structure with the following conditions:

68 a. The main residential unit must start construction within 5-years of receiving a certificate of  
69 occupancy for the caretaker ADU.

70 b. If the main residential structure has not started construction within the 5-year period the  
71 conditional use shall be null and void and the applicant will need to apply for a new conditional  
72 approval under the current code.

73 c. If the code at the time of the application does not allow for a caretaker dwelling the unit on the  
74 property will be considered the main dwelling.

75 15. Applications for a detached caretaker ADU on a lot within a subdivision regulated by a  
76 homeowners' or property owners' association shall submit official written notice from said POA  
77 or HOA stating that the proposed caretaker ADU is permitted by subdivision covenants and  
78 regulations, and also submit approval from the HOA architectural committee if required. The  
79 exterior appearance of a newly constructed caretaker ADU shall fit in with the neighborhood  
80 aesthetically. Caretaker dwellings shall comply with the standards for single family homes and  
81 all other ordinance regulations, and shall be structurally built using materials and designs similar  
82 to existing dwellings on the parcel though more modern materials may be used in the event that  
83 the materials used on existing dwellings cannot meet building code requirements.

84 16. The planning commission must make a determination that the property proposed to have a  
85 caretaker ADU has a justification cause for the caretaker ADU for a use specifically allowed  
86 under this section 16.21.46.

87 ...