

**ORDINANCE NO. 19-02**

**AN ORDINANCE AMENDING TITLE 16 OF THE WASATCH COUNTY CODE REGARDING EXPIRATION OF DEVELOPMENT APPLICATIONS AND APPROVALS, REGULATIONS ON NON-CONFORMING LOTS, LAND USE AUTHORITY DESIGNATIONS, AND OTHER REVISIONS CURRENT WITH STATE CODE AND THE NEEDS OF THE WASATCH COUNTY.**

**WHEREAS**, counties may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that they consider necessary or appropriate for the use and development of land within the unincorporated area of the county to provide for the health, safety, and welfare, promote prosperity, improve good order, comfort, convenience, and aesthetics of each county, and to protect both urban and non-urban development; and

**WHEREAS**, pursuant to this authority, the County Legislative Body enacted the Land Use and Development Code, and now amends the Land Use and Development Code; and

**WHEREAS**, the County Legislative Body desires to reduce the misperception of entitlements in the county, better protect resident expectations, ensure appropriate infrastructure for entitlements being given, reduce the burden on developers and residents for minor lots of record improvements and minor plat amendments, and;

**WHEREAS**, parts of the Land Use and Development Code have become out of date with current state and federal law, which are addressed hereby; and

**WHEREAS**, the County Legislative Body desires to set expectations for development applications and approvals, including by clarifying how an applicant must proceed with reasonable diligence by advancing the application process after an application is accepted, and by implementing the approval after County approval in accordance with Western Land Equities v. Logan, 617 P.2d 388, 396 (Utah Sup.Ct. 1980) & Utah Code 17-27a-508; and

**WHEREAS**, the County Legislative Body desires to ensure the interests of the County and its citizens are protected in being able to implement land use laws that protect health, safety and welfare in a changing community, while balancing protecting developer's rights in advancing an application and approval without being vulnerable to shifting governmental policies that can raise development costs; and

**WHEREAS**, the County Legislative Body desires to allow applications that are pending, or approvals that have been granted to have a reasonable amount of time to advance their applications and approvals before they are no longer valid under these new provisions; and

**WHEREAS**, the County Legislative Body desires to better define the criteria for good cause to allow plat amendments; 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 finds that these amendments more fully promote the objectives and purposes of the general plan and the Land Use and Development Code; and

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

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

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

**Chapter 16.01: GENERAL PROVISIONS**

...

**16.01.05: AUTHORITY PROVISIONS**

It is hereby declared to be within the authority of Wasatch County to approve the subdivision and development of land, amendment of plats or adjustment of lot lines, rezoning of property, amendments to the general plan, and approval of site plans pursuant to the guidance of the Wasatch County general plan and land use code, for the orderly, planned, efficient and economic development of Wasatch County. Unless otherwise designated, the Wasatch County legislative body shall be the Land Use Authority for all development applications. Non-legislative actions may be deferred as follows:

- A. The Planning Commission shall be the Land Use Authority for:
  1. Conditional Use Permits not listed in Section 16.01.05(B), or when opposition has been received within 10 days after noticing requirements under applicable law, including Wasatch Code 16.23.05, have been met.
  2. The following minor plat amendments:
    - a. Combining two or more lots, all of which are owned by the same owner, and none of which have been dedicated for public use, common use, or a similar designation;
    - b. Modification of plat title, notes, or labels so long as they were not placed on the plat due to findings or conditions adopted by the Wasatch County legislative body;
    - c. Plat Amendments applied for and signed by all property owners in the original subdivision and that do not increase density or significantly affect the layout of infrastructure, open space, or common areas; or
    - d. Changes to a building envelope consistent with Wasatch County Code.
  3. Final Subdivisions.
  4. Final Site Plans.
  5. Telecommunication facilities.
  6. Conservation fee-in-lieu.
  7. Condominium Plat Approval.

- B. Administrative staff are authorized to approve the following applications as the Land Use Authority on behalf of the Planning Commission for the following items, unless a public hearing is required or if opposition has been received within 10 days after noticing requirements under applicable law have been met:
1. The following Conditional Use Permits:
    - a. Cell towers or other communication facilities if the applications are for stealth or collocation.
    - b. Utility buildings and structures.
    - c. Utility lines in any zone that do not exceed thirty six (36) kV, are less than forty nine feet (49') in height from finished grade and consist of no more than 3 new poles (not replacement).
    - d. Bed and breakfast uses if the application is for five (5) bedrooms or less and there will be no food service to anyone other than overnight guests.
    - e. Kennels, catteries, or animal hospitals.
    - f. Accessory building with a footprint one-thousand five-hundred (1,500) square feet or larger.
    - g. Free standing solar panel structures over 300 square feet (in the aggregate).
    - h. Retaining Walls (over 10' to 30')
  2. Home Occupation permits.
  3. Retaining Walls (4' to 10').
  4. Commercial off-street parking reduction.
  5. Telecommunication (stealth & collocation only).
  6. Commercial Site Plan.
  7. Small Scale Subdivisions.
  8. Temporary Uses.
  9. Building Relocations.
  10. Non-conforming use determinations.
  11. Boundary Line Adjustments.

...

#### **16.01.16: EXPIRATION OF APPLICATIONS OR APPROVALS**

- A. Except as provided in Subsection G of this Section, if within twelve (12) months after an application has been submitted pursuant to the requirements of this Title, the applicant fails to receive approval of the application, the application shall expire and any vested right to proceed with the application shall terminate.
- B. Building Permits: A building permit shall expire if construction is not begun within one hundred eighty (180) days from the date the building permit was issued, or if the work authorized by such permit is suspended or abandoned for a period of one hundred eighty (180) days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods of not more than one hundred eighty (180) days each. The extension shall be requested in writing and justifiable cause demonstrated. A building permit shall expire if construction is not completed and a certificate of occupancy and land use compliance is not obtained within five (5) years from the date the building permit was issued. The building department may, for good cause shown, extend the expiration date for a period of time not to exceed one additional year.
- C. General Approvals: All approvals granted pursuant to this land use and development code shall expire one hundred eighty (180) days after such approval is given, unless another expiration is provided for a specific application or approval.
- D. Master Plan, Physical Constraints, Density Determination, or Concept Plan: Except as provided in Subsection G of this Section, Master Plan, Physical Constraints, Density Determination, and/or

Concept Plan approval of developments shall expire if application for preliminary or phased preliminary plan application has not been submitted for consideration and diligently advanced within five years from the date of receiving master plan, physical constraints, density determination, and/or concept plan approval. Projects that have already been approved prior to the effective date of this ordinance shall have at least until July 1, 2020 to file a preliminary application or a phased preliminary plan application, and advance applications and approvals as required to avoid the expiration of the approvals.

1. Projects with an approved phased preliminary plan application: Phased preliminary applications must be advanced within the timelines of the phased preliminary plan approval, which shall not be for more than 5 years between each preliminary application, and may not be for more than 20 years from the preliminary plan approval, or the approvals expire.
  2. Exception for Projects with Water Reservations: Projects that have had Master Plan, Physical Constraints, and Density Determination granted, have maintained these approvals, and so long as they have entered into an agreement with a Special Service District to reserve water, have paid all fees to maintain the water reservation, and the water reservation remains in effect through the Special Service District, that project shall have not less than until July 1, 2025 to file a preliminary application or a phased preliminary application, and advance applications and approvals as required to avoid the expiration of the approvals. The burden shall be on the applicant to prove they qualify for this exception as part of their application for Preliminary.
- E. Preliminary Development Approvals: Except as provided in Subsection G of this Section, preliminary approvals of developments shall expire if an application for final approval has not been submitted for consideration within one year from the date of receiving preliminary approval. Preliminary approval also expires if a preliminary approval that has been approved for multiple final approvals does not apply for an additional final approval at least five years after the last final plat on the project was recorded, or if more than ten years have passed since the preliminary approval was granted, whichever is earlier.
- F. Final Development Approvals: Except as provided in Subsection G of this Section, final approval of development shall expire if the plat is not recorded within one year from the date of receipt of final approval by the planning commission.
- G. Upon written request of an applicant, the expiration date of an application or its approval, as the case may be, may be extended for ninety (90) days beyond the expiration date provided that:
1. an application for an extension of time is submitted prior to the expiration date; and
  2. the Planning Commission or its designee finds, based on substantial evidence placed in the record:
    - a. Substantial progress is being made toward obtaining approval of the application, or the exercise of development rights authorized by an approved application, as the case may be;
    - b. In the case of an unapproved application, no changes to this Title have occurred or are being considered that may affect the application; and
    - c. In the case of an approved application, any conditions of approval are still viable based on currently applicable requirements of the Wasatch County Code.
  3. In no case shall the time period be extended for more than twelve (12) months from the original expiration.
- H. Any time any approval expires under this section, all prior approvals which were necessary to receive that now expired approval also expires, as the applicant has not implemented the approval with reasonable diligence.

- I. If an application is denied, all prior development approvals which were necessary to receive that now denied application also expire.
- J. Recorded final plats and that portion of those approvals which were necessary for the final plat to be approved and recorded do not expire as a result of this Section 16.01.16.
- K. An applicant whose application has been approved shall continually conform to all conditions of approval. An applicant's failure to do so shall constitute the applicant's knowing and willful waiver of the applicant's development rights authorized by such application.

...

**Chapter 16.02: ADMINISTRATION PROCEDURES**

...

**16.02.06: PLAT AMENDMENTS**

Plat amendments shall be processed in accordance with the requirements of Utah Code Annotated. Determination for plat amendments shall be made according to the standards in Utah Code Annotated and Wasatch County Code and shall not be granted without sufficient evidence there is good cause for the amendment.

...

**Chapter 16.04: DEFINITIONS**

...

**16.04.02: DEFINITIONS OF TERMS AND WORDS**

The following words shall have the described meaning when used in this title, unless a contrary meaning is apparent from the context of the word:

...

FAMILY: An individual or two (2) or more persons related by law, blood, marriage or adoption, or up to three (3) unrelated persons, living together in a single dwelling unit and maintaining a common household.

...

GOOD CAUSE: Providing positive benefits and mitigating negative impacts, determined on a case-by-case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Wasatch County and furthering the health, safety, and welfare of Wasatch County.

...

ILLEGAL LOT: An illegal lot is any lot or parcel of land which was not created in conformance with the county ordinance in effect at the time the lot was recorded.

...

NONCONFORMING LOT OF RECORD: A lot or parcel that: a) legally existed as a developable lot or parcel before its current land use or zoning designation; b) has been shown continuously to be an independently existing piece of property since its creation or since enactment of zoning (August 11, 1965); c) has not decreased in size since its creation, except for lot line adjustments, as defined in Utah Code Annotated section 17-27a-103, as currently amended; and d) because of one or more subsequent land use ordinance changes does not conform with the minimum size, width, frontage, depth or other applicable dimensional requirements of the zone where the lot is located.

**NONCONFORMING STRUCTURE:** A structure that legally existed before its current zoning designation, and because of subsequent zoning changes does not conform to the setback, height restrictions or other regulations governing the use.

**NONCONFORMING SUBDIVISION:** A subdivision that existed prior to enactment of the existing subdivision standards, but does not comply with the current requirements of the zone.

**NONCONFORMING USE:** A use of land that legally existed before the current land use regulations, has been maintained continuously since the time the land use regulation governing the land became effective, and because of subsequent zoning changes does not conform to the land use regulations that govern the land.

...

**16.08.01: PURPOSE**

- A. The residential-agricultural zone (RA-1) is established to preserve the high quality of life for the citizens of Wasatch County by allowing residential development near the incorporated areas, while maintaining the rural atmosphere of Wasatch County.
- B. The specific intent in establishing this residential-agricultural zone (RA-1) is for the following purposes:
  - 1. Provide a place in the county where residential dwellings may be constructed as a transition from population centers to more rural agricultural uses.
  - 2. Provide a place in the county where dwellings are served by an approved sewer system.
  - 3. Facilitate the provision of essential services needed by the residents within urbanizing areas of the county, particularly sewage and culinary water service, through the instrumentality of a special service district.
  - 4. Provide services to residential development for street maintenance, fire and police protection, and health and sanitation services, and other available services.
  - 5. Provide a zone where residents can have farm animals in reasonable numbers and conduct agricultural activities.

...

**16.10.01: PURPOSE**

The commercial zone (C) is established to recognize and provide areas in Wasatch County for the accommodation of commercial uses. This chapter establishes development guidelines and restrictions in the commercial zone (C). The specific intent in establishing this zone is for the following purposes:

- A. Facilitate the sale of goods and services in areas which are most appropriate;
- B. Provide attractive commercial and mixed use nodes in several areas of Wasatch County which are centrally located to population centers of residential or resort use;
- C. Allow separation of dissimilar uses which may conflict either due to noise, appearance or other disturbances, and yet allow commercial uses to be close enough to resort or residential uses to be convenient;
- D. Provide commercial zones that abut or are in close proximity to a state highway;
- E. Provide access to commercial zones off major roadways that are convenient and able to handle major traffic volumes without hazards; and
- F. If approved as a conditional use, small commercial nodes in neighborhood areas may be created regardless of proximity to a state highway.

...

**16.15.15: REQUIREMENTS FOR COMMERCIAL/INDUSTRIAL BUILDINGS BETWEEN TWENTY FIVE THOUSAND TO FIFTY THOUSAND SQUARE FEET**

- A. Parking And Pedestrian Access: Pedestrian access to all public rights of way and between all structures within the development:
1. Access through parking areas shall be separated from vehicular traffic by raised curbing and landscape strips, including trees on thirty foot (30') centers on either side of the walkway. When it is not possible to have raised walkways, pedestrian access should be defined.
  2. Crossings through parking areas should be minimized.
  3. The landscaping shall be counted towards the required landscaping.
  4. Lighting shall also be provided for pedestrians.
  5. If developments have more than one parcel, an overall pedestrian plan shall be submitted and approved as part of the preliminary approval.
  6. Parking should be evenly distributed around the building or preferably behind, unless the planning commission, determines there is a practical difficulty.

...

- F. Other Requirements: Any of the following items or a combination may be required by the planning commission, on at least sixty percent (60%) of the facade abutting a public street:
1. Raised integral planters.
  2. Windows.
  3. Reveals, projecting ribs, false columns, etc.
  4. Clearly defined entry area with a minimum of three (3) of the following items:
    - a. Peaked roof forms.
    - b. Arches.
    - c. Canopies or porticos.
    - d. Raised corniced parapets.
    - e. Outdoor patios.
    - f. Wing walls with integral planters.
    - g. Overhangs.
    - h. Architectural details which are integrated into the building structure and design.
  5. Arcades.
  6. Awnings

...

**16.15.23: SALE OF PROPERTY UNDER CONDOMINIUM OWNERSHIP ACT**

Where all or part of a development is structured as a condominium project, the documentation for the project shall comply with the provisions of the Utah condominium ownership act, as well as with the provisions of the Wasatch County code. To the extent there is a conflict between the provisions of this title and the act, the provisions of the act shall control. No declaration, bylaw, or other instrument required by or under the act, shall be recorded in the office of the county recorder unless and until the declaration, bylaw, or other instrument shall have been submitted to and approved by the planning commission.

...

**16.21.32: RELOCATION OF BUILDINGS**

No persons shall place, move on or affix to the land in any manner any building, requiring a building permit, which was formerly located in another site, unless approval of the Planning Director has first been obtained. The term "building", as used herein, means any structure designed, built, or occupies as a shelter or roughed enclosure for persons, animals or property, and used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes.

A person seeking approval hereunder shall file an application for such approval in writing upon forms provided by the County, and shall be filed in the office of the planning department as follows:

- A. Contents: The application shall set forth and contain:
  1. A description of the building to be moved, giving construction materials, dimensions, number of rooms, conditions of exterior and interior, date of construction, and an estimate of its present value;
  2. The present location of the building, giving city and street address or legal description at its present site;
  3. A complete legal description of the lot on which said building is proposed to be located and the street address;
  4. A plot plan of the proposed new site showing all boundary lines, adjacent lot on all sides, all structures and improvements, means of access, and the location of the building proposed to be moved;
  5. Photographs of the building showing front, rear and side elevations; and such other photos of the building or site as may help to portray the proposal;
  6. Any additional information which the Planning Director may find necessary in making a fair determination of whether the application should be approved.
- B. Standard For Relocation: Before approving any application hereunder, the Planning Director, after recommendation from the Development Review Committee, shall determine that all of the following conditions are satisfied:
  1. The building will conform to all provisions of the applicable land use regulations at its proposed site;
  2. The building is of the size and architectural style, which shall be in harmony with existing developments of the neighborhood. If the area into which the building is proposed to be removed is undergoing development or redevelopment, the planning commission may consider developments and improvements planned or anticipated by property owners in the area;
  3. The building will not have detrimental effects on the environment and property values of the area into which it is to be moved;
  4. The proposed relocation will not adversely affect any proposed streets or other improvements in the area, nor be in conflict with adopted plan of the county;
  5. The building and its components can comply or be made to comply with the provisions of all the building codes and standards currently adopted by the Utah state building code commission for new construction.
- C. Conditional Approval: The Planning Director may approve a proposed relocation subject to such conditions as it may deem warranted by the circumstances. Said conditions may include specified landscaping and exterior finishing, dedication, and improvements of streets and alleys adjoining the property, and time for completion of the work and improvements required. Such conditional approval shall not become effective, nor shall any action be taken thereon, unless and until a performance bond is furnished.

- D. Performance Bond: If approval is granted subject to performance of conditions by the applicant, a performance bond shall be posted with Wasatch County and shall guarantee the performance of the conditions enumerated by the Planning Director and any work ordered done by the building inspection department.
- E. Inspection Of Work: The Planning Director shall cause an inspection of the building at its new location to be made on request therefor by the owner or applicant, or at the expiration of the time designation by the Planning Director for completion of the work. Said inspection shall include a determination of compliance with provisions of the current uniform building codes standard act and conditions or requirements imposed by the Planning Director upon approval of the building relocation. No certificate of occupancy and land use compliance shall be issued until the inspection has been made and all code requirements and conditions are complied with.
- F. Other Permits Required: Approval or conditions approval by the Development Review Committee hereunder is not a building permit, and shall not relieve the applicant of requirements for obtaining necessary building permits or moving permits.

...

### **16.21.36: ILLEGAL LOT CREATION**

An illegally created lot may not be developed. Any person owning an illegal parcel, or portion thereof, may develop said property only after correcting the infraction and conforming to the standard of the current county ordinances. It is the burden of the lot owner to prove that any lot was legally created. A division or partition of agricultural land for agricultural purposes does not create a lot that can be developed.

...

## **Chapter 16.22: NONCONFORMING USES AND STRUCTURES**

...

### **16.22.01: PURPOSE OF NONCONFORMING USE AND STRUCTURES PROVISIONS**

The purpose of this chapter is to control and gradually eliminate those uses of land or structures, which although legal at the time of their establishment or erection, do not now conform to the land use regulations of the district within which they are situated. Such uses and structures shall be deemed nonconforming. Any structure or use which was a permitted use or structure built prior to enactment of this title, but which is now designated by this title as a conditional use, shall not be considered a nonconforming use, and shall not be subject to the provisions of this chapter.

...

### **16.22.04: NONCONFORMING STRUCTURES**

A nonconforming structure may continue, provided no additions or enlargements are made thereto, no structural alterations are made therein that would increase the height or existing footprint of the building, and the current use does not change. This section shall not be construed to prohibit maintenance of an existing building.

- A. Expansion and Enlargement Exception: An existing one-family dwelling which is nonconforming as to height, area, or yard regulations may be added to or enlarged if the addition or enlargement conforms with applicable requirements of this Title. Provided, however, that such a dwelling which is nonconforming as to side yard requirements but having a minimum side

yard of not less than three (3) feet, may be extended along the nonconforming building line, in a manner that does not cause the structure to come any closer to the lot line at issue, to the extent of one-half (1/2) the length of the existing dwelling if such extension is for the purpose of enlarging and maintaining the existing dwelling unit in the structure, and provided such enlargement conforms to all other regulations of the zone in which the dwelling is located.

...

**16.22.06: RECONSTRUCTION OF NONCONFORMING STRUCTURE PARTIALLY DESTROYED**

A nonconforming building destroyed or partially destroyed by fire, explosion, casualty, or act of God or public enemy:

- A. may be restored, unless:
  - 1. the structure or use has been abandoned, or
  - 2. written notice is served with a notice complying with Utah Code 17-27a-510(3)(b)(i) (2018) as amended, and the structure has not been repaired or restored within six months;
- B. may not be enlarged, except as provided in Section 16.22.04(A) of this Title; and
- C. subject to all of the provisions of this Wasatch County land use and development code, the occupancy or use which existed at the time of such destruction may be continued.
- D. Deterioration due to age is not considered appropriate grounds to be permitted to retain a nonconforming status if it is rebuilt for that reason.

...

**16.22.08: NONCONFORMING LOT OF RECORD DETERMINATION**

- A. Determination By County Planner Or Designee: The burden of proof for providing the information for determining a nonconforming lot of record rests upon the property owner or its representative. A nonconforming lot of record is determined by the county planner or designee by making findings that the lot or parcel meets the definition of "nonconforming lot of record" in section 16.04.02 of this title, and the requirements of this section. Should such a finding be made, a document shall be provided by the county planner or designee stating that the lot is a nonconforming lot of record.
- B. Documentation Required: At a minimum, the property owner must provide the planning department with the original deed and all subsequent deeds and other documentation necessary to meet the property owner's burden of proof.
- C. Decrease In Lot Size: If a lot or parcel has decreased in size due to the use or threat of eminent domain, or because of a public dedication required by a governmental agency, the lot or parcel shall remain a nonconforming lot of record if it otherwise meets the definition of section 16.04.02 of this title and the requirements of this section.

**16.22.09: NONCONFORMING LOTS OF RECORD LAND USE REGULATIONS**

Nonconforming lots of record are only exempt from the minimum size, width, frontage, depth or other applicable dimensional requirements of the zone where the lot is located. Before a building permit may be issued, nonconforming lots of record shall have access on a road built to county standards and shall comply with all other land use, zoning and development standards applicable to the particular zone the

nonconforming lot of record is located in. A nonconforming lot of record determination does not guarantee a building permit.

- A. Lot With Building: If a lot is unable to receive lot of record status and contains a building legally established on or before July 28, 1972, then the owner may continue the then existing use of such building and may expand the building in any way that does not increase the degree of nonconformity.
1. An increase in building size shall not be deemed to increase the degree of nonconformity of the lot unless the building increases any encroachment into a required setback or the lot coverage requirements of the underlying zone are exceeded by the increase.
  2. Remodeling of a building within an existing footprint or expansion in compliance with this section shall not require a variance to lot requirements but shall be reviewed by the planning director as though the lot conforms to the requirements of this title.
  3. At least 75% of the framing and foundation of the original building must remain intact to continue the then existing use of the building, or to expand the building, unless the structure was involuntarily destroyed in whole or in part by fire or other calamity, and the owner reconstructs or restores the structure in conformity with the requirements of Utah Code 17-27a-510(3) (2018) as amended, and Wasatch County Code.

...

### **16.23: CONDITIONAL USE; GENERAL PROCEDURES**

...

#### **16.23.03: RESERVED**

...

### **16.24.02: JURISDICTION**

Application for a temporary use permit shall be made to the planning department, and shall be approved by the planning staff for any use specifically listed herein, after review by the development review committee. Any comments noted by the development review committee review shall become a condition of the approval for a temporary use permit. Appeals of planning staff decisions shall be to the board of adjustment.

...

### **16.24.04: USES; GENERAL LISTING**

The following are some of the temporary uses that may be considered and approved or denied by the Land Use Authority. Temporary uses are subject to the following specific regulations and time limits, in addition to the regulations of any zone in which the use is located:

- A. Large gatherings. Land uses which are subject to the county large public assembly regulations as well as certain city, county or state health department mass gathering ordinance regulations.
- B. Carnival or circus.
- C. Development sales office.
- D. Filming locations for movies or television.
- E. Community entertainment events or other temporary gatherings not constituting a large public gathering, but requiring a permit.
- F. Other short term uses that are similar and fit within any of the above categories and are determined to be beneficial to residents of the county may be processed through the planning staff:

1. Fireworks stands;
  2. Christmas tree lots;
  3. Agricultural sales;
  4. Seasonal nurseries; and
  5. Bike races, triathlons, marathons, sporting events, etc.
- G. Special events. The following definition shall take precedence over any other type of temporary use listed in this chapter: Any event, public or private, with either public or private venues, that creates public impacts through any of the following:
1. The use of county personnel;
  2. Disturbance to adjacent residents;
  3. Traffic/parking;
  4. Disruption of the normal routine of the community or affected neighborhood;
  5. Necessitates special event temporary beer or liquor licensing in conjunction with the public impacts; or
  6. Parties or other events requiring street closure of any residential street.
- H. Uses which do not fit appropriately into any of the above categories are not permitted.

...

#### **16.27.07: PROCESS FOR DEVELOPING SMALL SCALE DEVELOPMENTS**

In order to develop a small scale development in any zone, the developer must go through the following procedures:

- A. Developer must submit a complete application for a small scale development and pay the application fee.
- B. Developer must prepare a drawing of the proposed plat, containing all items required by the provisions of this title, and submit any plans or studies required under this title.
- C. Developer must schedule an appointment with planning staff to review the application and the plat.
- D. If application is complete, the planning staff shall take the plat to the next available meeting of the development review committee for comment. The planning staff shall advise the developer of modifications or if additional information is required. Any appeal of a decision of the development review committee shall be forwarded to planning commission for consideration.
- E. Developer shall make whatever modifications to the plat required by planning staff and the development review committee, and shall submit a paper copy of the plat to the county surveyor's office for review. Upon their approval, a mylar shall be submitted to the planning office for signatures. If the project does not have any off-site improvements that must be bonded, all subdivision monuments must be in place and verified before the county surveyor will sign the plat.
- F. If planning staff and the development review committee approve the final plat, the developer shall obtain the necessary signatures of the owner and lienholders, before a notary public. The signed final plat shall then be returned to the planning staff.
- G. The planning staff shall then circulate the plat within the county and special service districts and obtain the necessary signatures of such departments, including the county manager.
- H. The planning department shall forward the plat and documents (including the plat on disk in AutoCAD format) to the office of the Wasatch County recorder for recording. All fees must be paid by the developer at the time of recording.

...

#### **16.27.11: RA-1 DEVELOPMENT STANDARD**

...

- I. Physical Constraints Analysis: A physical constraints analysis meeting the requirements of Section 16.27.25 of this Title is required at the time an application is submitted for preliminary approval.

...

**16.27.25: PHYSICAL CONSTRAINTS ANALYSIS REQUIREMENTS**

The following is required for a physical constraints analysis:

- A. The project will not consist of any building envelopes on natural or manmade slopes over thirty percent (30%) grade;
- B. The project will not consist of any structures within fifty feet (50') of any fault line;
- C. The project will not consist of activities on or disturbance of any wetland areas, except as approved by the army corps of engineers;
- D. The project will not contain any platted lot within any landslide hazard areas, unless approved by the planning staff, planning commission or legislative body as part of the open space area;
- E. The project will not consist of any development within any flood hazard area, except as provided in section 16.28.08 of this title;
- F. The project will not consist of any development within any shallow groundwater hazard areas, areas of springs or seeps or surface water areas;
- G. The project will not consist of any development within any areas that are recommended locations for detention basins or established road and utility corridors;
- H. The project will avoid any development that will protrude above any ridgelines, except as provided in section 16.27.22 of this chapter;
- I. Full geotechnical evaluation of the site; and

...

**16.27.27: POWER AND TELEPHONE UTILITIES**

All electric, television and telephone utility extension to and in new subdivisions/developments shall be installed underground to utility company specifications, except in those locations where utility companies determine, and the designated land use authority, concurs that it is impractical due to steep terrain, inaccessible location or other physical constraints with the land

...

**16.27.30: RELATION TO ADJOINING STREETS**

The arrangement of streets in new developments shall make provisions for the continuation of existing stub streets in adjoining developments (or their proper protection where adjoining land is not subdivided/developed). All streets connecting into existing streets shall be the same or greater width (but in no case less than the required minimum width) unless variations are deemed necessary by the designated land use authority. The land use authority may determine that access should be provided to adjoining property for orderly development and in accordance with the local street plan. If the developer is required to provide access to adjoining property, the proposed streets shall be extended by dedication and installation of all required improvement to the boundary of the development. (See section 16.02.12, "Adoption Of Local Street Plan", of this title.)

...

**16.33.07: LOCATION OF PARKING FACILITIES**

The off street parking facilities required by this chapter shall be located on the same lot as the use except, in cases of practical difficulty the designated land use authority may approve a substitute location which meets the following conditions:

- A. All or part of the substitute location must be on an adjacent lot, or within two hundred feet (200') from the use, and easily accessible for pedestrian traffic so pedestrians are not required to cross a public street to access the use for which the parking is provided.
- B. The substitute lot must be in the same possession as the use it is intended to service and must be maintained as long as the use or structure exists. Such possession may be by recorded deed or long term lease and should run concurrently with the life of the building or use. The length of such lease shall be at least twenty five (25) years, but may be terminated or modified earlier with the consent of the county planning department, if the use for which the parking is required is terminated or modified.
- C. Parking shall not be located in required front or side yards.

**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 20 day of March, 2019.



Attest:

WASATCH COUNTY COUNCIL:

Michelle W. Crook Danny Goode  
Bruce R. Atkinson Danny Goode, Chair  
 Wasatch County Clerk / Auditor Wasatch County Council

VOTE

Danny Goode, Chairman	<u>Y</u>
Mark Nelson, Vice Chair	<u>—</u>
Spencer Park	<u>Y</u>
Kendall Crittenden	<u>Y</u>
Jeff Wade	<u>Y</u>
Marilyn Crittenden	<u>Y</u>
Steve Farrell	<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 Legislative Body of Wasatch County, Utah, this 3 day of April, 2019.

Bonnie R. Tibbitts  
Michelle W. Crook  
Wasatch County Clerk / Auditor

SUBSCRIBED AND SWORN to me, a Notary Public, this 3 day of April, 2019.

Wendy McKnight  
Notary Public

Residing in: Wasatch  
My commission expires: 09-10-2022

