

ORDINANCE NO. 23-20

AN ORDINANCE AMENDING WASATCH COUNTY CODE TITLE 2, TITLE 14, AND TITLE 16 AS RELATED TO VARIOUS BOARDS AND COMMISSIONS AND THE AUTHORITY PROVISIONS OF LAND USE APPROVALS.

RECITALS

WHEREAS, the Utah State Legislature has enacted Senate Bill 174 (2023); and

WHEREAS, said SB174 requires the County to, by February 1, 2024, modify local land use regulations to, among other things, eliminate any provisions that permit the legislative body from acting as the land use authority for subdivision applications for single family developments; and

WHEREAS, the County Legislative Body has considered the criteria required by said Senate Bills; and

WHEREAS, the County Legislative Body has also considered the need to protect public transparency and interests; and

WHEREAS, the County Legislative Body has weighed the public benefit for other land use authority provisions and appeal authorities in consideration of transparency, fiscal responsibility, and efficiency; and

WHEREAS, the County Legislative Body has also considered any further provisions required by SB174 related to internal accessory dwelling units; 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 If any provisions of the County Code heretofore adopted are wholly inconsistent with this ordinance, they are hereby repealed.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 upon the last of execution by the Chair of the County Council, on February 1, 2024, 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:

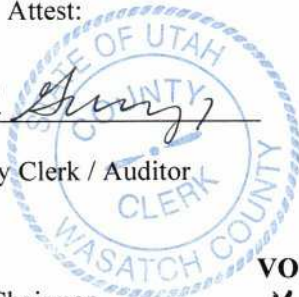
- a. Enter at length this ordinance in the ordinance book;
- b. Deposit a copy of this ordinance in the office of the County Clerk;
- c. Publish a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name 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 20 day of December, 2023.

Attest:

WASATCH COUNTY COUNCIL:


 Joey Granger
 Wasatch County Clerk / Auditor




 Spencer Park, Chair
 Wasatch County Council

Spencer Park, Chairman	VOTE
Karl McMillan, Vice-Chair	<u>Y</u>
Luke Searle	<u>Y</u>
Steve Farrell	<u>Y</u>
Erik Rowland	<u>Y</u>
Kendall Crittenden	<u>Y</u>
Mark Nelson	<u>Y</u>

ADOPTION OF ORDINANCE AFFIDAVIT

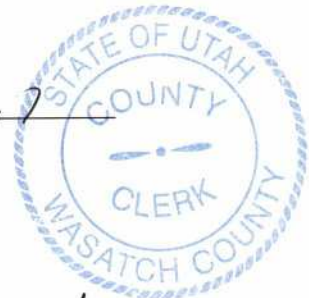
STATE OF UTAH)
) : ss.
COUNTY OF WASATCH)

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 20 day of December, 2023.

Joey D. Granger
Joey Granger
Wasatch County Clerk / Auditor



SUBSCRIBED AND SWORN to me, a Notary Public, this 20 day of December, 2023.

Wendy McKnight
Notary Public

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

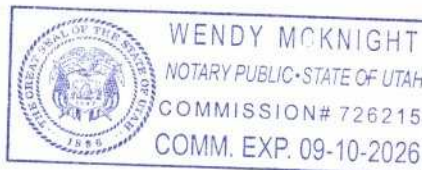


EXHIBIT A – ZONING CODE TEXT AMENDMENT**2.02.02: BOARD OF ADJUSTMENT DEVELOPMENT APPEALS**

A. Establishment ~~And Membership~~: To provide for just and fair treatment in the administration of the Wasatch County Building and Engineering Department Code, the Land Use and Development Code, and to ensure that substantial justice is done, there is hereby created a Wasatch County board of adjustment Appeals Hearing Officer.

~~1. Regular Members: The board shall consist of five (5) members appointed by the county manager, with the advice and consent of the county legislative body.~~

~~2. Alternate Members: The county manager may, in his or her discretion, appoint whatever alternate members of the board the manager deems appropriate, with the advice and consent of the county legislative body. An alternate member of the board of adjustment may serve as a regular member of the board when a regular member is unable to do so due to absence, illness, conflict of interest, or any other cause. The chairperson of the board of adjustment shall select an alternate member to so serve. No more than two (2) alternate members of the board of adjustment may sit at any meeting of the board at one time.~~

1. Qualifications: The appeals hearing officer shall either be law trained or have significant experience with land use laws and the requirements and operations of administrative hearing processes. The appeals hearing officer(s) shall be appointed by the county manager with the advice and consent of the county legislative body. The manager may appoint more than one appeals hearing officer, but only one appeals hearing officer shall consider and decide upon any matter properly presented for hearing officer review.

~~3.2. Compensation: Members of the board shall serve without compensation, except for reimbursement for actual expenses incurred, upon presentation of proper receipts and vouchers. The appeals hearing officer shall be compensated for their work for the County.~~

B. Powers And Duties: The Board of Adjustment Appeals Hearing Officer shall have the following powers and duties:

1. To hear and decide appeals from final administrative decisions applying the ~~Wasatch County~~ Land Use and Development Code, ~~or the Building and Engineering Department~~ Code, including appeals from: a) building permit denials, approvals, or final administrative decisions based on a failure to comply with applying the Land Use and Development Code or Building and Engineering Code; and b) administrative decisions related to subdivision plats enforcement actions under the Land Use and Development Code or the Building and Engineering Code; and

2. To hear and decide variances from the terms of the provisions of the ~~Wasatch County~~ Land Use and Development Code, in accordance with the requirements of state law; and

3. To hear and decide appeals from land use decisions applying the Land Use and Development Code; administrative decisions applying the Land Use and Development Code or the Engineering Department Code, and enforcement actions under the Land Use and Development Code or the Engineering Department Code, and

3.4. To hear and decide appeals of an approval or denial of an exception application under the Engineering ~~Department~~ Code.

42 4.5 Exception: The ~~board~~ appeals hearing officer shall not review any decision of the
43 Wasatch County ~~council~~ Council.

- 44 C. Term Of Office: ~~Each regular member of the board shall~~ An appeals hearing officer may be
45 appointed for up to a five (5) year term. ~~The term of one regular member shall expire each year.~~
46 ~~Each alternate member of the board shall be appointed for a two (2) year term.~~
- 47 D. Removal And Vacancies: The county manager, with the advice and consent of the county
48 legislative body, may remove ~~any member of the board~~ an appeals hearing officer for cause if
49 written charges are filed against the ~~member~~ appeals hearing officer with the manager. The
50 manager shall provide the charged ~~member~~ appeals hearing officer with a ~~public~~ hearing if the
51 ~~member~~ appeals hearing officer requests such a hearing. ~~The manager, with the advice and~~
52 ~~consent of the county legislative body, shall fill any vacancy on the board. The person appointed~~
53 ~~to fill the vacancy shall serve for the unexpired term of the member whose office is vacant.~~
- 54 E. Effective Date Of Decisions: Decisions of the ~~board~~ appeals hearing officer become effective
55 upon the date the ~~board~~ appeals hearing officer ~~approves and the chair~~ makes a determination and
56 ~~signs a written order setting forth the findings and decision of the board~~ appeals hearing officer.

57 ~~F. Board Of Adjustment Procedures:~~

58 ~~1.F.~~ Meetings: The ~~board~~ appeals hearing officer shall meet ~~at the call of the chair and any other time~~
59 ~~the board deems~~ as necessary and appropriate. The ~~board~~ appeals hearing officer shall maintain
60 ~~minutes and~~ records of its proceedings in coordination with applicable county departments that
61 respectively administer the Land Use and Development Code the Building Code, or the
62 Engineering Code, in accordance with the requirements of state law. A court reporter shall
63 ~~contemporaneously transcribe proceedings before the board.~~

64 ~~2. Quorum: Four (4) members of the board of adjustment shall constitute a quorum. The~~
65 ~~vote of a majority of the members of the board present at a meeting at which a quorum is~~
66 ~~present is necessary to reverse any order, requirement, decision or determination of any~~
67 ~~commission, administrative official or agency, or to decide in favor of the appellant.~~

68 ~~3. Chairperson: The board of adjustment shall elect a chair and vice chair to serve for a~~
69 ~~period of one year.~~

70 ~~4.1.~~ Rules, Regulations And Bylaws: The ~~hearing officer~~ board may make and enforce such
71 rules, regulations and bylaws for the government of ~~themselves~~ itself, the preservation of
72 order, and the transaction of its business as may be necessary. Rules, regulations and
73 bylaws adopted by the ~~hearing officer~~ board shall not take effect until they are submitted
74 to and approved by the county legislative body. ~~Notwithstanding the forgoing, the~~
75 ~~hearing officers~~ are ~~is~~ authorized and empowered to preside at hearings, and implement
76 such orders and directions as necessary to facilitate, administer and conduct the hearings
77 and issue orders in accordance with Wasatch County Code, Utah Code, and rules,
78 regulations, or bylaws adopted by the county legislative body. Failure to follow the
79 lawful orders and directions of the hearing officer may serve as a basis for denying a
80 claim, or for other measures under applicable law.

81 G. Appeals To The ~~Board Of Adjustment~~ Appeals Hearing Officer Or Panel:

- 82 1. Appeals From Land Use ~~Administrative~~ Decisions: The applicant or ~~any other person or~~
83 ~~entity~~ adversely affected party by an administrative decision ~~applying the Wasatch~~
84 ~~County Land Use and Development Code~~ may appeal a land use ~~that decision or final~~
85 administrative decision applying the Land Use and Development Code by alleging that
86 there is an error in any order, requirement, decision or determination made by a county
87 official. Appeals of ~~administrative~~ land use decisions, final administrative decisions, or

88 enforcement actions applying Land Use and Development Code shall be filed in the
 89 office of the Planning Department within ~~thirty-ten (3010)~~ days of the date the county
 90 official issues the administrative decision. The person or entity making the appeal has the
 91 burden of proving that an error has been made.

92 ~~2. Appeals From A Land Use Decision: The applicant or any other person or entity directly~~
 93 ~~adversely affected by the approval or denial of a land use application may appeal the~~
 94 ~~decision to the board of adjustment. Appeals from the approval or denial of a land use~~
 95 ~~decision shall be filed in the office of the planning department within thirty (30) days of~~
 96 ~~the date the land use authority made the land use decision. The person or entity making~~
 97 ~~the appeal has the burden of proving that an error has been made.~~

98 2. Appeals From Administrative Decisions Applying the Building or Engineering
 99 Department Code: The applicant or any other person or entity adversely affected by an
 100 final administrative decision applying the Building or Engineering Department Code may
 101 appeal that decision by alleging that there is an error in an order, requirement, decision or
 102 determination made by a county official. Appeals of administrative decisions or
 103 enforcement actions applying the Building or Engineering Department Code shall be
 104 filed in the office of the County Manager within ten (10) days of the date the county
 105 official issues the administrative decision. If the code provides for an appeal to the
 106 County Manager, this must be completed before appealing to the Board of
 107 Adjustment applicable appeal body. The person or entity making the appeal has the
 108 burden of proving that an error has been made.

109 3. Appeals of Subdivision Improvement Plans and Certain Road Widths:

110 a. For Subdivision Land Use Applications (UCA 17-27a-604.2(2023, as amended)),
 111 in which the county failed to respond to within 20 business days from the fourth
 112 or final review of a new revision in a complete review cycle of subdivision
 113 improvement plans, the dispute or failure to respond may be appealed to a panel
 114 of qualified experts in accordance with UCA 17-27a-507(2023, as amended), if,
 115 within thirty (30) days of the submission of the new revision in the complete
 116 review cycle, a request to assemble a panel of qualified experts is received. In the
 117 alternative, an appeal to a hearing officer in accordance with applicable rules
 118 may be used to appeal such a dispute or failure to respond. In the event that
 119 issues of both the subdivision ordinance review (UCA 17-27a-604.2(2023, as
 120 amended)) and subdivision improvement plans are disputed by an applicant or an
 121 adversely affected party, the county recommends an appellant utilize the process
 122 for appealing final decisions applying the Land Use and Development Code or
 123 the Engineering Code to a hearing officer for all issues. If the appellant chooses
 124 to appeal to both a panel of qualified experts and to a hearing officer, the two
 125 appeals may run concurrently, but in no such event shall a decision by an appeal
 126 authority in a land use decision grant a variance or exception to requirements
 127 pertaining to civil engineering plans associated with required infrastructure and
 128 county-controlled utilities, and similarly, in no such event shall a decision by the
 129 panel of qualified experts grant a variance or exception to land use and
 130 development code requirements. A final decision of the hearing officer or panel
 131 of qualified experts may only be appealed to the district court.

132 b. For either land use applications or engineering permit applications for which a
 133 paved road width in excess of 32 feet is required by the County, and for which
 134 the applicant or an adversely affected party claims a different pavement width is
 135 required, the decision may be appealed to a panel of qualified experts within ten

(10) days of the final decision in accordance with UCA 17-27a-507(2023, as amended), or may be appealed to a hearing officer in accordance with applicable rules. The *panel of qualified experts* shall have no authority to issue variances from the standards of the Land Use and Development Code, or to change standards of the code that are not the actual pavement width. A final decision of the hearing officer or *panel of qualified experts* may only be appealed to the district court.

a.c. The code, rules, policies and procedures applicable development appeals before a hearing officer under this subsection shall also apply as the code, rules, policies, and procedures applicable to hearing before a *panel of qualified experts*, to the extent the matter is not specifically addressed in this subsection or is not compatible with Utah Code.

3.4. Appeals of Permit Applications and Exception Applications by the Engineering Department or Building Department: The applicant or ~~any other person or entity~~ directly adversely affected ~~party may appeal~~ by the approval or denial of a permit or an exception issued by the Engineering Department or Building Departments ~~may appeal the decision to the Board of Adjustment Appeals Hearing Officer~~. Appeals from the approval or denial of permit or exception ~~applications~~ shall be filed in the office of the ~~Engineering~~ ~~respective~~ Department within ten (10) days of the date the department issued or denied the permit or exception. The person or entity making the appeal has the burden of proving that an error has been made.

a.5. Unlawful Appeals: A person may not appeal ~~to the Appeals Hearing Officer~~, and the ~~board of adjustment Appeals Hearing Officer~~ shall not consider, any amendments to the Wasatch County Code, zoning map, or General Plan. A person may not use an appeal to the ~~board of adjustment Appeals Hearing Officer~~ to waive or modify the terms or requirements of the Wasatch County Code, except for a variance from the ~~Wasatch County~~ Land Use and Development Code or an appeal of an approval or denial of an exception application under the Engineering Department Code. If a variance or exception is desired, these must be applied for and considered separately from an appeal.

H.6. Contents of Appeals: Appeals shall state the administrative order, requirement, decision or determination from which the person or entity appeals, and shall specify the grounds for the appeal and circumstances related thereto. The appeal shall include copies of any documentary evidence or written arguments that will be presented to the ~~Board of Adjustment Appeals Hearing Officer~~. Depending on the code being appealed the application will be sent to the Engineering Department, ~~the Building or Department, or~~ the Planning Department to determine if the application is complete. A written appeal failing to specify grounds of appeal should be summarily dismissed by the ~~Board of Adjustment Appeals Hearing Officer~~, with or without prejudice. The brief should address all issues to be brought before the ~~Board of Adjustment Appeals Hearing Officer~~. Any new issues not addressed in the brief; that are put forth at the hearing, shall typically be ignored by the ~~Board of Adjustment Appeals Hearing Officer~~, but if the ~~Board of Adjustment Appeals Hearing Officer~~ desires to consider the information or issues, the ~~Board Appeals Hearing Officer~~ may continue the matter to allow for adequate time for the County to respond to the new issues.

H.7. Determination Of Hearing Ddate: ~~Within five (5) business days of a~~ After receipt of a complete notice of appeal, including fees paid, and as soon as is reasonably possible to find a time ~~the Appeals Hearing Officer~~ ~~quorum~~ can meet, the applicant will be informed of a date for the hearing before the ~~Board of Adjustment Appeals Hearing Officer~~, ~~which~~

184 The hearing date shall be no sooner than thirty (30) days thereafter, and no later than
 185 seventy five (75) days thereafter, unless waived by the applicant and the director of the
 186 applicable department. The Planning Department shall coordinate the meeting time with
 187 the ~~Board of Adjustment members~~ Appeals Hearing Officer, and will provide notice to the
 188 parties, and, for appeals to a panel of qualified experts (UCA 17-27a-507(2023, as
 189 amended), will assist the director of the affected department in complying with the Open
 190 and Public Meetings Act noticing requirements. For Engineering Department Code and
 191 Building Code appeal issues, the scheduling and noticing of the meeting will be the only
 192 involvement of the Planning Department in the appeal.

193 J.8. Record Sent To ~~Board Of Adjustment~~ Appeals Hearing Officer: At least seven (7) days
 194 prior to the hearing, ~~the~~ the official responsible for the administrative decision, land use
 195 application, permit, or exception application being appealed shall refer to the ~~Board of~~
 196 ~~Adjustment~~ Appeals Hearing Officer or all papers documents constituting the record
 197 upon which the action appealed from was taken, ~~at least Eight (8) days prior to the~~
 198 ~~hearing, along with briefing or evidence the official would like to have considered.~~ A
 199 copy of the record, briefing, and evidence shall also be provided to the appellant by
 200 mailing or emailing ~~the record~~ at least Eight Seven (87) days prior to the hearing.

201 9. ~~Board of Adjustment~~ Appeals Hearing Setup: The department responsible for the
 202 decision, land use application, permit, or exception application being appealed shall be
 203 responsible to provide and present any staff reports ~~and to prepare and present including~~
 204 ~~details of the decision being appealed and analysis of the appeal being made any power~~
 205 ~~points or other presentations that are made to the Board of Adjustment~~ Appeals Hearing
 206 Officer, and for ensuring the logistics and technical requirements of holding the ~~public~~
 207 meeting as required are done, including but not limited to, and for noticing for the
 208 meeting, opening and closing the building, meeting setup, preparing and sending out any
 209 decisions and minutes. ~~The engineering department will prepare and present staff reports,~~
 210 ~~minutes, open the building, or set up, or close the building for Engineering Department~~
 211 ~~Code appeals before the Board of Adjustment, as required. Then planning department~~
 212 ~~will prepare and present staff reports, minutes, open the building, or set up, or close the~~
 213 ~~building for Land Use Development Code appeals before the Board of Adjustment, as~~
 214 ~~required.~~

215 J.10. Appeal Stays Action: An appeal to the Appeals Hearing Officer stays all
 216 proceedings unless the applicable department or the appellant certifies and demonstrates to
 217 the Appeals Hearing Officer that a stay would cause imminent peril to life or property, or
 218 irreparable harm. The Appeals Hearing Officer shall determine whether to stay
 219 proceedings.

220 K.H. Actions of ~~Board of Adjustment~~ Appeals Hearing Officer: In exercising its powers, the
 221 ~~Board of Adjustment~~ Appeals Hearing Officer may reverse or affirm, wholly or partly, or may
 222 modify the order, requirement, decision or determination appealed from and may make such
 223 order, requirement, condition, decision or determination as ought to be made, if the ~~Board of~~
 224 ~~Adjustment~~ Appeals Hearing Officer determines the appellant proved the County ~~re was an~~
 225 ~~errored.~~

226 L.I. Jurisdiction: The ~~Board of Adjustment~~ Appeals Hearing Officer only has jurisdiction over final
 227 decisions interpreting or applying the provisions of the Land Use and Development Code, and the
 228 Building or Engineering Department Code by a county official (other than a member of the
 229 legislative body). The ~~Board of Adjustment~~ Appeals Hearing Officer does not have jurisdiction to
 230 hear refusals or denials of requests or demands that the county initiate or advance enforcement
 231 actions. The ~~Board of Adjustment~~ Appeals Hearing Officer does not have jurisdiction to grant

232 variances or exceptions from the Building Safety Department Code, and may only overturn
 233 exception applications approvals or denials to the Engineering Department code if it finds the
 234 engineering coordinator ~~errored~~ in approving or denying an exception application. The
 235 director of the department which is responsible for the decision, land use application, or permit at
 236 issue shall make the determination as to whether or not the Board of Adjustment Appeals Hearing
 237 Officer has jurisdiction over the matter being appealed to the board appeals hearing officer. If they
 238 determine the Board of Adjustment Appeals Hearing Officer does not have jurisdiction, they shall
 239 send a written decision to the applicant explaining the determination. The director's decision as to
 240 the Board of Adjustment Appeals Hearing Officer's jurisdiction may be appealed in accordance
 241 with this section, with another application fee. In such a case, the appeal shall be forwarded
 242 directly to the Board of Adjustment Appeals Hearing Officer without determination by the
 243 director regarding jurisdiction. The Board Officer shall first consider the jurisdiction issue, and
 244 then, if the Board Officer determines it does have jurisdiction, shall separately consider the merits
 245 of the appeal, preferably in a separate meeting.

246 M.J. _____ Appeal To District Court: In order to appeal the final decision of the Appeals Hearing
 247 Officer, the Any person applicant, an adversely affected party, or the County must file a petition
 248 for review with the district court within 30 days after the decision is final in accordance with
 249 UCA 17-27a-801(2023, as amended). The Appeals Hearing Officer may make a final decision by
 250 written order, or through a report of action, at their discretion. aggrieved by any decision of the
 251 Board of Adjustment of appeals or variances may petition the district court for review of the
 252 decision within 30 days of the decision, or in accordance with the requirements of state law,
 253 whichever is greater.

254 ...

255 **2.02.08: PLANNING COMMISSION**

256 A. Establishment And Membership: There is hereby established a countywide planning commission,
 257 consisting of seven (7) regular members. ~~Six (6) of the regular m~~Members of the commission shall
 258 be appointed by the county manager, with the advice and consent of the county legislative body.
 259 ~~The remaining member of the commission shall be a member of the county legislative body and~~
 260 ~~shall be appointed by majority vote of the county legislative body.~~

261 1. Regular Members: Regular members of the planning commission shall be qualified electors
 262 of Wasatch County.

263 2. Alternate Members: The county manager may, in his or her discretion, appoint whatever
 264 alternate members of the planning commission the manager deems appropriate, with the
 265 advice and consent of the county legislative body. An alternate member of the commission
 266 may serve as a regular member when a regular member is unable to do so due to absence,
 267 illness, conflict of interest, or any other cause. Alternate members must be qualified
 268 electors of Wasatch County. The chair of the commission shall select an alternate member
 269 to serve. No more than two (2) alternate members of the commission may sit as regular
 270 members at any meeting of the commission at one time.

271 3. Compensation: The legislative body may fix per diem compensation for the members of
 272 the planning commission, based on necessary and reasonable expenses and on regular
 273 meetings actually attended.

274 B. Powers And Duties: The planning commission shall have the following powers and duties:

- 275 1. The planning commission shall exercise all powers and duties authorized by state law. In
 276 addition, the commission shall approve, recommend, or deny land use applications as
 277 outlined in the authority provisions of Chapter 16.01.05.
- 278 a. ~~Approve or deny applications for conditional use permits;~~
 279 b. ~~Make determinations regarding the existence, expansion or modification of~~
 280 ~~noneconforming uses;~~
 281 e. ~~Interpret the zoning maps; and~~
 282 d. ~~Decide disputed questions of lot lines, district boundary lines, or similar questions~~
 283 ~~as they arise in the administration of the zoning regulations.~~
- 284 C. Term Of Office: Except for the member of the commission who is a member of the county
 285 legislative body, each regular member of the planning commission shall be appointed for a three
 286 (3) year term. ~~The member of the county legislative body appointed to the commission shall be~~
 287 ~~appointed for a two (2) year term.~~ Alternate members of the commission shall be appointed for two
 288 (2) year terms. The terms of two (2) regular members shall expire each year.
- 289 D. Removal And Vacancies: The county manager may, with the advice and consent of the county
 290 legislative body, remove any member of the planning commission ~~for cause if written charges are~~
 291 ~~filed against the member with the manager. The manager shall provide the charged member with a~~
 292 ~~public hearing if the member requests such a hearing.~~ The manager, with the advice and consent of
 293 the county legislative body, shall fill any vacancy on the commission. The person appointed to fill
 294 the vacancy shall serve for the unexpired term of the member whose office is vacant.
- 295 E. Planning Commission Procedures:
- 296 1. Meetings: The planning commission shall meet at the call of the chair and any other time
 297 the commission deems necessary and appropriate. The commission shall maintain minutes
 298 and records of its proceedings in accordance with the requirements of state law.
- 299 2. Quorum: Four (4) members of the planning commission shall constitute a quorum. The
 300 vote of four (4) commission members shall be required to render any decision or take any
 301 action.
- 302 3. Chairperson: The planning commission shall elect a chair and vice chair to serve for a
 303 period of one year.
- 304 4. Rules, Regulations And Bylaws: The planning commission shall make and enforce such
 305 rules, regulations and bylaws for the government of itself, the preservation of order, the
 306 processing of applications, and the transaction of its business as may be necessary. Rules,
 307 regulations and bylaws adopted by the planning commission shall not take effect until they
 308 are submitted to and approved by the county legislative body.

309 **2.02.09: DANIELS TOWNSHIP PLANNING COMMISSION JSPA PLANNING**
 310 **COMMITTEE**

311 *[note to editor, the existing text of this section is removed in its entirety and replaced with the text edited*
 312 *below under 16.41 Appendix A]*

313 **A. Establishment And Membership:**

- 314 1. ~~Establishment: Pursuant to laws of Utah 1996, chapter 308, at a special election in~~
 315 ~~August 1996, voters approved the creation of the Daniels Township. Pursuant to laws of~~
 316 ~~Utah 1997, chapter 389, section 56, and second special session, laws of Utah 1997,~~

chapter 3, section 15, the Daniels Township was dissolved. Pursuant to Utah Code Annotated section 17-27a-306(2)(e) and Wasatch County ordinance 99-04, the Daniels Township was reconstituted as the Daniels Township planning commission.

2.—Membership: The Daniels Township planning commission shall consist of seven (7) regular members. Registered voters residing within the township shall elect three (3) regular members. Except as otherwise provided in this section, the county manager, with the advice and consent of the county legislative body, shall appoint four (4) regular members.

3.—Residency Requirements: All regular members shall be registered voters residing within the Daniels Township boundaries; provided, that one appointed member may reside outside the Daniels Township boundaries if that member:

a.—Owns real property within the Daniels Township; and

b.—Is a resident of Wasatch County.

If one regular member is appointed who does not reside within the Daniels Township boundaries, that member shall be appointed by vote of the other regular members and selected from a list of three (3) candidates submitted to the Daniels Township planning commission by the county legislative body.

4.—Compensation: Members of the Daniels Township planning commission shall serve without compensation, except for reimbursement for actual expenses incurred, upon presentation of proper receipts and vouchers.

B.—Powers And Duties: The Daniels Township planning commission shall exercise within its territorial boundaries all powers and duties authorized by state law.

C.—Term Of Office: Each member of the Daniels Township planning commission shall serve for a four (4) year term. Two (2) of the elected members shall be elected every four (4) years at the regular general election. The remaining elected member shall be elected every four (4) years on alternating even-numbered years. The term of one appointed member shall expire every year.

D.—Removal And Vacancies: The county manager may, with the advice and consent of the county legislative body, remove any appointed member of the Daniels Township planning commission for cause if written charges are filed against the member with the manager. The manager shall provide the charged member with a public hearing if the member requests such a hearing. Elected members shall be subject to removal as provided by law. The manager, with the advice and consent of the county legislative body, shall fill any vacancy on the Daniels Township planning commission. The person appointed to fill the vacancy shall serve for the unexpired term of the member whose office is vacant.

E.—Daniels Township Planning Commission Procedures:

1.—Meetings: The Daniels Township planning commission shall meet at the call of the chair and any other time the commission deems necessary and appropriate. The commission shall maintain minutes and records of its proceedings in accordance with the requirements of state law.

2.—Quorum: Four (4) members of the Daniels Township planning commission shall constitute a quorum. The vote of four (4) members of the commission shall be required to render any decision or to take any action.

3.—Chairperson: The Daniels Township planning commission shall select from its members a chair and vice chair to serve for a period of one year.

4. ~~Rules, Regulations And Bylaws: The Daniels Township planning commission shall make and enforce such rules, regulations and bylaws for the government of itself, the preservation of order, the processing of applications, and the transaction of its business as may be necessary. Rules, regulations and bylaws adopted by the commission shall not take effect until they are submitted to and approved by the county legislative body.~~

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2.02.23: ADMINISTRATIVE LAND USE COMMITTEE

A. Establishment and Membership: There is hereby established an Administrative Land Use Committee (ALUC), consisting of three (3) members as follows:

- 1. The chair of the ALUC shall be the chair of the Wasatch County Council, or their designee from the council;
- 2. The chair of the Planning Commission, or their designee from the commission; and
- 3. The chair of the JSPA PC, or their designee from the JSPA PC.
- 4. The designee(s), if any, forming the ALUC may change from meeting to meeting. If any designee is not present at a meeting, another member of the applicable public body may serve in their place as appointed by the chair of the applicable public body.

B. Compensation: The members of the ALUC shall be compensated the same for meetings of the ALUC that they would be paid for serving as a member of the respective public body which qualified them for service on the ALUC.

C. Powers and Duties: The ALUC shall be governed by the bylaws of the Wasatch County Planning Commission. The ALUC shall exercise all powers and duties authorized by state law. In addition, the Committee shall:

- 1. Fulfill any duties required under this chapter;
- 2. Act as the land use authority for land use applications authorized to the ALUC under 16.01.05 of this Title.

D. Meetings and Quorum: The ALUC shall meet from time to time as necessary to perform its duties. Three (3) members of the ALUC shall constitute a quorum and the vote of two (2) ALUC members shall be required to render any decision or take any action. ALUC members may appear electronically at a public meeting. The committee shall maintain minutes and records of its proceedings in accordance with the requirements of state law.

E. Non-Waiver: The approval by the ALUC of any plans, drawings or specifications for any work done or proposed shall not be deemed to constitute a waiver of any right to withhold approval of any similar plan, drawing or specification subsequently or additionally submitted for approval.

F. Appeals: Appeals of final decisions of the ALUC shall be made in the same manner as appeals of land use decisions made by the Planning Commission.

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4.09.02: WASATCH COUNTY FEES

C.	Fees Of The Wasatch County Planning And Zoning Department:	
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1.	Development fees:	
	Development Review Committee (DRC) <u>Pre-application / pre-submittal meeting</u>	\$ 50 100.00
	Overall Site Plan/Subdivision (Preliminary)	\$2,500.00, plus \$50.00 per lot/unit/ERU, plus costs ¹
	Site Plan (Final)	\$1,000.00, plus \$10.00 per lot/unit/ERU, plus costs ¹
	Large Scale Development <u>Subdivision</u> (Final)	\$1,500.00, plus \$20.00 per lot/unit/ERU, plus costs ¹
	Minor Development Revisions	\$500.00, plus costs ¹
	Master Plan/Physical Constraints Analysis/Density Determination	\$3,000.00, plus \$10.00 per developable acre, plus costs ¹
	Small Scale Subdivision	\$600.00, plus costs ¹
2.	Other fees:	
	Lot of Record Determination	\$130.00
	Boundary Line Adjustment	\$65.00
	Conditional Use Permit	\$700.00, plus costs ¹
	Temporary Use Permit	\$100.00, plus costs ¹
	Zoning Map Amendment	\$2,500.00, plus costs ¹
	<u>Minor Subdivision Plat Amendment</u>	<u>\$500, plus costs</u>
	Subdivision Plat Amendment/Street Vacation	\$700 1000.00, plus costs ¹
	General Plan Amendment	\$2,500.00, plus costs ¹
	Zoning Code Text (Title 16) Amendment	\$2,500.00, plus costs ¹

	<u>Board of Adjustment Land Use Appeal (Appeals Hearing Officer)</u>	\$1,500.00, plus costs ¹
	Variance Request	\$600.00, plus costs ¹
	Special Meeting <u>Fee</u>	\$800.00
	Additional Meeting Fee ²	\$100 200.00, per item on agenda
	Sign Permit Fee - Permanent	\$10.00 per sq. ft.
	Sign Permit Fee - Ladder sign	\$100.00 per year, plus costs
	...	
	Fee In Lieu- WCC 16.30.05	\$28,000 per 10 ERUAUE
	A proposal to create an agriculture protection area or an amendment to an existing agriculture protection area. Agriculture Protection Area	\$500.00 plus actual costs ¹ .
3.	Small Wireless Facility Fees	
	<u>SWF</u> Conditional Use Permit	\$100 per SWF on a utility pole in the same application (max. 25); \$50 per SWF on an Authority Pole in the same application (max. 25)
	<u>SWF</u> Site Plan Approval	\$100 per SWF on a utility pole in the same application (max. 25); \$50 per SWF on an Authority Pole in the same application (max. 25)
	New Structures	\$1,000 per pole
	Franchise Fee	Negotiated per Franchise Agreement, but shall not exceed \$250 per SWF per year

	<p><u>Notes:</u> ¹ Definition of "costs", as used in this section: Expenses paid on behalf of the applicant which may include postage, publication, etc. If <u>substantial amounts are outside consultant review is</u> necessary, a determination will be made to set up an out of pocket expense fund to pay for consultants for outside review. Applicant will be notified in the event such a fund becomes necessary due to the size and complexity of the project. ² In the event an applicant requests to be continued from an advertised agenda, the applicant will be required to pay the \$100.00 additional meeting fee, per item, for each new agenda the applicant is advertised on.</p>	
	...	
F. Engineering Department:		
	...	
	<u>3.</u> <u>Other fees:</u>	
	Exception Applications	\$400
	Appeals to County Manager	\$100
	<u>Appeal (Appeals Hearing Officer)</u>	<u>\$1,500.00, plus costs</u>
G. Building Inspection Department:		
	...	
	<u>2.</u> Other inspections and fees:	
	Plan review fee	65% of building permit fee
	Investigation fee	Same as building permit fee (to be added to building permit fee)
	Inspections outside of normal business hours	\$47.00 per hour (min. of 2 hours) or actual cost, whichever is greatest
	Re-inspection fees	\$47.00 per hour or actual cost, whichever is greatest

	Inspections for which no fee is specifically indicated	\$47.00 per hour (min. of 1/2 hour) or actual cost, whichever is greatest
	Additional plan review required by changes, additions or revisions to plans	\$47.00 per hour (min. of 1/2 hour) or actual cost, whichever is greatest
	<u>Appeal (Appeals Hearing Officer)</u>	<u>\$1,500. plus costs</u>

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401 **14.02.04: EXCAVATION, FILL, CONSTRUCTION, SWPPP, AND EROSION**
 402 **CONTROL**

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P. Appeals of Stop Work Orders, Notices of Violation, and Civil Fines, ~~and~~ Permit Denials, and Certain Road Widths: A responsible person may appeal a stop work order, a notice of violation, a civil fine, or a permit denial. The recordation of notices of violation cannot be appealed, because the notice of violation must instead appealed prior to the notice of violation being recorded.

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1. First Appeal: The notice of appeal shall be in writing and filed with the Wasatch County Manager. It shall state: "Appeal", and shall include applicable fees, the name of the appellant, a description of the property or project at issue, the stop work order, notice of violation, fine, or permit denial that is being appealed, the basis for which the appellant claims the engineering department has wrongfully or incorrectly applied the code, and shall provide all supporting evidence and arguments the appellant has supporting their claim. Upon receipt of an appeal, the Wasatch County Manager or his designee will conduct an informal meeting with the appellant. The Wasatch County Manager or designee will provide reasonable notice to appellant of this meeting. The Wasatch County Manager or designee will make a final determination within two business days of the meeting, and will send by certified mail a copy of the determination to appellant. If the applicant fully prevails on the appeal, and the appeal final determination is not appealed, the applicant will be returned their appeal fee.

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a. Time. Appeals must be mailed or hand delivered to the County Manager's office no later than ten calendar days after notice of the stop work order, notice of violation, or permit denial was provided to the appellant in the manner provided for herein, or upon actual receipt of the notice, whichever is first.

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2. Second Appeal. The second notice of appeal must mailed or hand delivered to the Wasatch County Manager's office, along with applicable fees for an appeal before the ~~Board of Adjustment~~ Appeals Hearing Officer, within 10 days of the notice being mailed as required. The ~~Board of Adjustment~~ Appeals Hearing Officer shall conduct a hearing in accordance with the Administrative Code section of the Wasatch County Code. If the applicant fully prevails on the appeal, and the ~~Board of Adjustment~~ Appeals Hearing Officer decision is not appealed, the applicant will be returned their appeal fees.

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3. Appeal of Requirement For Pavement Over 32 Feet or Appeal of Subdivision Improvement Plans.

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- 434 a. Appeals of Land Use Applications under the Wasatch County Land Use and
 435 Development Code in which the Engineering Department is serving on the DRC
 436 shall be conducted in accordance with WCC 2.02.02, without first appealing to
 437 County Manager.
- 438 b. Pursuant to UCA 17-27-507(2023, as amended), appeals of a municipal
 439 requirement for pavement in excess of 32 feet on a residential roadway may be
 440 appealed to a panel of qualified experts as provided in WCC 2.02.02, without first
 441 appealing to the County Manager.
- 442 b.c. Pursuant to UCA 17-27a-604.2 (2023, as amended), a Subdivision Land Use
 443 Application (UCA 17-27a-604.2 (2023, as amended)), in which the county failed
 444 to respond to within 20 business days from the fourth or final review of a new
 445 revision in a complete review cycle, of subdivision improvement plans, the dispute
 446 or failure to respond may be appealed to a panel of qualified experts in accordance
 447 with WCC 2.02.02, without first appealing to the County Manager.
- 448 ...

449 **14.02.07: GENERAL ROAD DESIGN STANDARDS**

450 Roads shall be designed at a minimum in accordance with AASHTO design criteria and per street cross
 451 sections shown in section 14.02.08 of this chapter. The roadway design standards shall be the same for
 452 publicly owned and all privately owned roadways. The standards shall be applicable to new developments
 453 in Wasatch County:

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455 N. Exceptions. Exceptions to the requirements of Sections 14.02.04 - 14.02.13 may be approved,
 456 denied, and appealed as follows:

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- 458 1. Appeals to the ~~Board of Adjustment~~Appeals Hearing Officer. The applicant or adversely
 459 affected party may appeal the approval or denial of the exception application by alleging
 460 that there is an error in any order, requirement, decision or determination made by the
 461 engineering coordinator. Appeals shall be filed in the office of the County Manager
 462 within ten (10) days of the date the engineering coordinator issues the administrative
 463 decision. The person or entity making the appeal has the burden of proving that an error
 464 has been made by the engineering coordinator. The application for appeal shall include an
 465 application fee ~~in the same amount as required for an appeal to the board of adjustment~~
 466 ~~applications as listed in the fee table~~. The appeal shall meet the requirements of, and shall
 467 be conducted in accordance with Section 2.02.02.
- 468 2. Appeals to the District Court. An exception applicant or adversely affected party may file
 469 a petition for review of the decision of the Board of Adjustment with the district court
 470 within 30 days after the decision of the Board of Adjustment is issued.
- 471 ~~2.3. Appeals of final decisions applying the standards governed under this subsection are~~
 472 ~~made pursuant to WCC 14.02.04, except for exception applications.~~

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474 **14.02.10: APPENDIX B TO TITLE 14; DRIVEWAYS AND ENCROACHMENTS;**
 475 **REQUIREMENTS AND SPECIFICATIONS**

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477 B. Notification Of Potential Condemnation Right Of Way Required: Except as otherwise provided in
 478 subsection B1 of this section, no building or structure shall be erected, reconstructed, structurally
 479 altered or enlarged, and no encroachment permit shall be issued therefor on any lot or parcel of
 480 land which abuts a county road or other public street which does not conform to current county
 481 width standards, unless the portion of such lot or parcel within the standard right of way width
 482 has been dedicated to the county or the developer or applicant has been dedicated to the county or
 483 the developer or applicant has been notified and has acknowledged that such portion may be
 484 condemned for public use at some future time.

485 ...

486 5. Appeal Of Notice, Acknowledgement Of Dedications Provisions:

487 a. Any person may appeal any determination in connection with the administration,
 488 enforcement and other provisions of this section as set forth below ~~to the Wasatch~~
 489 ~~County board of adjustment Appeals Hearing~~ pursuant to the appeals section of
 490 WCC 14.02.04.

491 b. The ~~board of adjustment Appeals Hearing Officer~~ may make modifications in the
 492 requirements of this section only if the applicant proves it is necessary to prevent
 493 undue hardship or an unreasonable burden under the facts of each individual case.
 494 However, no such modification shall be granted less it is in conformity with the
 495 spirit and intent of this section. The application shall be made utilizing the same
 496 procedures and paying the same fees as required for an exception application under
 497 WCC 2.02.02, except that the standards of this subsection shall apply.

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499 **16.01.05: AUTHORITY PROVISIONS**

500 It is hereby declared to be within the authority of Wasatch County to approve the subdivision and
 501 development of land, amendment of plats or adjustment of lot lines, rezoning of property, amendments to
 502 the general plan, approve and enter into development agreements for the development of land, and approval
 503 of site plans pursuant to the guidance of the Wasatch County general plan and land use code, for the orderly,
 504 planned, efficient and economic development of Wasatch County. Unless otherwise designated, the
 505 Wasatch County legislative body shall be the Land Use Authority for all development applications except
 506 for those deferred below. Where a single project requires multiple applications, an applicant may request
 507 or the County may require that the project be considered concurrently by a single land use authority or
 508 legislative body for the application, in the following order of priority: Wasatch County Council, Planning
 509 Commission, Administrative Land Use Committee, Administrative Staff. Non-legislative actions may
 510 be deferred as follows unless the Planning Director and applicant agree that the Wasatch County Council
 511 should serve as the land use authority due to compelling, countervailing public interest, or due to a proposed
 512 land use regulation being considered in conjunction with the land use application:

513 A. The Planning Commission shall be the Land Use Authority for:

514 1. Conditional Use Permits not listed in Section 16.01.05(B), or when opposition has been
 515 received within 10 days after noticing requirements under applicable law, including
 516 Wasatch Code 16.23.05, have been met.

~~2.1. 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.a. 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.a. 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.a. Changes to a building envelope consistent with Wasatch County Code.~~

3.2. Preliminary Subdivisions where the application is only for single-family dwellings, two-family dwellings, or townhomes and the project is not in the Geologic Hazards Overlay Zone. At the discretion of the Planning Director, subdivisions that also include minimal utility uses or minimal commonly owned improvements such as road improvements, or trails uses may be considered by the Planning Commission.

4.3. Final Subdivisions and Site Plans, except as defined in subsection C below.

~~5.4.~~ Telecommunication facilities.

~~6.5.~~ Conservation fee-in-lieu.

~~7.6.~~ Condominium Plat Approval.

~~8.7.~~ Small wireless facilities located in the JSPA or North Village Overlay Zone (NVOZ)

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 the Planning Director determines the item should be taken to the Planning Commission to serve as the land use authority or if opposition has been received within 10 days after noticing requirements under applicable law have been met:

1. The following Conditional Use Permits if no opposition has been received after noticing requirements under applicable law have been met:

- a. Cell towers or other communication facilities if the applications are for stealth or collocation only.
- 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 buildings pursuant to 16.21.08.
- g. Free standing solar panel structures ~~over 300 square feet (in the aggregate).~~
- h. Retaining Walls (between 10' to 30' in height) ~~or longer than 200 and less than 800 feet in length.~~

- 558 i. Accessory Dwelling Units (ADUs) pursuant to 16.21.46
 559 j. Small wireless facilities, ~~unless except when located in a~~ the JSPA or NVOZ zone
 560 ~~identified by 16.01.05(A)(8) or 16.21.47(C)(2)~~
 561 k. Yurts on private property.

562 ~~2. Home Occupation permits.~~

563 ~~3. Retaining Walls (4' to 10').~~

564 ~~4. Commercial off street parking reduction.~~

565 ~~5. Commercial Site Plan.~~

566 ~~6.2. Small Scale Subdivisions.~~

567 ~~7.3. Temporary Uses/Use Permits.~~

568 ~~8.4. Building Relocations.~~

569 ~~9.5. Non-conforming use determinations.~~

570 ~~10.6. Boundary Line Adjustments.~~

571 C. The Administrative Land Use Committee (ALUC) shall serve as land use authority for:

572 1. The following minor plat amendments:

573 a. Combining two or more lots, all of which are owned by the same owner, and
 574 none of which have been dedicated for public use, common use, or a similar
 575 designation;

576 b. Modification of plat title, notes, or labels so long as they were not placed on the
 577 plat due to findings or conditions adopted by the Wasatch County legislative
 578 body;

579 c. Plat Amendments applied for and signed by all property owners in the original
 580 subdivision and that do not increase density or significantly affect the layout of
 581 infrastructure, open space, or common areas; or

582 d. Changes to a building envelope consistent with Wasatch County Code.

583 2. Final subdivisions if the application is only for single-family dwellings, two-family
 584 dwellings, or townhomes and the project is not in the Geologic Hazards Overlay Zone. At
 585 the discretion of the Planning Director, final applications that also include minimal utility
 586 uses or minimal commonly owned improvements such as road improvements or trails
 587 may be considered by the ALUC. At the request of the applicant, the Planning
 588 Commission may instead serve as the land use authority, in which case the authority
 589 provisions in subsection A above shall apply. The land use authority for Final subdivision
 590 applications in the JSPA, regardless of product type, shall be the JSPA PC.

591 D. The planning director, or their designee, administers the Wasatch County Land Use and
 592 Development Code and associated State of Utah County Land Use and Development Management
 593 Act (CLUDMA). The planning director is authorized to interpret the code, create and implement
 594 applications, processes, expire approvals and applications, and make policies and procedures, all
 595 in accordance with applicable law. Except in cases where more specific rules apply, administrative
 596 and procedural decisions of the planning director or their designee are considered approved or
 597 denied at the same time the application is approved or denied by the applicable land use authority.
 598 The planning director is authorized to note in a written decision the manner in which their decision

is to be appealed in cases where the process for an approval or denial is not clear, or due to extraordinary circumstances in the planning director's discretion.

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16.01.14: ENFORCEMENT ACTIONS

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I. Appeals To Board Of Adjustment Appeals Hearing Officer Of Civil Fines Under This Section 16.01.14 Of This Title:

1. Any person receiving a civil fine pursuant to this section 16.01.14 of this title may appeal the citation to the board of adjustment Appeals Hearing Officer. No action of the board appeals hearing officer shall relieve the responsible person from complying with any of the provisions of this title.

The burden to prove any defense specified in E3 of this section shall be upon the person raising such defense.

2. Defenses: The burden to prove any defense shall be upon the person raising such defense. Only the following defenses may be raised on appeal:

a. The person charged is not the responsible person.

b. The condition described as a zoning violation is not a zoning violation.

c. The method required to correct the zoning violation is inappropriate or not the most cost effective method of effectively correcting or abating the zoning violation.

d. The time period given to correct the zoning violation is unreasonable.

e. The enforcement officer refused to approve a corrective action that met the requirements of the notice of zoning violation, voluntary correction agreement or county ordinances.

f. The requirements imposed violate the responsible person's constitutional rights.

g. Compliance would cause the responsible person to violate the law.

h. Compliance would cause an imminent and irreparable injury to persons or property.

3. Appeal Of Civil Fines Issued Pursuant To Voluntary Correction Agreement: Having waived such defenses, a responsible person who violates a voluntary correction agreement may not raise a defense asserting that a zoning violation does not exist and the specific corrective action required by the voluntary correction agreement is inappropriate.

4. Exception To The Automatic Stay: If the appellant has not shown due diligence and/or substantial progress in abating the zoning violation, or has made no attempt to correct the zoning violation, the filing of an appeal will not stop the accrual of fines. The filing of an appeal will not prevent the enforcement officer from responding to the property on reports of new zoning violations.

5. Site Visits: The board of adjustment appeals hearing officer may, with or without the parties present, visit the site of the alleged zoning violation. If one party is allowed to be present at the site visit, the other party must also be invited and allowed to be present.

638 6. Authority Of Board Of Adjustment Appeals Hearing Officer: The board of
639 adjustment appeals hearing officer shall have the authority to affirm, vacate or modify the
640 corrective action. If the appellant fails to attend the hearing, the board hearing officer shall
641 affirm the enforcement officer's decision. The board hearing officer shall not vacate any
642 decision of the enforcement officer unless it finds that the county has not met its burden of
643 proof. The board hearing officer may modify the decision of the enforcement officer's
644 corrective action if it finds that a zoning violation exists, but that one or more of the
645 requirements are improper or inappropriate. A requirement is improper if it is contrary to
646 this title. A requirement is inappropriate if the board hearing officer finds that there are
647 better means of resolving the problem or that the proposed solution is inappropriate given
648 the nature or severity of the problem. When determining whether to waive or modify a
649 requirement, the board hearing officer shall also consider:

- 650 a. Whether the appellant responded to the enforcement officer's attempts to contact
651 him/her and cooperated with efforts to correct the violation;
- 652 b. Whether the appellant has shown due diligence and/or substantial progress in
653 correcting or abating the zoning violation;
- 654 c. The financial ability of the appellant and the amount, if any, that the appellant has
655 benefited financially by maintaining the zoning violation; and
- 656 d. Any other relevant factor.

657 7. Factors In Determining The Appropriate Fine Amount: In determining the appropriateness
658 of a monetary fine, the board hearing officer shall consider the following factors:

- 659 a. The responsible person's financial circumstances;
- 660 b. The responsible person's physical ability to correct the zoning violation; and
- 661 c. The responsible person's mental ability to comprehend the scope of the zoning
662 violation and mental ability to abate the zoning violation.

663 8. Payment Of Fine: The board of adjustment appeals hearing officer may, in the interest of
664 justice and on behalf of the county, enter into an agreement for the timely or periodic
665 payment of the applicable civil fine.

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667 **16.02.08: VARIANCE PROCEDURE**

668 The variance procedures are intended to provide a narrowly circumscribed means by which relief may be
669 granted from unforeseen particular applications of this title that create unreasonable hardships. When such
670 hardships may be more appropriately remedied, if at all, pursuant to other provisions of this title, the
671 variance procedure is inappropriate.

672 A. Applications: Applications for variance from the Land Use and Development Code shall be filed
673 with the planning office. Applications shall contain the following information:

- 674 1. A description of the requested variance, together with a designation of that section of the
675 Wasatch County Land Use and Development Code from which relief is being
676 requested;
- 677 2. A statement of the characteristics of the subject property that prevent compliance with the
678 provisions of this title and result in unreasonable hardship;

- 679 3. A statement of the minimum variation of the provisions of this title that would be necessary
680 to permit the proposed use, construction, or development;
- 681 4.4. An explanation of how the applicant believes the request satisfies each standard set forth
682 in subsection E of this section;
- 683 2.5. An accurate ~~plot-site~~ plan and architectural plans, if appropriate, indicating the manner in
684 which the variance will be applied and its effect upon adjacent properties; and
- 685 3.6. A filing fee as established by ordinance.
- 686 B. Public Hearing: Upon receipt of a complete application as determined by the planning department,
687 a public hearing shall be set with the ~~board of adjustment~~Appeals Hearing Officer for the next
688 available meeting date.
- 689 C. Burden Of Proof: The applicant for a variance shall bear the burden of proving that all of the
690 foregoing conditions are satisfied as determined by the planning department.
- 691 D. Findings Required: The ~~board of adjustment~~Appeals Hearing Officer may authorize variances from
692 the requirements of this title, only when those variances serve the public interest, and are consistent
693 with state law. If the required findings cannot be made, the request shall be denied. In addition, the
694 board of adjustment may not grant use variances.
- 695 E. Requirements For Granting Variance: The ~~board of adjustment~~Appeals Hearing Officer may grant
696 a variance only if all of the following conditions are met:
- 697 1. Literal enforcement of this title would cause an unreasonable hardship for the applicant
698 that is not necessary to carry out the general purpose of this title;
- 699 2. There are special circumstances attached to the property that do not generally apply to other
700 properties in the same districts;
- 701 3. Granting the variance is essential to the enjoyment of a substantial property right possessed
702 by other property in the same district;
- 703 4. The variance will not substantially affect the general plan and will not be contrary to the
704 public interest; and
- 705 5. The spirit of this title is observed and substantial justice done.
- 706 F. Unreasonable Hardship: In determining whether or not enforcement of this title would cause
707 unreasonable hardship under subsection E1 of this section, the ~~board of adjustment~~Appeals Hearing
708 Officer may not find an unreasonable hardship unless the alleged hardship:
- 709 1. Is located on or associated with the property for which the variance is sought; and
- 710 2. Comes from circumstances peculiar to the property, not from conditions that are general to
711 the neighborhood.
- 712 a. In determining whether or not enforcement of this title would cause unreasonable
713 hardship under subsection E1 of this section, the ~~board of adjustment~~Appeals
714 Hearing Officer may not find an unreasonable hardship if the hardship is self-
715 imposed or economic.
- 716 b. In determining whether or not there are special circumstances attached to the
717 property under subsection E1 of this section, the ~~board of adjustment~~Appeals
718 Hearing Officer may find that special circumstances exist only if the special
719 circumstances:
- 720 (1) Relate to the hardship complained of; and

721 (2) Deprive the property of privileges granted to other properties in the same
 722 district.

723 ~~G. Meeting Conditions: The applicant shall bear the burden of proving that all of the conditions~~
 724 ~~justifying a variance have been met.~~

725 ~~H.G. Variance Applicability: Variances run with the land.~~

726 ~~H.H. Use Variance: The board of adjustment Appeals Hearing Officer and any other body may not grant~~
 727 ~~use variances.~~

728 ~~H.I. Additional Requirements: In granting a variance, the board of adjustment Appeals Hearing Officer~~
 729 ~~may impose additional requirements or conditions on the applicant that will:~~

- 730 1. Mitigate any harmful effects of the variance; or
- 731 2. Serve the purpose of the standard or requirement that is waived or modified.

732 ...

733 **16.02.07: BOUNDARY LOT LINE ADJUSTMENTS**

734 ~~A. No lot line adjustment, boundary line agreement, parcel line adjustment, or other similar method~~
 735 ~~of adjusting common lot lines between lots or parcels of land shall be made in a manner that violates~~
 736 ~~any applicable land use ordinance including, but not limited to, procedure for approval, dimensional~~
 737 ~~standards, access requirements, etc. Any illegally modified parcel, or portion thereof, may not be~~
 738 ~~developed until the infraction is corrected in a manner that conforms with current county~~
 739 ~~ordinances.~~

740 ~~A.B. Application: An application must be completed and the application fees paid. A complete~~
 741 ~~application may be required to include a draft copy of the proposed plat as adjusted by the proposed~~
 742 ~~boundary lot line adjustment. A determination of whether a new plat will be required will be made~~
 743 ~~by the county recorder, depending upon the adjustments to be made to the property.~~

744 ~~B.C. Processing: The planning staff shall review the application in accordance with Utah state~~
 745 ~~statute. If complete, the boundary lot line adjustment may be processed.~~

746 ...

747 **16.02.09: APPEALS PROCEDURE RESERVED**

748 ~~Appeals of administrative decisions shall be made as follows:~~

749 ~~A. Standing To Appeal: Any person or entity (including a county department or elected official)~~
 750 ~~affected by an administrative decision applying this title, or a decision by the planning commission~~
 751 ~~in which it is acting as the land use authority, may appeal that decision to the board of adjustment~~
 752 ~~by alleging that there is an error in any order, requirement, decision or determination by an official.~~

753 ~~B. Appeal Forum: Appeals from decisions of the Wasatch County council shall be directly to the~~
 754 ~~district court in accordance with this section and state law procedures. All other appeals, including~~
 755 ~~decisions by the planning commission in which it is acting as the land use authority, shall be to the~~
 756 ~~board of adjustment in accordance with this section.~~

757 ~~C. Deadline For Filing: A notice of appeal before the board of adjustment and all supporting~~
 758 ~~documents shall be filed within thirty (30) calendar days of decision or action taken by the official.~~
 759 ~~If the thirtieth day falls on a Saturday, Sunday or legal holiday, the next business day shall be~~
 760 ~~treated as the thirtieth calendar day. The notice of appeal to the board of adjustment shall be filed~~

761 with the planning department. An appeal to district court of a decision of the board of adjustment
 762 or county council shall be filed within thirty (30) calendar days in accordance with Utah law after
 763 the decision is voted upon during the board of adjustment or county council meeting.

764 ~~D. Contents: Notice of appeals shall state the administrative order, requirement, decision or~~
 765 ~~determination from which the person or entity appeals, and shall specify the grounds for the appeal~~
 766 ~~and circumstances related thereto. Any filings shall include copies of any documentary evidence or~~
 767 ~~written arguments intended to be presented to the board of adjustment. A written appeal failing to~~
 768 ~~specify grounds of appeal may be summarily dismissed by the board of adjustment, with or without~~
 769 ~~prejudice. The brief should address all issues to be brought before the board of adjustment. Any~~
 770 ~~new issues not addressed in the brief that are put forth at the hearing, shall be grounds to continue~~
 771 ~~the matter to allow for adequate time to respond to the new issues.~~

772 ~~E.A. Appeals To Board Of Adjustment Of Civil Fines Under Section 16.01.14 Of This Title:~~

773 ~~1. Any person receiving a civil fine pursuant to section 16.01.14 of this title may appeal the~~
 774 ~~citation to the board of adjustment. No action of the board shall relieve the responsible~~
 775 ~~person from complying with any of the provisions of this title.~~

776 ~~2.1. The burden to prove any defense specified in E3 of this section shall be upon the person~~
 777 ~~raising such defense.~~

778 ~~3.1. Defenses: Only the following defenses may be raised on appeal:~~

779 ~~a. The person charged is not the responsible person.~~

780 ~~b.a. The condition described as a zoning violation is not a zoning violation.~~

781 ~~e.a. The method required to correct the zoning violation is inappropriate or not the most~~
 782 ~~cost effective method of effectively correcting or abating the zoning violation.~~

783 ~~d.a. The time period given to correct the zoning violation is unreasonable.~~

784 ~~e.a. The enforcement officer refused to approve a corrective action that met the~~
 785 ~~requirements of the notice of zoning violation, voluntary correction agreement or~~
 786 ~~county ordinances.~~

787 ~~f.a. The requirements imposed violate the responsible person's constitutional rights.~~

788 ~~g.a. Compliance would cause the responsible person to violate the law.~~

789 ~~h.a. Compliance would cause an imminent and irreparable injury to persons or~~
 790 ~~property.~~

791 ~~4.1. Appeal Of Civil Fines Issued Pursuant To Voluntary Correction Agreement: Having~~
 792 ~~waived such defenses, a responsible person who violates a voluntary correction agreement~~
 793 ~~may not raise a defense asserting that a zoning violation does not exist and the specific~~
 794 ~~corrective action required by the voluntary correction agreement is inappropriate.~~

795 ~~5.1. Exception To The Automatic Stay: If the appellant has not shown due diligence and/or~~
 796 ~~substantial progress in abating the zoning violation, or has made no attempt to correct the~~
 797 ~~zoning violation, the filing of an appeal will not stop the accrual of fines. The filing of an~~
 798 ~~appeal will not prevent the enforcement officer from responding to the property on reports~~
 799 ~~of new zoning violations.~~

800 ~~6.1. Site Visits: The board of adjustment may, with or without the parties present, visit the site~~
 801 ~~of the alleged zoning violation. If one party is allowed to be present at the site visit, the~~
 802 ~~other party must also be present.~~

~~7.1. Authority Of Board Of Adjustment: The board of adjustment shall have the authority to affirm, vacate or modify the corrective action. If the appellant fails to attend the hearing, the board shall affirm the enforcement officer's decision. The board shall not vacate any decision of the enforcement officer unless it finds that the county has not met its burden of proof. The board may modify the decision of the enforcement officer's corrective action if it finds that a zoning violation exists, but that one or more of the requirements are improper or inappropriate. A requirement is improper if it is contrary to this title. A requirement is inappropriate if the board finds that there are better means of resolving the problem or that the proposed solution is inappropriate given the nature or severity of the problem. When determining whether to waive or modify a requirement, the board shall also consider:~~

- ~~a. Whether the appellant responded to the enforcement officer's attempts to contact him/her and cooperated with efforts to correct the violation;~~
- ~~b.a. Whether the appellant has shown due diligence and/or substantial progress in correcting or abating the zoning violation;~~
- ~~c.a. The financial ability of the appellant and the amount, if any, that the appellant has benefited financially by maintaining the zoning violation; and~~
- ~~d.a. Any other relevant factor.~~

~~8.1. Factors In Determining The Appropriate Fine Amount: In determining the appropriateness of a monetary fine, the board shall consider the following factors:~~

- ~~a. The responsible person's financial circumstances;~~
- ~~b.a. The responsible person's physical ability to correct the zoning violation; and~~
- ~~c.a. The responsible person's mental ability to comprehend the scope of the zoning violation and mental ability to abate the zoning violation.~~

~~9.1. Payment Of Fine: The board of adjustment may, in the interest of justice and on behalf of the county, enter into an agreement for the timely or periodic payment of the applicable civil fine.~~

~~F. Determination Of Hearing Date: Within five (5) business days of receipt of a notice of appeal, or as soon as is reasonably possible to find a time a quorum can meet, the applicant will be informed of a date for the hearing before the board of adjustment, which shall be no sooner than thirty (30) days thereafter, and no later than seventy five (75) days thereafter, unless waived by the applicant and the enforcement officer.~~

~~G. Record Sent To Board Of Adjustment: The official responsible for the administrative decision being appealed shall refer to the board of adjustment all papers constituting the record upon which the action appealed from was taken, at least seven (7) days prior to the hearing.~~

~~H. Appeal Stays Action: An appeal stays all proceedings unless the planning department certifies to the board of adjustment that a stay would cause imminent peril to life or property, or irreparable harm.~~

~~I. Burden Of Proof: The person or entity making the appeal has the burden of proving that an error has been made.~~

~~J. Actions Of Board Of Adjustment: In exercising its powers, the board of adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, condition, decision or determination as ought to be made.~~

~~K. Jurisdiction: The board of adjustment only has jurisdiction over matters involving the interpretation of the provisions of this title by a county official (other than a member of the legislative body) or the planning commission when it is acting as the land use authority. The planning director shall make the determination as to whether or not the board of adjustment has jurisdiction over the matter being appealed to the board of adjustment. The planning director's decision as to the board of adjustment's jurisdiction may be appealed in accordance with subsection C of this section. In such a case, the appeal shall be forwarded directly to the board of adjustment without determination by the planning director of jurisdiction. The Board of Adjustment does not have jurisdiction to hear refusals or denials of requests or demands that the enforcement officer initiate or advance enforcement actions.~~

...

16.02.12: CONCEPTUAL CONNECTIVITY AND ADOPTION OF LOCAL STREET PLAN

The legislative body, after recommendation from the Wasatch County planning commission, shall adopt and maintain a local street plan, which will provide long range planning for local neighborhood streets. This process is intended to ensure that property within a given area can be adequately developed and serviced. Upon recommendation by the planning commission, the local street plan shall be submitted to the legislative body for consideration and potential adoption.

A. In order to facilitate considerations related to a local street plan, the land developer shall be required to submit a Conceptual Connectivity Plan with all land use applications for development, vacation, or amendment to those development types listed in Section 16.27.04. Elements of this Conceptual Connectivity Plan shall show the ~~proposed-potential~~ street layout both on- and off-off-site, potential lots and other features both on- and off-site, including existing grades, utilities and watercourses ~~in relation to all existing, potential~~, and all master planned streets within one-fourth (1/4) mile of the development. The plan shall be prepared at a scale of not smaller than one inch equals four hundred feet (1" = 400').

1. The Conceptual Connectivity Plan is required for the purpose of demonstrating that the proposed development will not cause detriment to the integrated development of the overall area and that adjacent properties have viable access and opportunity to comply with both the lot and the block standards of this title. The Conceptual Connectivity Plan shall be considered and approved with the respective land use application. If proposed street stubs are anticipated to inhibit the establishment of adequate block standards, or if the proposal creates constraints on the opportunities of adjoining property owners from providing integrated developments, the County may require roads within the proposed development to be adjusted.

2. The Conceptual Connectivity Plan shall not be binding upon the properties included in the plan that are not the subject of the land use application. However, should the ~~legislative body~~ land use authority determine that a specific street layout plan is crucial to ensuring the integrated development of an area, the plan will be forwarded to the legislative body who may determine to amend or adopt the local street plan as defined in this section.

~~B. Upon recommendation by the planning commission, the local street plan shall be submitted to the legislative body for consideration and potential adoption.~~

...

890 **16.04.01: PURPOSE**

891 For the purposes of this title, the following terms and words and their derivations shall have the meaning
892 as given herein. When inconsistent with the context, words used in the present tense include the future,
893 words in the singular number include the plural, and the plural the singular. "Shall" is always mandatory.
894 Words not included herein, but which are defined in the building code shall be construed as defined therein.
895 Words which are not included herein or in the building code shall be given their usual meaning as found in
896 an English dictionary, unless the context of the words clearly indicates a different meaning. Definitions of
897 words applicable particularly to certain chapters may be included in those chapters. All terms used in this
898 title which are not specifically defined herein are to be given their usual and standard definition. ~~Disputes~~
899 ~~as to the definition of a term not specifically defined herein shall be referred to the board of adjustment for~~
900 ~~resolution.~~

901 ...

902 **16.04.02: DEFINITIONS OF TERMS AND WORDS**

903 ...

904 ~~ACCESSORY RESIDENTIAL UNIT: A secondary dwelling unit attached to the existing~~
905 ~~single family dwelling with accessibility between the unit and main dwelling.~~

906 ...

907 ~~BUILDING, PRINCIPAL: A building in which is conducted the principal use of the lot on~~
908 ~~which it is situated, and the use of which must be consistent with the permitted uses of~~
909 ~~the zone district in which it is located. In a residential zoning district, any dwelling is~~
910 ~~deemed to be the principal building on the lot on which it is situated.~~

911 ~~BUILDING ENVELOPE (BUILDABLE AREA): That part of a parcel of land where the~~
912 ~~construction of buildings and structures can be located typically formed by the required~~
913 ~~yards or setbacks or otherwise defined by subdivision plat or a physical constraints~~
914 ~~inventory of a property.~~

915 ...

916 COMPLETION DATE: The date by which a responsible person must abate or correct a
917 zoning violation. The completion date is set by the enforcement officer in a notice of
918 zoning violation, by a voluntary correction agreement, by a criminal citation, or by the
919 ~~board of adjustment~~ Appeals Hearing Officer or judge in a decision, ruling or order.

920 ...

921 ~~DUPLEX: A Two Family Dwelling.~~

922 DWELLING: A building designed or used for residential occupancy, including one-family,
923 two-family, multi-family and apartment structure; but shall not include boarding,
924 rooming or lodging houses, tents, trailers, mobile home parks, motels, motor courts,
925 motor lodges, cottage camps, or similar structures designed or used primarily for transient
926 residential uses.

927 DWELLING, MULTIPLE-FAMILY: A dwelling or group of dwellings on one lot containing
928 separate living units for three (3) or more families having separate or joint entrances.

929 DWELLING, PRIMARY: A detached single family dwelling and occupied as the primary
930 residence of the owner of record.

931 DWELLING, SINGLE-FAMILY ATTACHED: A dwelling sharing a common wall or walls,
932 but each unit being located on an individual lot including twin-homes and townhomes. To
933 be an attached unit, the dwelling units must share a common wall this is materially
934 structurally necessary to each of the dwelling units.

935 DWELLING, SINGLE-FAMILY DETACHED: A building-dwelling unit designed for and
936 occupied exclusively by one family on a separate lot and not sharing any common wall.
937 Unless context requires otherwise, a single family dwelling is assumed to be detached
938 and is therefore required to be physically detached from any other dwelling units, and is
939 on a separate lot.

940 DWELLING, TWO-FAMILY (DUPLEX): A building containing ~~T~~two (2) dwelling units
941 sharing a common wall or walls and located on one lot.

942 DWELLING UNIT: A single unit providing complete, independent living facilities for one or
943 more persons, including provisions for living, sleeping, eating, cooking and sanitation.

944 ...

945 INTERNAL ACCESSORY DWELLING UNIT (IADU): means an accessory ~~residential~~
946 dwelling unit created:

947 (i) within a primary dwelling;

948 (ii) within the footprint of the primary dwelling at the time the internal accessory ~~residential~~
949 dwelling unit is created; and

950 ~~(iii) with an internal connection between the IADU and the main primary dwelling; and~~

951 ~~(+viii)~~ is for the purpose of providing a long-term residential occupancy of 30 consecutive
952 days or longer. In addition, for purposes of IADU's only, a primary dwelling is defined as
953 a single family detached dwelling that is taxed as a primary residence, and is occupied by
954 the owner of record.

955 ...

956 SINGLE FAMILY DWELLING: A dwelling, single family detached, as defined herein.

957 ...

958 TWO-FAMILY DWELLING: A dwelling, two- family, as defined herein.

959 TOWNHOME: A single-family dwelling unit constructed in a group of three or more
960 attached units in which each unit extends from foundation to roof and with a yard or

961 public way on not less than two sides. To be an attached unit, the dwelling units must
 962 share a common wall that is materially structurally necessary to each of the dwelling
 963 units.

964 ...

965 VARIANCE: A variation of, or deviation from, the regulations or standards adopted by
 966 ordinance, which the ~~board of adjustment~~ Appeals Hearing Officer is permitted to grant.

967 **16.05.07: LOT AREA PER DWELLING**

968 Not more than one single-family dwelling may be placed upon a lot or parcel of land in the preservation
 969 zone (P-160). ~~If a conditional use is obtained, a~~ Notwithstanding, an accessory ~~residential unit, guest unit or~~
 970 ~~caretaker accessory~~ dwelling unit (ADU) may be permitted if in accordance with section 16.21.46 of this
 971 title ~~may be built within the main structure or detached from the main structure.~~

972 **16.06.07: LOT AREA PER DWELLING**

973 Not more than one single-family dwelling may be placed upon a lot or parcel of land in the agricultural
 974 zone (A-20), ~~unless a conditional use has been obtained for~~ Notwithstanding, an accessory ~~residential unit~~
 975 ~~or caretaker accessory~~ dwelling unit (ADU), ~~as accessory uses. If a conditional use is obtained, an accessory~~
 976 ~~residential unit, guest unit or caretaker accessory dwelling unit (ADU)~~ may be permitted if in accordance
 977 with section 16.21.46 of this title ~~may be built within the main structure or detached from the main structure.~~

978 **16.07.07: LOT AREA PER DWELLING**

979 Not more than one single-family dwelling may be placed upon a lot or parcel of land in the residential-
 980 agricultural zone (RA-1). ~~If a conditional use is obtained,~~ Notwithstanding, an accessory dwelling unit, ~~guest~~
 981 ~~unit or caretaker accessory dwelling unit (ADU)~~ may be permitted if in accordance with section 16.21.46
 982 of this title ~~may be built within the main structure or detached from the main structure.~~

983 **16.08.07: LOT AREA PER DWELLING**

984 Not more than one single-family dwelling or other principal use may be placed upon a lot or parcel of land
 985 in the residential-agricultural zone (RA-1). ~~If a conditional use is obtained,~~ Notwithstanding an accessory
 986 ~~residential unit, guest unit or caretaker accessory~~ dwelling unit (ADU) may be permitted if in accordance
 987 with section 16.21.46 of this title ~~may be built within the main structure or detached from the main~~
 988 ~~structure.~~

989 **16.09.03: CONDITIONAL USES**

990 The following table shows the uses and structures that are permitted in the mountain zone (M) only after a
 991 conditional use permit has been approved, and subject to the terms and conditions thereof.

992
 993 **CONDITIONAL USES IN THE MOUNTAIN ZONE (M)**

Use Number	Use Classification
1519	Group transient lodging

1903	Accessory residential unit
1905	Caretaker ADU
1907	Guest ADU
4712	Telephone relay towers, microwave or other
4810	Electric utility (except 4813)
4824	Gas pressure control stations
4832	Water treatment plants
4833	Water storage
4834	Water storage covered
4910	Underground pipeline right of way and pressure control stations, NEC
6721	Police protection and related activities (public only)
6723	Fire protection and related activities (public only)
6911	Churches, synagogues, temples, and missions

994

...

995

16.09.08: LOT AREA PER DWELLING

996

Not more than one single-family dwelling may be placed upon a lot created under this chapter or parcel of land in the mountain zone (M). ~~If a conditional use is obtained,~~ Notwithstanding, an accessory residential unit, guest unit or caretaker accessory dwelling unit (ADU) may be permitted if in accordance with section 16.21.46 of this title ~~may be built within the main structure or detached from the main structure.~~

997

998

999

1000

...

1001

Chapter 16.17: GEOLOGIC HAZARDS OVERLAY ZONE (GHOZ)

1002

...

1003

16.17.09: REVIEW AND APPROVAL PROCEDURE

1004

1005

- A. In order to fulfill the purposes of this chapter, county planning staff shall review any proposed subdivision or development which requires preparation of a geologic hazard report under this

1006 chapter to determine the possible risks to the safety of persons or property from geologic hazards.
1007 ~~Appeals are to be entertained by the Wasatch County board of adjustment.~~

1008 ...

1009 **16.17.10: DISPUTE RESOLUTION PROCEDURES**

1010 ...

1011 C. Any decision of the county may be appealed to the ~~board of adjustment~~ Appeals Hearing Officer
1012 pursuant to the appeal procedures set forth by county ordinance.

1013 ...

1014 **16.21.46: INTERNAL ACCESSORY DWELLING UNITS (IADU), CARETAKER**
1015 **ACCESSORY DWELLING UNITS, AND, GUEST UNITS**

1016 ...

1017 B. General Definitions of Accessory Unit Types: These 16.21.46(B) definitions are in addition to the
1018 16.04.~~042~~ definitions to aid in quick interpretation of this section. In the event this 16.21.46
1019 definition conflicts with 16.04.~~042~~, 16.04.~~042~~ controls.

1020 1. Caretaker accessory dwelling units (caretaker ADU's) are separate residential living
1021 quarters that may be attached or detached to the main dwelling unit, and located on the
1022 same lot as the main dwelling unit. The Caretaker dwelling must be for the purpose of
1023 housing an immediate family member or employee for the purpose of providing a
1024 caretaker for larger acreage properties with caretaker needs, which are managing or
1025 working on the subject property. Employment on the property shall be for a use that is
1026 legally recognized and approved by county zoning ordinance or official county approval,
1027 and is limited to farming or ranching operations, property maintenance, or security.

1028 2. Guest ADU's are attached or detached dwellings used on a part time basis not intended to
1029 be permanent residents for guests of the main dwelling and not short or long term rentals,
1030 and is only for housing temporary guests of the primary occupant of the main residence.
1031 Guest ADU's are only allowed if they do not alter the character of the neighborhood or
1032 create unreasonable impacts to the county.

1033 3. Internal Accessory Dwelling Units (IADU's) are units that are secondary units for
1034 housing of one additional family within the primary dwelling under the common roofline
1035 or in the basement that are deed restricted so they will not become short term rental units,
1036 ~~and in the case of lots of record, that there will be no further subdivision of the subject~~
1037 ~~property.~~

1038 C. Internal Accessory Dwelling Units (IADU's) IADUs are only allowed in compliance with the
1039 following restrictions:

1040

1041 1. The application must demonstrate the proposed IADU will meet all the elements in the
1042 definition of an IADU.

1043 ~~1.2. IADUs shall only be permitted on~~ The lots ~~must be~~ larger than 6,000 square feet. Mobile
1044 homes are not allowed to have an IADU.

- 1045 ~~2.3.~~ IADU's must be within the footprint of the primary dwelling, and must share common
1046 walls. Common walls and roof lines do not include covered or enclosed walkways.
- 1047 ~~4.~~ IADUs are ~~N~~not allowed on any parcel or in any subdivision that is considered non-
1048 conforming for any reason or lots that are considered non-conforming lots of record,
1049 unless the nonconforming parcel or lot of record has acreage 50% greater than that
1050 required by the underlying zone, is greater than 5 acres, and a deed restriction is placed
1051 on the property that precludes further subdivision of the subject property.
- 1052 ~~3.5.~~ No separate meters are allowed for utilities including water, sewer, gas and power.
1053 Required utilities (water, sewer, power, gas) shall be connected through the same
1054 connections and hookups as the main dwelling unit.
- 1055 ~~4.6.~~ If connected to an on-site septic system, special conditions may be imposed by the
1056 Wasatch County Health department to protect the surface water and groundwater quality
1057 from increased degradation above that of a single residence on the property. This may
1058 include the use of an alternative on site system for nitrogen reduction, compliance with
1059 R317-4-4.2 method 1 for determining lot size, or other property specific requirements.
1060 The Health department may also determine to not approve the additional load on the
1061 septic system, in which case the application shall be denied.
- 1062 ~~5.7.~~ The same address and driveway used for the main dwelling must be used for the IADU.
- 1063 ~~6.8.~~ There must be at least one off-street parking stall provided in addition to the required
1064 parking for the main dwelling.
- 1065 ~~7.9.~~ A building permit issued by Wasatch County is required for any IADU. The IADU must
1066 fit in with the neighborhood aesthetically, and the primary dwelling must appear to be a
1067 single family detached dwelling. Impacts, if any, should not detract from the residential
1068 nature of the neighborhood.
- 1069 ~~8.10.~~ A Guest ADU may be converted into an IADU, if it conforms to this section, but
1070 an IADU may not also be placed in a primary dwelling which has a Guest ADU.
- 1071 ~~1.~~ ~~An IADU shall not be allowed on any parcel that is considered non-conforming~~
1072 ~~in any way even on lots that are considered lots of record, unless the nonconforming~~
1073 ~~parcel or lot of record has acreage 50% greater than that required by the underlying zone,~~
1074 ~~and is greater than 5 acres.~~
- 1075 ~~9.11.~~ The IADU shall not be rented for less than 30 consecutive days.
- 1076 ~~10.12.~~ A business license shall be obtained by the primary owner of the property, unless
1077 they sign a legal declaration which states they are not renting the IADU, and will obtain a
1078 business license if they do start renting the IADU.
- 1079 ~~11.13.~~ A deed restriction shall be filed by the applicant on a form provided by the
1080 county that prohibits the sale, condominiumization, subdivision, or separation of the
1081 IADU as a separate parcel of property (an illegal subdivision of property). It shall state
1082 the IADU will not be rented for periods of less than 30 consecutive days. It shall state
1083 that the owner is required to maintain a business license at any time the IADU is rented.
1084 The applicant must provide the recorded deed restriction on a form provided by the
1085 County to the planning department prior to occupancy being granted.
- 1086 ...

1087 **16.22.09: NONCONFORMING LOTS OF RECORD LAND USE REGULATIONS**

1088 Nonconforming lots of record are only exempt from the minimum size, width, frontage, depth or other
1089 applicable dimensional requirements of the zone where the lot is located. Before a building permit may be
1090 issued, nonconforming lots of record shall have access on a road built to county standards and shall comply
1091 with all other land use, zoning and development standards applicable to the particular zone the
1092 nonconforming lot of record is located in. A nonconforming lot of record determination does not guarantee
1093 a building permit.

1094 A. Lot With Building: If a lot is unable to receive lot of record status and contains a building legally
1095 established on or before July 28, 1972, then the owner may continue the then existing use of such
1096 building and may expand the building in any way that does not increase the degree of
1097 nonconformity. This provision does not establish the parcel as a lot of record.

1098 ...

1099 B. Uses Granted for Nonconforming Lots of Record: Lots that are determined to be nonconforming
1100 lots of record may be granted a building right for a single family dwelling, accessory residential
1101 dwelling units only if allowed in section 16.21.46, and accessory uses as outlined in the underlying
1102 zone. So long as all other standards applicable to that use are complied with and so long as the use
1103 is permitted in the zone, nonconforming lots of record may also be permitted utility uses under use
1104 code 4800 and agricultural uses under use code 8000. The uses outlined in this paragraph and no
1105 others are granted for nonconforming lots of record.

1106 B.C. Lot Line Adjustments: Lots of Record are not authorized to modify the boundaries of the
1107 Lot of Record without prior written authorization of the Planning Director. Any lot line adjustments
1108 recorded without written approval of the Planning Director shall be deemed illegal and shall
1109 invalidate any prior Lot of Record certificates issued for the property. Any modification to the
1110 boundaries shall only be approved if the modification does not increase the degree of
1111 nonconformity of the Lot of Record.

1112 ...

1113 **16.23.06: TRANSFERABILITY, TIME FOR PERFORMANCE, EXPIRATION,**
1114 **MODIFICATION AND REVOCATION**

1115 ...

1116 C. Expiration: Unless otherwise specified in the motion granting a conditional use permit, a permit
1117 that has not been utilized within twelve (12) months from the approval date, shall become null and
1118 void by operation of law. Once any portion of the conditional use permit is utilized, the conditions
1119 related thereto become immediately operative and must be strictly obeyed. Utilization shall be
1120 construed to mean pouring of concrete, or commencement of framing on construction, or
1121 commencement of the use or uses for which the permit was granted. Conditional Uses involving
1122 multiple parcels must be utilized within 12 months as described above for at least one parcel, and
1123 must be utilized for all parcels within five (5) years, or the conditional use is revoked and expired
1124 to the extent that it applied to those parcels for which it was not utilized. More specific expirations
1125 may be required as part of the conditional use approval.

1126 D. Modification Or Revocation Of Conditional Use Permit: The planning commission shall hold a
1127 hearing upon the question of modification or revocation of a conditional use permit granted
1128 pursuant to the provisions of this section. Notice of said hearing shall be made at the same time and

1129 in the same manner as required to obtain the conditional use permit. A conditional use permit may
1130 be modified or revoked if the planning commission finds one or more of the following:

1131 ...

1132 E. Appeals: Any appeals to decisions made by the ~~planning-administrative~~ staff on conditional uses
1133 under the provisions of 16.01.05(B) must be forwarded to the planning commission. The ~~board-of~~
1134 ~~adjustment~~Appeals Hearing Officer shall hear any appeals to the decision of the planning
1135 commission regarding the issuance or denial of a conditional use permit.

1136 ...

1137 **16.24.02: JURISDICTION**

1138 Application for a temporary use permit shall be made to the planning department, and shall be approved by
1139 the planning staff for any use specifically listed herein, after review by the development review committee.
1140 Any comments noted by the development review committee review shall become a condition of the
1141 approval for a temporary use permit. Appeals of planning staff decisions shall be to the ~~board-of~~
1142 ~~adjustment~~Appeals Hearing Officer.

1143 ...

1144 **16.26.03: INTERPRETATION**

1145 In interpreting and applying the provisions of this chapter, the sign regulations contained herein are declared
1146 to be the maximum allowable for the purposes set forth. If the director determines that an application needs
1147 further interpretation, he may request that the planning commission review the proposal. ~~If the applicant~~
1148 ~~wishes to propose or retain a sign that exceeds ordinance standards, he may apply to the board of adjustment~~
1149 ~~for a variance as outlined in section 16.02.08 of this title.~~

1150 ...

1151 **16.26.05: ENFORCEMENT AND PENALTIES**

1152 ...

1153 C. Legal Action: The director or his authorized representative shall be empowered to institute any
1154 appropriate action or proceeding in any case where any sign is illegally erected, constructed,
1155 reconstructed, altered, repaired, converted or maintained, or in any case where any sign is used in
1156 violation of any county ordinance, by issuing notices by mail and posting of such notices upon the
1157 sign for the specified period of time as follows:

1158 ...

1159 7. Right To Appeal: Any person who has been ordered to alter or remove any sign or has had
1160 a sign removed by the county, or any person whose application for a sign permit has been
1161 denied, may appeal to the ~~board-of adjustment~~Appeals Hearing Officer by serving written
1162 notice to the director with ten (10) days of the order or denial, except in the case of a
1163 removal on the grounds of safety, the filing of such appeal shall stay the removal of such
1164 sign pending the outcome of the appeal to the ~~board-of adjustment~~Appeals Hearing Officer.

1165 ...

1166 **16.26.06: NONCONFORMING SIGNS**

1167 ...

1168 E. Variances: Upon application by the sign owner or business, the ~~board of adjustment~~Appeals
1169 Hearing Officer may grant a variance, if appropriate. The variance may allow the retention,
1170 alteration, movement or expansion of a nonconforming sign.

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1172 **16.26.14: SAFETY AND LOCATION STANDARDS**

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1174 C. Clear View Of Intersecting Streets: No sign more than three feet (3') in height above the top of the
1175 curb (or the centerline of the street if there is no curb) shall be erected at any intersection for
1176 vehicular traffic within a triangular area formed by the intersection of straight lines extended from
1177 the back of the curb (or future curb) and a line connecting them at points sixty feet (60') from the
1178 intersection of the lines. Monument signs may be erected in the above mentioned area if they are
1179 less than three feet (3') above the curb grade to the top of the sign. The planning commission must
1180 approve any removal of landscaping in order to accomplish that objective. See section 16.26.17,
1181 "Exhibit 2, Visibility Triangle Chart" of this chapter. Any deviations from these requirements must
1182 be reviewed and approved by the planning department after conferring with other departments of
1183 the county. Decisions of the planning department may be appealed to the ~~board of~~
1184 adjustmentAppeals Hearing Officer.

1185 ...

1186 **16.27.05: GENERAL PROCEDURE FOR DEVELOPMENT APPLICATIONS**

1187 This section includes a general outline of the development review process. Additional information,
1188 including additional application requirements, may be found under the sections of the Land Use and
1189 Development Code applicable for each development type. These procedures listed herein may be
1190 modified by the Planning Director if necessary to comply with state law.

1191 A. Pre-Application: An applicant may, but is not required to, request to meet with the Development
1192 Review Committee prior to submitting a formal application for review. These items will be
1193 presentations from an applicant in order to provide an opportunity where informal feedback can
1194 be provided on the applicant's presented concept plan. Upon request, the planning staff will also
1195 show the applicant the County Website, where all the applicable standards and checklists for
1196 development applications are located.

1197 A-B. Application: In order for a development proposal to be considered by the land use
1198 authority, the applicant shall submit a complete application form for the type of development
1199 requested and pay the appropriate application fees, along with the required plans, drawings, and
1200 any documents or other items required for the development type. The applicant bears the burden
1201 of proving compliance with all requirements associated with a development application.
1202 Regardless of application type, all development applications shall conform to the following
1203 minimum requirements:

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1. All plans shall be drawn to a scale not smaller than one inch equals one hundred feet (1" = 100'), unless otherwise approved by the Planning Director and not required by any member of the Development Review Committee, and shall include the project name and address, north point, scale, and date;
 2. All plans shall be submitted in an approved electronic format following the checklist for the applicable development type;
 3. The application shall include accurate contact information for the property owner(s), developer, and project design team. It is the responsibility of the applicant to keep all contact information current during the entire review and approval process;
 4. The person submitting an application shall be the property owner, or the application shall include a signed ~~writing declaration~~ by the property owner authorizing the applicant to submit the development application on their property;
 5. All open spaces and roadways are to be considered as individual parcels and treated as such;
 6. All drawings shall be as clean, legible, accurate and concise as possible while still providing the necessary information;
 7. Any resubmittals shall include a ~~response sheet~~ comprehensive and specific written explanation provided by the ~~developer applicant~~ in response to the DRC review comments indicating how the new submittal addresses ~~any all~~ any all applicable comments provided by the Development Review Committee or the reason why the applicant is declining to make revisions. Review of resubmittals may not begin until all comments are addressed by the applicant. Resubmittals that do not address all items from the previous review will be considered incomplete;
 8. ~~Where~~ If a development proposal includes land that has been illegally subdivided or the property has been modified in any manner that does not comply with the requirements of this title, the development proposal must include all necessary actions to correct the illegal subdivision or modification and must include legal, corrective actions for all parcels that were part of the land prior to the illegal subdivision or modification; and
 9. For master plan applications, preliminary applications, or subdivision applications where a developer owns or controls more land than he or she wishes to develop immediately, a master plan application for the whole area shall be submitted, in which case the developer shall indicate the portion to be developed immediately and the portion to be held for future development.
- B.C.** Review For Completeness: The planning staff shall review the application to determine if the application is complete. This review shall not be a review as to the quality of the application, but only to determine if all required items have been provided.
1. If Incomplete: If the application is found to be incomplete, the planning staff will notify the developer and advise the developer of the additional items that are necessary to make the application complete. An application that does not include all items, fees, plans, and/or studies required by the provisions of this title will not be considered for any further review and the application does not satisfy any requirements for application submittal under the provisions of Section 16.01.16. Substantive review of the application may result in subsequent findings that necessary application materials were not included.
 2. If Complete: If the application is found to be complete, the planning staff will notify the developer in writing of that fact, and ~~place send~~ the item on the next for review by the development review committee ~~agenda~~. The DRC may still require the applicant provide

additional information necessary to determine or demonstrate compliance with applicable standards after an application is deemed complete.

C.D. Development Review: The planning staff shall distribute the drawings and other appropriate documents to the development review committee and any other appropriate persons or entities for review and comment on the proposal.

1. If Approved: If all members of the DRC recommend approval or choose to take no action on the DRC review report, the item will be placed on the next available Planning Commission~~Land Use Authority~~ agenda, if applicable.
2. If Rejected: If changes are required, the item will not be advertised or placed on an agenda and the applicant will be responsible to make whatever modifications to the plans are necessary to resolve the comments raised by the development review committee and resubmit to the DRC for review. If the applicant demands the application be considered by the land use authority without resolving the comments, or if the application for only single-family dwellings, two-family dwellings, or townhomes and that are not in the Geologic Hazards Overlay Zone has gone through 4 review cycles which count, and the applicant has not requested or allowed an additional review cycle, the application will be forwarded to the land use authority for the next available meeting, though the planning staff will typically recommend denial of the application. The applicant shall be sent a notice that appeals of land use decisions are made in accordance with Wasatch County Code.
3. If any such department fails to either recommend approval or give written objections to the plan within a reasonable time, the matter shall be placed on the planning commission~~Land Use Authority~~ agenda, if applicable, and shall be deemed to have a recommendation for approval by such department for purposes of the staff reports. Such department head, or its representative, shall appear at the planning commission~~public meeting and give comments regarding the plan, which may be considered by the planning commission and/or the land use authority. Comments addressing a compelling, countervailing public interest may, in the discretion of the land use authority, be considered anytime prior to a decision by a land use authority. A modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived or deemed approved by failure of a reviewing department to make a written objection.~~

E. Placement On Agenda: After an item is determined to be complete and has been given a recommendation for approval by the various members of the development review committee, or an applicant has demanded a land use decision, the planning staff shall issue an administrative land use decision if so authorized, or shall place the matter on the agenda for appearance before the applicable Land Use Authority. The planning staff shall then write a report to the Land Use Authority, taking into consideration the recommendations of the development review committee and propose any conditions necessary to satisfy any remaining DRC comments. If at any time issues are found that have not been satisfactorily addressed, the item may be pulled off the agenda, if allowed under Utah Code.

- 4.1. If an applicant requests an item be pulled from an agenda after the item has been advertised, unless due to a request from the planning department, the applicant shall pay an additional meeting fee. Starting on the date of the applicant's request to continue the item, the application will be placed on hold and will not continue to be processed until the additional meeting fee is paid. If the applicant fails to pay the fee and demands a land use decision or for the item to be placed on an agenda, the land use application will be summarily administratively denied by the planning department.

1298 F. Administrative Land Use Committee: On the same day a staff report for the ALUC is finalized, if
 1299 applicable, the report is to be provided to the chair of the ALUC, provided to the applicant, and
 1300 uploaded to the Utah Public Notice Website, with a note on how to make public comments. The
 1301 chair of the ALUC, at his or her discretion, is authorized to render a decision on behalf of the
 1302 ALUC without the need of a public meeting for matters where a land use application has received
 1303 a positive recommendation from the DRC, no one has delivered written opposition to the
 1304 planning department, and an applicant has not raised any concerns with the recommendations of
 1305 the staff report within seven calendar days of the date of the report. If a public meeting is
 1306 determined to be necessary by the ALUC chair, the planning department shall coordinate a
 1307 meeting date and time when the ALUC quorum can be present and notify the parties, provide
 1308 public notice of the meeting, and maintain minutes and records of its proceedings in accordance
 1309 with the requirements of state law. For items authorized for approval by the ALUC as the land
 1310 use authority as outlined in 16.01.05(C), the ALUC chair or quorum of the ALUC, as applicable,
 1311 shall approve, approve with conditions, or deny the application.

1312 D.G. _____ Planning Commission: For items requiring a planning commission hearing, the ~~planning~~
 1313 ~~commission~~Planning Commission will hold a hearing, after proper public notice, and will allow
 1314 for public comment on the matter. For items authorized for approval by the Planning Commission
 1315 as the land use authority as outlined in 16.01.05(A), the Planning Commission shall approve,
 1316 approve with conditions, or deny the application in a public meeting. For all ~~other~~ items requiring
 1317 legislative action, the planning commission will make a recommendation for or against approval,
 1318 to the county legislative body.

1319 E.H. _____ County Legislative Body: After receipt of the recommendation of the planning
 1320 commission, and performance of any conditions that are required to be completed before a
 1321 hearing before the county legislative body, the planning staff shall publish any necessary notice
 1322 and place the matter on the next available agenda for a public hearing before the county
 1323 legislative body. The county legislative body shall hold a public hearing and solicit public
 1324 comments on the matter. Unless continued to a later hearing, the county legislative body shall
 1325 issue their decision on the matter. The decision may be to approve, approve with conditions, or to
 1326 deny the application. If the county legislative body considers any substantial changes to the
 1327 development that were not considered by the planning commission, the matter may be referred
 1328 back to the planning commission to consider such substantial changes.

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1330 **16.27.20: RESERVEDRETAINING WALLS**

1331 Purpose and Intent: Retaining walls may be necessary in situations where steeper grades are present in
 1332 development areas. Use of excessive retaining walls is not allowed. Developments should work with and
 1333 respect the natural topography of the area. Retaining walls made of natural materials are encouraged when
 1334 possible. Retaining walls shall, in accordance with this code, use native landscaping to buffer retaining
 1335 walls.

1336 A. Retaining walls that are less than 410' in height and less than 800' in length are considered a
 1337 permitted use. Walls over 10' in cumulative height or over 800' in length shall be considered as a
 1338 conditional use. Any ~~other~~ Retaining walls greater than 30' in cumulative height and/or longer
 1339 than 200800' in length requires approval from the County Council after a recommendation from
 1340 the Planning Commission. Retaining walls over 4' in height and less than 1030' in cumulative
 1341 height and less than ~~or~~ 200800' in length shall be reviewed by planning staff as provided for in
 1342 16.01.05.
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There shall be two types of retaining walls. Stacked walls that cumulatively combined are less than 30' in height and walls over 30' in height. Each type of wall shall be regulated differently as outlined below:

1. Combined walls with a height of less than 30' shall be broken up so that no individual wall is higher than 10'. Walls shall have a minimum of a 3' break. Walls shall be made of natural materials such as stacked rock, gabion baskets, etc. Poured concrete walls shall be faced with stone. Each 3' step shall incorporate ~~native~~ landscaping of sufficient size and density to break up the mass of the wall. Walls greater than 4' in height shall not be made of wood or railroad ties.
2. Walls over 30' shall be soil nailed and be Shotcrete, gunite or sprayed concrete and troweled/textured and colored to look like natural rock. Landscaping shall be incorporated at the base of the wall as approved by the Planning Commission and County Council. If possible, with a soils report review, ~~steeper~~ steeper un-retained slopes shall be used above and below the walls as much as possible. Un-retained slopes shall be landscaped with a mixture of evergreen and deciduous trees to break up the height of the wall and with groundcover sufficient to add necessary stability to the slope.
3. Options outside of those listed above shall be considered by the Planning Commission and County Council as a conditional use permit.

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16.27.22: RIDGELINE/VIEWSHED REGULATIONS

- A. Purpose: It is the intent of this section to protect the valuable views of the ridgelines of Wasatch County by providing regulations, which will limit the building of structures on or near ridgelines that protrude above primary and secondary ridgelines, or will mitigate the appearance of such structures if prevention is not possible.
- B. Applicability: These regulations apply to ~~all~~ land use applications where development is on or near ridgelines in Wasatch County for which any portion of a proposed structure protrudes above ridgelines when viewed from the designated viewing platforms as shown on the adopted viewing platform map. Any rezoning, proposed development or building permit shall be subject to compliance with these regulations, irrespective of whether specific reference to the regulations is made in this title. In the event of an overlapping or conflicting requirement of this chapter and other provisions or regulations in this code, the more restrictive provision shall apply. All proposals for development of pre-existing lots of record or platted plots that may be located within the primary or secondary ridgeline areas are subject to conditional use approval.

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D. Requirements And Procedures:

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3. Appeals: Appeals of the decisions of the planning staff will be made to the ~~board of adjustment~~ Appeals Hearing Officer.

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1383 **16.27.29: ROADS AND INTERSECTIONS**

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1385 E. Street Lengths: Cul-de-sacs shall not exceed one thousand three hundred feet (1,300') in length
 1386 and shall have a turnaround with a diameter of eighty feet (80'). Dead ends or cul-de-sacs are not
 1387 intended to be longer than one thousand three hundred feet (1,300') without joining with another
 1388 street to create a block that allows a separate ingress and egress.

1389 **F. Retaining Walls**1390 **1. Retaining Walls**

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1392 ~~Purpose and Intent: Retaining walls may be necessary in situations where steeper grades~~
 1393 ~~are present in development areas. Use of excessive retaining walls is not allowed.~~
 1394 ~~Developments should work with and respect the natural topography of the area. Retaining~~
 1395 ~~walls made of natural materials are encouraged when possible. Retaining walls shall, in~~
 1396 ~~accordance with this code, use native landscaping to buffer retaining walls.~~

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1398 ~~Retaining walls that are less than 4' in height are considered a permitted use. Any other~~
 1399 ~~Retaining walls greater than 30' in cumulative height and/or longer than 200' in length~~
 1400 ~~requires approval from the County Council after a recommendation from the Planning~~
 1401 ~~Commission. Retaining walls over 4' in height and less than 30' in cumulative height~~
 1402 ~~and/or 200' in length shall be reviewed by planning staff.~~

1403

1404 ~~There shall be two types of retaining walls. Stacked walls that cumulatively combined are~~
 1405 ~~less than 30' in height and walls over 30' in height. Each type of wall shall be regulated~~
 1406 ~~differently as outlined below:~~

1407 ~~a. Combined walls with a height of less than 30' shall be broken up so that no~~
 1408 ~~individual wall is higher than 10'. Walls shall have a minimum of a 3' break. Walls shall~~
 1409 ~~be made of natural materials such as stacked rock, gabion baskets, etc. Poured concrete~~
 1410 ~~walls shall be faced with stone. Each 3' step shall incorporate native landscaping to break~~
 1411 ~~up the mass of the wall. Walls greater than 4' in height shall not be made of wood or~~
 1412 ~~railroad ties.~~

1413 ~~b. Walls over 30' shall be soil nailed and be Shotcrete, gunite or sprayed concrete~~
 1414 ~~and troweled/textured and colored to look like natural rock. Landscaping shall be~~
 1415 ~~incorporated at the base of the wall as approved by the Planning Commission and County~~
 1416 ~~Council. If possible, with a soils report review, steeper un-retained slopes shall be used~~
 1417 ~~above and below the walls as much as possible. Un-retained slopes shall be landscaped~~
 1418 ~~with a mixture of evergreen and deciduous trees to break up the height of the wall.~~

1419 ~~c. Options outside of those listed above shall be considered by the Planning~~
 1420 ~~Commission and County Council.~~

1421 ...

1422 **16.28.08: FLOOD DAMAGE PREVENTION**

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1424 D. Methods Of Reducing Flood Losses: In order to accomplish its purposes, this section uses the
1425 following methods:

1426 1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood,
1427 or cause excessive increases in flood heights or velocities;

1428 2. Require that uses vulnerable to floods, including facilities which serve such uses, be
1429 protected against flood damage at the time of initial construction;

1430 3. Control the alteration of natural floodplains, stream channels, and natural protective
1431 barriers, which are involved in the accommodation of floodwaters;

1432 4. Control filling, grading, dredging and other development which may increase flood
1433 damage; and

1434 5. Prevent or regulate the construction of flood barriers which will unnaturally divert
1435 floodwaters or which may increase flood hazards to other lands.

1436 5-6. Require measures that notify potential buyers of flood areas and risks.

1437 E. Definitions: Unless specifically defined below, words or phrases used in this section shall be
1438 interpreted to give them the meaning they have in common usage and to give this section its most
1439 reasonable application.

1440 ...

1441 SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of
1442 restoring the structure to its ~~before damaged~~ pre-damaged condition would equal or exceed fifty
1443 percent (50%) of the market value of the structure only before the damage occurred. This term
1444 also applies to structures which have incurred any damage that equals or exceeds 50 percent of
1445 the structure's market value regardless of the actual repair work performed. When a structure or
1446 building has been determined as substantially damaged, any work or repair on said structure or
1447 building will be considered as substantial improvement and will be required to meet the
1448 development requirements set forth within this ordinance for substantial improvement.
1449

1450 SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other
1451 improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market
1452 value of the structure before "start of construction" of the improvement. This includes structures
1453 which have incurred "substantial damage", regardless of the actual repair work performed. The
1454 term does not, however, include either:

1456 1. Any project for improvement of a structure to correct existing violations of state or local
1457 health, sanitary, or safety code specifications which have been identified by the local code
1458 enforcement official and which are the minimum necessary conditions or

1459 2. Any alteration of a "historic structure", provided that the alteration will not preclude the
1460 structure's continued designation as a "historic structure".

1461 ...

1462 F. General Provisions:

- 1463 1. Lands To Which This Section Applies: This section shall apply to all areas of special
1464 flood hazard within the jurisdiction of unincorporated Wasatch County.
- 1465 2. Basis For Establishing The Areas Of Special Flood Hazard: The areas of special flood
1466 hazard identified by the federal emergency management agency in a scientific and
1467 engineering report entitled, "The Flood Insurance Study For Wasatch County", dated
1468 ~~September 30, 2009~~ March 15, 2012, with accompanying flood insurance rate maps and
1469 flood boundary-floodway maps (FIRM and FBFM) and any revisions thereto are hereby
1470 adopted by reference and declared to be a part of this section. Wasatch County
1471 automatically adopts all effective FEMA flood insurance studies (FIS), and all effective
1472 FEMA flood insurance rate maps (FIRMs).

1473 ...

1474 G. Administration:

- 1475 1. Designation Of The Floodplain Administrator: The Wasatch County planning director is
1476 hereby appointed the floodplain administrator to administer and implement the provisions
1477 of this section and other appropriate section of CFR (national flood insurance program
1478 regulations) pertaining to floodplain management.
- 1479 2. Duties And Responsibilities Of The Floodplain Administrator: Duties and responsibilities
1480 of the floodplain administrator shall include, but not be limited to, the following:

1481 ...

1482 3. Requirement to Submit New Technical Data:

- 1483 a. The property owner or developer shall notify FEMA by submittal of a LOMR
1484 within 6 months of project completion when an applicant had obtained a
1485 CLOMR from FEMA or when development altered a watercourse, modified
1486 floodplain boundaries, or modified BFE.
- 1487 b. The property owner or developer shall be responsible for preparing technical data
1488 to support the CLOMR or LOMR application and paying any processing or
1489 application fees to FEMA. The property owner or developer is responsible for
1490 submitting the CLOMR and LOMR to FEMA and shall provide all necessary
1491 data to FEMA if requested during the review process to ensure the CLOMR or
1492 LOMR is issued.
- 1493 c. The Floodplain Administrator shall be under no obligation to sign the
1494 Community Acknowledgement Form, which is part of the CLOMR/LOMR
1495 application, until the applicant demonstrates that the project will or has met the
1496 requirements of this ordinance and all applicable state federal, and local laws.

1497 3.4. Permit Procedures:

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1499 4.5. Variance Procedures:

- 1500 a. ~~The board of adjustment~~ Appeals Hearing Officer as established by the county
1501 council shall hear and render judgment on requests for variances from the

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requirements of this section, following the procedural requirements of WCC 2.02.02, but applying the substantive requirements of this subsection.

- b. The ~~board of adjustment~~ Appeals Hearing Officer shall hear and render judgment on an appeal only when an appeal has been filed ~~it is alleged~~ there is an error in any final requirement, final decision, or final determination made by the floodplain administrator in the enforcement or administration of this section. The burden of proving an error is on the appellant.
- c. Any ~~person or persons aggrieved~~ adversely affected party by the final decision of the ~~board of adjustment~~ Appeals Hearing Officer may appeal such decision in the courts of competent jurisdiction if they have exhausting administrative remedies in accordance with applicable law.
- d. The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the federal emergency management agency upon request.
- e. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the national register of historic places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this section.
- f. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in subsection G3b of this section have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.
- g. Upon consideration of the factors noted above and the intent of this section, the ~~board of adjustment~~ Appeals Hearing Officer may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this section. or may deny the application.

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H. Provisions For Flood Hazard Reduction:

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3. Standards For Subdivision Proposals:

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- a. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with subsections B, C, and D of this section.
- b. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet development permit requirements of subsections F3 and G3 of this section; and the provisions of this subsection H.
- c. Base flood elevation data shall be generated for subdivision proposals and other proposed developments including the placement of manufactured home parks and subdivisions which are greater than fifty (50) lots or five (5) acres, whichever

1543 is lesser, if not otherwise provided pursuant to subsection F2 or G2h of this
1544 section.

1545 d. All subdivision proposals including the placement of manufactured home parks
1546 and subdivisions shall have adequate drainage provided to reduce exposure to
1547 flood hazards.

1548 e. All subdivision proposals including the placement of manufactured home parks
1549 and subdivisions shall have public utilities and facilities such as sewer, gas,
1550 electrical and water systems located and constructed to minimize or eliminate
1551 flood damage.

1552 e.f. The plat map recorded for all subdivision proposals shall include, at a minimum,
1553 an indication of any existing zones on the Wasatch County FIRM, a plat note that
1554 describes the flood risk of the zone, and whether flood insurance is required or
1555 recommended as determined by the floodplain administrator. The floodplain
1556 administrator, in his or her sole discretion, may require additional measures be
1557 included to mitigate flood hazards.

1558 ...

1559 **16.29.10 REMOVING LAND FROM AN AGRICULTURE PROTECTION AREA**

1560 ...

1561 D. When a municipality annexes any land that is part of an agriculture protection area, the County
1562 legislative body shall, within 30 days after the land is annexed, review the feasibility of that land
1563 remaining in the agriculture protection area according to the procedures and requirements of
1564 Section 16.29.11. The planning department, in coordination with the county clerk, shall facilitate
1565 the County legislative body conducting their review by noticing any required public meetings, and
1566 preparing necessary staff reports to evaluate the feasibility.

1567 1. If appropriate, the County Planning Department shall remove the annexed land from the
1568 agriculture protection area.

1569 2. Appeals of actions of the Planning Department applying this subsection shall be made to
1570 the ~~Board of Adjustment~~ Appeals Hearing Officer.

1571 ...

1572 **Chapter 16.41: APPENDIX 6, THE JORDANELLE SPECIALLY PLANNED AREA**
1573 **(JSPA)**

1574 ...

1575 **16.41.08: DESIGN APPROVAL PROCESS**

1576 ...

1577 **8.10.6 Final Site Plan Approval Design Review.** When the submittal is complete, the JSPA Planning
1578 Commission will approve or deny the application based on its conformance to the Standards and
1579 Guidelines contained in Sections 4, 5, 6, and 7 herein. If the submission is not approved by the JSPA
1580 Planning Commission, the Owner can re-submit immediately and start the process again. ~~Appeals for~~
1581 ~~JSPA Planning Commission decisions shall be made to the Wasatch County Council, who shall be~~

1582 ~~final decision authority in the appellate process, or shall refer the action back to the JSPA Planning~~
 1583 ~~Commission for reconsideration based on specific findings.~~

1584 ...

1585 APPENDIX A: JSPA PLANNING COMMISSION ESTABLISHMENT

1586 APPENDIX A: JSPA PLANNING COMMISSION ESTABLISHMENT

1587 [note to editor, this section to be moved to 02.02.09 as noted in that section above]

1588 A. Establishment and Membership: There is hereby established a Planning ~~Commission~~ Committee
 1589 (PC) for the Jordanelle Specially Planned Area (JSPA), consisting of five (5) regular members and
 1590 two alternates as follows: ~~All regular members of the committee shall be established as per section~~
 1591 8.1 of the Jordanelle Specially Planned Area Guidelines and Standards.

1592 1. Recreational Representative (Ski, Trails, etc.).

1593 2. Registered Landscape Architect or Resort Designer.

1594 3. Architect with experience in multiple product types found in a resort development

1595 4. Two (2) County Council Appointees.

1596 5. Two (2) Alternates appointed by the County Council.

1597 4.6. If members with the above qualifications cannot be found after advertising for open
 1598 positions, or if the County Manager or Wasatch County Council choose not to recommend
 1599 or appoint persons who meet the qualifications, the County Council can fill vacancies with
 1600 members they feel will best suit the needs of the PC.

1601 B. Compensation: It is intended that the ~~design professionals that are~~ members of the PC will be
 1602 compensated. This compensation will be done through an out-of-pocket account managed by the
 1603 County or other means possibly including a fee schedule adopted by the County Council.
 1604 Compensation shall be determined for each member prior to their appointment on the Committee,
 1605 and may be changed by the County legislative body.

1606 C. Powers and Duties: ~~The PC shall have the following powers and duties:~~ Each member of the PC
 1607 will act to ensure the long term vision for the development of the JSPA. The PC may adopt its own
 1608 bylaws, with approval by the County legislative body. In the event that the PC does not adopt its
 1609 own bylaws, it shall be governed by the bylaws of the Wasatch County Planning Commission. The
 1610 PC shall exercise all powers and duties authorized by state law. In addition, the
 1611 commission ~~Committee~~ shall:

1612 1. Approve or deny applications as outlined in this JSPA ordinance;

1613 2. Make determinations regarding the existence, expansion or modification of nonconforming
 1614 uses;

1615 3. Interpret the zoning maps, and regulating maps; and

1616 4.1. Make recommendations on interpretation of the JSPA code to the Planning Director; Fulfill
 1617 any duties required under this chapter;

1618 2. Determine any matters referred to the Planning Commission in Title 16 for the JSPA
 1619 overlay area; and

1620 3. Act as the land use authority for final subdivision applications in the JSPA.

1621 4. For land use regulations expressly only affecting the JSPA, the JSPA PC shall hold a public
 1622 hearing and shall recommend approval, modify, recommend denial, decline to recommend

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a change and advance the matter to the county legislative body, or continue the matter to the county legislative body, in addition to the required recommendation from the Planning Commission.

5. The PC may delegate any or all of its architectural review responsibilities to one or more of its members, acting as a subcommittee of the JSPA Planning Committee, and/or a professional design consultant(s) retained by Wasatch County or the JSPA Planning Committee. Upon such delegation, the actions of such members or consultant(s) shall make a positive or negative recommendation to the JSPA Planning Committee.

D. Term of Office: Each regular member of the PC shall be appointed for a three (3) year term. Alternate members of the PC shall be appointed for two (2) year terms. The terms of two (2) regular members shall expire each year. Members are required to re-apply when terms are up and are considered expired unless re-appointed. Member's terms shall be reviewed regularly for attendance and contributions to the purpose and intent of the DRC as well as expenses charged to the County.

6.1. Resignation from the JSPA Planning Committee: Any member of the JSPA Planning Committee may, at any time, resign from the JSPA Planning Committee upon written notice delivered to the office of the Planning Department.

E. Removal and Vacancies: The members of the PC serve at the ~~leisure-discretion~~ of the county manager and can be removed at any time with the consent of the county legislative body. The manager, with the advice and consent of the county legislative body, shall fill any vacancy on the committee, ~~the~~ The person appointed to fill the vacancy shall serve for the unexpired term of the member whose office is vacant.

D. JSPA Planning Commission Procedures:

E.F. Meetings and Quorum: The ~~DRC-PC~~ shall meet from time to time ~~at the call of the Planning Director and any other time the majority of the committee deems necessary and appropriate~~ as necessary to properly perform its duties. Four (4) members of the JSPA Planning Committee shall constitute a quorum. The vote of four (4) JSPA Planning Committee members shall be required to render any decision or take any action. The committee shall maintain minutes and records of its proceedings in accordance with the requirements of state law. ~~The DRC-PC~~ shall abide by the same noticing requirements as the Wasatch County Planning ~~Commission~~ Committee.

F. Quorum: Three (3) members of the DRC shall constitute a quorum. The vote of three (3) committee members shall be required to render any decision or take any action.

1. Chairperson: The DRC shall elect a chair and vice chair to serve for a period of one year.

2. Rules, Regulations and Bylaws: The DRC shall make and enforce such rules, regulations and bylaws for the government of itself, the preservation of order, the processing of applications, and the transaction of its business as may be necessary. Rules, regulations and bylaws adopted by the DRC shall not take effect until they are submitted to and approved by the county legislative body. Applicable state rules and Roberts Rules of Order shall be used in conducting the meetings.

3. Bylaws may be amended from time to time by the County Council.

G. Non-Waiver: The approval by the PC of any plans, drawings or specifications for any work done or proposed shall not be deemed to constitute a waiver of any right to withhold approval of any similar plan, drawing or specification subsequently or additionally submitted for approval. Failure to enforce any design provisions of the JRA Design Guidelines shall not constitute a waiver of the same.

- 1668 H. Subjective Determinations: The PC specifically reserves the right to make subjective, as well as
1669 objective, determinations of whether the goals of the JRA Design Guidelines have been met by a
1670 particular plan being submitted. Submission to this subjective standard is required to enjoy the
1671 additional density that can only be allowed through this overlay zone.
- 1672 I. Non-Liability of JSPA Planning Committee: The purpose for the PC is to review proposed
1673 improvements in the JSPA for compliance with the JRA Design Guidelines. The PC is not
1674 responsible for compliance with applicable building codes, for engineering and structural issues,
1675 or any other matter relating to the design and construction of improvements in the JSPA. Neither
1676 the PC, nor any member thereof shall be liable to any Owner or third party for any construction
1677 defects, damage to persons or property, or other loss or damage resulting from any design and
1678 construction activities within the JRA. In addition, neither the PC, nor any member thereof, shall
1679 be liable to any owner of property within the JRA, or any other person, for any loss or damage
1680 claimed on account of any of the following:
- 1681 1. The approval or disapproval of any plans, drawing and specifications, whether or not
1682 defective.
 - 1683 2. The construction or performance of any work, whether or not pursuant to approved plans,
1684 drawings, and specifications regardless of any inspections by the PC during the course of
1685 construction.
 - 1686 3. The development, or manner of development, of any property within the JSPA.
- 1687 J. Appeals: Appeals of final decisions of the JSPA Planning Committee shall be made to the
1688 Appeals Hearing Officer in accordance with sections 2.02.02, substituting any references to the
1689 Planning Commission in those sections with the JSPA Planning Committee.