

**ORDINANCE NO. 19-14**

**AN ORDINANCE AMENDING TITLE 16 OF THE WASATCH COUNTY CODE  
TO UPDATE FARM PRESERVATION REGULATIONS FOUND IN 16.27  
DEVELOPMENT STANDARDS.**

**RECITALS**

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

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

**WHEREAS**, the County Legislative Body desires to Amend Title 16 to promote open space through farm preservation subdivisions by eliminating the family ownership requirement and reducing infrastructure requirements in exchange for larger lot, deed restricted developments in the RA-1 and RA-5 zones, and;

**WHEREAS**, the County Legislative Body desires to Amend Title 16 to clarify requirements related to deed restrictions, and;

**WHEREAS**, Utah Code 17-27a-502 requires Wasatch County to give notice of public hearing as provided in Utah Code 17-27a-205(1)(a), and to hold a public hearing; and

**WHEREAS**, Wasatch County gave notice of all public meetings and public hearings related to this ordinance as required, and the planning commission held a public hearing as required; and

**WHEREAS**, the County Legislative Body finds that these amendments more fully promote the objectives and purposes of the general plan and the Land Use and Development Code;

**NOW THEREFORE**, the County Legislative Body of Wasatch County ordains 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.

**SECTION II: Repealer.** If any provisions of the County Code heretofore adopted are wholly inconsistent with this ordinance, they are hereby repealed.

SECTION III: **Amendment of Conflicting Ordinances.** To the extent that any ordinances, resolutions, or policies of Wasatch County partially conflict with this ordinance, they are hereby amended to comply with the provisions hereof.

SECTION IV: **Effective Date.** This Ordinance shall become effective immediately upon execution by the Chair of the County Council and the completion of public notice requirements imposed by state statute.

SECTION V: **Severability.** If any section, subsection, sentence, clause, or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.


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

- a. Enter at length this ordinance in the ordinance book;
- b. Deposit a copy of this ordinance in the office of the County Clerk;
- c. Publish a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance, for at least one publication in a newspaper published in and having general circulation in the county; or post a complete copy of this ordinance in nine (9) public places within the County.

**APPROVED** and **PASSED** this 13 day of May, 2020.

Attest:

WASATCH COUNTY COUNCIL:

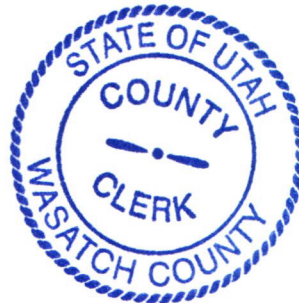
  
 Calvin Griffiths  
 Wasatch County Clerk / Auditor

  
 Mark Nelson, Vice-Chair  
 Wasatch County Council

Danny Goode, Chairman  
 Mark Nelson, Vice-Chair  
 Marilyn Crittenden  
 Jeff Wade  
 Kendall Crittenden  
 Steve Farrell  
 Spencer Park

VOTE

✓  
 ✓  
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**ADOPTION OF ORDINANCE AFFIDAVIT**

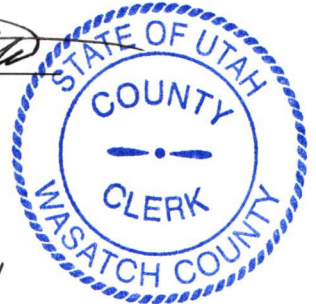
STATE OF UTAH )  
 ): ss.  
COUNTY OF WASATCH )

I, the undersigned, the duly qualified and acting County Clerk of Wasatch County, Utah, and ex officio Clerk of the Wasatch County Council do hereby further certify, according to the records of said Council in my official possession, and upon my own knowledge and belief, that I have fulfilled the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, by:

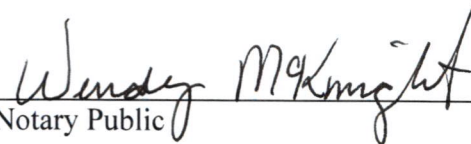
- [  ] (a) Causing this ordinance to be entered at length in the ordinance book;
- [  ] (b) Causing three (3) copies of this ordinance to be deposited in the office of the County Clerk;
- [  ] (c) Causing a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance to be published for at least one publication in *The Wasatch Wave*, a newspaper of general circulation within the geographical jurisdiction of Wasatch County; or posting a complete copy of this ordinance in nine (9) public places within the County.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of the County Council of Wasatch County, Utah, this 13 day of May, 2020.

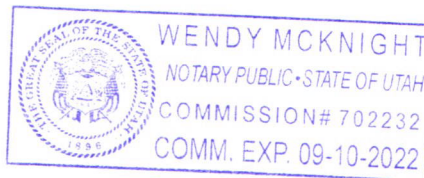
  
Calvin Griffiths  
Wasatch County Clerk / Auditor



SUBSCRIBED AND SWORN to me, a Notary Public, this 13 day of May, 2020.

  
Notary Public

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



**EXHIBIT A****16.27.04: TYPES OF DEVELOPMENT**

The following are types of developments that are considered by this title:

A. Small Scale Development: A development consisting of no more than five (5) lots, units or equivalent residential units, which is processed through the planning staff without the necessity of having a hearing before the planning commission. Further division of any small scale development, any lots resulting from a small scale development, or any parcels resulting from a bona fide division or partition of agricultural land for agricultural purposes which have previously been created after August 11, 1965 without approval of a land use application, must be processed as a large scale development.

B. Farm Preservation Development: A development consisting of not more than five (5) lots, including a lot which is a minimum of twenty (20) acres. Farm preservation developments shall follow the same process as a small scale development.

B.C. Rural Preservation Development: A development consisting of not more than five (5) lots, all of which are six (6) acres or greater. Rural preservation developments shall follow the same process as a small scale development.

~~C.D.~~ Large Scale Development: A development consisting of more than five (5) lots, units or equivalent residential units, which must be processed by staff and brought before the planning commission for their recommendation prior to a hearing before the county legislative body.

~~D.E.~~ Cluster Development: Cluster developments are allowed in specified areas of the RA-1 zoning district, as long as the overall density does not exceed one unit for every 1.3 net developable acres and the minimum lot sizes specified are met. Sensitive areas and areas worth preserving should be incorporated into open space.

~~E.F.~~ Minor Agricultural Subdivision: A division of at least one hundred (100) contiguous acres of agricultural land to create one new lot that is separate from the remainder of the original one hundred (100) or more contiguous acres of agricultural land, is at least one acre in size, and is located at least one thousand feet (1,000') away from another minor agricultural subdivision lot created after October 1, 2009, pursuant to Utah Code Annotated section 17-27a-605, as currently amended. For the purposes of this section and section 16.27.08 of this chapter, "agricultural land" is defined as land that is designated on the county tax roles as "greenbelt" or as agricultural use assessment under Utah Code Annotated section 59-2-501 et seq.

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**16.27.06: ~~RESERVED~~RURAL PRESERVATION SUBDIVISION**

A. Intent: The intent of the rural preservation subdivision is to encourage perpetual open space, less density, and development patterns that facilitate agricultural pursuits by allowing standards that are not as strict as a standard development such as allowing gravel roads, septic tanks, wells, reduced trail requirements and agricultural fencing.

B. Requirements:

1. All of the property must be in an RA-5 or RA-1 zoning district.
2. Rural preservation subdivisions shall be processed as a small scale development under the provisions of section 16.27.07 and cannot contain more than a total of five (5) lots.
3. The minimum lot size for all lots within the subdivision shall be at least six (6) acres in size for the RA-1 zone and twenty (20) acres in size for the RA-5 zone.
4. All lots must have minimums of two hundred feet (200') of frontage and two hundred feet (200') of width at the required building setback.
5. All roads must meet the road standards required for the traffic volume except that the agricultural standard may also be permitted for use in the RA-1 zoning district with the approval of the County Engineer.
6. Road right-of-way or easements for future road connections shall be required in accordance with Title 14 and Title 16 standards to allow for future adjacent developments to improve roads as necessary, including upgrades to roads within the rural preservation subdivision, if further development occurs. All future road connections shall be clearly stated on the recorded plat.
  - a. During the development review process, the legislative body may, after a conceptual connectivity plan is reviewed in accordance with 16.02.12, grant an exception to the street and intersection standards of Wasatch County Code, including restrictions on the use of cul-de-sacs, only based upon findings that: 1) future road connections are not needed, 2) adjacent property precludes the feasibility of the connection, 3) street and block standards can be better met through connections through adjacent properties that are not included in the proposed development, 4) a public pedestrian access to the adjacent property is provided for where the road would go through if there were not a cul-de-sac, and 5) trail connections identified on the trails master plan are still being provided.
7. Wells will be permitted for subdivisions farther than 300 feet from a public water line if approved by the water board.
8. A plat must be recorded with "rural preservation subdivision" in the title and a plat note that lots cannot be further subdivided.
9. A deed restriction must be recorded on all lots in the subdivision in accordance with 16.27.06 and that prohibits further subdivision and requires all lots to remain land in agricultural use as the term is defined in Utah Code 59-2-502 (2019).

...

**16.27.09: FARM PRESERVATION REGULATIONS**

- A. Intent: The intent of the farm preservation subdivision is to encourage the continuance of viable farming operations by allowing parcels to be split off of a larger farm pieces and allow development with standards that are not as strict as a standard development. By allowing a lesser standard, the intent is to allow the opportunity for farmers to age in place by for the farmer to be able to have a more manageable piece of property, allowing family members an affordable parcel so they can afford to live close to the farm and

86 provide additional labor and provide the opportunity for raising of money to continue an  
 87 agricultural pursuit.  
 88

89 B. Requirements:

- 90 1. All of the property must be in an RA-5 or RA-1 zoning district.  
 91 2. Farm preservation subdivisions shall be processed as a small scale development  
 92 under the provisions of section 16.27.07 and cannot contain more than a total of  
 93 five (5) lots.  
 94 3. At least one of the lots must be a minimum of twenty (20) acres and remain in  
 95 agricultural pursuits and must qualify for greenbelt status under the property tax  
 96 laws. ~~a~~All other lots must be at least one acre in size.  
 97 4. All lots must have a minimums of one hundred fifty feet (150') of frontage and  
 98 ~~two one~~ hundred fifty feet (~~200'~~150') of width at the required building setback.  
 99 5. All roads must meet the road standards required for the traffic volume except that  
 100 the agricultural standard may also be used in the RA-1 zoning district with the  
 101 approval of the County Engineer.  
 102 6. If the development is not within 300 feet of a public sewer line, Hhomes may be  
 103 on septic tanks as long as the density of the development does not exceed one  
 104 septic tank for every five (5) acres (gross acreage).  
 105 7. Wells will be permitted for properties farther than three hundred (300') feet from  
 106 a public water line if approved by the water board.  
 107 ~~8. Parcels cannot be further subdivided.~~  
 108 ~~9.8.~~A deed restriction must be recorded on the twenty (20) acre farm preservation  
 109 parcel requiring the parcel to remain land in agricultural use as the term is  
 110 defined in Utah Code 59-2-502 (2019), and not allowing further subdivision for a  
 111 period of ten (10) years.  
 112 ~~10.9.~~ A plat must be recorded with "farm preservation subdivision", in the title  
 113 and a plat note that lots cannot be further subdivided except as provided in  
 114 Wasatch County Code 16.27.09 (2020).  
 115 ~~11. Property proposed for development must be owned by the property owner or~~  
 116 ~~immediate family with three (3) degrees of consanguinity for a minimum of seven~~  
 117 ~~(7) years prior to application for subdivision.~~  
 118 ~~12.10.~~ If the farm preservation piece is proposed to be developed further  
 119 subdivided, all lots, including existing smaller lots in the original farm  
 120 preservation subdivision, or any amendments thereto, must tie onto sewer and  
 121 water and be brought into full compliance with then current county codes without  
 122 the exceptions granted through the farm preservation subdivision including, but  
 123 not limited to, engineering, utility, and street/block standards. In such instances,  
 124 the proposed development shall be processed as a large scale development. These  
 125 restrictions shall be noted as a plat note.

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 128 **16.27.24: RESERVED RESTRICTION ON SUBDIVIDING DEED RESTRICTED LOTS**

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 130 Any lots or parcels that are deed restricted from any further subdivision, or which were  
 131 previously created pursuant to code which prohibited subsequent subdivision, shall prevent the  
 132 lots or parcels from being further subdivided into buildable lots. This section does not prohibit a

133 bona fide division or partition of agricultural land for agricultural purposes, but such a division  
134 or partition of land does not and never has created any buildable lots. For purposes of this  
135 section, a buildable lot is a lot that may lawfully have a dwelling, or any commercial or industrial  
136 development, besides development primarily for an agricultural purpose, which has no  
137 dwellings.