

ORDINANCE NO. 24-16

AN ORDINANCE AMENDING WASATCH COUNTY CODE CHAPTER 16.08 TO UPDATE THE RA-1 ZONE TO COMPORT WITH THE GENERAL PLAN AND THE STATED PURPOSES OF THE VARIABLE LOT SIZE DEVELOPMENT.

RECITALS

WHEREAS, the County has adopted General Plan policies to encourage the creation of permanently protected open spaces; and

WHEREAS, the County has adopted General Plan policies to facilitate transitional lot sizes from near the incorporated cities to the more rural parts of the county; and

WHEREAS, the County Legislative Body has considered the established policies, intent, and the standards currently established in the land use and development code; and

WHEREAS, the County Legislative Body has also considered criteria such as property rights, community benefits, good planning principles, and costs of service; and

WHEREAS, the County Legislative Body has determined that the variable lot size standards in the RA-1 zone should be amended to require a higher level of public benefit than currently established by encouraging or clearly requiring more open space with smaller lot developments; and

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

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

WHEREAS, the County Legislative Body, having considered all of the evidence provided to be in the best interest of the health, general welfare, and safety of the inhabitants of Wasatch County;

NOW THEREFORE, the County Legislative Body of Wasatch County ordains that the Wasatch County Zoning Map and Land Use and Development Code be amended as follows:

SECTION I: Enactment. The following amendments, additions, and deletions to Title 16, the Land Use and Development Code, are hereby enacted: *See attached Exhibit A.*

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 If any provisions of the County Code heretofore adopted are wholly inconsistent with this ordinance, they are hereby repealed.

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

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

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

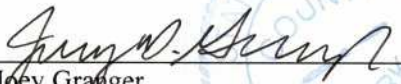
SECTION VI: **Public Notice.** The Wasatch County Clerk, and ex officio Clerk of the Wasatch County Council, is hereby ordered, in accordance with the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, to do as follows:

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

APPROVED and **PASSED** this 20 day of November, 2024.

Attest:

WASATCH COUNTY COUNCIL:



 Joey Granger
 Wasatch County Clerk / Auditor





 Spencer Park, Chair
 Wasatch County Council

	VOTE
Spencer Park, Chairman	<u> N </u>
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

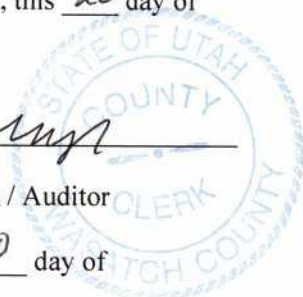
STATE OF UTAH)
): ss.
COUNTY OF WASATCH)

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 November, 2024.

Signature of Joey Granger
Joey Granger
Wasatch County Clerk / Auditor



SUBSCRIBED AND SWORN to me, a Notary Public, this 20 day of November, 2024.

Signature of Wendy McKnight
Wendy McKnight
Notary Public

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

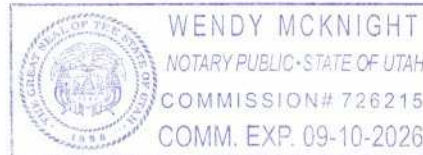


EXHIBIT A – PROPOSED AMENDMENT**Chapter 16.08: RESIDENTIAL-AGRICULTURAL ZONE (RA-1)****16.08.01: PURPOSE**

- 3 A. ~~The purpose of this section is to encourage rural densities in accordance with the general plan. Subdivision design should preserve natural or prominent features of the site first, and laying out the lots after the portions of the site worth preserving are addressed.~~ The residential-agricultural zone (RA-1) is established to preserve the high quality of life for the citizens of Wasatch County by allowing residential development near the incorporated areas, while maintaining the rural atmosphere of Wasatch County. The intent of the code zone is to increase lot sizes as development moves away from incorporated areas as a means of facilitating a transitional development area and to maintain, as much as possible, the rural character of the County.
- 11 B. ~~The specific intent in establishing this development options provided in the residential-agricultural zone (RA-1) is-are~~ to promote the protection of natural resource areas, prominent features of the site, farmland and other large areas of open land, while permitting residential development at ~~low, rural~~ densities appropriate for the context of the area. ~~The intent of the code is to increase lot sizes as development moves away from incorporated areas and maintain, as much as possible, the rural character of the County.~~ Specific objectives are as follows:
- 17 1. Provide a place in the county where residential dwellings may be constructed as a transition from population centers to more rural agricultural uses.
 - 18 2. Facilitate the provision of essential services needed by the residents within urbanizing areas of the county, particularly sewage and culinary water service, through the instrumentality of a special service district.
 - 22 3. Provide services to residential development for street maintenance, fire and police protection, and health and sanitation services, and other available services.
 - 24 4. Provide a zone where residents can have farm animals in reasonable numbers and conduct agricultural activities with provisions that protect the rights of farmers and ranchers from complaints regarding noise, odors, length of working hours and general operation from surrounding non-agricultural neighbors.
 - 28 5. To maintain and protect Wasatch County's rural character by ~~providing options to preserve providing development options that can preserve~~ important ~~landscape~~ elements, including those areas containing unique and environmentally sensitive natural features; ~~such as stream corridors, wetlands, groundwater, floodplains, ridgelines, geologic hazard areas, steep slopes and natural areas by allowing options for preserving them.~~ Subdivision design shall preserve natural or prominent features of the site first, and laying out the lots after the portions of the site worth preserving are addressed.
 - 35 ~~6. To promote a rural feeling along county roads by requiring larger setbacks and allowing cluster options and the possibility of open space along roads in specified areas.~~
 - 37 ~~7.6~~ To provide the option in specified areas for the development of varied lot sizes in clustered, single-family, low density residential uses, allowing ~~the potential~~ for large areas of permanently protected open space for active or passive use by residents of the development or by the public.

- ~~8. To allow for the continuation of agricultural uses in those areas best suited for such activities and when such activities are compatible with adjoining residential uses.~~
- ~~9. To promote active and passive recreational use of open space by residents of a cluster development or by the public.~~
- ~~10. To provide opportunities for open space and or regional trails in existing developments.~~
- ~~11. To allow for the potential for developments with variable lot sizes in larger acreage development in accordance with the specified areas.~~
- ~~To allow the potential to preserve what is determined to be important aspects of the site.~~

16.08.04: LOT AREA AND MAXIMUM DENSITY

A. Lot Area: Each lot or parcel must be a minimum of five (5) acres and shall have no more than one (1) unit per five (5) acres except that lots may be reduced to one (1) acre in size and developed at a higher density in subdivisions where a bonus density is granted as described herein.

A. Small Scale Subdivisions: For small scale subdivisions, each lot or parcel must be a minimum of one acre. Roads and constrained land shall not be counted in the density calculation.

B. Large Scale Subdivisions: Any large scale subdivision or development in the RA-1 zone shall comply with all applicable county ordinances, including section 16.27.10 of this title. The density allowed in this zone for large scale subdivisions is one unit for every 1.3 developable acres.

1. All developments are limited to the base density. Developments on the east end of the valley between incorporated areas of Heber City and 2400 East may have lots as small as 1/3 acre (14,520 square feet). Developments between 2400 East and 3600 East may have lots a minimum of 1/2 acre (21,780 square feet). Developments between 3600 East to the east end of the valley floor shall have minimum lot sizes of 1 acre (43,560 square feet).

2. All other areas zoned RA-1 outside of the east end of the valley shall have larger lots as the distance from an incorporated area increases.

C.B. Bonus Density Eligibility Requirements: All developments in the RA-1 zone must meet the following criteria in order to be eligible for development in the RA-1 zone at a density higher than one (1) unit per five (5) acres:

- 1. Any proposed development shall comply with all applicable sections of the Wasatch County Code. The bonus density granted shall be approved or denied by the County legislative body after review for compliance with the policies established by the General Plan, but in no case shall the density exceed one (1) unit for every 1.3 net developable acres.
- 2. All lots in the proposed development must connect to a centralized sewer system, owned and operated by a county, incorporated municipality, improvement district, taxing district or other political subdivision of the state of Utah.
- 3. All lots in the proposed development must connect to an approved water system, owned and operated by a county, incorporated municipality, improvement district, taxing district or other political subdivision of the state of Utah. Lots of four (4) acres or larger in a small scale subdivision may be allowed to use a private well to satisfy the above requirements if the following conditions are met:

- 83 a. The property owner enters into a voluntarily agreement prepared by the County,
84 agreeing that the property will not be further subdivided or reduced in size in the
85 future.
- 86 b. The water board reviews the proposal and recommends approval of the project if
87 in compliance with their stated requirements.
- 88 c. The proposed subdivision is not located within the boundary of an improvement
89 district, taxing district or other political subdivision of the state of Utah. ~~d.~~
90 ~~However,~~ the water board may approve lots ~~in small scale subdivisions~~ within
91 taxing districts to remain on pre-existing wells if all lots provide a water line
92 stubbed to the property line for future connection in accordance with service
93 district requirements.
- 94 d. Due to a lack of fire flow with homes on wells, the fire district may require
95 additional fire mitigation requirements as required in the international fire code
96 as adopted by the State of Utah and Wasatch County.
- 97 e. The properties have allowed easements for installation of sewer lines by an
98 improvement district, taxing district, or other political subdivision of the state of
99 Utah which provides sewer service.

100 C. Variable Lot Size Development: Variable lot size developments are a permissible development
101 type in the RA-1 zone to provide flexibility for creative developments to incorporate usable open
102 space in a development. If the variable lot size option is used, the following additional criteria
103 will apply:

104 1. The overall density of the development shall be limited to the density permitted by the
105 zone, including bonus densities, if applicable.

106 2. Lot size minimums (not density) may be adjusted in a way that does not violate the
107 following as follows:

108 a. Developments on the east end of the valley between incorporated areas of Heber
109 City Mill Road and 2400 East may have lots as small as 1/3 acre (14,520 square
110 feet).

111 b. Developments between 2400 East and 3600 East may have lots a minimum of
112 1/2 acre (21,780 square feet).

113 c. Developments between 3600 East to the east end of the valley floor in all other
114 areas of the RA-1 zone shall have minimum lot sizes of 1 acre (43,560 square
115 feet).

116 3. The development shall include a large, undivided open space parcel totaling a minimum
117 of five acres or 30% of the overall acreage of the development, whichever is greater, and
118 in compliance with the requirements of 16.21.06. Alternatively, the open space parcel
119 may be allowed, at the discretion of the County legislative body, for donation as a civic
120 or institutional facility if in compliance with the General Plan.

121 4. If a large scale development is proposing clustering with variable lot sizes and open
122 space, the county encourages the developer to have some of the open space along the
123 existing county collector roads to enhance the rural feel and provide a buffer for residents
124 along the larger county roads.

- 125 D. Further Development: Any subdivision or development, which uses clustering, variable lot sizes
126 or other development procedures, that creates common area parcels, ~~or~~ open space parcels ~~or~~
127 ~~which creates building lots greater than one acre~~, must include notes on the plat, conservation

easements, ~~and or~~ any other appropriate land use controls deemed necessary by the ~~planning commission and county council~~ Land Use Authority to prohibit further development of any lot or parcel within the subdivision. ~~See section 16.21.06 for further information regarding open space ownership requirements.~~

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16.08.08: SETBACK REQUIREMENTS

The setback requirements for this zone shall be as follows:

- A. Front Setback: Each lot or parcel in the residential-agricultural zone (RA-1) shall have a front yard setback of not less than sixty feet (60') from the center of the road, or thirty feet (30') from the edge of the right of way, whichever is greater. ~~If the property is located along a state or federal highway, the setbacks shall be one hundred fifty feet (150') from the edge of the right of way. See subsection 16.21.07(B) of this title for setbacks on major collectors. If a large scale development is proposing clustering with variable lot sizes and open space, the county encourages the developer to have some of the open space along the existing county roads to enhance the rural feel and provide a buffer for residents along the larger county roads.~~
- ~~1. Accessory Buildings Not Housing Animals: The front setback shall be a minimum of sixty feet (60') from the center of the road, or thirty feet (30') from the edge of the right of way, whichever is greater. If the property is located on a state or federal highway, the setback must be a minimum of one hundred fifty feet (150') from the right of way.~~
 - ~~2. Structures Housing Animals: Structures that will house animals shall be a minimum of one hundred feet (100') from the road right of way, providing however, all such structures must also be set back from any existing residential structure on the same lot or an adjacent lot at least one hundred feet (100').~~
 - ~~3. Major County Collector Roads: For buildings abutting upon a county street that is designated as a major collector road in the Wasatch County master transportation plan, the setback shall be eighty five feet (85') from the centerline of any street, or fifty feet (50') from the right of way, whichever is greater.~~
- B. Side Setbacks: All structures ~~not intended to house animals~~ shall be set back from the side property line a minimum of ten feet (10'). The sum of the two (2) side setbacks shall be at least twenty four feet (24'). ~~Side setbacks on buildings that will house animals must be a minimum of fifty feet (50') and one hundred feet (100') from any dwelling on or off site.~~
- C. Corner Lots: For corner lots, the side setback on the street side shall be the same setback as that required for the front.
- D. Rear Setbacks: Structures ~~not intended to house animals~~ shall be set back from the rear property line a minimum of thirty feet (30'). ~~Buildings that will house animals must have a rear setback of not less than fifty feet (50') and at least one hundred feet (100') from any dwelling on or off site.~~
- E. Other Setbacks: See section 16.21.07 for other setback requirements that may apply.

...

16.08.10: DISTANCE BETWEEN BUILDINGS RESERVED

~~The distance between any accessory building and the main building that does not house animals, shall be in accordance with the International building code (IBC) and international fire code (IFC).~~

169 ...

170 **16.08.14: OTHER REQUIREMENTS**

171 A. Signs: In addition to the regulations found in chapter 16.26 of this title, the following regulations
172 apply to this zone:

- 173 1. Signs or nameplates not exceeding two (2) square feet in area and displaying only the
174 name and address of the occupant.
- 175 2. Home occupation signs not exceeding two (2) square feet in area.

176 ~~B. Landscaping: See section 16.21.10 of this title.~~

177 ~~C. Trails: See section 16.21.18 of this title.~~

178 ~~D.B. Walls And Fences Right to Farm: Developments shall provide a fencing plan that includes
179 adequate fencing to separate agricultural uses from residential uses bordering active agricultural
180 uses shall provide an agricultural impact analysis and fencing plan in compliance with 16.21.14.
181 The agricultural fencing, at a minimum, shall have a four foot (4') field (net) fence and shall be
182 installed with a strand of barbed wire on the top and bottom. Non sight obscuring fences, that
183 exceed thirty six inches (36") in height, may be placed within the front setback or the side setback
184 on a corner lot. Fences may not extend into the road right of way area. If a sight obscuring fence
185 is desired, it may not protrude into a twenty five foot (25') visibility triangle on the street sides of
186 a corner lot, or near a driveway used for ingress and egress on all lots. (See section 16.37.06,
187 figure 6 of this title.)~~

188 ~~E.C. Sewer and Water Requirements: See section 16.27.11 of this title.~~

189 ~~F.D. Compliance With Land Use Restrictions Not Guarantee Of Building Permit: All
190 applicable requirements for issuance of a building permit from all county departments and other
191 Special Service Districts with authority over the property must be met before a permit may be
192 issued.~~

193 ~~G.E. Additional Regulations: See also chapters 16.21, "Supplementary Development
194 Standards" and 16.27, "Development Standards", of this title for additional regulations that apply
195 to this zone. In the event of a conflict between that chapter and the regulations contained in this
196 chapter, the regulations of this chapter would control.~~

197 ~~H.F. Roads, sidewalks and trail improvements along established roads must be stubbed into
198 adjacent properties. Street layouts must be designed to allow connection with existing or future
199 adjacent developments in accordance with this chapter. ~~Proposed developments shall comply with
200 section 16.27.29 of this chapter.~~~~

201 ~~I. Parking: See section 16.33 of this title.~~

202 ...

203 **16.27.04: TYPES OF DEVELOPMENT**

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

- 205 A. Small Scale Development: A development consisting of no more than five (5) lots, units or
206 equivalent residential units, which is processed through the planning staff without the necessity of
207 having a meeting before the planning commission. Further division of any small scale
208 development, any lots resulting from a small scale development, or any parcels resulting from a
209 bona fide division or partition of agricultural land for agricultural purposes which have previously

210 been created after August 11, 1965 without approval of a land use application, must be processed
211 as a large scale development.

212 B. Farm Preservation Development: A development consisting of not more than five (5) lots - and
213 including a deed restricted Farm Preservation Parcel. Farm preservation developments shall
214 follow the same process as a small scale development.

215 C. Rural Preservation Development: A development consisting of not more than five (5) lots, all of
216 which are six (6) acres or greater and include a deed restriction to remain land in agricultural use.
217 Rural preservation developments shall follow the same process as a small scale development.

218 D. Large Scale Development: A development consisting of more than five (5) lots, units or
219 equivalent residential units, which must be processed by staff and brought before the Planning
220 Commission in a public hearing.

221 E. Variable Lot Size Development: Variable Lot Size developments are allowed in specified areas of
222 the RA-1 zoning district, as a means of protecting agricultural operations, open spaces, and
223 unique features, or environmentally sensitive areas, as long as the overall density does not exceed
224 the minimum lot sizes and densities specified in the zone. Sensitive areas and areas worth
225 preserving should shall be incorporated into open space.

226 ...