

ORDINANCE NO. 23-14

AN ORDINANCE AMENDING WASATCH COUNTY CODE CHAPTER 16.27.09, FARM PRESERVATION REGULATIONS, AND OTHER SECTIONS OF THE COUNTY CODE AS RELATED TO ADD ALTERNATIVE METHODS FOR PROVIDING FARM PRESERVATION LAND IN A FARM PRESERVATION SUBDIVISION.

RECITALS

WHEREAS, the County has a development option known as a Farm Preservation Subdivision that is intended to encourage the continuance of viable farming operations; and

WHEREAS, regulations for Farm Preservation Subdivisions were first enacted in 2003 and has been amended periodically since; and

WHEREAS, the County Legislative Body has determined that the current regulations focus primarily on irrigated farming operations; and

WHEREAS, the County Legislative Body desires to also encourage the continuation of viable livestock grazing operations that may not necessarily be in irrigated farmland; and

WHEREAS, livestock grazing operations occur regularly in areas zoned Preservation (P-160) which is a primary function of the P-160 zone; and

WHEREAS, the County Legislative Body has determined that a conforming P-160 lot, while necessary for other permitted uses listed therein, is not necessary to operate a successful livestock grazing operation; and

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

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

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

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

1 **Chapter 16.05: PRESERVATION ZONE (P-160)**

2 ...

3 **16.05.04: LOT AREA**

4 The minimum lot area or parcel size in the preservation zone (P-160) shall be one hundred sixty
5 (160) acres ~~per single family dwelling~~ except for a Farm Preservation Parcel without a building

6 right as described further in 16.27.09. No density bonuses will be granted for development in the
 7 preservation zone (P-160).

8 ...

9 16.27.09: FARM PRESERVATION REGULATIONS

10 A. Intent: The intent of the farm preservation subdivision is to encourage the continuance of
 11 viable farming operations by allowing parcels to be split off of larger farm pieces and allow
 12 development with standards that are not as strict as a standard development. By allowing a
 13 lesser standard, the intent is to allow the opportunity for ~~farmers~~ agricultural producers to
 14 age in place by allowing family members an affordable parcel so they can afford to live
 15 close to the farm and provide additional labor and provide the opportunity for raising of
 16 money to continue an agricultural pursuit.

17 B. Definitions: For purposes of this Subsection, the following definitions apply.

18 1. Farm Preservation Parcel: A parcel that is part of a farm preservation subdivision,
 19 that is protected from any use or development besides agricultural pursuits, as
 20 further described below.

21 2. Building Lot: A lot that includes a Building Right.

22 3. Building right: The right to build a structure that is not solely for agricultural use.
 23 UCA 15A-1-204 (2021, as amended).

24 B.C. Requirements for any farm preservation subdivision:

25 1. All of the property must be in an RA-5 or RA-1 zoning district except that a Farm
 26 Preservation Parcel may be allowed to be in the P-160 zone as provided in
 27 subsection C(4)(a).

28 2. Farm preservation subdivisions shall be processed as a small scale development
 29 under the provisions of section 16.27.07 and cannot contain more than a total of
 30 five (5) lots, plus a Farm Preservation Parcel.

31 3. At least one of the lots must be a minimum of twenty (20) acres and remain in
 32 agricultural pursuits and must qualify for greenbelt status under the property tax
 33 laws. All other lots must be at least one acre in size. In addition to the property
 34 allocated for building lots, a Farm Preservation Parcel shall be included within the
 35 subdivision at a size of no less than four acres of preservation parcel for every
 36 building lot proposed in the subdivision. The Farm Preservation Parcel shall be a
 37 separate parcel without a building right and labeled on the plat as "farm
 38 preservation parcel exclusively for agricultural pursuits." In no instance shall the
 39 density of the subdivision be less than five (5) acres per one (1) unit.

40 a. As an exception to the requirement for all property to be within an RA
 41 zoning district, the Farm Preservation Parcel may be allowed to include
 42 property in the P-160 zone with the following additional requirements:

43 (1) Any portion of the property zoned P-160 shall be required to provide
 44 no less than forty acres of preservation parcel for every building lot
 45 proposed in the farm preservation subdivision (i.e. Where a
 46 proposed three lot subdivision requires 12 acres of Preservation
 47 Parcel exclusively in an RA zone and the applicant desires to use
 48 exclusively P-160 zoned property to meet this requirement, the

49 requirement would be 120 acres of Preservation Parcel in P-160
 50 zoned property in addition to the three lots in the RA zone).

51 (2) The exception is for the Farm Preservation Parcel only. All lots with
 52 a building right within the subdivision must still be entirely within
 53 an RA zone.

54 (3) The deed restriction required under subsection 8 shall be placed in
 55 perpetuity, as opposed to expiring after a 10 year period, and shall
 56 provide an additional deed restriction holder. The restriction shall
 57 be granted in favor of Wasatch County and an adjacent municipality
 58 as agreed to by the County, the municipality, and the applicant. In
 59 the alternative to the restriction being held by the county and a
 60 municipality, a conservation easement may be recorded that meets
 61 all requirements for a qualified conservation contribution under IRS
 62 170(h), provided the conservation easement is recorded at the time
 63 the subdivision plat is recorded.

64 3.4. All building lots shall be at least one acre in size and must have a minimum of one
 65 hundred fifty feet (150') of frontage and one hundred fifty feet (150') of width at
 66 the required building setback^(AC1).

67 4.5. All roads must meet the road standards required for the traffic volume except that
 68 the agricultural standard may also be used in the RA-1 zoning district with the
 69 approval of the County Engineer.

70 5.6. If the development is not within 300 feet of a public sewer line, homes may be on
 71 septic tanks as long as the density of the development does not exceed one septic
 72 tank for every five (5) acres (gross acreage).

73 6.7. Wells will be permitted for properties farther than three hundred (300') feet from a
 74 public water line if approved by the water board.

75 7.8. A deed restriction in favor of Wasatch County must be recorded on the ~~twenty (20)~~
 76 ~~acre farm Farm preservation Preservation parcel Parcel~~ requiring the parcel to
 77 remain *land in agricultural use* as the term is defined in Utah Code 59-2-502
 78 (~~2019~~2023), and not allowing further subdivision for a period of ten (10) years.

79 9. A plat must be recorded with "farm preservation subdivision", in the title and a plat
 80 note that lots cannot be further subdivided except as provided in Wasatch County
 81 Code 16.27.09 (2020).

82 8.10. All property in the Farm Preservation Subdivision must be contiguous, with
 83 the exception of property that is separated by only a right of way or a utility
 84 corridor.

85 9.11. If the ~~farm preservation piece~~ Farm Preservation Parcel in the RA-1 or RA-
 86 5 zone, as opposed to the P-160 zone, is proposed to be further subdivided, all lots,
 87 including existing smaller lots in the original farm preservation subdivision, or any
 88 amendments thereto, must tie onto sewer and water and be brought into full
 89 compliance with then current county codes without the exceptions granted through
 90 the farm preservation subdivision including, but not limited to lot sizes and
 91 dimensions, density, engineering, utility, and street/block standards. In such
 92 instances, the proposed development shall be processed as a large scale
 93 development. These restrictions shall be noted as a plat note.

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 18 day of October, 2023.

Attest:



Joey D. Granger
 Joey Granger
 Wasatch County Clerk/Auditor

WASATCH COUNTY COUNCIL:

Spencer Park
 Spencer Park, Chair
 Wasatch County Council

Spencer Park, Chairman
 Karl McMillan, Vice-Chair
 Luke Searle
 Steve Farrell
 Erik Rowland
 Kendall Crittenden
 Mark Nelson

VOTE
 y
 y
 y
 y
 y
 y
 y

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 18 day of October, 2023.

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



SUBSCRIBED AND SWORN to me, a Notary Public, this 18 day of October, 2023.

Handwritten signature of Wendy McKnight
Wendy McKnight
Notary Public

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

