

ORDINANCE NO. 17-22

AN ORDINANCE OF WASATCH COUNTY, UTAH ADDING A NEW SECTION REGULATING RETAINING WALLS AND SPECIFYING DESIGN AND MATERIALS.

WHEREAS, the current code other than the JBOZ has no regulations regarding retaining walls; and

WHEREAS, there are many places in the County that have been zoned for development in areas with steep topography; and

WHEREAS, the ordinance is an effort to mitigate the adverse effects of development in areas with steep topography; and

WHEREAS, the Wasatch County Council conducted a public hearing to receive comment on the Planning Commission recommendation pursuant to §17-27a et. seq. Utah Code Annotated 1953 as amended; and

WHEREAS, following the public hearing, and after receipt of all comment and input, and after careful consideration, the Wasatch County Council has determined that it is in the best interest of the public health, safety, and welfare of Wasatch County citizens that that the following additions, modifications, and amendments to Title 16 be adopted.

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

SECTION I – ENACTMENT

The following sections of Title 16.27.19(F) of the Wasatch County Code are amended as follows:

16.27.19(F): RETAINING WALLS

A. Retaining Walls

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

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

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:

- a. 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 to break up the mass of the wall. Walls greater than 4' in height shall not be made of wood or railroad ties.
- b. 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 un-retained slopes shall be used above and below the wall to decrease the height of 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.
- c. Options outside of those listed above shall be considered by the Planning Commission and County Council.

SECTION II – REPEALER

If any provisions of the Wasatch County Code heretofore adopted are inconsistent herewith they are hereby repealed.

SECTION III – AMENDMENT OF CONFLICTING ORDINANCES

To the extent that any ordinances, resolutions, or policies of Wasatch County conflict with the provisions of this ordinance, they are hereby amended to comply with the provisions hereof.

SECTION IV – EFFECTIVE DATE

This ordinance shall take effect upon its passage by a majority vote of the Wasatch County Council and following notice and publication as required by Utah Code 17-53-208.

SECTION V – SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision

shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION VI – PUBLIC NOTICE

The Wasatch County Clerk, an 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; and
- 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 6 day of December, 2017.

Attest:



Brent R. Titecomb
Brent R. Titecomb
Wasatch County Clerk / Auditor

WASATCH COUNTY COUNCIL:

Greg McPhie
Greg McPhie, Chair
Wasatch County Council

Greg McPhie, Chairman
 Mark Nelson
 Spencer Park
 Mike Petersen
 Danny Goode
 Steve Farrell
 Kendall Crittenden

VOTE
 Yes
 Yes
 Yes
 Yes
 Yes
 Yes
 Yes
 Yes

ADOPTION OF ORDINANCE AFFIDAVIT

STATE OF UTAH)

COUNTY OF WASATCH)
): ss.

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 7 day of December, 2017.

Brent R. Titcomb
Brent R. Titcomb
Wasatch County Clerk / Auditor

SUBSCRIBED AND SWORN to me, a Notary Public, this 7th day of December, 2017.

Sandra Hansen
Notary Public

Residing in: Utah
My commission expires: 3-31-2019

