

ORDINANCE NO. 17-23

AN ORDINANCE OF WASATCH COUNTY, UTAH ADDING A NEW SECTION TO ALLOW FOR A DENSITY BONUS FOR REGIONAL PARKS. THE NEW SECTION IS 16.27.34 AND ESTABLISHES STANDARDS AND REQUIREMENTS FOR PARKS.

WHEREAS, the current code does not have a vehicle to approve regional parks in the County; and

WHEREAS, the County has a need to have regional parks and has adopted a portion of the general plan to allow for regional parks; and

WHEREAS, the new code section establishes standards and requirements for regional parks; 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 section 16.27.34 is hereby added to the Wasatch County Code as follows:

16.27.34 Regional Parks

Purpose: in accordance with the County General Plan this chapter specifies the requirements for regional parks and the associated density that may be allowed if a regional park is built in accordance with Chapter 4 of the General Plan and the associated map designating potential locations for regional parks.

Regional parks are intended to be large enough to allow for programmed recreation as well as open space recreation for county residents. Regional parks are intended to be adjacent to major roads so they are accessible to the region while minimizing impacts as much as possible to neighboring lot owners.

Regional parks may, among other things, be used for soccer, baseball/softball, rugby and other uses.

Regional parks may be part of a regional storm drain detention plan.

(A) Regional park requirements:

- a (1) Shall be a minimum of 10 contiguous acres in a regular square or rectangular shape.
- b (2) Shall have less than a 5% slope over the property, and at any given location on the property or as determined by the County.
- c (3) Shall be adjacent to arterial, collector or other major roads and not accessible through local roads internal to the subdivision
- d (4) As per the adopted General Plan map are allowed in RA-1 (Residential Agricultural) , JSPA (Jordanelle Specially Planned Area) and NVOZ (North Village Overlay Zone)
- e (5) All water necessary for the park shall be provided as determined by the County
- f (6) The property shall be deeded to the County with the recordation of the first phase plat of the development or as determined through development agreement
- g (7) Location and approval of the park donation shall be in the sole discretion of the County Council after a recommendation from the Planning Commission
- h (8) Shall have a public trail plan within the development and stubbed to adjacent property lines to provide access to the park whether improved or un-improved
- i (9) All necessary improvements in front of the park within the county right-of-way shall be completed
- j (10) Parks may be improved or un-improved as determined by the County Council and as stipulated in the definitions below and as allowed in sub-section B.
- k (11) Fencing shall be provided on any lots that abut the dedicated park area, including for un-improved park dedications.
- l (12) Subdivision plats shall provide appropriate notice that impacted lots will have a park adjacent to their property line to provide notice of the associated impacts of a regional park.
- m (13) It is at the sole discretion of the County Council to approve a park and the associated density if all the requirements of this section area met.

(B) Improved Parks means the following: Improved parks shall have at a minimum the following improvements: bathrooms, irrigation, sod, asphalt or concrete parking (as per 16.33) including curb gutter and storm drainage, improvements along all public streets including landscaping as required by all applicable codes, the improved park may be used as part of a regional storm drain plan, and fencing of all lots adjacent to the park, etc. The park shall be improved with guidance and input form the County Parks and Recreation director and as recommended by the Planning Commission.

(C) Un-improved parks means raw ground meeting all of the requirements listed in sub-section A above.

(D) Density bonuses by zoning district:

1) **RA-1 zoning district:** in the RA-1 zoning district dedication of raw property with water for an unimproved park meeting all the criteria in sub-section A may be allowed a density of 1.1 acres per unit however the density includes the 10-acre park in the calculation for density. For example using 100 acres (100 acres/1.1 = 91 total lots platted on the 90 remaining acres).

Density for an improved park with the minimum requirements listed in sub section A and B above may allow for a density of up to 1 (one) unit per acre using the park acreage for

determining the total density. For example using a 100 acre property (100 acres/1 = 100 total lots on the remaining 90 acres).

2) **NVOZ** – For dedication of an improved park as noted in sub-section A and B a 10% density bonus may be allowed of up to 40 additional units. Un-improved parks may be allowed a 5% density bonus up to 20 additional units.

3) **JSPA** – For dedication of an improved park as noted in sub-section A and B a 10% density bonus may be allowed up to 40 additional units. Un-improved parks may be allowed a 5% density bonus up to 20 additional units.

4) **Revision of density bonuses** – The County Council may adjust the density bonus rates in the RA-1, NVOZ, and JSPA zones as necessary.

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

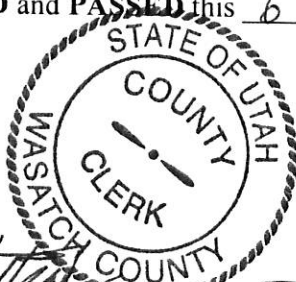
If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity 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:

WASATCH COUNTY COUNCIL:

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

Greg McPhie
 Greg McPhie, Chair
 Wasatch County Council

	VOTE
Greg McPhie, Chairman	<u>No</u>
Mark Nelson	<u>Yes</u>
Spencer Park	<u>Yes</u>
Mike Petersen	<u>No</u>
Danny Goode	<u>Yes</u>
Steve Farrell	<u>Yes</u>
Kendall Crittenden	<u>Yes</u>

ADOPTION OF ORDINANCE AFFIDAVIT

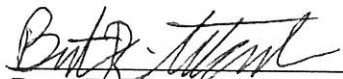
STATE OF UTAH)
): ss.
 COUNTY OF WASATCH)

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 7 day of December, 2017.



 Brent R. Titcomb
 Wasatch County Clerk / Auditor

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



 Notary Public

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

