

ORDINANCE NO. 20-16

CODE AMENDMENT TO ADD LAND USE NUMBER 8191 (TREE FARMS) AS A PERMITTED USE IN THE RA-1, RA-5, M (MOUNTAIN) AND P-160 ZONES AND TO AMEND SECTIONS OF TITLE 16 TO CLARIFY THE INTENT OF PERMITTED TREE FARMS IN THE COUNTY.

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, title 16 has a land use classification 8191 that specifically identifies tree farms; and

WHEREAS, the land use for tree farms is only allowed in the A-20 zone as a permitted use; and

WHEREAS, there are a number of tree farms operating on the valley floor and in other places of the county which zones do not have the specific land use allowing tree farms; and

WHEREAS, tree farms are considered an agricultural use and the county would like to support such uses;

WHEREAS, the County intends for permitted tree farms to operate as an agricultural use and the land use number not be confused as a retail nursery land use;

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 If any provisions of the County Code heretofore adopted are wholly inconsistent with this ordinance, they are hereby repealed.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

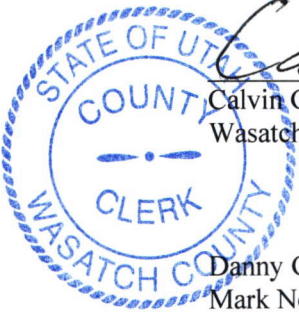
- a. Enter at length this ordinance in the ordinance book;
- b. Deposit a copy of this ordinance in the office of the County Clerk;
- c. Publish a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name 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 19 day of August, 2020.

Attest:

WASATCH COUNTY

COUNCIL:



Calvin Griffiths
 Calvin Griffiths
 Wasatch County Clerk / Auditor

Danny Goode
 Danny Goode, 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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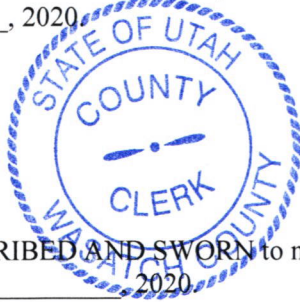
ADOPTION OF ORDINANCE AFFIDAVIT

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:

- [x] (a) Causing this ordinance to be entered at length in the ordinance book;
[x] (b) Causing three (3) copies of this ordinance to be deposited in the office of the County Clerk;
[x] (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 19 day of August, 2020.

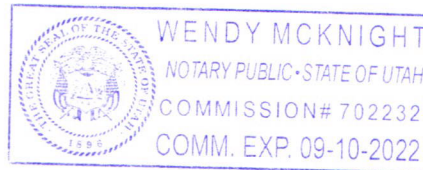


Calvin Griffiths
Wasatch County Clerk / Auditor

SUBSCRIBED AND SWORN to me, a Notary Public, this 19 day of August, 2020.

Wendy McKnight
Notary Public

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



1 **16.04.02: DEFINITIONS OF TERMS AND WORDS**

2 The following words shall have the described meaning when used in this title, unless a contrary meaning
 3 is apparent from the context of the word:

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5 NURSERY STOCK: All living botanically classified plants or any part thereof, such as floral stock,
 6 herbaceous plants, bulbs, buds, corms, culms, roots, scions, grafts, cuttings, fruit pits, seeds of fruits,
 7 forest and ornamental trees and shrubs, berry plants, and all trees, shrubs and vines and plants collected in
 8 the wild that are grown or propagated for live sale or distribution.

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10 TREE FARM: A business enterprise in which land is used for the planting of young trees and/or tree
 11 seeds for production of larger nursery stock trees. The business may include (but is not limited to) stock
 12 stored, sold, offered for sale, or held for sale as part of the operation, but does not mean a business that
 13 primarily imports, stores, and/or sells nursery stock not grown on the premises. For purposes of this
 14 definition, production shall mean the planting, care, and maintenance of young trees for a minimum
 15 period of two growing seasons before harvesting for sale.

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17 **16.05.02: PERMITTED PRINCIPAL USES**

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19 B. All such classes listed herein and all specific uses contained within them in the Wasatch County
 20 land use classification will be permitted in the preservation zone (P-160), subject to the
 21 limitations set forth herein.

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23 PERMITTED PRINCIPAL USES IN
 24 THE PRESERVATION ZONE (P-160)

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Use Number	Use Classification
1111	Single-family dwelling
4500	Highway and street rights of way
4713	Small Wireless Facilities
4835	Irrigation distribution channels
4836	Water pressure control stations and pumping plants

4839	Other water utilities or irrigation, NEC
4841	Underground sewage pipeline right of way
7190	Historic and monument sites
8141	Beef cattle (raising for purposes other than dairying - excluding feedlots)
8142	Horses (raising, breeding and/or training)
8145	Paddock - small fenced area for livestock, noncommercial
8149	Livestock operation, NEC (includes goat and sheep production)
8162	Rangeland
8180	Fallow
<u>8191</u>	<u>Tree farms, crops trees only (Commercial farms that raise all types of young trees to be planted elsewhere or harvested. Includes the raising of Christmas trees.)</u>
8300	Forestry activities and related services

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27 **16.07.02: PERMITTED PRINCIPAL USES**

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29 B. All such classes listed herein and all specific uses contained within them in the Wasatch County
 30 land use classification will be permitted in the residential-agricultural zone (RA-5), subject to the
 31 limitations set forth herein:

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PERMITTED PRINCIPAL USES IN THE
 RESIDENTIAL-AGRICULTURAL ZONE (RA-5)

Use Number	Use Classification
1111	Single-family dwellings, detached, on 1 parcel
1292	Residential facility for handicapped persons

4111	Railroad right of way
4500	Highway and street right of way
4811	Replacement of existing above ground electric transmission right of way under 38 kV and less than 49 feet from finished grade in height
4821	Underground gas pipeline right of way
4831	Underground water pipeline right of way
4835	Irrigation distribution channels
4836	Water pressure control stations and pumping stations
4841	Underground sewage pipeline right of way
4844	Sewer pumping station
4873	Storm drain right of way
7420	Playgrounds and athletic areas
7600	Parks and trails
8110	Field and seed crops
8130	Orchards and vineyards
8140	Large animals for personal use (limited to 2 per acre of ground) (except 8143)
8150	Animal specialties for personal use only, except apiaries
8160	Pasture and rangeland
8170	Horticulture specialties
<u>8191</u>	<u>Tree farms, crops trees only (Commercial farms that raise all types of young trees to be planted elsewhere or harvested. Includes the raising of Christmas trees.)</u>
8220	Animal husbandry services (except 8222, 8223, and 8224)
9300	Water areas

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37 **16.08.02: PERMITTED PRINCIPAL USES**

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39 B. All such classes listed herein and all specific uses contained within them in the Wasatch County
 40 land use classification will be permitted in the residential-agricultural zone (RA-1), subject to the
 41 limitations set forth herein:

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PERMITTED PRINCIPAL USES IN THE
 RESIDENTIAL-AGRICULTURAL ZONE (RA-1)

Use Number	Use Classification
1111	Single-family dwellings, detached, on 1 parcel
4500	Highway and street right of way
4811	Replacement of existing above ground electric transmission right of way under 38 kV and less than 49 feet from finished grade in height.
4821	Underground gas pipeline right of way
4831	Underground water pipeline right of way
4835	Irrigation distribution channels
4841	Underground sewage pipeline right of way
4873	Storm drain right of way
7420	Playgrounds and athletic areas
7600	Parks and trails
8110	Field and seed crops
8120	Truck crops
8130	Orchards and vineyards
8140	Large animals for personal use (limited to 2 per acre of ground) (except 8143)
8150	Animal specialties for personal use
8160	Pasture and rangeland
8170	Horticulture specialties

<u>8191</u>	<u>Tree farms, crops trees only (Commercial farms that raise all types of young trees to be planted elsewhere or harvested. Includes the raising of Christmas trees.)</u>
8220	Animal husbandry services (large animals limited to 4 per acre) (except 8222, 8223, and 8224)
9300	Water areas

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47 **16.09.02: PERMITTED PRINCIPAL USES**

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49 B. All such classes listed herein and all specific uses contained within them in the Wasatch County
 50 land use classification will be permitted in the mountain zone (M), subject to the limitations set
 51 forth herein:

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PERMITTED PRINCIPAL USES IN
 THE MOUNTAIN ZONE (M)

Use Number	Use Classification
1111	Single-family dwellings (detached)
4500	Highway and street right of way
4713	Small Wireless Facilities
4821	Underground gas pipeline right of way
4831	Underground water pipeline right of way
4835	Irrigation distribution channels
4836	Water pressure control stations and pumping plants
4839	Other water utilities or irrigation, NEC
4841	Underground sewage pipeline right of way
7411	Recreational activities golf courses (open to public)

7412	Recreational activities golf course (private membership)
7600	Parks
8160	Pasture and rangeland
<u>8191</u>	<u>Tree farms, crops trees only (Commercial farms that raise all types of young trees to be planted elsewhere or harvested. Includes the raising of Christmas trees.)</u>