

## **CORRECTION**

### **ORDINANCE NO. 19-05**

**THIS DOCUMENT IS CORRECTING ENTRY NO. 466561 BK 1260 PG 974-1020, ORDINANCE NO. 19-05, REPLACING INCORRECT EXHIBITS WITH THE CORRECT EXHIBITS FOR THE ORDINANCE**

**AN ORDINANCE AMENDING TITLE 16 OF THE WASATCH COUNTY CODE, PRIMARILY FOR CLEANUP, INCLUDING 16.04 DEFINITIONS, 16.08 RESIDENTIAL AGRICULTURE ZONE (RA-1), AND 16.27 DEVELOPMENT STANDARDS.**

**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**, the County Legislative Body desires to Amend Title 16 to reduce redundant language, to reorganize for clarity, and to better align with the General Plan, and;

**WHEREAS**, the County Legislative Body desires to delete remaining references to Planned Performance Developments in Title 17 after the County Legislative Body adopted Ordinance 17-07 in 2017, removing the Planned Performance Development portion of Title 16; 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 finds that these amendments more fully promote the objectives and purposes of the general plan and the Land Use and Development Code; and

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

**SECTION I: Repealer.** If any provisions of the County Code, policies, procedures, or resolutions heretofore adopted are inconsistent herewith they are hereby repealed.

**SECTION II: Enactment.** The following amendments, additions, and deletions to Title 16, the Land Use and Development Code, are hereby enacted:

See Attached Exhibit

**SECTION III: 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 IV: 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.

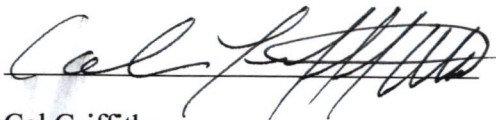
**SECTION V: Public Notice.** The Wasatch County Clerk, and ex officio Clerk of the Wasatch County Council, is hereby ordered, in accordance with the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, to do as follows:

- 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.

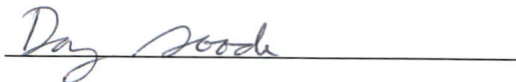
APPROVED and PASSED this 7 day of August, 2019.

Attest:

WASATCH COUNTY COUNCIL:



Cal Griffiths  
Wasatch County Clerk



Danny Goode, Chair  
Wasatch County Council



VOTE

Danny Goode, Chairman

Mark Nelson, Vice Chair

Spencer Park

Kendall Crittenden

Jeff Wade

Marilyn Crittenden

Steve Farrell

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 Legislative Body of Wasatch County, Utah, this 15 day of August, 2019.

*Cal Griffiths*

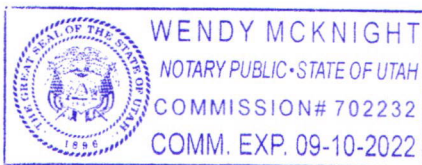
Cal Griffiths  
Wasatch County Clerk / Auditor



SUBSCRIBED AND SWORN to me, a Notary Public, this 15 day of August, 2019.

*Wendy McKnight*  
Notary Public

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



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

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3 CONSTRAINED LAND: Property that has any number of elements identified in sections 16.27.~~24~~25  
4 and 16.28.~~04~~ of this title. \_

5 ...

6 EQUIVALENT RESIDENTIAL UNITS: The number of residential equivalents to determine density  
7 based on ~~sewer, water~~ unit type, configuration and square footage of a structure.

8 ...

9  
10 **16.05.14: OTHER REQUIREMENTS**

11 A. Signs: Please refer to chapter 16.26 of this title for specific sign regulations. Generally, the  
12 following regulations apply to this zone:

13 1. Signs or nameplates not exceeding two (2) square feet in area and displaying only the name  
14 and address of the occupant.

15 2. Signs approved as part of a home occupation.

16 B. Landscaping: There are no landscaping requirements in the preservation zone (P-160), unless  
17 approved for grouping of residential lots.

18 C. Walls And Fences: Fences associated with a residential dwelling in the preservation zone (P-160)  
19 shall be minimal, and shall only fence in a small area not over one acre in size to protect the dwelling  
20 and landscaping around the dwelling. Any other fencing will only be permitted if the design does  
21 not inhibit the movement of deer, elk or other wildlife on the property.

22 D. Sewer and Water Requirements: See section 16.27.11 of this title.

23 ~~1. Each dwelling shall be considered a full time residence and must have sufficient culinary~~  
24 ~~water available as required by the state division of drinking water and division of water~~  
25 ~~rights and/or governing water district.~~

26 ~~2. Each dwelling must have sufficient water for outside irrigation to provide water for any~~  
27 ~~landscaped area, plus any water required for irrigation of any agricultural use intended. The~~  
28 ~~amount of water required for outside irrigation will be determined by the Wasatch County~~  
29 ~~water board, based upon the appropriate needs of the property, after taking into~~  
30 ~~consideration the existing irrigation patterns and any landscaping or agricultural plans of~~  
31 ~~the owner. The director will also be guided by the policies of the division of water rights.~~

32 E. Compliance With Land Use Restrictions Not Guarantee Of Building Permit: All applicable  
33 requirements for issuance of a building permit from all departments must be met before the permit  
34 may be issued.

35 F. Additional Regulations: ~~In the event of a conflict between this section and any other county~~  
 36 ~~regulations, the regulations of this section shall control.~~ See also chapters 16.21, "Supplementary  
 37 Development Standards" and 16.27, "Development Standards", of this title for additional  
 38 regulations that apply to this zone. In the event of a conflict between that section and the regulations  
 39 contained in this section, the regulations of this section would control.

40 G. Division Of Property: Prior to consideration for development in the Wasatch mountain planning  
 41 area, in conformance with the general plan, the following shall be required:

- 42 1. Preparation of a physical constraints inventory;
- 43 2. Preparation of a site master plan;
- 44 3. An amendment to the general plan; and
- 45 4. An amendment to the zoning map.

46 ...

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#### 48 **16.06.14: OTHER REQUIREMENTS**

49 A. Signs: Please refer to chapter 16.26 of this title for specific sign regulations. Generally, the  
 50 following regulations apply to this zone:

- 51 1. Signs or nameplates not exceeding two (2) square feet in area and displaying only the name  
 52 and address of the occupant;
- 53 2. Home occupational signs not exceeding two (2) square feet in area.

54 B. Landscaping: There are no landscaping requirements for the agricultural zone (A-20).

55 C. Walls And Fences: No requirement, except those imposed by the "right to farm" regulations  
 56 contained in section 16.21.14 of this title. Fences may not extend into the road right of way area. If  
 57 a sight obscuring fence is desired, it may not protrude into a twenty five foot (25') visibility triangle  
 58 on the street sides of a corner lot, or near a driveway used for ingress and egress on all lots. (See  
 59 section 16.37.06, figure 6 of this title.)

60 D. Sewer and Water Requirements: See section 16.27.11 of this title.

61 ~~1. Each dwelling shall be considered a full time residence and must have sufficient culinary~~  
 62 ~~water available as required by the state water engineer and/or governing water district.~~

63 ~~2. Each dwelling must have sufficient water for outside irrigation to provide water for a~~  
 64 ~~minimum of one fourth (0.25) acre of landscaped area, plus any water required for~~  
 65 ~~irrigation of any agricultural use intended. All lots must prove sufficient water to irrigate~~  
 66 ~~any land, which has been historically irrigated. An appropriate reduction of acreage may~~  
 67 ~~be given for: a) water which is converted to provide culinary water service for the dwelling;~~  
 68 ~~and b) certain surface areas that do not require irrigation and that may be created in~~  
 69 ~~association with the development of the land. These areas include, but are not limited to,~~  
 70 ~~building pads, sidewalks, roadways, driveways and parking areas. The amount of water~~

~~required for outside irrigation will be determined by the Wasatch County water board, based upon the needs of the property after taking into consideration the existing irrigation patterns and any landscaping or agricultural plans of the owner. The director will also be guided by the policies of the irrigation company involved as well as the state engineer.~~

E. Compliance With Land Use Restrictions Not Guarantee Of Building Permit: All applicable requirements for issuance of a building permit from all departments must be met before the permit may be issued.

F. Additional Regulations: See also chapters 16.21, "Supplementary Development Standards" and 16.27, "Development Standards", of this title for additional regulations that apply to this zone. In the event of a conflict between that chapter and the regulations contained in this chapter, the more restrictive regulations shall control.

**16.07.14: OTHER REQUIREMENTS**

A. Signs: Please refer to chapter 16.26 of this title for specific sign regulations. Generally, the following regulations apply to this zone:

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

B. Landscaping: See section 16.21.10 of this title for a detailed discussion of landscaping requirements for general development within this zone.

C. Trails: See section 16.21.18 of this title regarding trail requirements in this zone.

D. Walls And Fences: Non-sight obscuring fences, that exceed thirty six inches (36") in height, may be placed within the front setback or the side setback on a corner lot. Fences may not extend into the road right of way area. If a sight obscuring fence is desired, it may not protrude into a twenty five foot (25') visibility triangle on the street sides of a corner lot, or near a driveway used for ingress and egress on all lots. (See section 16.37.06, figure 6 of this title.)

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

~~1. Each dwelling shall be considered a full time residence and must have sufficient culinary water available as required by the state water engineer and/or governing water district for residential use only.~~

~~2. Each dwelling must have sufficient water for outside irrigation to provide water for a minimum of one fourth (0.25) acre of landscaped area, plus any water required for irrigation of any agricultural use intended. All lots must prove sufficient water to irrigate any land, which has been historically irrigated. An appropriate reduction of acreage may be given for: a) water which is converted to provide culinary water service for the dwelling; and b) certain surface areas that do not require irrigation and that may be created in~~

association with the development of the land. These areas include, but are not limited to, building pads, sidewalks, roadways, driveways and parking areas. The amount of water required for outside irrigation will be determined by the Wasatch County water board, based upon the needs of the property after taking into consideration the existing irrigation patterns and any landscaping or agricultural plans of the owner. The director will also be guided by the policies of the irrigation company involved, as well as the state engineer.

~~3. The water requirements for any other use in this zone will be determined as part of the conditional use approval process.~~

F. Septic Drainfields: Septic tank drainfields shall be separated by a minimum of two hundred feet (200').

G. Compliance With Land Use Restrictions Not Guarantee Of Building Permit: All applicable requirements for issuance of a building permit from all departments must be met before the permit may be issued.

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

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**Chapter 16.08: RESIDENTIAL-AGRICULTURAL ZONE (RA-1)**

**16.08.01: PURPOSE**

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.

B. The specific intent in establishing this residential-agricultural zone (RA-1) is for the following purposes: 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. 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:

1. Provide a place in the county where residential dwellings may be constructed as a transition from population centers to more rural agricultural uses.

~~2. Provide a place in the county where dwellings are served by an approved sewer system.~~

145 3.2. Facilitate the provision of essential services needed by the residents within urbanizing  
146 areas of the county, particularly sewage and culinary water service, through the  
147 instrumentality of a special service district.

148 4.3. Provide services to residential development for street maintenance, fire and police  
149 protection, and health and sanitation services, and other available services.

150 5.4. Provide a zone where residents can have farm animals in reasonable numbers and  
151 conduct agricultural activities.

152 5. To maintain and protect Wasatch County's rural character by providing options to  
153 preserve important landscape elements, including those areas containing unique and  
154 environmentally sensitive natural features, such as stream corridors, wetlands,  
155 groundwater, floodplains, ridgelines, geologic hazard areas, steep slopes and natural areas  
156 by allowing options for preserving them.

157 6. To promote a rural feeling along county roads by requiring larger setbacks and allowing  
158 cluster options and the possibility of open space along roads in specified areas.

159 7. To provide the option in specified areas for the development of varied lot sizes in  
160 clustered, single-family, low density residential uses, allowing the potential for large  
161 areas of permanently protected open space.

162 8. To allow for the continuation of agricultural uses in those areas best suited for such  
163 activities and when such activities are compatible with adjoining residential uses.

164 9. To promote active and passive recreational use of open space by residents of a cluster  
165 development or by the public.

166 10. To provide opportunities for open space and or regional trails in existing developments.

167 6-11. To allow for the potential for developments with variable lot sizes in larger  
168 acreage developments in accordance with the specified areas.

169 7-12. To allow the potential to preserve what is determined to be important aspects of  
170 the site.

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172 **16.08.04: LOT AREA AND MAXIMUM DENSITY**

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

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

178 1. All developments are limited to the base density. Developments on the east end of the  
179 valley between incorporated areas of Heber City and 2400 East may have lots as small as  
180 1/3 acre (14,520 square feet). Developments between 2400 East and 3600 East may have

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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. 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.
- 2. 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. 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.

C.D. Further Development: Any subdivision or development, which uses clustering, variable lot sizes or other development procedures, that creates common area parcels, open space parcels or which creates building lots greater than one acre, must include notes on the plat, conservation easements and any other appropriate land use controls deemed necessary by the planning commission and county council 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.

~~D.E. Open Space Areas: Open space areas shall be protected by a recorded conservation easement enforceable by the county. Further protection may be offered by an actual land dedication to the county or other entity upon the approval by the county. This may be accomplished by the following means:~~

- ~~1. Open space owned by homeowners' association with a conservation easement recorded in favor of Wasatch County or other appropriate entity as determined by the land use authority.~~
- ~~2. Open space deeded to Wasatch County with a conservation easement recorded in favor of the homeowners' association or other appropriate entity as determined by the land use authority.~~
- ~~3. Open space owned by appropriate entity as determined by the land use authority with conservation easement to Wasatch County.~~

~~E.F. Ownership Of Open Space: Permanently protected open space created through the development process shall remain undivided and may be owned and managed by a homeowners' association, Wasatch County or a recognized land trust or conservancy. Any ownership other than the homeowners' association or Wasatch County is subject to approval by the land use authority.~~

221 ~~A narrative describing ownership, use and maintenance responsibilities shall be submitted for all~~  
 222 ~~common space and public improvements, utilities and open spaces. Common area or amenity~~  
 223 ~~open space within a development shall be owned, administered and maintained by the~~  
 224 ~~homeowners' association.~~

225 ~~1. Homeowners' Association: The undivided open space and associated facilities may be~~  
 226 ~~held in common ownership by a homeowners' association. The association shall be~~  
 227 ~~formed and operated under the following provisions:~~

228 ~~a. The developer shall provide a description of the association, including its bylaws~~  
 229 ~~and methods for maintaining the open space easement.~~

230 ~~b. The association shall be organized by the developer and shall be operated with a~~  
 231 ~~financial subsidy from the developer, before sale of any lots within the~~  
 232 ~~development.~~

233 ~~e. Membership in the association is automatic (mandatory) for all purchasers of~~  
 234 ~~homes therein and their successors. The conditions and timing of transferring~~  
 235 ~~control of the association from the developer to the homeowners shall be~~  
 236 ~~identified at the time of the transfer agreement, which is required by the~~  
 237 ~~development agreement.~~

238 ~~d. The association shall be responsible for maintenance of insurance and taxes on~~  
 239 ~~undivided open space, enforceable by liens placed by the county on the~~  
 240 ~~association. The association may place liens on the homes or lots of its members~~  
 241 ~~who fail to pay their association dues in a timely manner. Such liens may provide~~  
 242 ~~for the imposition of penalty interest shares.~~

243 ~~e. The members of the association shall share equitably the costs of maintaining~~  
 244 ~~such undivided open space. Shares shall be defined within the association~~  
 245 ~~bylaws.~~

246 ~~f. In the event of a proposed transfer, within the methods here are permitted of~~  
 247 ~~undivided open space land by the homeowners' association, or the assumption of~~  
 248 ~~maintenance of undivided open space land by the county, notice of such action~~  
 249 ~~shall be given to all property owners within the development.~~

250 ~~g. The association shall have or hire adequate staff to administer common facilities~~  
 251 ~~and properly and continually maintain the undivided open space.~~

252 ~~h. The homeowners' association may lease open space lands to any other qualified~~  
 253 ~~person or corporation for operation and maintenance of open space lands, but~~  
 254 ~~such an agreement shall provide:~~

255 ~~(1) The residents of the development shall at all times have access to the~~  
 256 ~~open space lands contained therein (except croplands during the growing~~  
 257 ~~season);~~

258 ~~(2) The undivided open space to be leased shall be maintained for the~~  
 259 ~~purposes set forth in this chapter; and the development agreement and~~  
 260 ~~open space easement;~~

- 261 (3) ~~The operation of open space facilities may be for the benefit of the~~  
 262 ~~residents only, or may be open to the residents of the county, at the~~  
 263 ~~election of the developer or homeowners' association, as the case may be;~~
- 264 (4) ~~In the event said homeowners' association decides to donate the open~~  
 265 ~~space to the county, it is not required that the county accept the open~~  
 266 ~~space donation;~~
- 267 (5) ~~Approval for proposed use by the county.~~
- 268 ~~2. Offer Of Dedication: In the event the developer desires to deed the open space to an~~  
 269 ~~entity other than the homeowners' association, it must give the county the first right of~~  
 270 ~~refusal to be the recipient of such open space. The county may, but shall not be required~~  
 271 ~~to, accept the open space provided:~~
- 272 ~~a. Such land is accessible to the residents of the county;~~
- 273 ~~b. There is no cost of acquisition other than any costs incidental to the transfer of~~  
 274 ~~ownership, such as title insurance;~~
- 275 ~~c. The county agrees to and has access to maintain such lands. Where the county~~  
 276 ~~accepts dedication of common open space that contains improvements, the~~  
 277 ~~county may require the posting of financial security to ensure structural integrity~~  
 278 ~~of said improvements, as well as the functioning of said improvements for a term~~  
 279 ~~not to exceed two (2) years from the date of acceptance and dedication. The~~  
 280 ~~amount of financial security shall not exceed fifteen percent (15%) of the actual~~  
 281 ~~cost of installation of said improvements; and~~
- 282 ~~d. The transfer would include providing adequate water.~~
- 283 ~~3. Dedication Of Easements: The county may, but shall not be required to, accept easements~~  
 284 ~~for public use of any portion or portions of undivided open space land, title of which is to~~  
 285 ~~remain in ownership by homeowners' association, provided:~~
- 286 ~~a. Such land is accessible to the residents of the county;~~
- 287 ~~b. There is no cost of acquisition other than any costs incidental to the transfer of~~  
 288 ~~ownership, such as title insurance; and~~
- 289 ~~c. A satisfactory maintenance agreement is reached between the developer or~~  
 290 ~~homeowners' association and the county.~~
- 291 ~~4. Transfer Of Ownership Or Easements To Private Conservation Organization: With the~~  
 292 ~~permission of the county, an owner may transfer ownership or easements to a private,~~  
 293 ~~nonprofit organization, among whose purposes it is to conserve open space and/or natural~~  
 294 ~~resources; provided, that:~~
- 295 ~~a. The organization is acceptable to the county, and is a bona fide credible~~  
 296 ~~conservation organization;~~

297 ~~b. The conveyance contains appropriate provisions for proper reverter, or retransfer~~  
298 ~~in the event that the organization becomes unwilling or unable to continue~~  
299 ~~carrying out its functions; and a maintenance agreement acceptable to the board~~  
300 ~~is entered into by the developer and the organization.~~

301 ~~F.G. Maintenance Of Open Space:~~

302 ~~1. Maintenance Standards: The ultimate owner of the open space (typically a~~  
303 ~~homeownership association) is responsible to pay for and perform all necessary~~  
304 ~~operation, maintenance and physical improvements to the open space. A homeowners'~~  
305 ~~association shall be authorized under its bylaws to collect dues or assessments etc., in~~  
306 ~~order to pay for said operation and maintenance and to place liens on the property of~~  
307 ~~residents who fall delinquent in payment of such dues, assessments, etc.~~

308 ~~2. Maintenance Enforcement:~~

309 ~~a. In the event that the association or third party owner shall, at any time after~~  
310 ~~establishment of a development containing undivided open space, fail to maintain~~  
311 ~~the undivided open space in reasonable order and condition in accordance with~~  
312 ~~the development plan, the county may serve written notice upon the owner of~~  
313 ~~record, setting forth the manner in which the owner of record has failed to~~  
314 ~~maintain the undivided open space in reasonable condition.~~

315 ~~b. Failure to adequately maintain the undivided open space in reasonable order and~~  
316 ~~condition constitutes a violation of this chapter.~~

317 ~~c. If the owner of the open space fails or refuses to provide adequate maintenance,~~  
318 ~~as determined by the county, the county may, but is not required to, perform said~~  
319 ~~maintenance and bill the owner.~~

320 ~~d. Should any bill for maintenance of the undivided open space be unpaid, a late fee~~  
321 ~~of fifteen percent (15%) would be added to the bill and a lien filed against the~~  
322 ~~land constituting the open space.~~

323 ~~E. Density And Standards: Each development shall comply with the regulation set forth in the~~  
324 ~~applicable column of the chart in subsection 16.27.11J of this title.~~

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326 **16.08.05: LOT WIDTH**

327 A. Small scale subdivisions ~~of five (5) lots or less lots~~ shall have a lot width of at least two hundred  
328 feet (200') at the required building setback. Corner lots in small scale subdivisions shall have a  
329 minimum lot width of two hundred feet (200') at the required setback on both streets. Lot widths  
330 are minimums unless more specifically approved as per section 16.27.10 of this title.

331 B. Large scale subdivision ~~parcels lots~~ must have a minimum lot width of one hundred feet (100') if  
332 less than one acre and one hundred fifty feet (150') if more than one acre at the building setback.  
333 Corner lots, regardless of lot size, shall have one hundred fifty feet (150') at the required setback  
334 on both streets.

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336 **16.08.06: LOT FRONTAGE**

337 A. Small scale subdivisions ~~five (5) lots or less lots~~ shall abut a public road or road built to county  
 338 standards for a minimum distance of one hundred fifty feet (150') on a line parallel to the  
 339 centerline of the road, unless more specifically approved as per section 16.27.10 of this title.  
 340 Corner lots shall have a minimum frontage of one hundred fifty feet (150') on both roads unless  
 341 more specifically approved as per section 16.27.10 of this title.

342 B. ~~Parcels that are part of a~~ large scale subdivision ~~lots and~~ under one acre shall have a minimum  
 343 frontage of one hundred feet (100'). ~~Parcels-Lots~~ that are over one acre shall have a minimum  
 344 frontage of one hundred fifty feet (150'). Corner lots shall have a minimum frontage of one  
 345 hundred fifty feet (150') on both streets. All measurements shall be taken at the road right of  
 346 way.

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348 **16.08.07: LOT AREA PER DWELLING**

349 Not more than one single-family dwelling ~~or other principal use~~ may be placed upon a lot or parcel of  
 350 land in the residential-agricultural zone (RA-1). If a conditional use is obtained, an accessory residential  
 351 unit, guest unit or caretaker accessory dwelling unit (ADU) in accordance with section 16.21.46 of this  
 352 title may be built within the main structure or detached from the main structure.

353

354 **16.08.08: SETBACK REQUIREMENTS**

355 The setback requirements for this zone shall be as follows:

356 A. Front Setback: Each lot or parcel in the residential-agricultural zone (RA-1) shall have a front  
 357 yard setback of not less than sixty feet (60') from the center of the road, or thirty feet (30') from  
 358 the edge of the right of way, whichever is greater. If the property is located along a state or  
 359 federal highway, the setbacks shall be one hundred fifty feet (150') from the edge of the right of  
 360 way. See subsection 16.21.07(B) of this title for setbacks on major collectors. If a large scale  
 361 development is proposing clustering with variable lot sizes and open space, the county  
 362 encourages the developer to have some of the open space along the existing county roads to  
 363 enhance the rural feel and provide a buffer for residents along the larger county roads.

364 1. Accessory Buildings Not Housing Animals: The front setback shall be a minimum of  
 365 sixty feet (60') from the center of the road, or thirty feet (30') from the edge of the right of  
 366 way, whichever is greater. If the property is located on a state or federal highway, the  
 367 setback must be a minimum of one hundred fifty feet (150') from the right of way.

368 2. Structures Housing Animals: Structures that will house animals shall be a minimum of  
 369 one hundred feet (100') from the road right of way, providing however, all such structures  
 370 must also be set back from any existing residential structure on the same lot or an  
 371 adjacent lot at least one hundred feet (100').

- 372 3. Major County Collector Roads: For buildings abutting upon a county street that is  
 373 designated as a major collector road in the Wasatch County master transportation plan,  
 374 the setback shall be eighty five feet (85') from the centerline of any street, or fifty feet  
 375 (50') from the right of way, whichever is greater.
- 376 B. Side Setbacks: All structures not intended to house animals shall be set back from the side  
 377 property line a minimum of ten feet (10'). The sum of the two (2) side setbacks shall be at least  
 378 twenty four feet (24'). Side setbacks on buildings that will house animals must be a minimum of  
 379 fifty feet (50') and one hundred feet (100') from any dwelling on or off site.
- 380 C. Corner Lots: For corner lots, the side setback on the street side shall be the same setback as that  
 381 required for the front.
- 382 D. Rear Setbacks: Structures not intended to house animals shall be set back from the rear property  
 383 line a minimum of thirty feet (30'). Buildings that will house animals must have a rear setback of  
 384 not less than fifty feet (50') and at least one hundred feet (100') from any dwelling on or off site.
- 385 E. ~~Railroad-Other~~ Setbacks: ~~The setback of all residential dwellings shall be a minimum of seventy-~~  
 386 ~~five feet (75') from the railroad right of way~~ See section 16.21.07 for other setback requirements  
 387 ~~that may apply.~~

#### 388 **16.08.09: BUILDING HEIGHT**

389 Height of all dwellings, accessory buildings and/or structures shall not exceed thirty five feet (35') above  
 390 natural grade.

#### 391 **16.08.10: DISTANCE BETWEEN BUILDINGS**

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

#### 394 **16.08.11: SITE PLAN PROVISIONS**

395 To obtain a building permit for a dwelling or any other permitted or conditional use, a site plan of  
 396 sufficient detail to show compliance with this Title must be submitted to the planning department  
 397 showing the location of any existing conditions, structures, topography or any environmentally sensitive  
 398 lands located on the lot.

#### 399 **16.08.12: PERMISSIBLE LOT COVERAGE**

400 In the residential-agricultural zone (RA-1), all buildings, including accessory buildings and structures,  
 401 shall cover not more than forty percent (40%) of the area of the lot or parcel of land.

#### 402 **16.08.13: ~~PARKING, LOADING AND ACCESS RESERVED~~**

403 ~~Parking, loading and access requirements are discussed in detail in chapter 16.33 of this title. Please refer~~  
 404 ~~to that chapter for further details applying to this zone.~~

405

#### 406 **16.08.14: OTHER REQUIREMENTS**

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408

A. Signs: ~~Please refer to~~In addition to the regulations found in chapter 16.26 of this title ~~for specific sign regulations. Generally,~~ the following regulations apply to this zone:

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410

1. Signs or nameplates not exceeding two (2) square feet in area and displaying only the name and address of the occupant.

411

2. Home occupation signs not exceeding two (2) square feet in area.

412  
413

B. Landscaping: See section 16.21.10 of this title ~~for a detailed discussion of landscaping requirements for general development within this zone.~~

414

C. Trails: See section 16.21.18 of this title ~~regarding trail requirements in this zone.~~

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

423

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

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~~3. Each dwelling shall be considered a full time residence and must have sufficient culinary water available as required by the state water engineer and/or governing water district for residential use only.~~

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~~4. Each dwelling must have sufficient water for outside irrigation to provide water for a minimum of one fourth (0.25) acre of landscaped area, plus any water required for irrigation of any agricultural use intended. All lots must prove sufficient water to irrigate any land, which has been historically irrigated. An appropriate reduction of acreage may be given for: a) water which is converted to provide culinary water service for the dwelling; and b) certain surface areas that do not require irrigation and that may be created in association with the development of the land. These areas include, but are not limited to, building pads, sidewalks, roadways, driveways and parking areas. The amount of water required for outside irrigation will be determined by the Wasatch County water board, based upon the needs of the property after taking into consideration the existing irrigation patterns and any landscaping or agricultural plans of the owner. The director will also be guided by the policies of the irrigation company involved, as well as the state engineer.~~

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~~5. The water requirements for any other use in this zone will be determined as part of the conditional use approval process.~~

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

446 G. Additional Regulations: See also chapters 16.21, "Supplementary Development Standards" and  
 447 16.27, "Development Standards", of this title for additional regulations that apply to this zone. In  
 448 the event of a conflict between that chapter and the regulations contained in this chapter, the  
 449 regulations of this chapter would control.

450 H. Roads, sidewalks and trail improvements along established roads must be stubbed into adjacent  
 451 properties. Street layouts must be designed to allow connection with existing or future adjacent  
 452 developments in accordance with this chapter. Proposed developments shall comply with section  
 453 16.27.29 of this chapter.

454 G-I. Parking: See section 16.33 of this title.

455

456 **16.08.15: EXEMPTIONS FOR SPECIFIC USES**

457 ~~The following land uses, as identified in the land use classification appendix, may be exempt from~~  
 458 ~~specific code requirements: (6721) police protection and related activities, (6723) fire protection and~~  
 459 ~~related activities, (6729) other protective functions and their related activities, NEC (includes, but is not~~  
 460 ~~limited to, customs inspection, immigration offices, FBI offices, children's justice centers).~~

461 ~~A. Fire protection and related service may be exempt from certain land use requirements if it is~~  
 462 ~~determined by the county council, after receiving a recommendation for or against from the~~  
 463 ~~planning commission that the health, safety and general welfare of the citizens of Wasatch~~  
 464 ~~County is further protected.~~

465 ~~B. Exempting the above noted uses from land use requirements means exemptions may be for some~~  
 466 ~~or all of the following: frontage, access, acreage or sewer, fees, etc.~~

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469 **16.09.03: CONDITIONAL USES**

470 The following table shows the uses and structures that are permitted in the mountain zone (M) only after a  
 471 conditional use permit has been approved, and subject to the terms and conditions thereof. ~~Planned~~  
 472 ~~performance developments shall be considered a conditional use and must have a minimum of one~~  
 473 ~~hundred sixty (160) acres.~~

474

475 **CONDITIONAL USES IN THE MOUNTAIN ZONE (M)**

Use Number	Use Classification
1519	Group transient lodging
1903	Accessory residential unit
4712	Telephone relay towers, microwave or other

4810	Electric utility (except 4813)
4824	Gas pressure control stations
4832	Water treatment plants
4833	Water storage
4834	Water storage covered
4910	Underground pipeline right of way and pressure control stations, NEC
6721	Police protection and related activities (public only)
6723	Fire protection and related activities (public only)
6911	Churches, synagogues, temples, and missions

476 ...

477

478 **16.09.15: OTHER REQUIREMENTS**

479 A. Signs: Sign regulations are discussed in detail at chapter 16.26 of this title. Please refer to that  
480 chapter for specific regulations. ~~Generally, the~~ following **additional** regulations apply to this zone:

481 1. Signs or nameplates not exceeding two (2) square feet in area and displaying only the name  
482 and address of the occupant; and

483 2. Home occupation signs not exceeding two (2) square feet in area.

484 B. Landscaping: For any new lots or previously created lots in the mountain zone (M), noncombustible  
485 landscaping shall be required for a minimum distance of thirty five feet (35') around the structure.  
486 The thirty five foot (35') area is intended to create defensible space, which does not mean that the  
487 area is required to be clear cut, but that dead fuel shall be removed, and highly combustible  
488 landscaping shall be avoided. The use of planting materials that will conserve water is  
489 recommended and native plants are encouraged, but the entire property must be kept free of noxious  
490 weeds. ~~If the property is part of a large scale planned performance development, see chapter 16.29  
491 of this title as well as the recorded conditions, covenants and restrictions, for landscaping  
492 requirements.~~

493 C. Walls And Fences: Fences in the mountain zone (M) shall be minimal, and shall only fence in the  
494 area considered as the "limits of disturbance" and shall not be over one acre in size to protect the

495 dwelling and landscaping around the dwelling, if any. Any other fencing will only be permitted if  
496 the design does not inhibit the movement of deer, elk or other wild animals on the property.

497 D. Sewer and Water Requirements: See section 16.27.11 of this title.

498 ~~1. Each dwelling shall be considered a full time residence and must have sufficient culinary~~  
499 ~~water available as required by the state water engineer for residential use only.~~

500 ~~2. Each dwelling must have sufficient water for outside irrigation to provide water for any~~  
501 ~~landscaped area, plus any water required for irrigation of any agricultural use intended. The~~  
502 ~~amount of water required for outside irrigation will be determined by the Wasatch County~~  
503 ~~water board based upon the appropriate needs of the property after taking into consideration~~  
504 ~~the existing irrigation patterns and any landscaping or agricultural plans of the owner. The~~  
505 ~~water board will also be guided by the policies of the irrigation company involved, as well~~  
506 ~~as the state water engineer.~~

507 ~~3. The water requirements for any other use in this zone will be determined as part of any~~  
508 ~~planned performance development or conditional use approval process.~~

509 E. Compliance With Land Use Requirements Not Guarantee Of Building Permit: All applicable  
510 requirements for issuance of a building permit from all County departments and other Special  
511 Service Districts with authority over the property must be met before the permit may be issued.  
512 This includes, but is not limited to, appropriate road access, septic suitability, water supply and  
513 water quality, electricity, heat, transportation to and from schools, etc.

514 F. Plan For Services: Property in the mountain zone (M) may be remote from services, such as  
515 emergency services, winter road maintenance, sewer, water systems and schools. Any plan  
516 submitted must show how the proposed development will address these issues without requiring  
517 the county to extend urban services to those areas. ~~Improvements shown on the final development~~  
518 ~~plan shall be started within a period of twelve (12) months from final approval, and be completed~~  
519 ~~and ready for occupancy within thirty six (36) months, unless part of a phased development with~~  
520 ~~approval to be done in phases.~~ Agreed upon levels of service must be completed prior to ~~occupancy~~  
521 ~~of any structures~~ issuing building permits for any residential, commercial, or industrial structures.

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524 **16.10.03: CONDITIONAL USES**

525 The following shows the uses and structures that are permitted in the commercial zone (C) only after a  
526 conditional use permit has been approved, and subject to the terms and conditions thereof.

527  
528 **CONDITIONAL USES IN THE COMMERCIAL ZONE (C)**

Use Number	Use Classification
	<del>All must be done as a planned performance development</del>

4811	Electric transmission lines over 38 kVA and/or <del>more-less</del> than <del>35-49</del> feet in height <u>from finished grade</u>
<u>4612</u>	Electric generation plants
5210	Lumber and other building materials - large scale <sup>1</sup>
5220	Heating and plumbing equipment - large scale <sup>1</sup>
5230	Paint, glass and wallpaper - large scale <sup>1</sup>
5240	Electrical supplies - large scale <sup>1</sup>
5250	Hardware and supplies - large scale <sup>1</sup>
5310	Department stores - large scale <sup>1</sup>
5320	Mail and phone order houses - large scale <sup>1</sup>
5330	Variety stores - large scale <sup>1</sup>
5390	Other retail trade, general merchandise - large scale <sup>1</sup>
5400	Food - large scale <sup>1</sup>
5992	Cigars and cigarettes, tobacco specialty business in accordance with chapter 16.34 of this title
6397	Automobile, truck and trailer rentals
6376	General Warehousing and Storage, and Unidentified storage <sup>2</sup>
7220	Sport assembly

529 Note:

530 1. Large scale means businesses that occupy up to 40,000 square feet.

531 2. Limited to existing storage units that legally existed on the date of the adoption of this amendment to  
532 the code (November 2013). These existing storage units can expand within the property foot print where  
533 they are located, but expansion into additional acreage or new commercial zones is not permitted. If  
534 storage units are along a state highway storage units cannot be closer than 200' to the State right-of-way .

535 ...

536

537 **16.10.13: OTHER REQUIREMENTS**

538 A. Landscaping: Landscaping the property is a requirement for developments in this zone. Any portion  
 539 of the lot not included in the structure or parking areas must be appropriately landscaped. The front  
 540 landscape strip shall be thirty feet (30') on any side adjacent to a public street. A minimum of ten  
 541 percent (10%) of the lot shall be landscaped. For specific landscaping regulations, see section  
 542 16.21.10 of this title.

543 B. Refuse And Debris: The entire lot shall be kept free from refuse, debris and waste material. All  
 544 such refuse, garbage debris and waste material shall be kept in approved containers and stored  
 545 within a building or enclosed in a sight obscuring fence or wall of not less than six feet (6') in  
 546 height. Garbage containers shall not be located within the required front setback (see section  
 547 16.21.15 of this title).

548 C. Emissions: No dust, noticeable odor, smoke, vibration, intermittent light or noise shall be emitted  
 549 which is discernible beyond the property boundary lines (see chapter 16.28 of this title).

550 D. Storage: All storage and outside activities, except loading and unloading, shall be enclosed within  
 551 a building or, if approved, as part of the conditional use, within an area that is enclosed with a sight  
 552 obscuring fence at least six feet (6') and no more than eight feet (8') in height (see section 16.21.15  
 553 of this title).

554 E. Sewer System: All uses located within a commercial zone (C) shall be connected to a sewer system.  
 555 Development within an existing commercial zone (C), prior to the adoption of this title, is exempt  
 556 from this requirement.

557 F. Maintenance: All signs, structures, parking areas, landscaping or other portions of the development  
 558 that are visible from either an adjoining residential use, or from a major street or highway, shall be  
 559 kept in good repair and maintenance at all times. Failure to do so may be grounds for refusal to  
 560 renew any business license or conditional use permit.

561 G. ~~Adequate Sewer and Water Requirements: No use may be permitted unless it is shown that there~~  
 562 ~~is an adequate supply of water for the use and fire flow. See section 16.27.11 of this title.~~

563 H. Signs: Any signs or other form of advertising must comply with the sign provisions of this title.  
 564 Any signs fronting a state highway shall be monument signs (see chapter 16.26 of this title).

565 I. Building Design: Architectural renderings of all buildings shall be provided. Buildings with  
 566 exterior facades facing a public street must have a minimum of forty percent (40%) decorative  
 567 masonry. Windows can be included in a portion of the masonry percentage calculation.

568 J. Additional Regulations: See also chapters 16.21, "Supplementary Development Standards" and  
 569 16.27, "Development Standards", of this title for **additional** regulations that apply to this zone. In  
 570 the event of a conflict between these chapters and the regulations contained in this chapter, the  
 571 regulations of this chapter would control.

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574 **16.11.11: OTHER REQUIREMENTS**

- 575 A. Landscaping: Any portion of the lot not included in the structure or parking areas must be  
 576 appropriately landscaped. The front landscape strip shall be thirty feet (30') on any side adjacent to  
 577 a public street. A minimum of ten percent (10%) of the overall site shall be landscaped. For specific  
 578 regulations, see section 16.21.10 of this title.
- 579 B. Refuse And Debris: The entire lot shall be kept free from refuse, debris and waste material. All  
 580 such refuse, garbage debris and waste material shall be kept in approved containers and stored  
 581 within a building or enclosed in a sight obscuring fence or wall of not less than six feet (6') in  
 582 height. Garbage containers shall not be located within the required front setback (see section  
 583 16.21.15 of this title).
- 584 C. Emissions: No dust, noticeable odor, smoke, vibration, intermittent light or noise shall be emitted  
 585 which is discernible beyond the property boundary lines (see chapter 16.28 of this title).
- 586 D. Storage: All storage and outside activities, except loading and unloading, shall be enclosed within  
 587 a building or if approved as part of the conditional use, within an area that is enclosed with a sight  
 588 obscuring fence at least six feet (6') and no more than eight feet (8') in height (see section 16.21.15  
 589 of this title).
- 590 E. Maintenance: All signs, structures, parking areas, landscaping or other portions of the development  
 591 that are visible from either an adjoining residential use, or from a major street or highway, shall be  
 592 kept in good repair and maintenance at all times. Failure to do so may be grounds for refusal to  
 593 renew any business license or conditional use permit.
- 594 F. ~~Adequate Sewer and Water Requirements: No use may be permitted in this zone unless it is shown~~  
 595 ~~that there is an adequate supply of water for the use and for fire protection. See section 16.27.11 of~~  
 596 ~~this title.~~
- 597 G. Signs: Any signs or other form of advertising must comply with the sign provisions of this title.  
 598 Any signs fronting a state highway shall be monument signs (see chapter 16.26 of this title).
- 599 H. Building Design: Architectural renderings of all buildings shall be required. All facades visible  
 600 from a public street cannot be metal.
- 601 I. Additional Regulations: See also chapters 16.21, "Supplementary Development Standards" and  
 602 16.27, "Development Standards", of this title for **additional** regulations that apply to this zone. In  
 603 the event of a conflict between these chapters and the regulations contained in this chapter, the  
 604 regulations of this chapter would control.

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607 **16.12.12: OTHER REQUIREMENTS**

- 608 A. Landscaping: Any portion of the lot not included in the structure or parking areas must be  
 609 appropriately landscaped. The front landscape strip shall be thirty feet (30') on any side adjacent to  
 610 a public street. A minimum of thirty percent (30%) of the overall site shall be landscaped. For  
 611 specific regulations, see section 16.21.10 of this title.

- 612 B. Refuse And Debris: The entire lot shall be kept free from refuse, debris and waste material. All  
613 such refuse, garbage debris and waste material shall be kept in approved containers and stored  
614 within a building or enclosed in a sight obscuring fence or wall of not less than six feet (6') in  
615 height. Garbage containers shall not be located within the required front setback (see section  
616 16.21.15 of this title).
- 617 C. Emissions: No dust, noticeable odor, smoke, vibration, intermittent light or noise shall be emitted  
618 which is discernible beyond the property boundary lines (see chapter 16.28 of this title).
- 619 D. Storage: All storage and outside activities, except loading and unloading, shall be enclosed within  
620 a building or if approved as part of the conditional use, within an area that is enclosed with a sight  
621 obscuring fence at least six feet (6') and no more than eight feet (8') in height (see section 16.21.15  
622 of this title).
- 623 E. Sewer System: All uses located within the office and business park (OBP) shall be connected to a  
624 publicly owned and operated sewer system.
- 625 F. Maintenance: All signs, structures, parking areas, landscaping or other portions of the development  
626 that are visible from either an adjoining residential use, or from a major street or highway, shall be  
627 kept in good repair and maintenance at all times. Failure to do so may be grounds for refusal to  
628 renew any business license or conditional use permit.
- 629 G. ~~Adequate Sewer and Water Requirements: No use may be permitted unless it is shown that there~~  
630 ~~is an adequate supply of water for the use and minimum requirements for fire protection as~~  
631 ~~determined by the county fire marshal. See section 16.27.11 of this title.~~
- 632 H. Signs: Any signs or other form of advertising must comply with the sign provisions of this title.  
633 Any signs fronting a state highway shall be monument signs (see chapter 16.26 of this title).
- 634 I. Parking Areas: Parking areas may not cover more than twenty five percent (25%) of the property.
- 635 J. Accesses: Appropriate access to trails, creeks, sidewalks or open space amenities is required. Trails  
636 shall be created to connect to any existing or planned public trail system in the area.
- 637 K. Roof Mounted Appurtenances: Roof mounted appurtenances is discouraged. If they are used, they  
638 shall be placed within an enclosure as high as the appurtenance that reflects the architectural design  
639 scheme of the project.
- 640 L. Utilities: All utility connections shall be compatible with the architectural elements of the site and  
641 not be exposed except where necessary. Utility lines and cables shall be installed underground.
- 642 M. Walkways: Pedestrian walkways shall be a minimum of five feet (5') in width and public easements  
643 for such walkways and trails shall be required.
- 644 N. Exterior Materials: All buildings shall be made of brick, wood, stone or masonry materials. Vinyl  
645 and metal siding is prohibited.
- 646 O. Prohibited Roof Types: Flat roofs, rounded rooflines and mansard roofs are not permitted unless  
647 approved as a conditional use.
- 648 ...

649

650 **16.13.13: OTHER REQUIREMENTS**

- 651 A. Landscaping: Any portion of the lot not included in the structure or parking areas must be  
 652 appropriately landscaped. The front landscape strip shall be twenty feet (20') on any side adjacent  
 653 to a road. A minimum of ten percent (10%) of the overall site shall be landscaped. For further  
 654 requirements, see sections 16.21.10 and 16.21.19 of this title.
- 655 B. Refuse And Debris: The entire lot shall be kept free from refuse, debris and waste material. All  
 656 such refuse, garbage, debris and waste material shall be kept in approved containers and stored  
 657 within a building or enclosed in a sight obscuring fence, wall or screen of not less than six feet (6')  
 658 in height. Garbage containers shall not be located within the required front setback (see section  
 659 16.21.15 of this title).
- 660 C. Emissions: No dust, odor, smoke, vibration, light, glare or noise shall be emitted which is  
 661 discernible beyond the lot boundary lines (see chapter 16.28 of this title).
- 662 D. Storage: All storage and outside activities, except loading and unloading, shall be enclosed within  
 663 a building, or if approved as part of the conditional use within an area that is enclosed with a sight  
 664 obscuring fence at least six feet (6') and no more than eight feet (8') in height. Storage shall not be  
 665 permitted to protrude above the sight obscuring fence (see section 16.21.15 of this title).
- 666 E. Maintenance: All signs, structures, parking areas, landscaping or other portions of the development  
 667 that are visible from either an adjoining residential use, or from a major street or highway, shall be  
 668 kept in good repair and maintenance at all times. Failure to do so may be grounds for refusal to  
 669 renew any business license or conditional use permit.
- 670 F. ~~Adequate Sewer and Water Requirements: No use may be permitted unless it is shown that there~~  
 671 ~~is an adequate supply of water for the use and fire protection. See section 16.27.11 of this title.~~
- 672 G. Signs: Any signs or other form of advertising must comply with the sign provisions of this title (see  
 673 chapter 16.26 of this title).
- 674 H. Buildings: Metal buildings may be allowed in this zone. All metal buildings shall have vertical  
 675 walls and shall be painted with neutral colors.
- 676 I. Additional Regulations: See chapters 16.21, "Supplementary Development Standards" and 16.27,  
 677 "Development Standards", of this title for additional regulations that apply to this zone. In the event  
 678 of a conflict between that section and the regulations contained in this section, the regulations of  
 679 this section would control.

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682 **16.14.11: OTHER REQUIREMENTS**

- 683 A. The following standards with respect to appearances and maintenance of buildings and premises  
 684 must be adhered to in the construction and maintenance of the buildings and grounds within the  
 685 zone:

- 686 B. Landscaping: Any portion of the lot not included in the structure or parking areas must be  
 687 appropriately landscaped. The front landscape strip shall be twenty feet (20') on any side adjacent  
 688 to a public road. A minimum of ten percent (10%) of the overall site shall be landscaped (see  
 689 sections 16.21.10 and 16.21.19 of this title).
- 690 C. Refuse And Debris: The entire lot shall be kept free from refuse, debris and waste material. All  
 691 such refuse, garbage debris and waste material shall be kept in approved containers and stored  
 692 within a building or enclosed in a sight obscuring fence, wall or screen of not less than six feet (6')  
 693 in height. Garbage containers shall not be located within the required front setback (see also section  
 694 16.21.15 of this title).
- 695 D. Emissions: No dust, odor, smoke, vibration, light, glare or noise shall be emitted which is  
 696 discernible beyond the lot boundary lines (see also chapter 16.28 of this title).
- 697 E. Storage: All storage and outside activities, except loading and unloading, shall be enclosed within  
 698 a building, or if approved as part of the conditional use within an area that is enclosed with a sight  
 699 obscuring fence at least six feet (6') and no more than eight feet (8') in height. Storage shall not be  
 700 permitted to protrude above the sight obscuring fence (see section 16.21.15 of this title).
- 701 F. Maintenance: All signs, structures, parking areas, landscaping or other portions of the development  
 702 that are visible from either an adjoining residential use, or from a major street or highway, shall be  
 703 kept in good repair and maintenance at all times. Failure to do so may be grounds for revocation of  
 704 a conditional use permit.
- 705 G. ~~Adequate Sewer and Water Requirements: No use may be permitted unless it is shown that there~~  
 706 ~~is an adequate supply of water for the use and minimum standards for fire protection as determined~~  
 707 ~~by the county fire marshal. See section 16.27.11 of this title.~~
- 708 H. Signs: Any signs or other form of advertising must comply with the sign provisions of this title (see  
 709 chapter 16.26 of this title).
- 710 I. Buildings: Metal buildings are not permitted in this zone. All building shall be painted with neutral  
 711 colors that blend in with the surrounding environment.
- 712 J. Additional Regulations: See chapters 16.21, "Supplementary Development Standards" and 16.27,  
 713 "Development Standards", for additional regulations that apply to this zone. In the event of a  
 714 conflict between that chapter and the regulations contained in this chapter, the regulations of this  
 715 chapter would control.

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#### 718 **16.15.02: STANDARDS AND PROCEDURES TO BE USED IN COMBINATION**

719 The standards and procedures in this zone shall be used in combination with those established under the  
 720 provision of the (M) mountain zone ~~and planned performance developments~~ section contained in this  
 721 title.

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**16.21.06: EVERY DWELLING TO BE ON A SEPARATE LOT OPEN SPACE REQUIREMENTS**

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Only one building which contains a single dwelling unit shall be located and maintained on a lot, except for dwellings approved as a planned performance development or conditional use for an accessory dwelling unit. Open Space Areas: Open space areas shall be protected by a recorded conservation easement enforceable by the county. Further protection may be offered by an actual land dedication to the county or other entity acceptable to the county, upon the approval by the county. This may be accomplished by the following means:

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1. Open space owned by homeowners' association with a conservation easement recorded in favor of Wasatch County or other appropriate entity as determined by the land use authority.

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2. Open space deeded to Wasatch County with a conservation easement recorded in favor of the homeowners' association or other appropriate entity as determined by the land use authority.

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3. Open space owned by appropriate entity as determined by the land use authority with conservation easement to Wasatch County.

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A. Ownership Of Open Space: Permanently protected open space created through the development process shall remain undivided and may be owned and managed by a homeowners' association, Wasatch County or a recognized land trust or conservancy. Any ownership other than the homeowners' association or Wasatch County is subject to approval by the land use authority. A narrative describing ownership, use and maintenance responsibilities shall be submitted for all common space and public improvements, utilities and open spaces. Common area or amenity open space within a development shall be owned, administered and maintained by the homeowners' association.

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1. Homeowners' Association: The undivided open space and associated facilities may be held in common ownership by a homeowners' association with a conservation easement recorded in favor of Wasatch County or other appropriate entity as determined by the land use authority. The association shall be formed and operated under the following provisions:

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a. The developer shall provide a description of the association, including its bylaws and methods for maintaining the open space easement.

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b. The association shall be organized by the developer and shall be operated with a financial subsidy from the developer, before sale of any lots within the development.

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c. Membership in the association is automatic (mandatory) for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the association from the developer to the homeowners shall be identified at the time of the transfer agreement, which is required by the development agreement.

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- d. The association shall be responsible for maintenance of insurance and taxes on undivided open space, enforceable by liens placed by the county on the association. The association may place liens on the homes or lots of its members who fail to pay their association dues in a timely manner. Such liens may provide for the imposition of penalty interest shares.
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- e. The members of the association shall share equitably the costs of maintaining such undivided open space. Shares shall be defined within the association bylaws.
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- f. In the event of a proposed transfer, within the methods here are permitted of undivided open space land by the homeowners' association, or the assumption of maintenance of undivided open space land by the county, notice of such action shall be given to all property owners within the development.
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- g. The association shall have or hire adequate staff to administer common facilities and properly and continually maintain the undivided open space.
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- h. The homeowners' association may lease open space lands to any other qualified person or corporation for operation and maintenance of open space lands, but such an agreement shall provide:
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- (1) The residents of the development shall at all times have access to the open space lands contained therein (except croplands during the growing season);
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- (2) The undivided open space to be leased shall be maintained for the purposes set forth in this ~~chapter~~ title, and the development agreement and open space easement;
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- (3) The operation of open space facilities may be for the benefit of the residents only, or may be open to the residents of the county, at the election of the ~~county and the~~ developer or homeowners' association, as the case may be;
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- (4) In the event said homeowners' association decides to donate the open space to the county, it is not required that the county accept the open space donation;
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- (5) Approval for proposed use by the county.
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2. Offer Of Dedication: In the event the developer desires to deed the open space to an entity other than the homeowners' association, it must give the county the first right of refusal to be the recipient of such open space. The county may, but shall not be required to, accept the open space. Typically the County will require the following:
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- a. Such land is accessible to the residents of the county;
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- b. There is no cost of acquisition other than any costs incidental to the transfer of ownership, such as title insurance;

- 800 c. The county agrees to and has access to maintain such lands. Where the county  
801 accepts dedication of common open space that contains improvements, the  
802 county may require the posting of financial security to ensure structural integrity  
803 of said improvements, as well as the functioning of said improvements for a term  
804 not to exceed two (2) years from the date of acceptance ~~and of~~ dedication. The  
805 amount of financial security shall not exceed fifteen percent (15%) of the actual  
806 cost of installation of said improvements; and
- 807 d. The transfer would include providing adequate water.
- 808 ~~d.e.~~ A conservation easement be recorded in favor of Wasatch County as determined  
809 by the land use authority. If the dedication of land is to Wasatch County, the  
810 conservation easement shall be in favor of the homeowners' association.
- 811 3. Dedication Of Easements: The county may, but shall not be required to, accept easements  
812 for public use of any portion or portions of undivided open space land, title of which is to  
813 remain in ownership by homeowners' association, provided:
- 814 a. Such land is accessible to the residents of the county;
- 815 b. There is no cost of acquisition other than any costs incidental to the transfer of  
816 ownership, such as title insurance; and
- 817 c. A satisfactory maintenance agreement is reached between the developer or  
818 homeowners' association and the county.
- 819 4. Transfer Of Ownership Or Easements To Private Conservation Organization: With the  
820 permission of the county, an owner may transfer ownership or easements to a private,  
821 nonprofit organization, among whose purposes it is to conserve open space and/or natural  
822 resources; provided, that:
- 823 a. The organization is acceptable to the county, and is a bona fide credible  
824 conservation organization;
- 825 b. The conveyance contains appropriate provisions for proper reverter, or retransfer  
826 in the event that the organization becomes unwilling or unable to continue  
827 carrying out its functions; and a maintenance agreement acceptable to the board  
828 is entered into by the developer and the organization.
- 829 B. Maintenance Of Open Space:
- 830 1. Maintenance Standards: The ultimate owner of the open space (typically a  
831 homeownership association) is responsible to pay for and perform all necessary  
832 operation, maintenance and physical improvements to the open space. A homeowners'  
833 association shall be authorized under its bylaws to collect dues or assessments etc., in  
834 order to pay for said operation and maintenance and to place liens on the property of  
835 residents who fall delinquent in payment of such dues, assessments, etc.
- 836 2. Maintenance Enforcement:

- 837 a. In the event that the association or third party owner shall, at any time after
- 838 establishment of a development containing undivided open space, fail to maintain
- 839 the undivided open space in reasonable order and condition in accordance with
- 840 the development plan, the county may serve written notice upon the owner of
- 841 record, setting forth the manner in which the owner of record has failed to
- 842 maintain the undivided open space in reasonable condition.
  
- 843 b. Failure to adequately maintain the undivided open space in reasonable order and
- 844 condition constitutes a violation of this chapter.
  
- 845 c. If the owner of the open space fails or refuses to provide adequate maintenance,
- 846 as determined by the county, the county may, but is not required to, perform said
- 847 maintenance and bill the owner.
  
- 848 d. Should any bill for maintenance of the undivided open space be unpaid, a late fee
- 849 of fifteen percent (15%) would be added to the bill and a lien filed against the
- 850 land constituting the open space, the lands in the development if the property is
- 851 owned by the homeowners' association, or any other remedy available to the
- 852 county.

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854 **16.21.07: GENERAL SETBACK REQUIREMENTS**

855 These regulations are the general setback standards for Wasatch County. Notwithstanding these general  
856 standards, different standards may be permitted in specific zones. In the event of a conflict, the stricter  
857 standard shall be required.

- 858 A. Highways: Unless otherwise provided herein, all residential buildings abutting upon highways
- 859 having a state or federal designation shall be set back at least one hundred fifty feet (150') from the
- 860 right of way line. Due to traffic volumes, posted speed limits and that SR 319 is a dead end, an
- 861 exception to this requirement is allowed where the setback requirement shall be eighty five feet
- 862 (85') from the centerline of SR-319, or fifty feet (50') from the right of way, whichever is greater.
- 863 As an added requirement on SR 319-due to the lessened setback allowance an earthen berm with
- 864 vegetative cover shall be used in residential areas to insulate the residents from the impacts of the
- 865 road. In the event a proposed residential building lot or parcel is adjacent (on the same side of the
- 866 highway) to a separate incorporated lot or parcel on at least two (2) sides, the setback adopted by
- 867 the incorporated municipality may apply if determined by planning staff to be consistent with the
- 868 goals of general plan.
  
- 869 B. Major County Collector Roads: For buildings abutting upon a county street that is designated as a
- 870 major collector road in the Wasatch County master transportation plan, the setback shall be eighty
- 871 five feet (85') from the centerline of any street, or fifty feet (50') from the right of way, whichever
- 872 is greater.
  
- 873 C. Minor Collector Roads Or Residential Roads: On minor collector roads or local residential roads,
- 874 the setback shall be sixty feet (60') from the center of the road or thirty feet (30') from the right of
- 875 way, whichever is greater. ~~Planned performance developments shall have the front setbacks~~
- 876 ~~determined as part of the approval process.~~

- 877 D. Lot, Gore Shaped: Where such lot is a gore shaped lot, an additional ten feet (10') shall be added  
878 to the required rear setback line. (See chapter 16.37, "Appendix 2, Illustrations", figure 2 of this  
879 title.) The rear setback line must be parallel with the front setback line.
- 880 E. Lot, Corner Classified As Having Two Front Setbacks: For the purpose of locating a structure  
881 thereon, an owner of an existing corner lot shall treat the lot as having two (2) front setbacks, one  
882 rear setback and one side setback. (See chapter 16.27, "Appendix 2, Illustrations", figure 3 of this  
883 title.) All new corner lots will be required to have larger area requirements in an amount to  
884 accommodate the extra setback areas.
- 885 F. Front Setback Exceptions: The setback from the street for any dwelling located between two (2)  
886 existing dwellings may be the average of the setback distance of all existing homes located on the  
887 same side of the street as the proposed home, provided each such existing home must be within one  
888 thousand three hundred feet (1,300') of the proposed dwelling site. Notwithstanding this possible  
889 exception to the front setback regulations, no dwelling or other structure shall be permitted closer  
890 than twenty feet (20') from the right of way or easement line of the street. This provision does not  
891 apply to lots that front state or federal highways and/or major collector roads.
- 892 G. Rear Setbacks: In the absence of different requirements within a specific zone or subdivision, the  
893 minimum rear setback for any residential dwelling shall be thirty feet (30'), unless approved on a  
894 rear alley for access to a garage. In that event, the setbacks will be established and determined by  
895 the approved plan and subject to the adopted building code and the adopted fire code.
- 896 H. Side Setbacks: In the absence of conflicting regulations contained within a specific zone or  
897 subdivision, the general minimum side setback for any building shall be ten feet (10').
- 898 I. Setbacks For Accessory Buildings: Setbacks for accessory buildings shall be determined in the  
899 same manner as for the main building, except that any barn, shed or coop intended to house or  
900 contain animals must be located at least one hundred feet (100') from any existing residential  
901 structure, and a minimum of fifty feet (50') from any side property line, and one hundred feet (100')  
902 from the front property line. Notwithstanding this requirement, accessory buildings that are not  
903 intended to, and do not house animals may be approved within a rear setback if it meets the  
904 requirement of the specific zone.
- 905 J. Effect Of Proposed Street Plan: Wherever a front, rear or side yard is required for a building, which  
906 building abuts on a proposed street or alleyway which has not been constructed but which has been  
907 designated by the legislative body as a future street or alleyway, the depth of such front, rear or  
908 side yard shall be measured from the planned street lines.
- 909 K. Setback From Canals: No structure or obstruction which would prevent access (for the operation  
910 and maintenance) shall be allowed within twenty five feet (25') from centerline of a canal, except  
911 after a conditional use permit has been authorized by the planning commission.
- 912 L. ~~Heber Valley Railroads: In accordance with the general plan, southern planning area, s~~Setbacks for  
913 residential structures along ~~the Heber Valleyany~~ railroad tracks shall be a minimum of one hundred  
914 fifty feet (150') from the edge of any railroad right of way, or the edge of the ballast bed, whichever  
915 is greater.
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918 **16.21.10: GENERAL LANDSCAPE STANDARDS**

919 The landscaping standards set forth herein are the minimum requirements and do not apply to residential  
 920 developments, except for subsection G of this section. Each zone may set forth additional standards that  
 921 apply for that zone. Both the requirements of this section, as well as more specific sections, shall be  
 922 required. In the event of a conflict, the more specific section shall apply.

923 A. Intent: The purpose of the landscaping standards and requirements shall be to enhance and conserve  
 924 property values by encouraging pleasant and attractive surroundings that create the necessary  
 925 atmosphere for the orderly development of a pleasant community. Landscaping contributes to the  
 926 relief of heat, noise, glare and buffers unattractive uses, through the proper placement of plants and  
 927 trees.

928 B. Maintenance: Landscaped areas shall be maintained in a neat, clean, orderly and healthful  
 929 condition. This includes proper pruning, mowing, weeding, removal of litter, fertilizing,  
 930 replacement of dead plants and the regular watering of all plantings.

931 C. Site Plan Required: A site plan showing the proposed landscape development, watering system and  
 932 use of the property shall be submitted to the planning department. The same plot plan used to show  
 933 parking layout or other requirements may be used to show landscaping, providing all proposed  
 934 landscaping is detailed adequately on the site plan.

935 D. Required Landscaped Area: All of the area contained within the front and side yards not being used  
 936 by approved parking areas shall be landscaped.

937 E. Size And Number Of Plants: At least one tree shall be planted on center every fifty feet (50') along  
 938 the roadway for each fifty feet (50') frontage along any road, and an additional tree that may be  
 939 clustered elsewhere on the property, for each one thousand (1,000) square feet of required  
 940 landscape area. Such trees shall be at least two inch (2") caliper and shall be at least six feet (6') tall  
 941 at time of planting. At least one shrub shall be planted for each five hundred (500) square feet of  
 942 land area to be landscaped, but may be clustered. At least fifty percent (50%) of the shrubs planted  
 943 shall be five (5) gallons or larger, and the remainder may not be smaller than one gallon. Additional  
 944 bedding plants and grass areas shall cover the remaining landscaped areas. Any trees or shrubs not  
 945 living after a period of eighteen (18) months from the time they are planted shall be replaced with  
 946 trees or shrubs of a size equal to those trees or shrubs remaining still alive on site. Plants, trees and  
 947 shrubs must be chosen from those acceptable plant materials listed for landscaping in Wasatch  
 948 County, unless approved otherwise as described in subsection G of this section. Please refer to  
 949 figure 9 of appendix 2, chapter 16.37 of this title.

950 F. Approved Plant Lists: When possible, plants, shrubs and trees should be chosen using the  
 951 information contained on the approved list attached as figure 9 of appendix 2, chapter 16.37 of this  
 952 title. If plants not listed on the approved list are being considered for use, a letter from a landscape  
 953 architect or contractor should be provided showing that the plant is appropriate for this climate and  
 954 location and is drought tolerant.

955 G. Nonresidential Developments Or ~~Common Space In Planned Performance Developments~~ Multi-  
 956 Family Residential Developments: Nonresidential developments or ~~common space in planned~~  
 957 ~~performance~~ multi-family residential developments shall complete the required landscaping prior  
 958 to bond release. Residential lots shall have a period of eighteen (18) months to complete  
 959 landscaping.

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962 ~~**16.21.12: APPROVAL OF CULINARY WATER SUPPLY AND SEWAGE DISPOSAL**~~  
963 ~~**REQUIREDRESERVED**~~

964 ~~When an approved culinary water or sewer system is not available, no building permit shall be issued until~~  
965 ~~the proposed plan for sewage disposal and the proposed source of water supply has been approved by the~~  
966 ~~Wasatch County health department.~~

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969 **16.21.43: EXEMPTIONS FOR SPECIFIC USES**

970 A. The following land uses, as identified in the land use classification appendix, may be exempt  
971 from specific code requirements: (6721) police protection and related activities; and (6723) fire  
972 protection and related activities. ~~(6729 other protective functions and their related activities,~~  
973 ~~NEC (includes, but is not limited to, customs inspection, immigration offices, FBI offices,~~  
974 ~~children’s justice centers).~~

975 B. ~~Police and fire protection~~The land use classifications identified above and related services may be  
976 exempt from certain land use requirements if it is determined by the county council, after  
977 receiving a recommendation for or against from the planning commission, that the health, safety  
978 and general welfare of the citizens of Wasatch County is further protected. ~~This means that the~~  
979 ~~council must approve the exemption requested before a conditional use become valid.~~

980 C. Exempting the above noted uses from land use requirements means exemptions may be for some  
981 or all of the following: frontage, access, acreage, sewer, fees, etc.

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984 **Chapter 16.27: DEVELOPMENT STANDARDS**

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986 **16.27.11: RA-1 DEVELOPMENT STANDARD SEWER AND WATER REQUIREMENTS**

987 Before any subdivision plat may be recorded or any other development activity approved, the developer  
988 must demonstrate, to the satisfaction of the County, that the developer owns sufficient culinary and  
989 irrigation water rights to service the proposed subdivision or development activity, including any  
990 agricultural use intended, in accordance with Wasatch County Code Title 10 and in compliance with the  
991 following:

992 A. Lots less than five (5) acres per dwelling must be connected to a public sewer system unless  
993 otherwise specifically allowed in this Title.

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B. Each dwelling shall be considered a full time residence for purposes of sewer and water requirements.

C. All lots must prove sufficient water to irrigate any land, which has been historically irrigated. An appropriate reduction of acreage may be given for: a) water which is converted to provide culinary water service for the dwelling; and b) certain surface areas that do not require irrigation and that may be created in association with the development of the land. These areas include, but are not limited to, building pads, sidewalks, roadways, driveways and parking areas.

D. Typically, each dwelling must have sufficient water for outside irrigation to provide water for a minimum of one-fourth (0.25) acre of landscaped area, plus any water required for irrigation of any agricultural use intended. The amount of water required for outside irrigation will be determined by the Wasatch County water board with jurisdiction over the property, based upon the needs of the property after taking into consideration the existing irrigation patterns and any landscaping or agricultural plans of the owner. The director water board will also be guided by the policies of the irrigation company involved, as well as the state engineer.

E. The water requirements for multi-family or non-residential uses will be determined by the water board having jurisdiction over the property. Landscape and irrigation will be required for the entire parcel not covered by buildings or pavement.

F. No use shall be permitted unless it is shown that there is an adequate supply of and immediate access to water for fire protection as determined by the fire marshal.

G. When an approved culinary water or sewer system is not available, no building permit shall be issued until the proposed plan for sewage disposal and the proposed source of water supply has been approved by the Wasatch County health department.

~~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 code establishes subdivision development standards for the landowner to achieve the allowable density under the existing RA-1 zoning district.~~

~~B.A. Rural character of a subdivision requires promoting 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. 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:~~

~~1. To maintain and protect Wasatch County's rural character by providing options to 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.~~

~~2.1. 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.~~

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- ~~3.1. 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.~~
- ~~4.1. To reduce erosion and sedimentation by providing options to retain existing vegetation and minimizing development on steep slopes.~~
- ~~5.1. 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.~~
- ~~6.1. To permit various means for owning open space and for protecting it from development in perpetuity.~~
- ~~7.1. To provided options for interconnected greenways and corridors throughout the county.~~
- ~~8.1. To promote active and passive recreational use of open space by residents of a cluster development or by the public.~~
- ~~9.1. To implement the objectives and policies of the general plan.~~
- ~~10.1. To provide opportunities for open space and or regional trails in existing developments.~~
- ~~11.1. To allow for the potential for developments with variable lot sizes in larger acreage developments in accordance with the specified areas.~~
- ~~12.1. To allow the potential to preserve what is determined to be important aspects of the site.~~

**C. Types Of Development Allowed In RA-1 Zone:**

- ~~1. Small Scale Developments With Five Lots Or Less: Developments with five (5) lots or less will be processed as a small scale subdivision and each lot must be a minimum of a one acre lot with one hundred fifty feet (150') of frontage at the right of way and two hundred feet (200') of width at the building setback. Corner lots shall have two hundred feet (200') of width at the setback and one hundred fifty feet (150') of frontage at the right of way on both streets. Frontage requirements may be modified by the planning director to a minimum of one hundred fifty feet (150') of width at the setback and one hundred feet (100') at the right of way based on the following findings:
 
  - ~~a. The request must have a unique hardship associated with the property that is not self imposed.~~
  - ~~b. A minimum lot requirement of one acre must be met.~~
  - ~~c. Only one of the five (5) lots can receive an exception.~~~~
- ~~4. Large Scale Developments With More Than Five Lots: Developments with more than five (5) lots will be considered a large scale development and will be processed accordingly. Base density is an average of one unit for every 1.3 net developable acres.~~

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~~D.A. 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:~~

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~~1. Any proposed development shall comply with all applicable sections of the Wasatch County code;~~

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~~2.1. The proposed development must connect to a centralized sewer system;  
3.1. The proposed development must connect to an approved water system;~~

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~~E. Open Space Areas: Open space areas shall be protected by a recorded conservation easement enforceable by the county. Further protection may be offered by an actual land dedication to the county or other entity upon approval by the county. This may be accomplished by the following means:~~

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~~1. Open space owned by the homeowners' association with a conservation easement recorded in favor of Wasatch County or other appropriate entity as determined by the planning commission and the county council;~~

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~~2. Open space deeded to Wasatch County with a conservation easement recorded in favor of the homeowners' association or other appropriate entity as determined by the planning commission and county council;~~

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~~3. Open space owned by appropriate entity as determined by the planning commission and county council, with conservation easement to Wasatch County;~~

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~~F. Ownership Of Open Space: Permanently protected open space created through the development process shall remain undivided and may be owned and managed by a homeowners' association, Wasatch County or a recognized land trust or conservancy. Any ownership other than the homeowners' association or Wasatch County is subject to approval by the planning commission and county council. A narrative describing ownership, use and maintenance responsibilities shall be submitted for all common space and public improvements, utilities and open spaces. Common area or amenity open space within a development shall owned, administered and maintained by the homeowners' association;~~

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~~1. Homeowners' Association: The undivided open space and associated facilities may be held in common ownership by a homeowners' association. The association shall be formed and operated under the following provisions:~~

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~~a. The developer shall provide a description of the association, including its bylaws and methods for maintaining the open space easement;~~

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~~b. The association shall be organized by the developer and shall be operated with a financial subsidy from the developer, before the sale of any lots within the development;~~

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~~c. Membership in the association is automatic (mandatory) for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the association from the developer to the homeowners shall be~~

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identified at the time of the transfer agreement, which is required by the development agreement.

d. The association shall be responsible for maintenance of insurance and taxes on undivided open space, enforceable by liens placed by the county on the association. The association may place liens on the homes or lots of its members who fail to pay their association dues in a timely manner. Such liens may provide for the imposition of penalty interest shares.

e. The members of the association shall share equitably the costs of maintaining such undivided open space. Shares shall be defined within the association bylaws.

f. In the event of a proposed transfer by the homeowners' association using means allowed in this section, notice of such action shall be given to all property owners within the development.

g. The association shall have or hire adequate staff to administer common facilities, and properly and continually maintain the undivided open space.

h. The homeowners' association may lease open space lands to any other qualified person or corporation for operation and maintenance of open space lands, but such an agreement shall provide:

(1) The residents of the development shall at all times have access to the open space lands contained therein (except croplands during the growing season);

(2) The undivided open space to be leased shall be maintained for the purposes set forth in this title; and the development agreement and open space easement;

(3) That the operation of open space facilities may be for the benefit of the residents only, or may be open to the residents of the county, at the election of the developer or homeowners' association, as the case may be;

(4) In the event said homeowners' association decides to donate the open space to the county, it is not required that the county accept the open space donation;

(5) Approval for proposed use by the county.

2. Offer Of Dedication: In the event the developer desires to deed the open space to an entity other than the homeowners' association, it must give the county the first right of refusal to be the recipient of such open space. The county may, but shall not be required to, accept the open space provided:

a. Such land is accessible to the residents of the county;

b. There is no cost of acquisition, other than any costs incidental to the transfer of ownership, such as title insurance;

1145 e.—The county agrees to and has access to maintain such lands. Where the county  
 1146 accepts dedication of common open space that contains improvements, the  
 1147 county may require the posting of financial security to ensure structural integrity  
 1148 of said improvements, as well as the functioning of said improvements for a term  
 1149 not to exceed two (2) years from the date of acceptance of dedication. The  
 1150 amount of financial security shall not exceed fifteen percent (15%) of the actual  
 1151 cost of installation of said improvements; and

1152 d.—The transfer would include providing adequate water.

1153 3.—Dedication Of Easements: The county may, but shall not be required to, accept easements  
 1154 for public use of any portion or portions of undivided open space land, title of which is to  
 1155 remain in ownership by homeowners' association, provided:

1156 a.—Such land is accessible to county residents;

1157 b.—There is no cost or acquisition, other than any costs incidental to the transfer of  
 1158 ownership, such as title insurance; and

1159 e.—A satisfactory maintenance agreement is reached between the developer or  
 1160 homeowners' association and the county.

1161 4.—Transfer Of Ownership Or Easements To Private Conservation Organization: With the  
 1162 permission of the county, an owner may transfer ownership or easements to a private,  
 1163 nonprofit organization, among whose purposes it is to conserve open space and/or natural  
 1164 resources; provided, that:

1165 a.—The organization is acceptable to the county, and is a bona fide credible  
 1166 conservation organization;

1167 b.—The conveyance contains appropriate provisions for proper reverter, or retransfer  
 1168 in the event that the organization becomes unwilling or unable to continue  
 1169 carrying out its functions; and a maintenance agreement acceptable to the board  
 1170 is entered into by the developer and the organization.

1171 G.—Maintenance Of Open Space:

1172 1.—Maintenance Standards: The ultimate owner of the open space (typically a  
 1173 homeownership association) is responsible to pay for and perform all necessary  
 1174 operation, maintenance and physical improvements to the open space. A homeowners'  
 1175 association shall be authorized under its bylaws to collect dues or assessments, etc., in  
 1176 order to pay for said operation and maintenance and to place liens on the property of  
 1177 residents who fall delinquent in payment of such dues, assessments, etc.

1178 2.—Maintenance Enforcement:

1179 a.—In the event that the association or third party owner shall, at any time after  
 1180 establishment of a development containing undivided open space, fail to maintain  
 1181 the undivided open space in reasonable order and condition in accordance with  
 1182 the development plan, the county may serve written notice upon the owner of

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~~record, setting forth the manner in which the owner of record has failed to maintain the undivided open space in reasonable condition.~~

~~b. Failure to adequately maintain the undivided open space in reasonable order and condition constitutes a violation of this title.~~

~~c. If the owner of the open space fails or refuses to provide adequate maintenance as determined by the county, the county may, but is not required to, perform said maintenance and bill the owner.~~

~~d. Should any bills for maintenance of the undivided open space be unpaid, a late fee of fifteen percent (15%) would be added to the bill and a lien filed against the land constituting the open space.~~

~~H. RA-1 Development Requirements: Requirements applicable to all RA-1 development:~~

~~2. All trails shall be in compliance with the trails master plan, open to the public and allow for connectivity between developments and to the countywide trail plan.~~

~~1. There must be sufficient water rights for all historically irrigated open space during the growing season as approved by the water board.~~

~~2. Curb, gutter and/or swales and sidewalk shall meet the requirements of chapter 14.02 of this code.~~

~~3.1. Roads, sidewalks and trail improvements along established roads must be stubbed into adjacent properties.~~

~~3. Street layouts must be designed to allow connection with existing or future adjacent developments in accordance with this chapter. Proposed developments shall comply with section 16.27.29 of this chapter, as determined by staff.~~

~~4. In order to maintain a rural feel along existing county roads, larger setbacks as stipulated in 16.21.07 are required along major county roads. 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.~~

~~4. The minimum lot size for large scale developments is one-third (<sup>1</sup>/<sub>3</sub>) acre, or fourteen thousand five hundred twenty (14,520) square feet for developments between Mill Road and 2400 East. The overall density is (1) one unit for every 1.3 net developable acres.~~

~~5. In calculating density, developments shall round down.~~

~~6. Developments shall provide a fencing plan that includes adequate fencing to separate agricultural uses from residential uses. The agricultural fencing, at a minimum, shall have a four foot (4') field (net) fence and shall be installed with a strand of barbed wire on the top and bottom.~~

~~I. Density:~~

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7. ~~Small Scale Developments Up To Five Lots: Density shall be a minimum of one acre lots with two hundred feet (200') of width at the required setback. Corner lots shall have two hundred feet (200') of lot width at the setback on both streets. Roads and constrained land shall not be counted in the density calculation. Variable lot sizes are not an option. Frontage requirements may be modified based on subsection B1 of this section.~~
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8. ~~Large Scale Developments Greater Than Five Lots: Base density is an average of 1.3 acres per net developable acre per unit.~~
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- ~~All developments are limited to the base density. Developments on the east end of the valley between incorporated areas and 2400 East can have lots as small as 1/3 acre (14,520 square feet). Developments between 2400 East and 3600 East have the same density but lots can be a minimum of 1/2 acre (21,780 square feet). Developments between 3600 East to the east end of the valley floor minimum lot sizes of 1 acre (43,560 square feet).~~
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- ~~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 as determined by the County Council after a recommendation from the Planning Commission.~~
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- B. ~~Physical Constraints Analysis: A physical constraints analysis meeting the requirements of Section 16.27.25 of this Title is required at the time an application is submitted for preliminary approval.~~
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1. ~~The project will not consist of any building envelopes on natural slopes over thirty percent (30%) grade.~~
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2. ~~The project will not show any structures within fifty feet (50') of any fault line.~~
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3. ~~The project will not consist of activities on or disturbance of any wetland areas, except as approved by the army corps of engineers.~~
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4. ~~The project will not contain any platted lot within any landslide hazard areas.~~
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5. ~~The project will not consist of any development within any flood hazard area, except as provided in section 16.28.08 of this title.~~
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6. ~~The project will not consist of any development within any shallow groundwater hazard areas, areas of springs or seeps or surface water areas.~~
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7. ~~The project will not consist of any development within any areas that are recommended locations for detention basins or established road and utility corridors.~~
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8. ~~The project will avoid any development that will protrude above any ridgelines, except as provided in section 16.27.22 of this chapter.~~
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9. ~~The project will include a geotechnical evaluation of the site.~~
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10. ~~The project will include a concept plan showing road and lot layout, open space, etc.~~
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11. ~~All proposed density for projects shall be approved by the county legislative body after a recommendation for or against from the planning commission.~~

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The following chart is a synopsis. The detailed sections of the code shall rule if there is a discrepancy.

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<b>Ordinance Requirements</b>	<b>Small Scale Subdivisions (5 Lots Or Less With Centralized Sewer System)</b>	<b>Property With More Than 5 Lots</b>	<b>Property Without Centralized Sewer System (Standard Subdivision)</b>
Minimum lot size	1 acre	Minimum $\frac{1}{2}$ -buildable acre lot (14,520 sq. ft.) between incorporated area and 2400 East. 3600 East. 1 acre (43,560 sq. ft.) between 3600 East to east end of valley floor. All other RA-1 areas as determined by County Council and distance from incorporated area.	5 acres
Minimum common open space	None	Projects may have open space outside of platted lots as long as density and minimum lot sizes are met.	None
Maximum density	1 unit per net acre	Density 1 dwelling unit per 1.3 net developable acres (roads are included in the density calculation but not constrained land)	1 dwelling unit per 5 acres
Animal rights	As per code	All lots 1 acre or over have animal rights —	Yes
Minimum lot width at street frontage and setback	150' at street and 200' at the building setback line as per sections 16.08.05 and 16.08.06 of this title unless more specifically approved as per section 16.27.10 of this chapter	100' for lots less than 1 acre As per section 16.08.06 of this title 150' for lots over 1 acre Corner lots shall have 150' on both streets regardless of lot size	Ordinance requirement (chapter 16.08 of this title)

Other requirements	<p>Curb, gutter and/or swales and walk as per title 14 of this code</p> <p>The plan must conform to trail and road plans for the area</p> <p>Public trails required</p>	<p>Curb, gutter and/or swales and walk as per title 14 of this code</p> <p>The plan must conform to trail and road plans for the area</p> <p>Public trails required in developments and on collector roads</p>	<p>The plan must conform to trail and road plans for the area</p> <p>Building envelope must be identified</p>
Development agreement	No (unless determined necessary)	Yes	No (unless determined necessary)

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J.— Fee In Lieu: The fee provided for in the above section for reduced open space (less than the required 30 percent) and increased density (density greater than 1.3 units per acre) will be fifty percent (50%) of the value of the undeveloped raw land, including water, where appropriate (historically irrigated ground). The value of the raw land will be determined by the property owner having an appraisal conducted on the property using appropriate market data to support a value for the raw acreage. The fee in lieu payment is due prior to the plat being signed. It may be paid in a lump sum or in installments with interest at the rate set by the county council.