

ORDINANCE NO. 20-10

AN ORDINANCE AMENDING THE WASATCH COUNTY CODE SECTION 16.08.04(C), ADDING A PROVISION ALLOWING FOR THE USE OF WELLS IN SMALL SCALE SUBDIVISIONS ON LOTS LESS THAN 5-ACRES IF CERTAIN CRITERIA IS MET.

WHEREAS, the code requires that all subdivisions and lots less than 5 acres be connected to a water system in all circumstances; and

WHEREAS, County understands that this may not always be possible and requiring such increases infrastructure costs and may require increased density to cover increased costs of required infrastructure or may require annexation into a municipality; and

WHEREAS, the county wishes to support and uphold low density rural development; and

WHEREAS, the proposed amendment would allow, in limited circumstances, wells to be used if the developer is willing to enter into a deed restriction to restrict further development of the property; and

WHEREAS, the proposed language outlines requirements for submittals in furtherance of County ideals; and

WHEREAS, the County Legislative Body of Wasatch County noted a statement of intent to proceed with this ordinance during a July 15, 2020 meeting.

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

16.08.04: LOT AREA AND MAXIMUM DENSITY

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. Lots of four (4) acres or larger in a small scale subdivision may be allowed to use a private well to satisfy the above requirements if the following conditions are met:

- a) The property owner enters into a voluntarily prepared by the County, agreeing that the property will not be further subdivided or reduced in size in the future.
- b) The water board reviews the proposal and recommends approval of the project if in compliance with their stated requirements.
- c) The proposed subdivision is not located within the boundary of an improvement district, taxing district or other political subdivision of the state of Utah.
- d) The water board may approve lots in small scale subdivisions within taxing districts to remain on pre-existing wells if all lots provide a water line stubbed to the property line in accordance with service district requirements.
- e) Due to a lack of fire flow with homes on wells, the fire district may require additional fire mitigation requirements as required in the international fire code as adopted by the State of Utah and Wasatch County.
- f) The properties have allowed easements for installation of sewer lines by an improvement district, taxing district, or other political subdivision of the state of Utah which provides sewer service.

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

SECTION II: **Enactment.**

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.

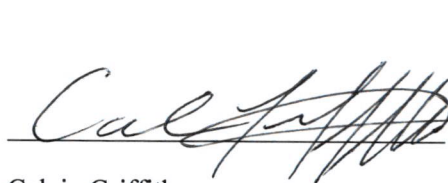
SECTION V: **Public Notice.** The Wasatch County Clerk, and ex officio Clerk of the Wasatch County Council, is hereby ordered, in accordance with the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, to do as follows:

- 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.

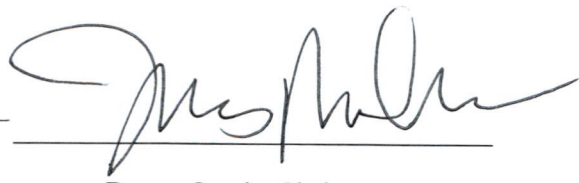
APPROVED and PASSED this 4 day of November, 2020.

Attest:

WASATCH COUNTY COUNCIL:

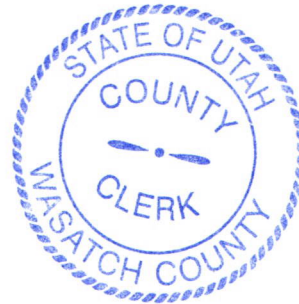


Calvin Griffiths
Wasatch County Clerk / Auditor



Danny Goode, Chair
Wasatch County Council

| | VOTE |
|-----------------------|----------|
| Danny Goode, Chairman | <u>✓</u> |
| Steve Farrell | <u>✓</u> |
| Kendall Crittenden | <u>✓</u> |
| Mark Nelson | <u>✓</u> |
| Spencer Park | <u>✓</u> |
| Marilyn Crittenden | <u>✓</u> |
| Jeff Wade | <u>✓</u> |



ADOPTION OF ORDINANCE AFFIDAVIT

STATE OF UTAH)

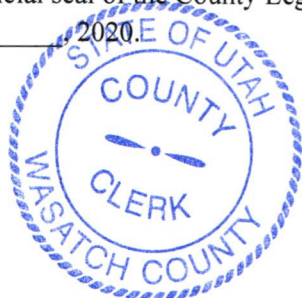
: ss.

COUNTY OF WASATCH)

I, the undersigned, the duly qualified and acting County Clerk of Wasatch County, Utah, and ex officio Clerk of the Wasatch County Council, do hereby further certify, according to the records of said Council in my official possession, and upon my own knowledge and belief, that I have fulfilled the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, by:

- [✓] (a) Causing this ordinance to be entered at length in the ordinance book;
- [✓] (b) Causing three (3) copies of this ordinance to be deposited in the office of the County Clerk;
- [✓] (c) Causing a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance to be published for at least one publication in The Wasatch Wave, a newspaper of general circulation within the geographical jurisdiction of Wasatch County; or posting a complete copy of this ordinance in nine (9) public places within the County.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of the County Legislative Body of Wasatch County, Utah, this ___ day of _____, 2020.



Calvin Griffiths
 Calvin Griffiths
 Wasatch County Clerk / Auditor

SUBSCRIBED AND SWORN to me, a Notary Public, this 4 day of November, 2020.

Wendy McKnight
 Wendy McKnight
 Notary Public

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

