

**ORDINANCE NO. 17-02**

**AN ORDINANCE AMENDING THE WASATCH COUNTY CODE SECTION 16.32.02 REGARDING THE DEFINITION OF A "RECEIVING SITE" TO REMOVE THE OPTION OF USING THE P-160 ZONE TO TRANSFER DENSITY INTO, AMENDING THE WALLSBURG ELEMENT OF THE GENERAL PLAN PAGE 238 TO REMOVE THE SUGGESTION THAT A SPECIAL SERVICE DISTRICT BE CREATED, TO CLARIFY WATER RIGHTS AS NOTED IN THE GENERAL PLAN ON PAGE 238 AND TO CLARIFY WATER RIGHTS AS NOTED ON PAGE 86 OF THE GENERAL PLAN.**

**WHEREAS**, Due the recent proposals in Wallsburg and the inconsistencies between the General plan and the land use code some portions of the code are proposed to be amended; and

**WHEREAS**, Section 16.32.01 which is the definitions section of the code is proposed to be amended to remove the possibility of using the P-160 zone as a receiving zone due to its stated purpose as a preservation zone; and

**WHEREAS**, Sections of the General Plan regarding water are proposed to be clarified; and

**WHEREAS**, A section of the Wallsburg Element of the General Plan be amended to remove the statement encouraging the creation of a special service district.

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

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I: Repealer.** If any provisions of the County Code heretofore adopted are inconsistent herewith they are hereby repealed.

**SECTION II: Enactment.**

1. 16.32.02 be amended as follows:

*"RECEIVING SITE: A legally recognized parcel of real property located in an approved municipality or in Wasatch County's Jordanelle Basin overlay zone ("JBOZ"), North Village overlay zone ("NVOZ"), RA-5 zone, ~~P-160 zone~~, mountain zone, and any future industrial or commercial zone in the unincorporated county. All development within receiving sites must conform to the planning and zoning requirements of this title or the equivalent requirements of the approved municipality. A subdivision which has already received preliminary or final approval cannot thereafter qualify as a receiving site."*

2. The Wallsburg element of the General Plan page 238 first paragraph be amended as follows:

*"With the growth that is taking place in this planning area the Town of Wallsburg and the residents in the unincorporated area of the county east of Town should ~~consider the creation of a special service district~~ consider ways to provide culinary water services and waste water collection and treatment. The establishment of this infrastructure would ~~could~~ allow the density in this area to be ~~increased one unit per acre when connected to a sewer collection and treatment facility~~. Also culinary water systems that service developments should shall be capable of provide ing fire protection for the anticipated structures, based on their size in accordance with the Utah Insurance Rating Service but not less than 1,000 gallons per minute of a two hour period". (Pg. 238 of the Wallsburg Element of the General Plan)*

3. The Wallsburg Element of the General Plan Pg. 238 paragraph 2 be amended as follows:

*The section of the general plan on water resources (pg. 86) in the Round Valley area identifies: existing water rights by water right number, designated use, original water right quantity and any segregation. The total of all water rights that could be made available for development is 22,463 acre feet. Recognizing that some of these water rights will continue to be used on lands identified for limited development in the western part of the planning area and the need of outside irrigation in a residential setting, it is estimated that these existing water rights could support no more than about an additional 1,500 residential units in Round Valley. (Pg. 238 of the Wallsburg Element of the general Plan) The section of the general plan on water resources in the Round Valley Area identifies existing paper water right by water rights number, designated use, original water right quantity and any segregation. The total of all water rights that could be made available for development is 22,463 acre feet. Recognizing that some of these water rights will continue to be used on lands identified for limited development in the western part of the planning area and the need of outside irrigation in a residential setting.*

4. The water resources section of the General plan be amended as follows in the second paragraph on Pg. 86:

*It should be noted that with the exception of the 4,600 acre feet of supplemental water and the 900 acre feet of Municipal and Industrial Water, the 55,777 acre feet in the Heber Valley and 22,463 acre feet in Round Valley are paper water rights based on agricultural use. The actual amount of wet water available is subject to the natural flow of the river and streams in the area. Any change of agricultural use of the water would require state engineer approval. (Pg. 86*

**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 15<sup>th</sup> day of March, 2017.

Attest:



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

WASATCH COUNTY COUNCIL:

*Kendall Crittenden*  
 Greg McPhie, Chair Kendall Crittenden  
 Wasatch County Council vice-chair

	VOTE
Greg McPhie, Chairman	<u>-</u>
Kendall Crittenden	<u>Y</u>
Spencer Park	<u>Y</u>
Mike Peterson	<u>-</u>
Danny Goode	<u>-</u>
Steve Farrell	<u>Y</u>
Mark Nelson	<u>Y</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 16 day of March, 2017.



Brent R. Titcomb  
Wasatch County Clerk / Auditor

SUBSCRIBED AND SWORN to me, a Notary Public, this 16<sup>th</sup> day of March, 2017.

Sandra Hansen  
Notary Public

Residing in: Wasatch Co.  
My commission expires: 3-31-2019

