

ORDINANCE NO. 17-[08]

AN ORDINANCE AMENDING TITLE 16 OF THE WASATCH COUNTY CODE MORE SPECIFICALLY 16.02.05 REGARDING THE PROCEDURES TO AMDEND THE GENERAL PLAN, ZONING CODE OR ZONING MAP AND THE TIMING OF SUCH AMENDMENTS. 16.02.06 REGARDING PLAT AMENDMENTS AND MORE SPECIFICALLY THE COMBINING OF TWO OR MORE LOTS INTO A SINGLE LOT AND 16.03.04 REGARDING AMENDMENTS TO THE GENERAL PLAN.

RECITALS

WHEREAS, Utah Code 17-27a-102 authorizes Wasatch County to 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 Wasatch County; and

WHEREAS, Utah Code 17-27a-503 authorizes the county legislative body to amend zoning and land use regulations, provided the planning commission has proposed the change or has had the change submitted to them for its recommendation; and

WHEREAS, the planning commission recommended enactment of this ordinance on July 13, 2017; 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 meeting and public hearings related to this ordinance as required, and the planning commission held a public hearing on July 13, 2017; and

WHEREAS, the county legislative body desires to clarify the process to amend the county land use code, to make the process more clearly match the requirements of State Code, and to allow the county legislative body and the administration of Wasatch County the freedom to more effectively enact changes to the land use code of the county; and

WHEREAS, after considering all public comments, the recommendation of the planning commission, and carefully studying the matter, the county legislative body has determined that a change in the process to change Title 16 of the Wasatch County Code will serve to allow Wasatch County to better provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of Wasatch County and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to

foster the state's agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values;

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

SECTION I: Enactment.

The following provisions of Title 16 of the Wasatch County Code are hereby AMENDED to read as follows:

16.02.05: PROCEDURE TO AMEND TITLE, CODE OR ZONING MAP

A. Application: This title, including the map, may be amended by the Wasatch County legislative body in accordance with the requirements of the Utah Code Annotated section 17-27a-101 et seq., the county land use development and management act. For the purpose of establishing and maintaining sound, stable and desirable development within Wasatch County~~the county~~, amendments shall not be made to this title or the adopted zoning map except to promote more fully the objectives and purposes of the general plan and this title.

A.1. Any person seeking an amendment to this title or the adopted zoning map shall submit to the planning department a written petition containing the following information:

1.(a) Designation of the specific zone change or title amendment desired;

2.(b) The reason and justification for such zone change or title amendment, and a statement setting forth the manner in which a proposed amendment or zone would further promote the objectives of the general plan and the purposes of this title;

3.(c) A complete and accurate legal description of the area proposed to be rezoned; or a draft of the proposed title amendment;

4.(d) For zone changes, Aan accurate development plan, drawn to scale, showing all areas to be included within the proposed rezoning, designating the present zoning of the property, and properties immediately adjacent thereto;

5.(e) For zone changes, Aa slope map showing categories of slopes at zero to ten percent (10%), eleven (11) to twenty percent (20%), twenty one (21) to thirty percent (30%) and over thirty percent (30%) slopes; and

(f) The filing fee as established by ordinance. The planning director, the county manager, the planning commission, or the county legislative body may propose an amendment to this title or the adopted zoning map and General Plan without paying the filing fee.

2. The county legislative body or the planning commission can propose an amendment to this title, ~~or~~ the zoning map or general plan through a motion, directing the planning director to prepare a proposed title amendment, ~~or~~ a zone change, ~~meeting~~ or general plan amendment, in addition to their own rights to propose a change under Section 16.02.05(a)(1). Proposals by the planning commission shall be ratified by the County Council.
3. Except as otherwise provided in this title, the county legislative body shall consider rezonings and general plan amendments, as defined in this section, annually by the end of November. Other properly submitted amendments to this title may be considered anytime. The deadline for such rezoning applications to be submitted to the planning department is by July 15, of any given year for the recommendation by the planning commission. After July ~~August~~ 15, the item may not be entertained ~~heard in a planning commission meeting~~ until the following year, unless the matter was continued in a public meeting of the planning commission prior to July ~~August~~ 15. All rezonings and associated general plan amendments shall be effective January of the following year when the zoning map, general plan and code are updated; however applicants can pursue development approvals prior to January if approvals have been granted based on the new ordinance.
4. Exceptions: So long as the county legislative body follows all requirements under the Utah Code to amend this title ~~and~~; the adopted zoning map and general plan, they shall have authority to amend this title at any time if the county legislative body finds that expedited enactment of a land use ordinance or amendment to the zoning map is necessary for the preservation of the peace, health, safety or welfare of the county and its inhabitants. If the county legislative body finds that an expedited enactment of a land use ordinance, the general plan or zoning map is necessary, the planning director, planning commission, and other necessary county personnel shall act with haste, and are hereby authorized to follow the minimum requirements of the State Code to recommend an amendment to this title or a rezoning, or to decline to recommend the proposed amendment after holding a properly noticed public hearing.

6.

B. Planning Commission Public Hearing: After providing any notices required under the Utah Code, and this title ~~the~~ the planning commission and county legislative body shall hold a public hearing on any properly proposed amendment, and shall consider any written objections received on any zoning map changes. The planning commission may modify or recommend denial of the proposed amendment or zoning map change. If it is ~~wherein it must be~~ determined ~~shown~~ that such amendment is in the interest of the public, and is consistent with the goals and policies of the Wasatch County general plan, the planning commission may recommend a proposed amendment to this title or to the zoning map. They may also decline to recommend a change, or continue the matter. They shall

forward any written objections they received to the county legislative body with their recommendation, if they recommend a change to the zoning map.

~~B. Council Public Meeting: After providing any notices required under the Utah Code, the county legislative body shall, after receiving a recommen recommendation ded proposed ordinance from the planning commission, or regardless of whether may, after the planning rejects or refuses to recommend approval of e a proposed amendment, hold a public meeting to consider whether the proposed amendment is in the interest of the public, and is consistent with the goals and policies of the Wasatch County general plan. :~~

~~1.C. _____ The county legislative body may amend the number, shape, boundaries or area of any zoning district, or any regulation of or within a zoning district, or any other provision of this title. Such amendments shall either be proposed by the planning commission or first submitted to the planning commission for its approval, disapproval or recommendations.~~

~~2. The county legislative body shall hold a public hearing on all proposed amendments and rezonings, as defined in this section. Notice of the public hearing shall be given in a manner consistent with state law.~~

~~3. Except as otherwise provided in this title, the county legislative body shall consider amendments to either the development code or the general plan only once in any given year and rezonings, as defined in this section, annually by November. The deadline for such amendments and rezoning applications shall be submitted to the planning department by July 15, of any given year for the recommendation by the planning commission. After July, the item may not be heard until the following year. Except as provided in subsection C of this section, all code amendments, rezones and general plan amendments shall be effective January of the following year when the zoning map, general plan and code are updated, however applicants can pursue development approvals prior to January if approvals have been granted.~~

~~C. Exceptions: The county legislative body shall have authority to amend this title at any time when the county legislative body finds that immediate enactment of an ordinance is necessary for the preservation of the peace, health, safety or welfare of the county and its inhabitants.~~

16.02.06: PLAT AMENDMENTS

Plat amendments that do not qualify for treatment as a boundary line adjustment, shall be processed in accordance with the requirements of Utah Code Annotated. The county council is designated as the land use authority for plat amendments and shall make the determination of whether to grant a plat amendment according to the standards in Utah Code Annotated after holding a public hearing and receiving a recommendation for approval or denial from the planning commission. For plat amendments that involve only combining two or more lots, all of which are owned by the same owner, and none of which have been dedicated for public use, common use, or a similar designation, the planning commission is designated as the land use

authority. An application, including a copy of the proposed amended plat, shall be submitted to the planning department.

16.03.04: GENERAL PLAN AMENDMENT

A. Amendment Initiation: A general plan amendment may be initiated by:

1. A resolution of intention by the county legislative body or the planning commission;
2. An application by a property owner, an interested party having the owner's authorization, or any member of the general public.

B. Amendment Frequency: Proposed amendments to the general plan will only be considered by the county legislative body once each calendar year in November. All general plan amendments shall be effective January of the following year when the general plan is updated, however applicants can pursue development approvals prior to January if approval to the new general plan has been granted.

B.1. The county legislative body may propose and authorize the expedited enactment of an amendment to the general plan by requiring the planning commission, the planning director to only follow the minimum requirements under the Utah Code to amend the general plan if the county legislative body finds that expedited enactment of amendment to the general plan is necessary for the preservation of the peace, health, safety or welfare of the county and its inhabitants. If the county legislative body finds that an expedited enactment of amendment to the general plan is necessary, the planning director, planning commission, and other necessary county personnel shall act with haste, and are hereby authorized to follow the minimum requirements of the State Code, to recommend an amendment to the general plan, or to decline to recommend the proposed amendment after holding a properly noticed public hearing.

C. Consistency of Land Use: When a general plan amendment is approved by the county legislative body and the amendment affects the land use designation of specific properties, those properties shall be concurrently rezoned to a zoning district as necessary to maintain consistency with the general plan.

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

SECTION III: **Amendment of Conflicting Ordinances.** To the extent that any ordinances, resolutions, or policies of Wasatch County conflict with the provisions of this ordinance, they are hereby amended to comply with the provisions hereof.

SECTION IV: **Effective Date.** This ordinance shall become effective immediately upon execution by the Chair of the County Council and the completion of public notice requirements imposed by state statute.

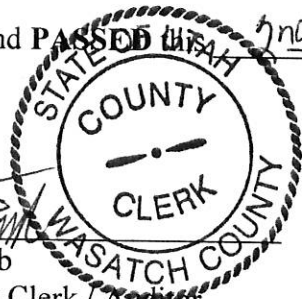
SECTION V: **Severability.** If any section, subsection, sentence, clause, or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

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

- a. Enter at length this ordinance in the ordinance book;
- b. Deposit a copy of this ordinance in the office of the County Clerk;
- c. Publish a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance, for at least one publication in a newspaper published in and having general circulation in the county; or post a complete copy of this ordinance in nine (9) public places within the County.

APPROVED and PASSED ~~IN~~ ^{2nd} day of August, 2017.

Attest:



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

WASATCH COUNTY COUNCIL:

Greg McPhie
 Greg McPhie, Chair
 Wasatch County Council

VOTE

Greg McPhie, Chairman	<u> ✓ </u>
Kendall Crittenden, Vice-Chair	<u> ✓ </u>
Danny Goode	<u> ✓ </u>
Mike Petersen	<u> ✓ </u>
Mark Nelson	<u> ✓ </u>
Steve Farrell	<u> ✓ </u>
Spencer Park	<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 Council of Wasatch County, Utah, this 21 day of November, 2017.

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

SUBSCRIBED AND SWORN to me, a Notary Public, this 21st day of November, 2017.

Sandra Hansen
Notary Public

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

