

ORDINANCE NO. 23-15

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3 AN ORDINANCE AMENDING TITLE 16 OF THE WASATCH COUNTY CODE BY ADDING  
4 APPLICABLE DEFINITIONS, ADDING LANGUAGE REGARDING A CONSERVATION  
5 SUBDIVISION TO CHAPTERS OF TITLE 16 AND CREATING A NEW SECTION ENTITLED  
6 "CONSERVATION DEVELOPMENTS" IN 16.27.06.5 WHICH WOULD ALLOW FOR  
7 CLUSTERING OF LOTS WHILE PROVIDING FOR CONSERVED OPEN SPACE.  
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9 RECITALS

10 WHEREAS, the County has zoning districts known as the P-160 and M (Mountain) zones; and

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13 WHEREAS, the P-160 zone allows for a minimum lot size of 160 acres and the M (Mountain) zones  
14 allows for a minimum lot size of 20 acres; and

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16 WHEREAS, these two zoning district are, for the most part, in mountainous areas with difficult  
17 topography and unique features; and

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19 WHEREAS, properties in these two zones tend to be difficult to develop with higher costs for  
20 infrastructure, greater impacts on the landscape and higher ongoing maintenance costs; and

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22 WHEREAS, the proposed code would allow for clustering of smaller lots than the underlying zones  
23 while requiring a conservation easement on the remainder of the property; and

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25 WHEREAS, this option would allow for perpetual open space, lesser impacts to hillsides, and the public  
26 benefit of perpetual open space accessible to the public; and

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28 WHEREAS, the County Legislative Body has determined that ~~although this may be lessening the~~  
29 ~~potential barriers to development~~ the allowance for requirement for clustering in conjunction with  
30 permanently deed restricted open space is a benefit to the citizens of Wasatch County; and

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32 WHEREAS, Utah Code 17-27a-502 requires Wasatch County to give notice of public hearing as  
33 provided in Utah Code 17-27a-205(1)(a), and to hold a public hearing; and

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35 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

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37 WHEREAS, the County Legislative Body, having considered all of the evidence, determines the  
38 ordinance provided to be in the best interest of the health, general welfare, and safety of the inhabitants of  
Wasatch County;

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40 NOW THEREFORE, the County Legislative Body of Wasatch County ordains that the Wasatch County  
Zoning Map and Land Use and Development Code be amended as follows:

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42 See Exhibit A

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44 SECTION I: **Enactment.** The following amendments, additions, and deletions to Title 16, the Land Use  
45 and Development Code, are hereby enacted: ~~See attached exhibit.~~

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47 SECTION II: **Repealer.** ~~If any provisions of the County Code heretofore adopted are wholly~~  
48 ~~inconsistent with this ordinance, they are hereby repealed.~~

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

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

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

**Definitions: (added to 16.04)**

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**BUILDING LOT:** A lot that includes a Building Right. I.E. Buildable Lot.

**BUILDING RIGHT:** The right under the land use and development code to build a structure that is not solely for agricultural use. UCA 15A-1-202 (2021, as amended).

...

[AC4]

~~buildable portion. The land to be used for open space, recreation, agriculture or preservation of environmentally sensitive features shall have a Qualified Conservation Easement recorded on the property.~~

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**QUALIFIED-QUALIFIED [JW2] CONSERVATION EASEMENT:** A perpetual conservation easement, the creation of which meets all requirements for a qualified conservation contribution under 170(h) of the Internal Revenue Code.

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**16.04.02-OPEN SPACE:** Land which is not covered by dwellings or by pavement or other impervious material which is dedicated to be used perpetually by the owners or the public for some other purpose besides development and is owned by the homeowners' association or some other entity besides common ownership. Open space shall not be part of individual residential lots. Open space parcels should have connections to other open space parcels when possible and shall have a minimum depth that can be maintained and utilized as open space and access. ~~Small isolated, unusable remnants of open space shall not be allowed. A parcel counted as an open space parcel shall not be less than .2 acres, and shall be greater than 20' width at its narrowest point~~[DS3][JW4]. [JW5]

**NON PROFIT CONSERVATION ORGANIZATION:** A nonprofit corporation, charitable trust, or other nonprofit organization described in Section 501(c)(3) of the Internal Revenue Code, which includes the "acquisition of property or rights in property for conservation purposes" as part of its mission, as reflected in the bylaws, charter, or incorporation papers of the organization and in accordance with 16.21.06(A-4).

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**16.27.07: PROCESS FOR DEVELOPING SMALL SCALE DEVELOPMENTS**

~~In order to develop a small scale development in any zone, [JW6]the developer must go through the following procedures:-~~

~~... **COMMON AREA:** An area of common ownership of the residents designed to serve the recreational, open space or other similar needs of owners within the development and is not a~~

commercial use. Common areas may include, but are not limited to: outdoor space, landscaping, fences, clubhouses, tennis courts, golf courses, swimming pools and other jointly used and owned space approved as part of the proposal. 16.27.10(A): PROCESS FOR DEVELOPING LARGE SCALE DEVELOPMENTS

A. Master Plan, Physical Constraints, and Density Determination: For large scale developments in the JBOZ, NVOZ, and JSPA, the Developer shall be required to submit a complete Master Plan, Physical Constraints, and Density Determination application in compliance with Section 16.27.05(A) of this title. For large or small scale Conservation Developments, the Master Plan application requirements in this section is required and shall be submitted in accordance with this section and include all applicable information including the constraints on the proposed preservation property however, density shall be determined in accordance with 16.27.06.5(D). For JBOZ, NVOZ and JSPA density shall be established by determining physical and infrastructure constraints (see section 16.27.25 of this chapter) of the site and coming up with a feasible number of buildable lots and/or units. Any density established by the zoning ordinance shall be specific to the application approved by the Wasatch County Council. An approved master plan, density determination, or physical constraints analysis may not be amended or revised, but instead a new master plan, density determination, or physical constraints analysis application shall be made. In addition to the requirements of Section 16.27.05(A), a Master Plan, Physical Constraints, and Density Determination application shall also include the following exhibits:

16.08.01: PURPOSE

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. The specific intent in establishing this residential agricultural zone (RA-1) is 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:

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

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

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

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

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.

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.

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.

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.

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

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

150 ~~To [AC12] allow for the potential for developments with variable lot sizes in larger acreage development in~~  
151 ~~accordance with the specified areas-~~

152 ~~To allow the potential to preserve what is determined to be important aspects of the site.~~

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154 Chapter 16.27: DEVELOPMENT STANDARDS

155 16.27.01: PURPOSE

156 16.27.02: DEVELOPMENT REVIEW COMMITTEE CREATED

157 16.27.03: SCOPE

158 16.27.04: TYPES OF DEVELOPMENT

159 16.27.05: GENERAL PROCEDURE FOR DEVELOPMENT APPLICATIONS

160 16.27.06: RURAL PRESERVATION SUBDIVISION

161 16.27.06.5: ~~RESERVED~~ CONSERVATION DEVELOPMENTS [AC13]

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163 16.27.07: PROCESS FOR DEVELOPING SMALL SCALE DEVELOPMENTS

164 16.27.08: REVIEW PROCEDURE FOR MINOR AGRICULTURAL SUBDIVISION

165 16.27.09: FARM PRESERVATION REGULATIONS

166 16.27.10: PROCESS FOR DEVELOPING LARGE SCALE DEVELOPMENTS

167 16.27.11: SEWER AND WATER REQUIREMENTS

168 16.27.12: FINAL PLAT REQUIREMENTS

169 16.27.13: CONDOMINIUM DEVELOPMENTS

170 16.27.14: NO SALE OF LOTS UNTIL FINAL APPROVAL

171 16.27.15: GRADING PERMIT

172 16.27.16: FLAG LOT STANDARDS

173 16.27.17: SHAPE OF LOTS

174 16.27.18: FRONTAGE

175 16.27.19: SLOPES

176 16.27.20: COMPLETION OF SITE IMPROVEMENTS BEFORE BUILDING PERMITS

177 16.27.21: BONDS GUARANTEEING CONSTRUCTION OF IMPROVEMENTS

178 16.27.22: RIDGELINE/VIEWSHED REGULATIONS

179 16.27.23: DEVELOPMENT AGREEMENTS

180 16.27.24: RESERVED

181 16.27.25: PHYSICAL CONSTRAINTS ANALYSIS REQUIREMENTS

182 16.27.26: OUTSIDE WATER ISSUES

183 16.27.27: POWER AND TELEPHONE UTILITIES

184 16.27.28: STREET STANDARDS

185 16.27.29: ROADS AND INTERSECTIONS

186 16.27.30: RELATION TO ADJOINING STREETS

187 16.27.31: PROPERTY ACCESS REQUIREMENTS

188 16.27.32: CUL-DE-SACS

189 16.27.33: NUISANCE STRIP

190 16.27.3: REGIONAL PARKS

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192 16.27.04: TYPES OF DEVELOPMENT [AC14]

193 The following are types of developments that are considered by this title:

194 A. Small Scale Development: A development consisting of no more than five (5) lots, units or  
195 equivalent residential units, which is processed through the planning staff without the necessity of  
196 having a hearing-meeting before the planning commission. Further division of any small scale  
197 development, any lots resulting from a small scale development, or any parcels resulting from a  
198 bona fide division or partition of agricultural land for agricultural purposes which have previously  
199 been created after August 11, 1965 without approval of a land use application, must be processed  
200 as a large scale development.

201 B. Farm Preservation Development: A development consisting of not more than five (5) lots, ~~and~~  
202 including a deed restricted Farm Preservation Parcel ~~lot which is a minimum of twenty (20) acres.~~  
203 Farm preservation developments shall follow the same process as a small scale development.

204 C. Rural Preservation Development: A development consisting of not more than five (5) lots, all of  
205 which are six (6) acres or greater. Rural preservation developments shall follow the same process  
206 as a small scale development.

207 D. Large Scale Development: A development consisting of more than five (5) lots, units or  
208 equivalent residential units, which must be processed by staff and brought before the planning-  
209 Planning commission-Commission for their recommendation prior to in a hearing-public  
210 hearingbefore the county legislative body.

211 E. ~~Cluster-Variable Lot Size~~ Development: Cluster-Variable Lot Size developments are allowed in  
212 specified areas of the RA-1 zoning district as a means of protecting open spaces and sensitive  
213 areas, as long as the overall density does not exceed ~~one unit for every 1.3 net developable acres-~~  
214 ~~and~~ the minimum lot sizes and densities specified-are met in the zone. Sensitive areas and areas  
215 worth preserving should be incorporated into open space.

216 F. Minor Agricultural Subdivision: A division of at least one hundred (100) contiguous acres of  
217 agricultural land to create one new lot that is separate from the remainder of the original one  
218 hundred (100) or more contiguous acres of agricultural land, is at least one acre in size, and is  
219 located at least one thousand feet (1,000') away from another minor agricultural subdivision lot  
220 created after October 1, 2009, pursuant to Utah Code Annotated section 17-27a-605, as currently  
221 amended. For the purposes of this section and section 16.27.08 of this chapter, "agricultural land"  
222 is defined as land that is designated on the county tax roles as "greenbelt" or as agricultural use  
223 assessment under Utah Code Annotated section 59-2-501 et seq.

224 F.G. Conservation Development: Is a development in mountainous areas that allows for the  
225 perpetual preservation of desirable open space in a qualified conservation easement by allowing  
226 lots to be clustered instead of platting the majority of the unconstrained-entire property into  
227 private lots.

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**16.27.06.5: CONSERVATION DEVELOPMENTS**

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**A. Purpose and Intent:**

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The purpose and intent of the Conservation Development ordinance is to perpetually preserve rural  
235 landscape, sensitive natural resources-areas, steep slope areas and other large areas of open land, while  
236 permitting residential development at low, rural densities, in an open space setting, located and designed  
237 to reduce the perceived intensity of development. Specific objectives are as follows:

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- 239 1. To maintain ~~and protect~~ the rural character by preserving tracks of land with important
- 240 landscape elements, including those areas containing unique and environmentally sensitive
- 241 natural features such as woodlands, stream corridors, wetlands, floodplains, ridge tops, steep
- 242 slopes, rock outcroppings, critical species habitat, valuable perpetual open space and natural areas
- 243 by setting them aside from development identified as an asset to citizens of the County.
- 244 2. To ~~preserve~~ protect scenic views and to minimize ~~views~~ visibility of new development from
- 245 existing ~~streets~~ specific locations within the County.
- 246 3. To provide for greater design flexibility in the siting of dwellings and other development
- 247 features than would be permitted by the application of standard regulations in order to maintain,
- 248 scenic quality, and overall aesthetic value of the landscape.
- 249 4. To increase flexibility and efficiency in the siting of services and infrastructure, by reducing
- 250 street length, utility requirements, drainage requirements, and the amount of paving required for
- 251 residential development, where possible.
- 252 5. To decrease the amount of disturbance in sensitive areas by reducing or eliminating cuts and
- 253 fills for roads and other infrastructure ~~due to the decreased lengths of roads.~~
- 254 6. To create groups of dwellings with direct visual and physical access to common open space.
- 255 7. To encourage active and passive recreational use of common open space by residents of a
- 256 conservation development and by the public.
- 257 8. To reduce erosion and sedimentation by ~~retaining~~ preserving existing vegetation and
- 258 minimizing development on steep slopes.
- 259 9. To create an attitude of stewardship, or caring, for the land within open space by requiring a
- 260 land management, or stewardship, plan for the open space that may include grazing, - but must be
- 261 able to have a third party conservation easement placed on it.
- 262 10. Provide safe circulation of vehicular and pedestrian traffic to and within hillside areas. ~~and to~~
- 263 11. To provide access for emergency vehicles necessary to serve the hillside areas. ~~;~~
- 264 12. To lessen the need as much as possible to protect the public from natural hazards caused by
- 265 unstable slopes and soils, debris flow, erosion and other geologic hazards of hillside development. ~~;~~
- 266 and
- 267 13. To minimize the threat and subsequent damage of wildfire through safe building practices and
- 268 clustering of units on shorter streets.
- 269 14. To protect large tracks of land from development perpetually and allow some form of public
- 270 access.

**B. Application and Process**

273 1. Master Plan application. The applicant shall apply for master plan approval and provide the  
 274 information outlined in 16.27.10(A), and demonstrate compliance with all of the requirements in  
 275 subsection (C) below. ~~The bonus density applicable to the project, if any, subject to compliance~~  
 276 ~~with the standards of the land use and development code, shall be determined~~ In addition to the  
 277 requirements outlined in 16.27.10(A) the applicant shall submit a memorandum of understanding  
 278 from a valid non-profit qualified conservation organization stating that the property meets the  
 279 criteria with any stipulations and that the property could be considered for a Qualified  
 280 Conservation Easement.

282 1. Applicants that can meet the criteria are encouraged, but are not required to apply for the  
 283 Conservation Overlay Zone ~~[AC15]~~ and the Preliminary Subdivision Application or Small Scale  
 284 Subdivision Application at the same time. ~~[AC16]~~

285 2. Conservation Overlay Zone Application. The applicant shall meet all the requirements of WCC  
 286 16.02.05 for a zone change. In addition, the application should:

- 287 \_\_\_\_\_ a) Show that all requirements for a Conservation Development can be met ~~[DS17]~~ ~~[AC18]~~
- 288 \_\_\_\_\_ b) ??

~~submit a complete application in conformance with Section 16.27.05(A) and follow the procedure of a Small Scale Subdivision or Large Scale Subdivision as applicable, determined by the number of lots being proposed in the development. (c) demonstrate~~  
~~b) Comply with applicable requirements of 16.27.05???~~  
 2.23. After master plan approval has been granted by the council, acting as the land use authority, the subdivision shall follow the typical process outlined in 16.27.10 for preliminary and final approvals for a large scale subdivision, or the typical process outlined in 16.27.05 for a small scale subdivision, as applicable, depending on the number of lots, parcels, or ERUs being proposed in the development. The applicant shall also demonstrate requirements with subsection (C) below. For a small scale CA conservation Development -Application, shall conform with any applicable Master Plan, Density Determination, and Physical Constraints approval. The planning director may allow minor, inconsequential changes from an approved Master Plan, Density Determination, and Physical Constraints approval. If there is a question as to whether a proposed change is more than a minor, inconsequential change, the planning director or the applicant may request the application be reviewed by the County Council, who shall determine if the application is a minor, inconsequential change to the approved Master Plan, Density Determination, and Physical Constraints Approval, or if a new Master Plan, Physical Constraints, and Density Determination application should be applied for prior to processing the subdivision application. Applicants may request, and the planning staff may allow, the Conservation Overlay Zone Application and the Conservation Development Application to run concurrently, and the Wasatch County Council may serve as the land use authority for a Conservation Development Application that was processed concurrently with a Conservation Overlay Zone Application.

**CB. Allowed zones and Minimum requirements**<sup>[AC19][DS20]</sup>:

1. ~~The legislative body allow a~~ A conservation development is only allowed if the legislative body ~~only after approving a conservation~~ master plan on the property that meets the intent of the code. The legislative body is encouraged to ~~if the~~ ensure the purpose statements and other code requirements for a conservation development can be ~~met~~<sup>[DS21]</sup> before granting the master plan approval. ~~placing property in a conservation overlay zone~~<sup>[JW22]</sup>.
2. If a conservation~~n~~ development master plan is approved, as a condition of the approval ~~zoning change~~ the legislative body~~council~~ may legislatively allow or require some ~~changes to~~ unique retaining and erosion control requirements for the development. Erosion Control requirements, and their long term maintenance, must be addressed satisfactorily and the engineering department must recommend approval. Erosion and retaining ~~requirements must be~~ ~~are~~ memorialized ~~required~~ in a development ~~agreement~~<sup>[DS23][AC24]</sup>.
3. Minimum buildable lot size is five ~~(5)~~<sup>[DS25]</sup> acres<sup>[DS26]</sup> with three hundred (300') feet of frontage at the road right of way and three hundred and twenty ~~(320)~~<sup>[AC27]</sup> feet of width at the required ~~setback~~<sup>[DS28]</sup>.
4. All pProperty in a Conservation Development- must be in the P-160 (Preservation) zone or the M (Mountain) ~~Z~~<sup>[JW29]</sup> zone<sup>[DS30]</sup>. ~~[AC31]~~
5. All ~~buildable~~<sup>[AC32]</sup> lots shall be grouped into clusters, and each cluster ~~each of which~~ ~~[AC33]~~ shall have open space on at least one side ~~unless modified by the County Council~~ ~~[AC34]~~ ~~unless waived by the legislative body~~ ~~[JW35]~~.
6. Property that is not buildable lots, and which is not required for infrastructure, ~~open space~~ ~~[JW36]~~ commonly owned amenities, shall be ~~in~~ shall all be included ~~ded~~ in a Qualified Conservation ~~Easement~~<sup>[DS37]</sup> which shall be a minimum of 75% of the overall (gross) acreage of the project.
7. All buildable lots shall have access as required in Titles 16 and 14.
8. ~~W~~ ~~It is recommended that w~~ The initial application for a master plan ~~inclusion in the conservation~~

- 340 ~~overlay zone~~ and prior to the approval of the master plan, ~~conservation~~ shall include a memo of  
 341 understanding ~~should must~~ from a valid non-profit conservation organization stating that the  
 342 property meets the criteria with any stipulations and that the property could be considered for ~~an~~  
 343 ~~open space~~ Qualified Conservation Easement. If the development fails to obtain the ~~open~~  
 344 ~~space~~ Qualified Conservation Easement as per code, all approvals, including, the master plan, are  
 345 null and void.
- 346 9. An applicant for a Conservation Development must have a pending application with a Non-profit  
 347 Conservation Organization to be the holder of a Qualified Conservation Easement as approved by  
 348 the Council.
- 349 10. ~~Common area~~ Property in the Qualified Conservation Easement ~~must be in a contiguous parcel~~ is  
 350 intended to be valuable tracts of open space and shall not be small isolated, inaccessible remnant  
 351 parcels otherwise unusable for development purposes that are not contiguous with larger open  
 352 space parcels. Any historic access to property in the Qualified Conservation Easement must be  
 353 maintained. Access that allows for motorized vehicles historically used for farming or ranching  
 354 shall be maintained as allowed in the conservation easement including emergency access and  
 355 access for the County.
- 356 11. The fee title to the property in the Qualified Conservation Easement must be dedicated as either  
 357 ~~c~~Common area, ~~open space~~ or held privately and must be dedicated in accordance with  
 358 16.21.026. ~~The common area must qualify for a third party~~ All costs of the Qualified  
 359 Conservation Easement shall be paid for by the developer. The Qualified Conservation  
 360 Easement, ~~which easement~~ shall be entered into and all conserved property that is part of the  
 361 master plan shall be dedicated with the first plat recorded that includes any buildable lots.  
 362 ~~The use of septic systems may be allowed but will need to be reviewed by the health department~~  
 363 ~~to determine if clustering will create a concentration of ground water pollutants. Alternative~~  
 364 ~~systems may be required.~~ [AC38]
- 365 12. The development must include fencing in conformance with the ~~agricultural fencing~~  
 366 ~~requirements~~ right to farm regulations of the ~~code~~ is Title, if applicable. Open space may be used  
 367 for grazing.
- 368 13. The Qualified Conservation Easement ~~Open space~~ shall, to the greatest extent possible, protect  
 369 site features having particular value in the context of preserving rural character, geologic features,  
 370 scenic views, drainages, wetlands, farmland and ridgelines.
- 371 14. Buildable Lots shall be clustered such that open space is accessible to the general public, at a  
 372 minimum ~~least~~ through public trails, with the least amount of intrusion on property owners within  
 373 the Conservation ~~D~~development [DS39]. Multiple public access points may be required depending  
 374 on the size of the conservation easement area.
- 375 15. Conservation developments shall have the term "Conservation Subdivision" in the title of the  
 376 recorded plat.
- 377 16. Any calculations used in determining density shall be rounded down.
- 378 17. Developer shall build non-motorized trails in compliance with 16.21.18 and 16.38 and may be  
 379 required to do additional trails/trailheads/ as part of the legislative approval. Trails shall be  
 380 provided in the dedicated common area/open space and connect to trails off site if available.  
 381 Trails shall be open to the public and provisions in the conservation easement shall be made for  
 382 additional future public trails that may be built by the County, HOA or other entity as needed. As  
 383 a condition of approval the property owner(s) or HOA agrees that trails will not be closed for any  
 384 reason except for safety which safety issues shall be expeditiously repaired.
- 385 ~~1. A Qualified Conservation Easement shall be placed on a~~ [AC40]
- 386 ~~2-18.~~ If the development proposal has more than one planning area, as designated in Chapter 5 of the  
 387 General Plan, within its boundaries, density cannot be transferred from one planning area to  
 388 another. All density must be kept within the planning area that the density is derived from.
- 389 19. To be considered for a conservation development properties included in the application must  
 390 meet the minimum acreage requirements for the underlying zone. ~~have a be Qualified~~

~~Conservation Easement common area encumbered by the third party easement holder, is required~~

**DC. Density Procedure:**

~~Option #1: The P-160 zone allows for one (1) unit for every one hundred and sixty (160) developable acres. The M zone allows for 1 unit for every 20 acres.~~

~~Density shall be determined by the following process:~~

~~Base density is determined by removing constrained lands as found in 16.27.25 from the total acreage and dividing the gross acreage of the property the developable area as defined in 16.04 by the underlying zone minimum lot size requirement. Gross acreage shall be determined by a licensed surveyor and provided with the application and recorded as part of the plat. Numbers that are not whole, including acreage and lot numbers, including acreage shall be rounded down when determining density. Property surrounded on all sides by slopes greater than 30% slope must be a minimum of 1 acre in size in order to be used toward the development capacity calculation[DS41][DS42].~~

~~is the additional density above base density that, upon compliance with the standards of the land use and development code, shall be granted to a Conservation Development. The amount of bonus density [AC43] To be considered developable isolated remnant parcels under 30% slope can only be counted if over 1 acre in size.~~

**ED. Deferment or modification of Road improvements:**

~~Roads through a project that are shown in the General Plan shall be built by the developer unless waived or modified by the County Council. Roads in the Conservation Development and connectivity provided by the Conservation Development shall meet all standards of the Wasatch County Code, except as modified by -At a minimum the following standards shall apply:~~

- ~~1. Dedication of all rights of way for any roads that are Outside of the development pod, roads are only required to be constructed or dedicated if they either determined by the legislative body to be necessary during review of the Conceptual Connectivity plan as described in 16.02.12. Reasons for connections are required include, but are not limited to:
 
  - ~~a. Provide historic access to any property in or out of the project.~~
  - ~~b. Roads that are part of a master planned road network in the General Plan or an adopted local street plan, or~~
  - ~~c. Connecting to a stub road on an adjacent property that either actually exists or is part of an approved development outside of the development pod to the edges of the property. - Engineering must be done to determine the right of way alignment for the dedication.~~~~
- ~~2. Roads that are shown in the General Plan, and which meet the following requirements, are required to be engineered to a county standard and dedicated, but do not need to be bonded for or constructed, if all of the following criteria are met:
 
  - ~~a. The road would not continue to provide historic access to any property out of the project;~~
  - ~~b. The road does not connect to a stub road on an adjacent property[DS44];~~
  - ~~c. The road does not connect to a stub road shown in an approved development that has not expired on an adjacent property. The approved development may be a master plan, preliminary plan, or a final plat.~~~~
- ~~3. Roads that only provide historic access to property in the Conservation Development that will not have buildable lots, will only be required to be improved and maintained to[AC45][JW46] a county standard if the Engineering Coordinator, the Planning Director, or the Fire District determines it~~

442 would be helpful for emergency access purposes. Even if the road is not required to be improved  
443 to a county standard, it is required to be maintained to the existing standard of the road.  
444 Complete improvements of any roads designated in the General plan outside of the development  
445 pod unless improvements are modified by the County Council.

447 **FE. Maintenance of open space:**

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449 Common area, open space including property in the a-Qualified Conservation Easement, shall be  
450 maintained by the HOA or other designated owner in all respects including but not limited to; weeds, fire  
451 mitigation, erosion control, trail/trailhead maintenance, grazing leases, fences etc[DS47]. The property  
452 owners(s) shall be protected by UCA 57-14 to the maximum extent allowed. Required open space must  
453 have a third party conservation easement in place signed by the easement holder and County prior to  
454 recording the first phase as per section 16.21.06 (A4). [JW48]  
455 . . .

457 SECTION II: **Repealer.** If any provisions of the County Code heretofore adopted are wholly  
458 inconsistent with this ordinance, they are hereby repealed.

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

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



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

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

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

482 **APPROVED** and **PASSED** this 18 day of October, 2023.

486 Attest:

487   
488 Joey Granger  
489 Wasatch County Clerk / Auditor  
490 

WASATCH COUNTY COUNCIL:

  
Spencer Park, Chair  
Wasatch County Council

491		
492		
493		<b>VOTE</b>
494	Spencer Park, Chairman	Y
495	Karl McMillan, Vice-Chair	<u>Y</u>
496	Luke Searle	Y
497	Steve Farrell	<u>Y</u>
498	Erik Rowland	<u>—</u>
499	Kendall Crittenden	Y
500	Mark Nelson	<u>Y</u>
501		

**ADOPTION OF ORDINANCE AFFIDAVIT**

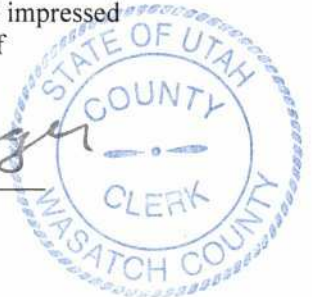
STATE OF UTAH                    )  
  ): ss.  
COUNTY OF WASATCH        )

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 18 day of October, 2023.

Joey D. Granger  
Joey Granger  
Wasatch County Clerk / Auditor



SUBSCRIBED AND SWORN to me, a Notary Public, this 18 day of October, 2023.

Wendy McKnight  
Notary Public

Residing in: Wasatch  
My commission expires: 09/10/2026

