

ORDINANCE NO. 23-08

**AN ORDINANCE AMENDING WASATCH COUNTY CODE TITLE 16 AS RELATED TO
PUBLIC NOTICING REQUIREMENTS FOR CERTAIN LAND USE ACTIONS.**

RECITALS

WHEREAS, the Utah State Legislature has enacted Senate Bill 43 (2023); and

WHEREAS, said SB43 modifies current public noticing practices required by state law; and

WHEREAS, the County believes current County code is in conformance with state law, but that some discretionary adjustments can be made; and

WHEREAS, the County Legislative Body has considered the criteria required by said Senate Bills; and

WHEREAS, the County Legislative Body has also considered the need to protect public transparency; 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, having considered all of the evidence provided to be in the best interest of the health, general welfare, and safety of the inhabitants of Wasatch County;

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:

See Exhibit A

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

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 If any provisions of the County Code heretofore adopted are wholly inconsistent with this ordinance, they are hereby repealed.

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.

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** this 21 day of June, 2023.

Attest:


 Joey Granger
 Wasatch County Clerk / Auditor



WASATCH COUNTY COUNCIL:


 Spencer Park, Chair
 Wasatch County Council

Spencer Park, Chairman
 Karl McMillan, Vice-Chair
 Luke Searle
 Steve Farrell
 Erik Rowland
 Kendall Crittenden
 Mark Nelson

VOTE
Y
Y
Y
Y
Y
Y
Y

ADOPTION OF ORDINANCE AFFIDAVIT

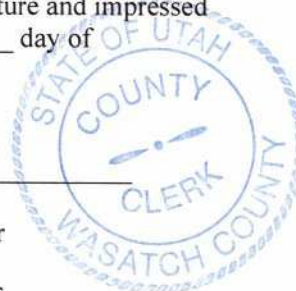
STATE OF UTAH)
): ss.
COUNTY OF WASATCH)

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:

- [x] (a) Causing this ordinance to be entered at length in the ordinance book;
[x] (b) Causing three (3) copies of this ordinance to be deposited in the office of the County Clerk;
[x] (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 June, 2023.

Handwritten signature of Joey Granger
Joey Granger
Wasatch County Clerk / Auditor



SUBSCRIBED AND SWORN to me, a Notary Public, this 21 day of June, 2023.

Handwritten signature of Wendy McKnight
Wendy McKnight
Notary Public

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

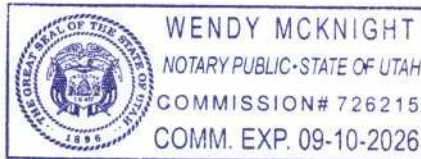


EXHIBIT A – PROPOSED AMENDMENT

1 Chapter 16.02: ADMINISTRATION PROCEDURES

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3 16.02.02: NOTICE OF PUBLIC HEARINGS AND PUBLIC MEETINGS

4 A. Notice Of Public Hearings:

- 5 1. The county shall give reasonable notice of any public hearing mandated by this title, which
6 notice shall be given in a manner consistent with the requirements of state law. Notices of
7 public hearings required by this title shall be published once in a newspaper of general
8 circulation at least ~~fourteen (14)~~seven (7) calendar days before the hearing, and in
9 accordance with state law. Such notice shall state the time and place of such hearing and
10 shall include a general explanation of the matter to be considered and a general description
11 of the area affected.
- 12 2. This section is not intended to preclude the giving of additional notice that may be deemed
13 necessary by the planning department. If notice given under authority of this section is not
14 challenged as provided by state law within thirty (30) days from the date of the meeting for
15 which notice was given, the notice is considered adequate and proper.

16 B. Notice Of Public Meetings: Notice of public meetings required by this section shall be in
17 accordance with state law.

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19 16.02.05: PROCEDURE TO AMEND TITLE, CODE OR ZONING MAP

20 A. Application: Notwithstanding any other provision contained in any other title of the Wasatch
21 County Code, ~~¶~~this title, including the zoning map, may be amended by the Wasatch County
22 legislative body in accordance with the requirements of the Utah Code Annotated section 17-27a-
23 101 et seq., and the requirements of the county land use development and management act. For the
24 purpose of establishing and maintaining sound, stable and desirable development within Wasatch
25 County, amendments shall not be made to this title or the adopted zoning map except to promote
26 more fully the objectives and purposes of the general plan and this title.

- 27 1. Any person seeking an amendment to this title or the adopted zoning map shall submit to
28 the planning department a written petition containing the following information:
- 29 a. Designation of the specific zone change or title amendment desired;
- 30 b. The reason and justification for such zone change or title amendment, and a
31 statement setting forth the manner in which a proposed amendment or zone would
32 further promote the objectives of the general plan and the purposes of this title;
- 33 c. A complete and accurate legal description of the area proposed to be rezoned; or a
34 draft of the proposed title amendment;
- 35 d. For zone changes:
- 36 (1) ~~a~~A conceptual development plan, drawn to scale, showing all areas to be
37 included within the proposed rezoning, designating the present zoning of
38 the property, and properties immediately adjacent thereto;
- 39 (2) For zone changes, a slope map showing categories of slopes at zero to ten
40 percent (10%), eleven (11) to twenty percent (20%), twenty one (21) to

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~~thirty percent (30%) and over thirty percent (30%) slopes~~A physical constraints analysis identifying all items required under 16.27.25; and
~~(2)(3)~~ A courtesy notice shall be mailed to all owners of private real property whose property is located inside and within 500 feet of the proposed zoning map enactment or amendment.

~~e.~~ 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 without paying the filing fee.