

ORDINANCE NO. 25-02

An ordinance amending Wasatch County Code §16.08.04 entitled "Lot Area and Maximum Density" to allow wells on pre-existing lots of one acre or more in certain situations.

RECITALS

WHEREAS, Wasatch County has rural areas throughout the County with pre-existing lots and homes on lots that were approved with wells; and

WHEREAS, some of these properties have the necessary acreage to subdivide; and

WHEREAS, these lots may request to subdivide which proposal may create a situation where there are proposed lots and homes on a well with less than 4 acres; and

WHEREAS, special service districts, in certain situations, may not have the ability to transfer water from a private well into their district; due to water rights and/or source restrictions; and

WHEREAS, this would leave a functioning well with water rights that cannot be moved or used if the lot is required to tie onto a public water system; and

WHEREAS, the cost of the initial construction of a well and water rights is great; and

WHEREAS, due to the hardships mentioned, the County has a desire to amend the code and allow lots and or homes on preexisting wells to be less than 4-acres with the specific criteria set forth in the proposed ordinance; and

WHEREAS, the County Legislative Body has determined that the proposed request is in compliance with the General Plan; 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:

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

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 If any provisions of the County Code heretofore adopted are wholly inconsistent with this ordinance, they are hereby repealed.

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 16 day of April, 2025.

Joey P. Granger
Joey Granger
Wasatch County Clerk / Auditor



SUBSCRIBED AND SWORN to me, a Notary Public, this 16 day of April, 2025.

Wendy McKnight
Notary Public

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

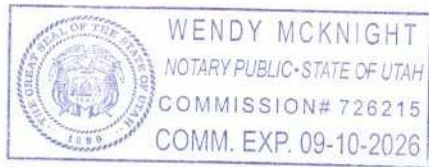


EXHIBIT A – PROPOSED AMENDMENT6.08.04: LOT AREA AND MAXIMUM DENSITY

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B, 3. All lots in 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. Exceptions may be made for Llots of four (4) acres or larger in a small scale subdivision that is not within the boundary of an SSD that may be allowed to use a new or preexisting private well to satisfy the above requirements and lots of one (1) acre or more within the boundary of an SSD That may be allowed to use a preexisting well if the following conditions are met:

- a. The property owner enters into a voluntary agreement ~~ily~~ prepared by the County, agreeing that the property will not be further subdivided or reduced in size in the future. This agreement will be recorded against the property.
- b. The water board reviews the proposal and recommends approval of the project if in compliance with their stated requirements.
- c. If the property is located in the service area of an SSD improvement district, taxing district, or other political subdivision of the state of Utah that provides water service, they must determine that it is not possible to transfer water or water rights from the private well into their water system, due to water right or source restrictions.
- e.d. The pre-existing well must have been on the property for more (10) years or more with appropriate documentation provided by the applicant and approved by the water board.
- d.e. The proposed subdivision is not located within the boundary of an improvement district, taxing district or other political subdivision of the state of Utah.
- f. The water board may approve lots in small scale subdivisions within taxing districts to remain on pre-existing wells if aAll lots in the subdivision requiring water service from a source other than a pre-existing well are provided a water line stubbed to the property line in accordance with service district requirements.

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e.g. The well must be located on the lot it is providing water for and no more than one lot can be serviced by the well.

f.h. 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.

g.i. 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.

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