

ORDINANCE NO. 25-10

Ordinance 25-10 which amends section 16.22.09 to allow for certain uses to be allowed on lots of record with specific stipulations and amendments to 16.27.35 regarding gravel pit and mining operation requirements.

RECITALS

WHEREAS, County code requires that uses outside of those specifically listed as residential and agricultural not be allowed on lots of record; and

WHEREAS, Due to this regulation the only option for a most uses is to plat a lot through the subdivision process which would require infrastructure improvements typically required for residential developments; and

WEREAS, This ordinance also updates certain language in code section 16.27.35; and

WHEREAS, The County realizes for mining uses, there is value to the public to allow certain types of mining in the valley to decrease the need for importing these items from outside the County; and

WHEREAS, Wasatch County gave notice of all public meetings and public hearings related to this ordinance 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 Code be amended as follows:

SECTION I: **Enactment**. The following amendments, additions, and deletions to Title 7, 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 If any provisions of the County Code heretofore adopted are wholly inconsistent with this ordinance, they are hereby repealed.

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:

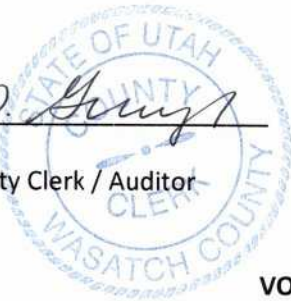
- a. Enter at length this ordinance in the ordinance book;
- b. Deposit a copy of this ordinance in the office of the County Clerk;
- c. Publish a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name 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 3 day of September, 2025.

Attest:



 Joey Granger
 Wasatch County Clerk / Auditor



WASATCH COUNTY COUNCIL:



 Karl McMillan, Chair
 Wasatch County Council

	VOTE
Karl McMillan, Chairman	<u>Y</u>
Erik Rowland, Vice-Chair	<u>N</u>
Luke Searle	<u>Y</u>
Coleen Bonner	<u>N</u>
Spencer Park	<u>Y</u>
Kendall Crittenden	<u>Y</u>
Mark Nelson	<u>Y</u>

ADOPTION OF ORDINANCE AFFIDAVIT

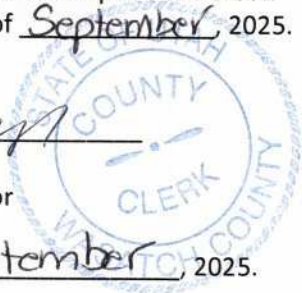
STATE OF UTAH)
) : ss.
COUNTY OF WASATCH)

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 Council of Wasatch County, Utah, this 3 day of September, 2025.

Joey D. Granger
Joey Granger
Wasatch County Clerk / Auditor



SUBSCRIBED AND SWORN to me, a Notary Public, this 3 day of September, 2025.

Wendy McKnight
Notary Public

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

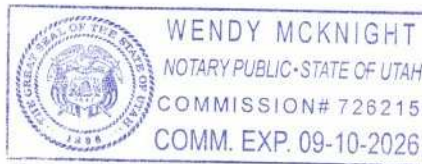


EXHIBIT A – AMENDMENT**16.22.09: NONCONFORMING LOTS OF RECORD LAND USE REGULATIONS**

Nonconforming lots of record are only exempt from the minimum size, width, frontage, depth or other applicable dimensional requirements of the zone where the lot is located. Before a building permit may be issued, nonconforming lots of record shall have access on a road built to county standards and shall comply with all other land use, zoning and development standards applicable to the particular zone the nonconforming lot of record is located in. A nonconforming lot of record determination does not guarantee a building permit.

A. Lot With Building: If a lot is unable to receive lot of record status and contains a building legally established on or before July 28, 1972, then the owner may continue the then existing use of such building and may expand the building in any way that does not increase the degree of nonconformity. This provision does not establish the parcel as a lot of record.

1. An increase in building size shall not be deemed to increase the degree of nonconformity of the lot unless the building increases any encroachment into a required setback of the lot coverage requirements of the underlying zone are exceeded by the increase.

2. Remodeling of a building within an existing footprint or expansion in compliance with this section shall not require a variance to lot requirements but shall be reviewed by the planning director as though the lot conforms to the requirements of this title.

3. At least 75% of the framing and foundation of the original building must remain intact to continue the then existing use of the building, or to expand the building, unless the structure was involuntarily destroyed in whole or in part by fire or other calamity, and the owner reconstructs or restores the structure in conformity with the requirements of Utah Code 17-27a-510(3) (2018) as amended, and Wasatch County Code.

B. Uses Granted for Nonconforming Lots of Record: Lots that are determined to be nonconforming lots of record may be granted a building right for a single family dwelling, accessory dwelling units only if allowed in section 16.21.46, and accessory uses as outlined in the underlying zone. So long as all other standards applicable to that use are complied with and so long as the use is permitted in the zone, nonconforming lots of record may also be permitted utility uses under use code 4800 (utilities) and agricultural uses under use code 8100 (not to include 8150). Except as provided in this section, no other uses are allowed on nonconforming lots. In the P-160 zone, mining uses (8510, 8530, 8540) that are conditionally allowed in the P-160 zoning district can be allowed if processed as a conditional use, and subject to the following additional requirements:

1. Compliance with section 16.27.35.

39 2. The nonconforming lot is, at a minimum, 75% of the required acreage for the zone.

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41 C. Lot Line Adjustments: Lots of Record are not authorized to modify the boundaries
42 of the Lot of Record without prior written authorization of the Planning Director.
43 Any lot line adjustments recorded without written approval of the Planning Director
44 shall be deemed illegal and shall invalidate any prior Lot of Record certificates
45 issued for the property. Any modification to the boundaries shall only be approved
46 if the modification does not increase the degree of nonconformity of the Lot of
47 Record.

48 ...

49
50 **16.27.35: GRAVEL PIT AND MINING REGULATIONS**

51 Gravel Pits and mining operations, as listed in 8500 of Wasatch County Code 16.36.07,
52 shall only be allowed ~~as a when included as a permitted or~~ conditional use in the
53 respective zone. ~~All mining rights shall be reviewed by the county as conditional uses.~~
54 ~~Mining rights shall be in the form of valid traditional rights as opposed to contract rights.~~
55 ~~The water quality standard of approval is the discharge quality.~~ A statement must
56 accompany applications for the conditional use containing the following information:

57 A. Mining plan which shows:

- 58
- 59 1. Size of operation;
 - 60 2. Limits of disturbance for the entire property;
 - 61 3. The surface area for each phase than can be disturbed at one time;
 - 62 4. Work shifts and time of operation;
 - 63 5. Tons per year limits;
 - 64 6. Materials to be extracted;
 - 65 7. Processing methods;
 - 66 8. Impact statement regarding air quality, water quality and transportation;
 - 67 9. Dust Control Plan;
 - 68 10. Lighting Plan;
 - 69 11. Noise abatement plan not exceeding fifty (50) dBA (decibels) at any
70 adjoining property line; and
 - 71 12. A 500' setback from the outside edges of the limits of disturbance (LOD), as
72 defined below, and as approved by the County to any currently inhabited
73 residential dwelling. A 150' setback from the outside edges of the LOD to a
74 public road right-of-way, lot line, flood channel, wetland or, water body.
 - 75 13. For purposes of this section the Limits of disturbance (LOD) shall include all
76 mining operations including but not limited to; internal roads, parking
77 areas, office buildings, crushing, screening, washing, mixing, or other
78 types of processing operations, materials extraction areas, storage of

79 material, and equipment. The LOD shall not include the main access
80 road(s) into the site.

81 14. Visual assessments showing the maximum extent of the LOD for each
82 phase with depictions from major roads and highways, at locations
83 approved by staff, that show the visual impacts. Any impacts shall be
84 addressed by a plan to keep excavation minimized from the public view,
85 especially along highways and entryways into the valley. This may require
86 additional berming and landscaping or changes in the LOD.

87 12.15. -Restoration plan and proposed mitigation measures as to above
88 items. Bonding is required to assure that each phase is restored and
89 complies with the restoration plan. List of all federal and state permits
90 required, and the name of the supervising authority of each agency
91 involved; and either showing permits received, or making the land use
92 approval conditional upon such permits being received;

- 93 B. Title report;
- 94 C. Written legal opinion about the applicant's right to access their mining products on
95 or under the surface;
- 96 D. Economic viability;
- 97 E. Parking;
- 98 F. Administrative offices;
- 99 G. Adjacent support and subsidence plans;
- 100 H. Transportation plan and impact analysis which evidences that such materials will
101 not be transported through a residential area and will not adversely impact any
102 residential or commercial area;
- 103 I. A plan which complies with all Wasatch County water quality standards; and
- 104 J. Any information or plan that the Wasatch County planning director or planning
105 commission may require.