

ORDINANCE NO. 25-14

AN ORDINANCE AMENDING WASATCH COUNTY CODES §16.04.02 TITLED “DEFINITIONS OF TERMS AND WORDS”, §16.21.28(D)(3) TITLED “WIRELESS TELECOMMUNICATION FACILITIES” AND §16.15.03(C) TITLED “PERMITTED AND CONDITIONAL USES” IN THE JORDANELLE BASIN OVERLAY ZONE (JBOZ) IN ORDER TO ALLOW CELLULAR TOWERS AS A CONDITIONAL USE WHEN LOCATED ON OPEN SPACE. ALSO TO UPDATE THE “TELEPHONE, RELAY TOWERS, MICROWAVE OR OTHERS” USE CATEGORY IN ALL SECTIONS OF THE ORDINANCE AND TO REMOVE SOME LANGUAGE IN §16.15.13(D) TITLED “OPEN SPACE” IN THE JBOZ ZONE.

RECITALS

WHEREAS, Wasatch County initiated an application to consider amending Chapter 16.04.02 of the Wasatch County Code regarding clarifying the use definition for open space to allow certain structures and uses if approved by the land use authority; and

WHEREAS, developments that have open space typically have open space in areas that are not suitable for development like on ridgelines; and

WHEREAS, to amend sections of Chapter 16.21.28 of the Wasatch County Code regarding the regulation of monopoles located on open space parcels and within the Jordanelle Basin Overlay Zone (JBOZ); and

WHEREAS, to amend Chapter 16.15.03(C) of the Wasatch County Code in regard to the permitted and conditional use table in the Open Space District of the Jordanelle Basin Overlay (JBOZ); and

WHEREAS, to amend Chapter 16.15.13(D) to remove unnecessary and/or confusing language in the Open Space section of the Jordanelle Basin Overlay Zone (JBOZ) ordinance; and

WHEREAS, to amend sections of the Wasatch County Ordinance to update the use category “Telephone, relay towers, microwave or others” to Wireless Telecommunication Facilities” in order to remove outdated terminology and update the term to a current use category found in the ordinance; and

WHEREAS, these updates are necessary to modernize the code in response to changes in technology, including the deployment of wireless communication services; and

WHEREAS, after review of the proposed changes additional changes and clarifications have been proposed to the code by planning staff; and

WHEREAS, after discussion with the planning commission it was determined that the proposed ordinance amendments are appropriate; 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 Code be amended as follows:

SECTION I: **Enactment.** The following amendments, additions, and deletions to Title 16, 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 statutes.

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:

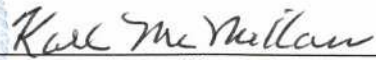
- a. Enter at length this ordinance in the ordinance book;
- b. Deposit a copy of this ordinance in the office of the County Clerk;
- c. Publish a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name 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 15 day of October, 2025.

Attest:

WASATCH COUNTY COUNCIL:


 Jody Granger
 Wasatch County Clerk / Auditor


 Karl McMillan, Chair
 Wasatch County Council



Karl McMillan, Chairman
 Spencer Park
 Luke Searle
 Coleen Bonner
 Erik Rowland, Vice Chair
 Kendall Crittenden
 Mark Nelson

VOTE
 y
 y
 y
 y
 y
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 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 15 day of October, 2025.

Joey Granger
Wasatch County Clerk / Auditor



SUBSCRIBED AND SWORN to me, a Notary Public, this 15 day of October, 2025.

Wendy McKnight
Notary Public

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

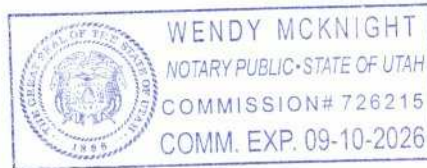


EXHIBIT A - AMENDMENT

16.04.02: DEFINITIONS OF TERMS AND WORDS

OPEN SPACE: Land which has an open space easement or deed restriction which states the land shall not be covered by dwellings, structures, or by pavement or other impervious material, except for trails and minimal improvements which facilitate recreational use without compromising the open, undeveloped nature of the land, and only as approved by the land use authority. Monopoles and underground water tanks may be located in designated open space only if specifically authorized by the Wasatch County Code and approved in accordance with applicable law.

16.05.03: CONDITIONAL USES

The following uses and structures are permitted in the preservation zone (P-160) only after a conditional use permit has been approved, and subject to the terms and conditions thereof:

CONDITIONAL USES IN THE PRESERVATION ZONE (P-160)

Use Number	Use Classification
1905	Caretaker accessory dwelling unit
1906	Grouping of residential lots
1907	Guest accessory dwelling unit
4712	Telephone, relay towers, microwave or others <u>Wireless Telecommunication Facilities</u>

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16.07.03: CONDITIONAL USES

The following uses and structures are permitted in the residential-agricultural zone (RA-5) only after a conditional use permit has been approved, and subject to the terms and conditions thereof:

CONDITIONAL USES IN THE RESIDENTIAL-AGRICULTURAL ZONE (RA-5)

Use Number	Use Classification
1293	Residential facility for elderly
1516	Bed and breakfast
1519	Group transient lodging
1905	Caretaker accessory dwelling unit
1907	Guest accessory dwelling unit
4712	Telephone, relay towers, microwave or others <u>Wireless Telecommunication Facilities</u>

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23 **16.09.03: CONDITIONAL USES**

24 The following table shows the uses and structures that are permitted in the mountain zone (M) only after a
 25 conditional use permit has been approved, and subject to the terms and conditions thereof.

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27 **CONDITIONAL USES IN THE MOUNTAIN ZONE (M)**

Use Number	Use Classification
1519	Group transient lodging
1905	Caretaker ADU
1907	Guest ADU
4712	Telephone, relay towers, microwave or others <u>Wireless Telecommunication Facilities</u>

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29 **16.11.02: CONDITIONAL USES**

30 Those land uses or categories of uses as listed herein, and no others, are allowed as a conditional use in
 31 the highway services zone (HS).

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- 33 1. All uses contained herein are listed by number as designated in the Wasatch County land use
 34 classifications, which is published and maintained by the planning department, and is attached, as
 35 appendix 1, chapter 16.36 of this title. Classes or groupings of uses permitted in the zone are
 36 identified by a four (4) digit number in which the last one or two (2) digits are zeros, and subuses of
 37 those categories or groupings will follow that number. (For example, a particular category may be
 38 listed as 8100, and a subcategory of 8100 would be 8110 and a subcategory of 8110 would 8111.)
 39 This document, available in the planning office, is to be used by the planning office and others to
 40 assist in determining similar uses and the intent of this chapter.
- 41 2. All such classes listed herein and all specific uses contained within them in the Wasatch County land
 42 use classification will be permitted in the highway services zone (HS), subject to the limitations set
 43 forth herein:

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45 **CONDITIONAL USES IN THE HIGHWAY SERVICES ZONE (HS)**

Use Number	Use Classification
1511	Hotels
1512	Motels and motor hotels
1516	Bed and breakfast
1518	Accessory dwelling for nonresidential use
2835	Medical Cannabis Pharmacies
4500	Highway and street rights of way

4712	Telephone relay towers Wireless Telecommunication Facilities
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47 **16.15.03: PERMITTED AND CONDITIONAL USES**

48 Those principal uses or categories of uses as listed herein, and no others, are allowed as a permitted or
49 conditional use in the JBOZ.

50 A. All uses contained herein are listed by number as designated in the Wasatch County land use
51 classification, which is published and maintained by the planning department, and are attached, as
52 appendix 1, chapter 16.36 of this title. Classes or groupings of uses permitted in the zone are
53 identified by a four (4) digit number in which the last one or two (2) digits are zeros, and subuses
54 of those categories or groupings will follow that number. (For example, a particular category may
55 be listed as 8100, and a subcategory of 8100 would be 8110 and a subcategory of 8110 would be
56 8111.) This document, available in the planning office, is to be used by the planning office and
57 others to assist in determining similar uses and the intent of this chapter.
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59 B. Those uses labeled as conditional may be granted only after the issuance of a conditional use permit.
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61 C. All such classes listed herein and all specific uses contained within them in the Wasatch County
62 land use classification will be permitted in the Jordanelle Basin Overlay Zone (JBOZ), subject to
63 the limitations set forth herein:
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65 **PERMITTED AND CONDITIONAL USES IN THE JORDANELLE BASIN OVERLAY ZONE**
66 **(JBOZ)**

- 67 P = Permitted
- 68 C = Conditional
- 69 - = Not allowed

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Use Number	Use Classification	Critical/Sensitive Lands Open Space	Countryside Residential	Low Density Residential	Medium Density Residential	High Density Residential	Mixed Use	Neighborhood Commercial	Community Commercial
1111	Single-family dwellings (detached)	-	P	P	P	P	-	-	-
1112	Single Family Dwellings (attached)	-	-	C	P	P	C	-	-
1113	Single-family dwelling, attached to non-residential	-	-	-	-	-	P	P	P
1120	Duplex	-	-	C	P	P	C	-	-
1130	Multiple Family Dwelling	-	-	-	P	P	P	-	-
1140	Apartment (low rise)	-	-	-	P	P	P	P	-
1292	Residential Facility for Handicapped Persons	-	P	P	P	P	P	P	P
1293	Residential Facility for Elderly	-	P	P	P	P	P	P	P
1310	Residential Hotels and Apartments and Hotels (75% or more occupied by permanent guest)	-	-	-	-	C	C	-	C
1511	Hotels	-	-	-	-	-	C	-	C
1515	Transient apartments rented by day or week (Short Term Rental)	-	-	C	P	P	P	P	P
1905	Caretaker ADU	-	C	C	C	C	-	-	-
1907	Guest ADU	-	C	C	C	C	-	-	-
1908	Internal Accessory Dwelling Unit (IADU)	-	P	P	P	P	P	-	-
4712	Telephone Relay Tower, microwave or other Wireless Telecommunication Facilities	-C	C	C	C	C	C	C	C

73 **16.15.13: OPEN SPACE**

74 A minimum of twenty percent (20%) open space is required within each development, of which at least
 75 ten percent (10%) shall be contiguous, usable land which is not contained on slopes over ten percent
 76 (10%), or in sensitive land areas, which make the land unusable for recreation purposes. The intent of the
 77 open space is that some open space shall be available for gathering spaces, parks, playgrounds and other
 78 areas that are easily accessible to people who may not be able to access steeper areas.

- 79 A. Sensitive Areas: All areas which have been designated as a sensitive area in some form on the
 80 Jordanelle Basin land use map shall remain as open space, but may be counted toward the open
 81 space requirement for the development. If any development has a larger amount of sensitive area
 82 than is required for their development, density allowances for the extra land required to be left in
 83 open space may be transferred to other areas if requested and if such transfer will not result in an
 84 overcrowding of the area to which it is being transferred.
- 85 B. Contiguous: Open spaces shall be designed to be as contiguous as possible.
- 86 C. Usable: Wherever possible, lands designated as open spaces should be usable for hiking and biking
 87 trails, small parks, ball fields or just picnic areas. At least ten percent (10%) of the total land area
 88 of the development shall be open space of less than ten percent (10%) grade, available for
 89 gathering spaces, parks, playgrounds and other areas that are easily accessible to people who may
 90 not be able to access steeper areas.

91 ~~D. Public Use: Unless otherwise approved by the county, all open spaces shall be dedicated for the~~
 92 ~~use of the public.~~

93 ~~E.D.~~ Maintenance: Provisions must be made for regular maintenance of all open spaces. Such
 94 maintenance may be provided through the homeowners' associations, or if accepted for a public
 95 purpose, may be provided through county services or park services. A proposal for open space
 96 maintenance should be presented to the county planning office for review.

97 **16.21.28: WIRELESS TELECOMMUNICATION FACILITIES**

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- 99 C. Priority of Antenna Site Locations: Wireless telecommunication facilities shall be located as
 100 unobtrusively as is reasonably possible. Any new wireless telecommunication facility, or addition
 101 or alteration to an existing facility shall locate antennas on sites in the following order of
 102 priority:
- 103 1. Co-locate on the same facility where another lawfully existing wireless telecommunication
 104 facility is already located; or
 - 105 2. Lawfully existing buildings, structures and antenna support structures; provided, that the
 106 buildings, structures or support structures are either:
 - 107 a. Located in the P-160 (preservation) zone not including dwellings; or
 - 108 b. Located in the M (mountain) zone not including dwellings; or
 - 109 c. Located in an Industrial, Highway Services zones, or
 - 110 d. Located on existing accessory structures, not including dwellings, on lots of five (5) acres or
 111 larger in a residential zone; or
 - 112 e. Located on multifamily housing and hotels in compliance with this section; or
 - 113 f. Water tanks and other public infrastructures in residential zones
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115 3. Monopoles proposed on public or private property in the Jordanelle Basin Overlay Zone (JBOZ),
116 Preservation (P-160) zone, Mountain (M) zone, Highway Services (HS) zone or the Industrial (I)
117 zone.

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119 D. Types of Antennas and Standards: There are four (4) general types of antenna structures allowed
120 by this section. The minimum standards are as follows:

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122 3. Monopoles:

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16.36.03: TRANSPORTATION, COMMUNICATION AND UTILITIES, 4000

This major category includes enterprises engaged in passenger and freight transportation by railway, highway, water or air, or furnishing services related to transportation; telephone and telegraph communication services; radio broadcasting and television; and the supplying of electricity, gas, steam, water or sanitary services. Many of the industries assigned to this division are semipublic and public in character.

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4700	Communications	
	4710	Telephone communication
	4711	Telephone exchange stations
	4712	Telephone relay towers, microwave or other <u>Wireless Telecommunication Facilities</u>
	4713	Small Wireless Facilities
	4718	Telephone company offices
	4719	Other telephone communication, NEC (including cable service, land or submarine, etc.)