



Wallsburg Overlay Zone

Request to Amend the General Plan
Request to Amend the Zoning Map
Request to Amend the Zoning Code Text

15 July 2015



ENGINEERING

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Midway, Ut 84049
ph 435.657.9749

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A. Wallsburg Overlay Zone

The Wasatch County General Plan, the zoning map and sections 16.05 (P-160), 16.06 (A-20), 16.07 (RA-5) and 16.29 (Planned Performance Developments) of the zoning code are proposed to be amended to create the Wallsburg Overlay Zone. The proposed overlay zone includes 15 property owners and 8,271 acres of land from Highway 189 to Little Valley Road as shown on Exhibit 1.

Land Use Goal 12 of the Wasatch County General Plan is to “protect the rural agricultural economy of the county by establishing agriculture operations as a priority use of the land, protect existing and future agricultural operations, and encourage farmers and ranchers to stay on the land.” Accomplishing this goal is the main objective of the proposed Wallsburg Overlay Zone. This proposal allows land owners to preserve open space, continue agriculture, grazing and hunting while still allowing clustered development of the land. The density of the Wallsburg Overlay Zone is still relatively low maintaining the rural atmosphere of the area.

The Wallsburg Overlay Zone will also promote the construction of another access to Highway 189 for the Wallsburg area. The overlay zone also promotes a better network of streets and the connection of existing dead end roads.

The following sections demonstrate how the proposed Wallsburg Overlay Zone supports the goals of the general plan, the land use plan for the Wallsburg Planning Area, and the land use plan for the South Hills Planning Area.

B. Supports the Goals of the General Plan

The proposed Wallsburg Overlay Zone (WOZ) and the zone code text amendments support the goals found in the Wasatch County General Plan. A summary of the goals and benefits of the overlay zone is provided below.

Goal	Description	Benefits of Wallsburg Overlay Zone (WOZ)
1.1.2	Preserve ridge lines	Protects the mountain area and ridgelines south of Wallsburg. PPD ordinance requires preservation of ridge lines.
1.1.3.	No development on 30% or greater slopes	30% or greater slopes are identified in the WOZ master plan. These slopes are to be protected in the required open space. PPD ordinance requires preservation of these slopes.
1.1.4	Prohibits structures within 100' of active stream or flood plain	Main Creek and flood plain is identified in the WOZ master plan. Creeks and flood plains are to be protected in the required open space. PPD ordinance requires preservation of streams and flood plains.

Goal	Description	Benefits of Wallsburg Overlay Zone (WOZ)
1.1.5	Discourage development in sensitive lands	Sensitive areas are identified in the WOZ master plan. Sensitive lands are to be protected in the required open space. PPD ordinance requires preservation of sensitive lands.
1.1.7	Promote clustering of development in mountain areas	The WOZ would allow clustering in the existing zones. The application of the PPD ordinance encourages clustering. The WOZ master plan contains clustered developments.
1.1.8	Assimilate new development with working agriculture	The WOZ master plan preserves agricultural and grazing lands. The PPD amendment provides density bonus for agricultural. The PPD amendment provides density bonus for grazing. The open space requirements encourage agriculture preservation.
1.1.9	Preserve rural atmosphere with dark sky compliant lighting	Dark sky compliant lighting requirements were added to PPD-16.29.05.
3.	Land use master planning	WOZ is the first large scale land use master plan in the Wallsburg area. Allows area to be developed with clear objectives related to density, open space, agriculture preservation and transportation planning.
4.1.1	Code shall provide an increase in density if development rights are removed from land that has a public benefit as open space	WOZ accomplishes this goal. PPD amendment accomplishes this goal.
4.1.5	Create a plan for future community requirements such as schools, churches community facilities, based on clustering, traffic patterns and open spaces.	WOZ accomplishes this goal. PPD amendment accomplishes this goal. WOZ master plan provides development guidelines for this goal.
4.1.7	Utilize clustered development in wildlife habitat	WOZ accomplishes this goal. PPD amendment accomplishes this goal.

<u>Goal</u>	<u>Description</u>	<u>Benefits of Wallsburg Overlay Zone (WOZ)</u>
9.1.3.	Collector roads provide adequate space for road, trails and greenspace	Roads in WOZ master plan accomplish this goal.
9.1.4	No driveways on to major collector roads	The WOZ master plan does not have lots located on the proposed collector road from Little Valley Road to Highway 189.
9.1.5	To the extent possible streets shall form a continuous network through the neighborhood to enhance interaction and service provision.	The Wallsburg area has only one paved access. The WOZ master plan provides a second means of access to Highway 189. The WOZ master plan also promotes the connection of existing dead end roads in the Wallsburg area. The PPD amendment promotes this goal.
10.	Develop a trail system into the future and existing infrastructure to provide safe transportation and recreation facilities	The WOZ master plan accomplishes this goal. The PPD amendment promotes this goal.
11.	Develop an economy which supports the desired lifestyle of residents of Wasatch County characterized by mountains, open space, rural, agriculture and small towns.	The WOZ master plan accomplishes this goal. The PPD amendment promotes this goal. The proposed recreation amenities promote this goal. The proposed commercial area promotes this goal.
12.	Protect the rural agricultural economy of the county by establishing agricultural operations, as a priority use of the land, protect existing and future agricultural operations, and encourage farmers and ranchers to stay on the land.	The WOZ master plan accomplishes this goal. The PPD amendment promotes this goal. Accomplishing this goal is the main objective of the WOZ. This proposal allows land owners to provide open space, continue agriculture, grazing and hunting and still allow development of the land.

C. Supports the Wallsburg Planning Area Land Use Plan

The proposed Wallsburg Overlay Zone (WOZ) and the zone code text amendments support the land use plan for the Wallsburg Planning Area as found on pages 229 - 230 of the Wasatch County General Plan. Supporting statements in the land use plan include the following:

“These meadows are highly prized by many local residents of Round Valley as open space. This area’s scenic value contributes significantly to the real value of all land within the Round Valley area. Therefore, the following strategies should assist the County in preserving some of this area as open space at the same time providing property owners with a reasonable value for the removal of development rights from their property.”

“Those lands within the Wallsburg Planning Area that have been identified as having a public benefit as open space may be developed at the established underlying zone density of one unit per 20 acres, an increase in transferable density credit for this area should be allowed.”

“With the growth that is taking place in this planning area, the Town of Wallsburg and the residents of the unincorporated area of the County east of Town should consider the creation of a special service district to provide culinary water services and waste water collection and treatment. The establishment of this infrastructure would allow the density in this area to be one unit per acre when connected to a sewer collection and treatment facility. Also culinary water systems that service developments should be capable of providing fire protection for the anticipated structures, based on their size in accordance with the Utah Insurance Rating Service but not less than 1000 gallons per minute for a two hour period.”

“Main Creek and Little Hobble Creek are major drainage ways in Round Valley. Development should not be permitted within 100 feet of these channels or within the designated FEMA 100 year flood plain. Areas wider than the designated flood plain along these streams are encouraged in meeting open space requirements, to provide for trails and to protect the riparian environment along the streams.”

“As growth continues to occur in the Wallsburg Planning Area, there will be conflicts with agricultural activities because they are basically incompatible with development. The end result of co-mingling these two activities is urban development brings about the erosion of agriculture. Recognizing this fact, the Planning Commission should create an Agricultural Protection Program to protect agricultural lands and practices from complaints associated with non-agriculture growth and development on nearby property.” The creation of the Wallsburg Overlay Zone and the proposed amendments to the Planned Performance Development code will support agricultural activities and act as the recommended Agricultural Protection Program.

“The County network of roads in Round Valley, except for the main road from US 189 to the Town of Wallsburg, is generally substandard. Any major development or the continuation of lot by lot development over time will require major improvements to many of the roads in the Valley. Also with the growth that is occurring and will likely continue in the Wallsburg Planning Area, a corridor for a second access into Round Valley along the south foothills from US 189 to Round Valley Road should be established for future use.”

“The Wasatch County School District has indicated that substantial growth in the Wallsburg Planning Area may necessitate the construction of an elementary school. The county should insure that an additional 10 acres of land is made available adjacent to the school for County Recreation Department’s activities and joint use by the school.” The Wallsburg Overlay Zone and density bonus credits in the Planned Performance Development code amendment promote the accomplishment of this land use goal.

D. Supports the South Hills Planning Area Land Use Plan

The proposed Wallsburg Overlay Zone (WOZ) and the zone code text amendments support the land use plan for the South Hills Planning Area as found on pages 219 - 220 of the Wasatch County General Plan. Supporting statements in the land use plan include the following:

“The Development Code should require that all developments in the South Hills Planning Area be approved as a conditional use to insure that plans are in harmony with concepts that will not degrade the environment and have carefully considered all existing physical constraints to development before approval of any developments.”

“Any proposed development within this planning area should require the preparation of a physical constraints inventory and site master plan before enactment of a change to the County’s General Plan and the establishment of a development overlay zone.”

“Limited commercial development that provides services to recreational interests should be encouraged in the area south of Deer Creek Reservoir. Commercial development should only be approved as a conditional use when site physical constraints are acceptable and the project is well set back from Highway 189.”

E. Supports the Wasatch County Regional Transportation Plan

Map 21 of the Wasatch County General Plan shows master plan roads within the county. Road 10 on the map identifies a minor collector road along the south foothill of Wallsburg that provides a second access to Highway 189 for the Wallsburg area. The proposed master plan for the Wallsburg Overlay Zone and the proposed amendment to planned performance development ordinance supports and promotes this master transportation plan.

F. Proposed Amendments to the General Plan

The following amendments to the Wasatch County General Plan are proposed for the Wallsburg Overlay Zone.

1. If the Wallsburg Overlay Zone is approved by the County Council, the general plan should be amended to reference the creation of the overlay zone in the Wallsburg Planning Area Land Use Plan and the South Hills Planning Area Land Use Plan.
2. The Wallsburg Planning Area Land Use Plan should be amended to encourage the use of sewer treatment systems such as Orenco instead of reliance on traditional septic systems. Paragraph 5 on page 229 of the general plan should be replaced with the following:

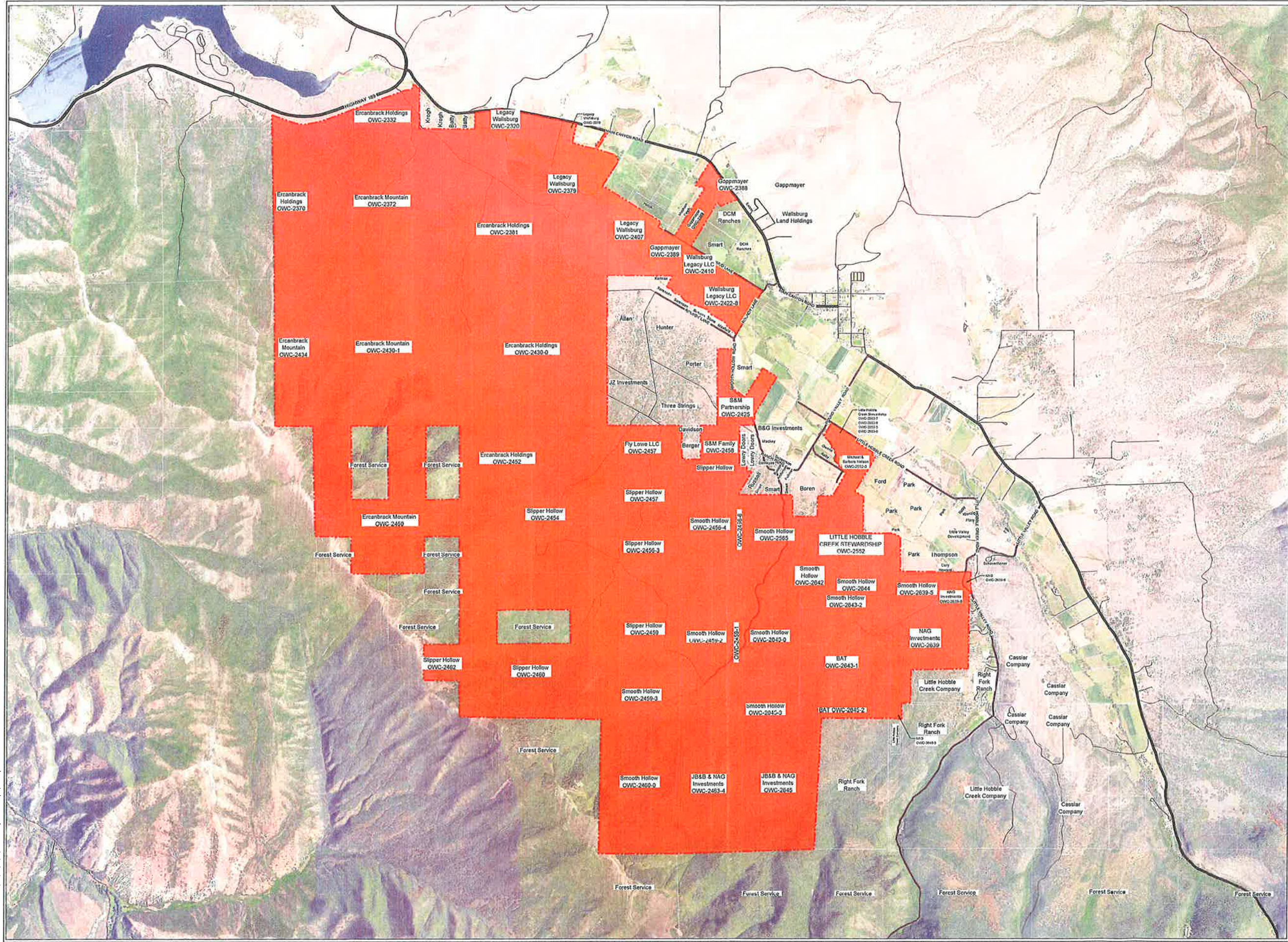
“New development should be encouraged to install a sewer collection system and treatment system. Due to the lack of existing infrastructure and the proposed low density housing, a traditional sewer treatment plant may not be feasible. Use of treatment systems such as Orenco to serve neighborhoods or entire developments is encouraged. Unlike septic systems which utilize the soil to treat the wastewater, these units treat the wastewater before it is discharged into the ground.”

3. Paragraph 1 of the Wallsburg Planning Area should be amended as follows.

“An evaluation of physical constraints in the western part of the planning area south of the Main Canyon Road suggests that providing necessary infrastructure to accommodate significant development in this area would be very costly for units of local government to provide. Therefore, governmental support of the development of infrastructure such as water and potential sewer facilities and the acceptance of new streets for maintenance by the County should not be granted, unless the developments are clustered to reduce the infrastructure demands and costs. Development of water, sewer and road infrastructure is largely expected to be borne by the owners and developers of the property and the county. The special service district referenced in the Wallsburg Planning Area Land Use Plan is expected to operate and maintain the water, sewer and road infrastructure.”

Exhibits

path: Z:\Watershed\Watershed\Parcel_Ownership_Map.mxd
file name: 01_Parcel_Ownership_Map.mxd
July 14, 2015 | 10:41 AM | created by: DJJ



Parcel Ownership Map

Map Base

- Existing Roads
- NAIP 2014 Wasatch County Ortho

TOTAL AREA

Proposed Overlay Zone: 8,218ac

0 750 1500 3000 4500

SCALE: 1"=1500'

Wallsburg Overlay Zone

Parcel Ownership Exhibit

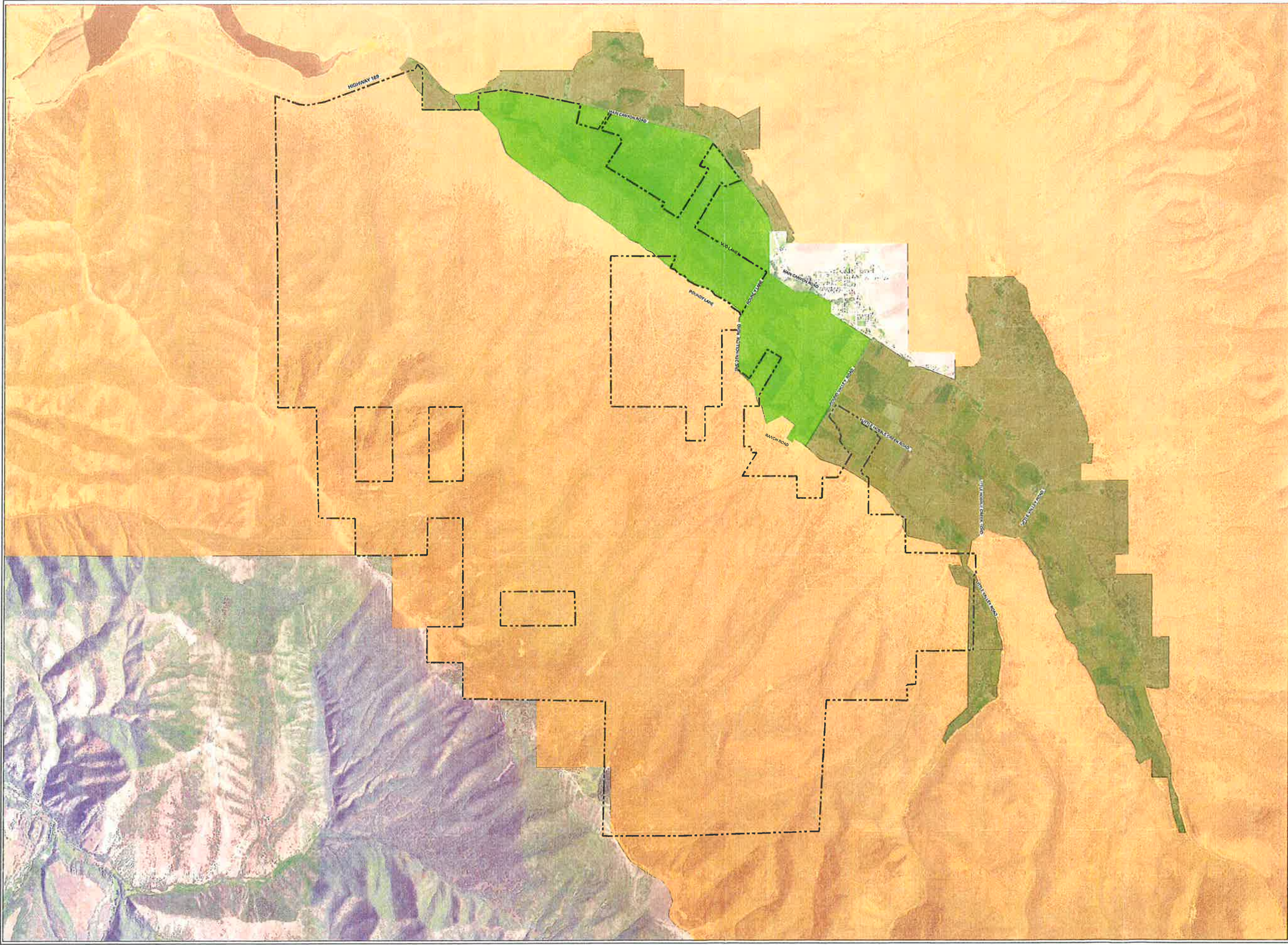
BERG ENGINEERING
380 E Main St. Suite 204
Midway, UT 84049
ph 435.657.9749

DESIGN BY: DEJ
DRAWN BY: DEJ

DATE: 15 JUL 2015
REV:

SHEET 1

path: A:\Midway_Midway\Concept-3.mxd (DWG - 32A)
file name: 02_Existing Zoning Map.dwg | plot date: July 14, 2013 | plotted by: Dede



LEGEND

Zoning

- A-20 1 Lot per 20 acres
- P-160 1 Lot per 160 acres
- RA-5 1 Lot per 5 acres

SCALE: 1"=1500'

Wallsburg Overlay Zone

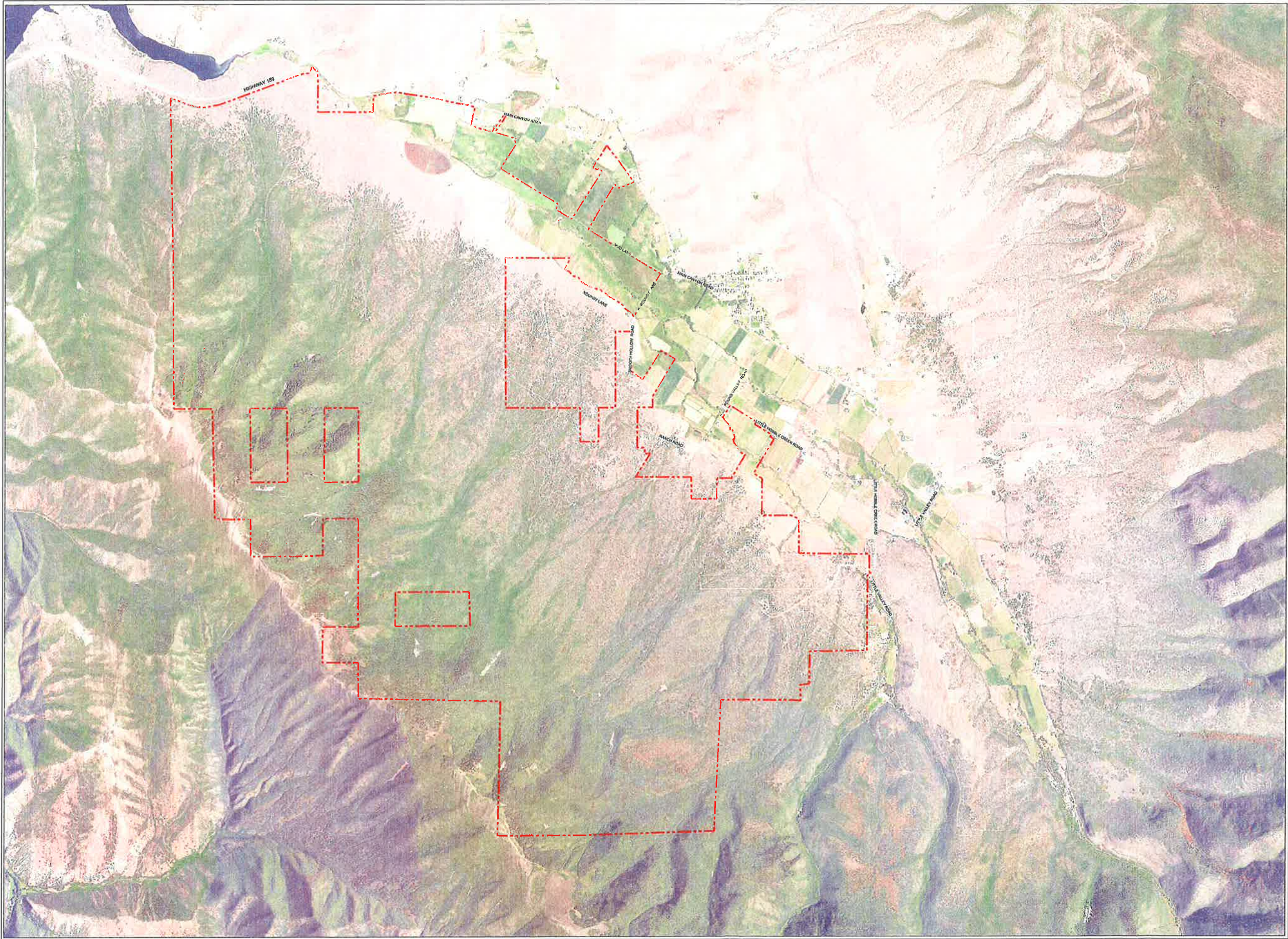
Existing Zoning Map

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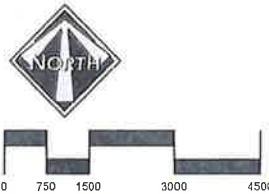
DESIGN BY: DEJ
DRAWN BY: DEJ

DATE: 15 JUL 2013
REV:

SHEET
2



LEGEND
Threatened & Endangered Species - NONE



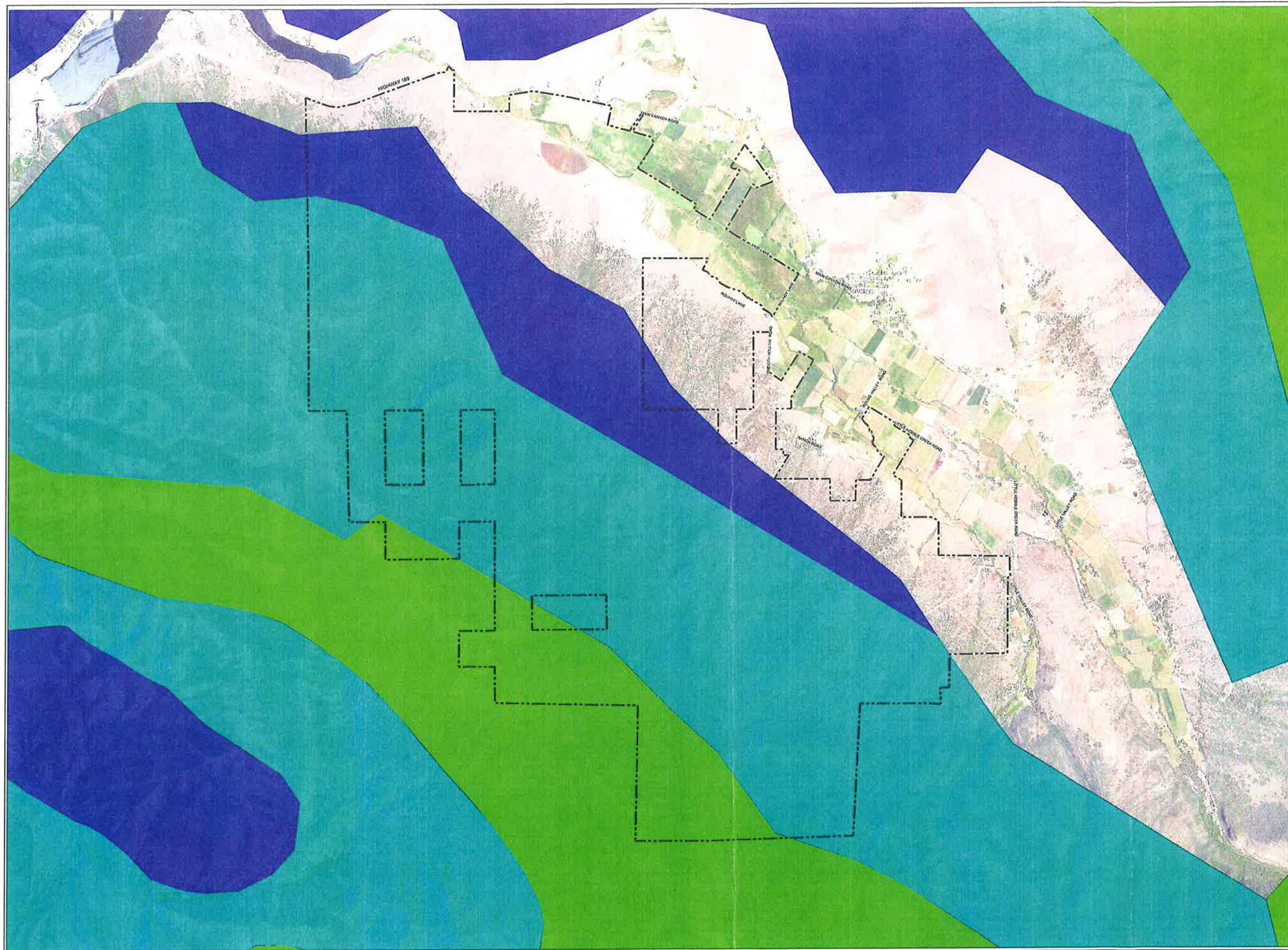
SCALE: 1"=1500'

Wallsburg Overlay Zone

Threatened & Endangered Species Map

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LEGEND

Muledeer Habitat

- summer
- winter
- winter/spring

*Source: www.gis.utah.gov/data/

SCALE: 1"=1500'

0 750 1500 3000 4500

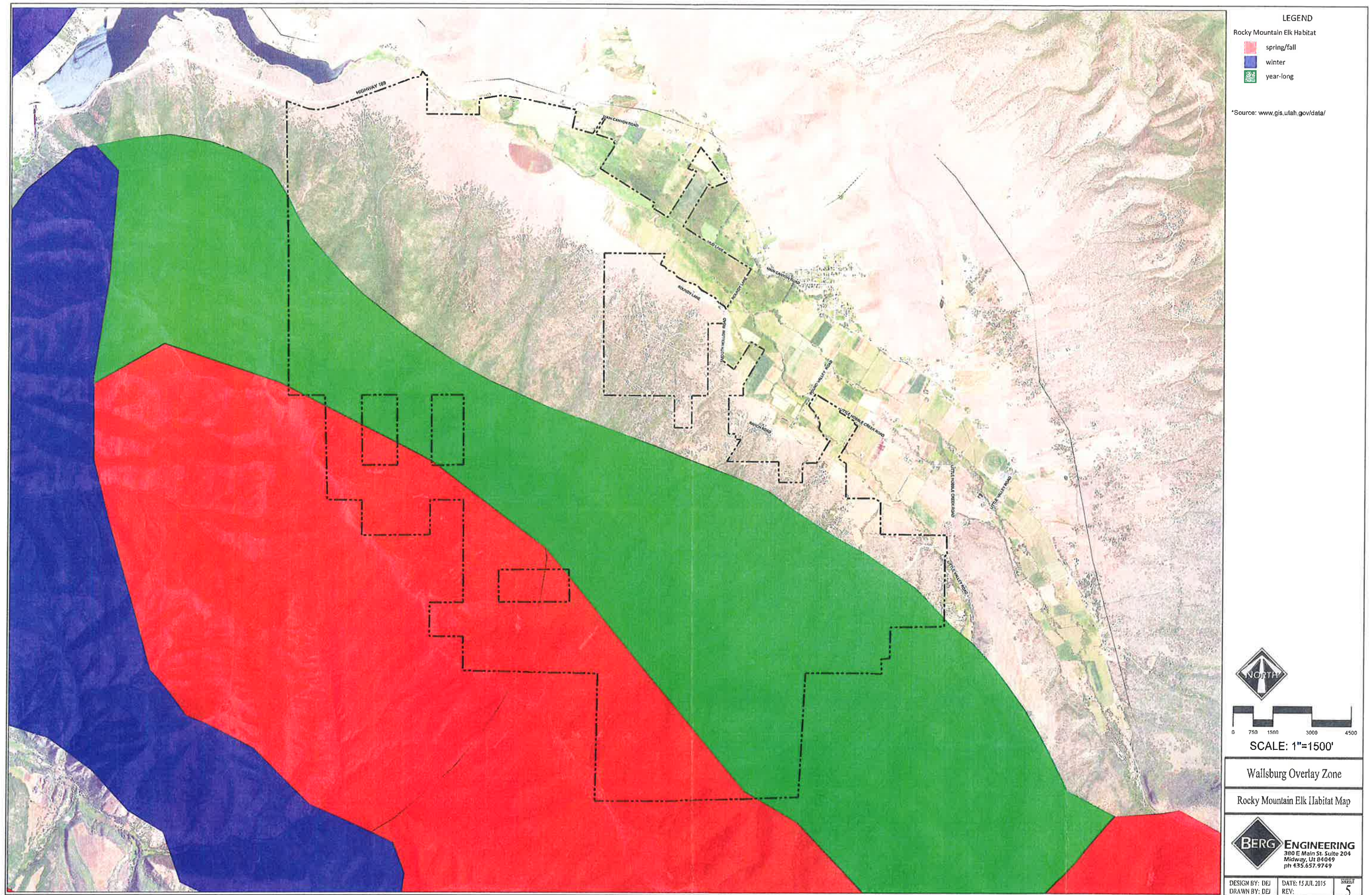
Wallsburg Overlay Zone

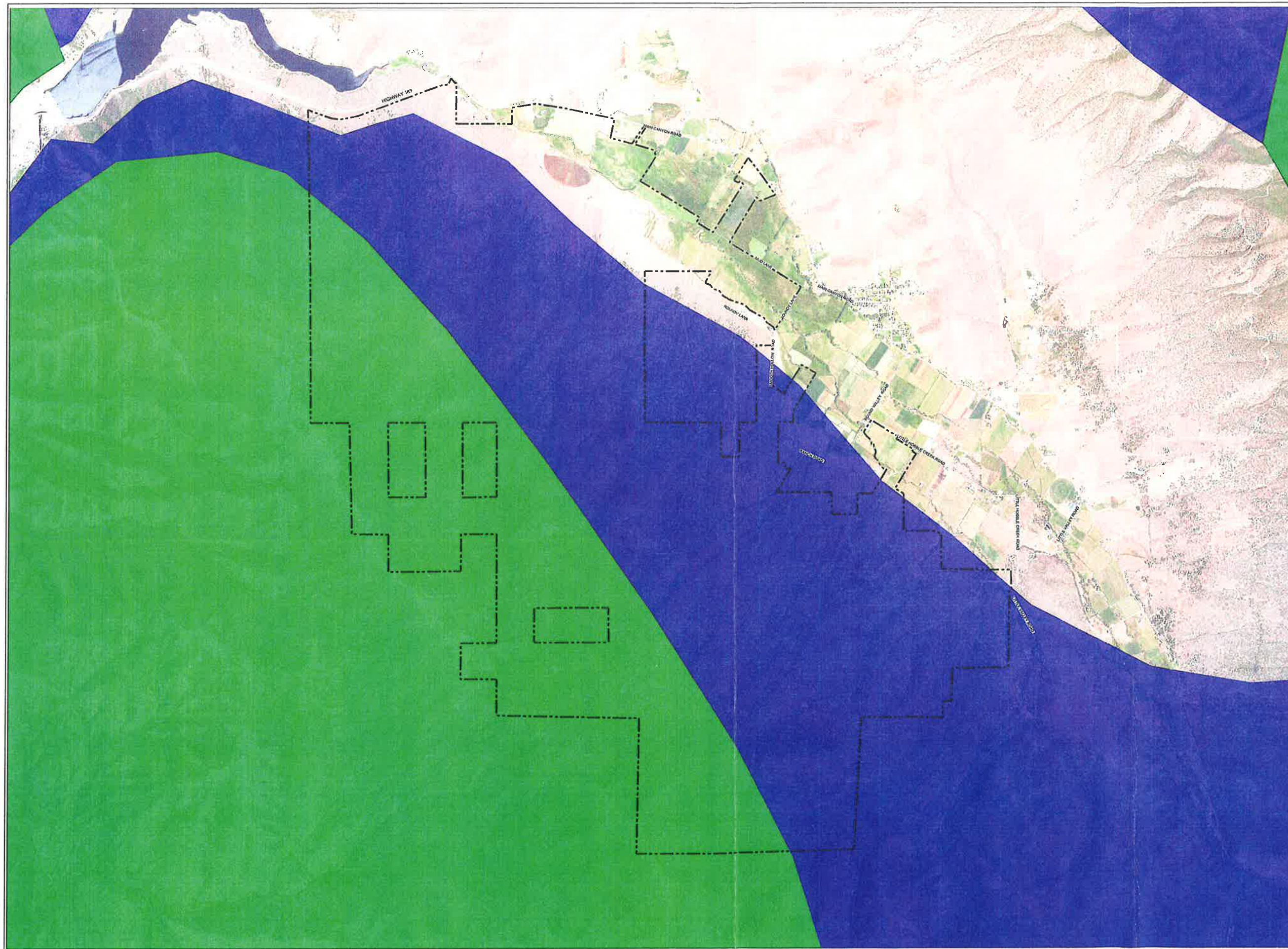
Mule Deer Habitat Map

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SHEET 4





LEGEND

Moose Habitat

- winter
- year-long

*Source: www.gis.utah.gov/data/

NORTH

0 750 1500 3000 4500

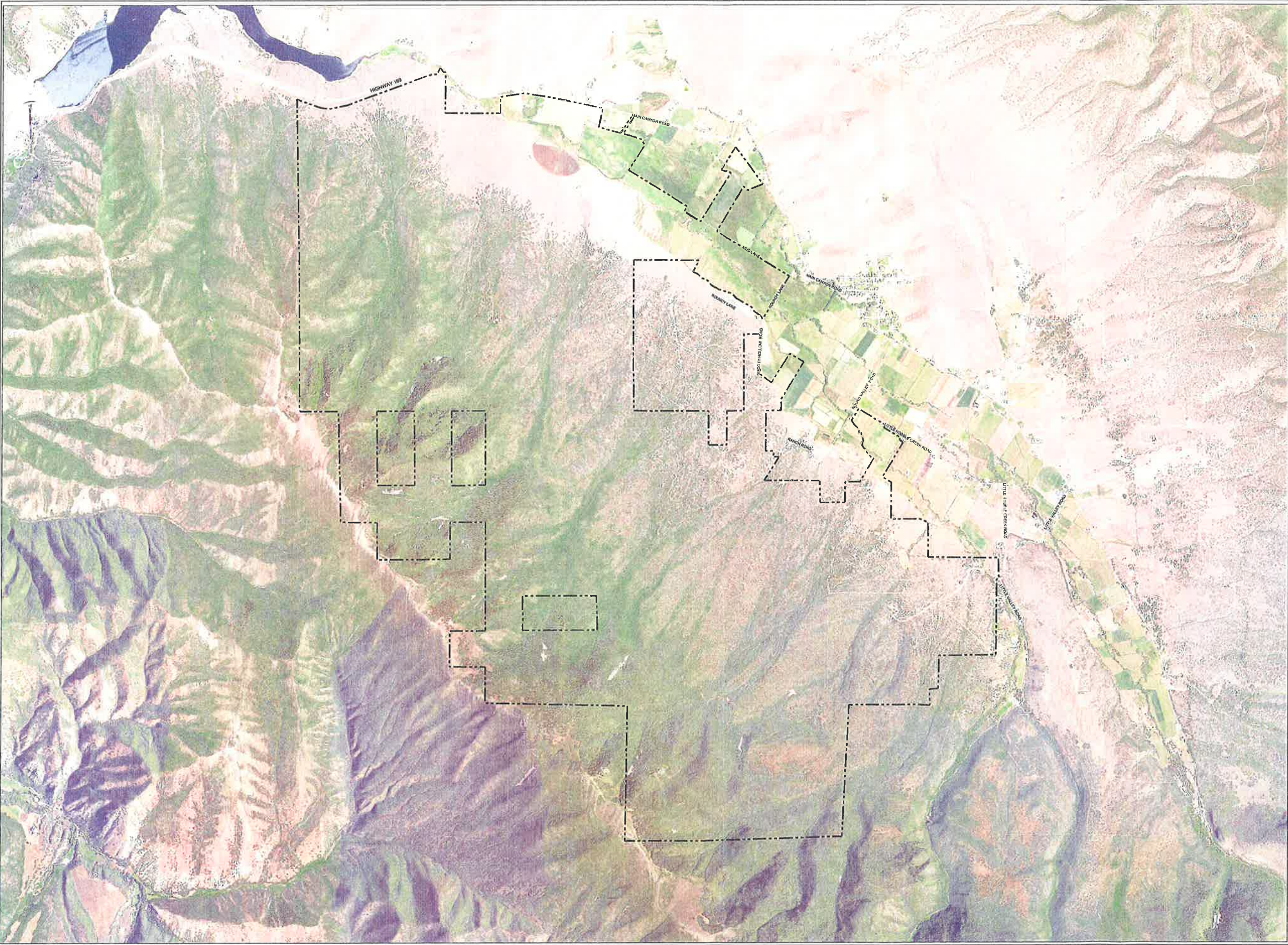
SCALE: 1"=1500'

Wallsburg Overlay Zone

Moose Habitat Map

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LEGEND


Greater Sage Grouse Habitat - NONE

*Source: www.gis.utah.gov/data/

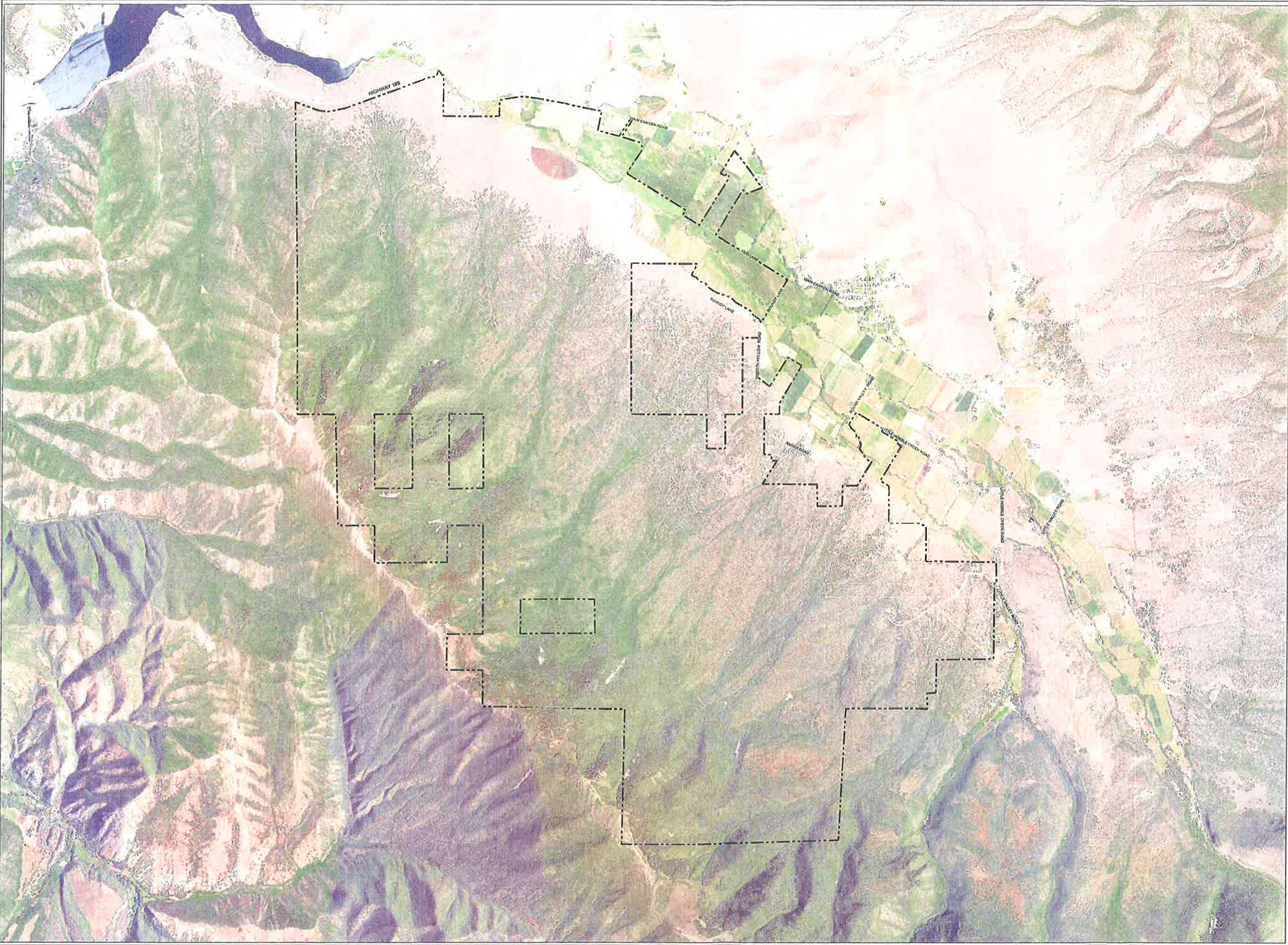

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SCALE: 1"=1500'

Wallsburg Overlay Zone

Sage Grouse Winter Habitat Map

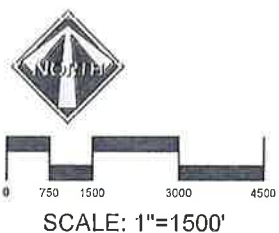
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DESIGN BY: DEJ	DATE: 15 JUL 2015	SHEET 8
DRAWN BY: DEJ	REV:	



LEGEND
Greater Sage Grouse Brood - NONE

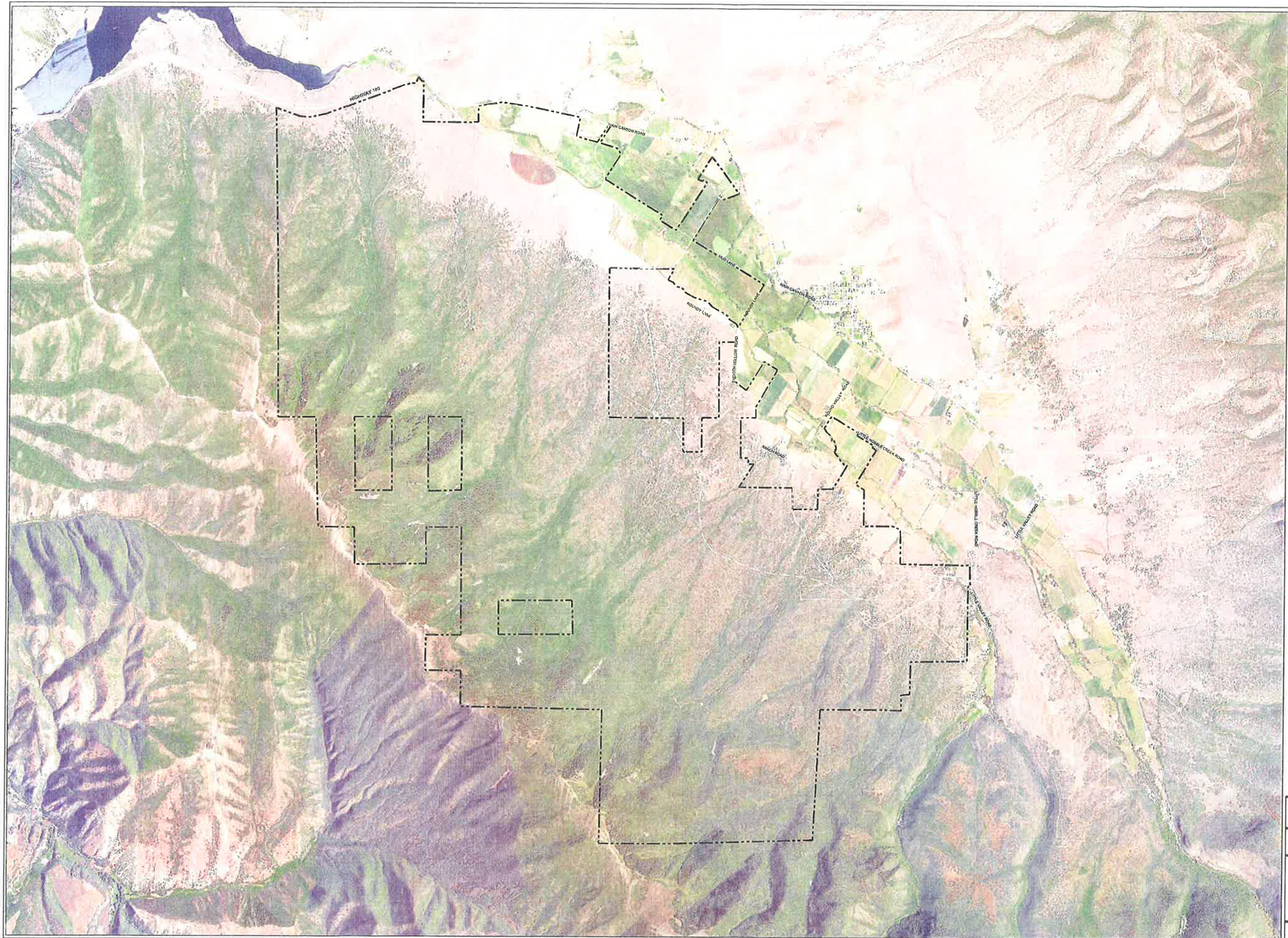
*Source: www.gis.utah.gov/data/



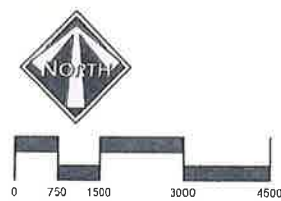
Wallsburg Overlay Zone
Sage Grouse Brood Habitat Map

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DESIGN BY: DEJ
DRAWN BY: DEJ
DATE: 13 JUL 2015
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9



- LEGEND**
- Proposed Roads with Master Plan
 - Proposed County Master Plan Road Built With Master Plan
 - Master Plan Area Boundary



SCALE: 1"=1500'

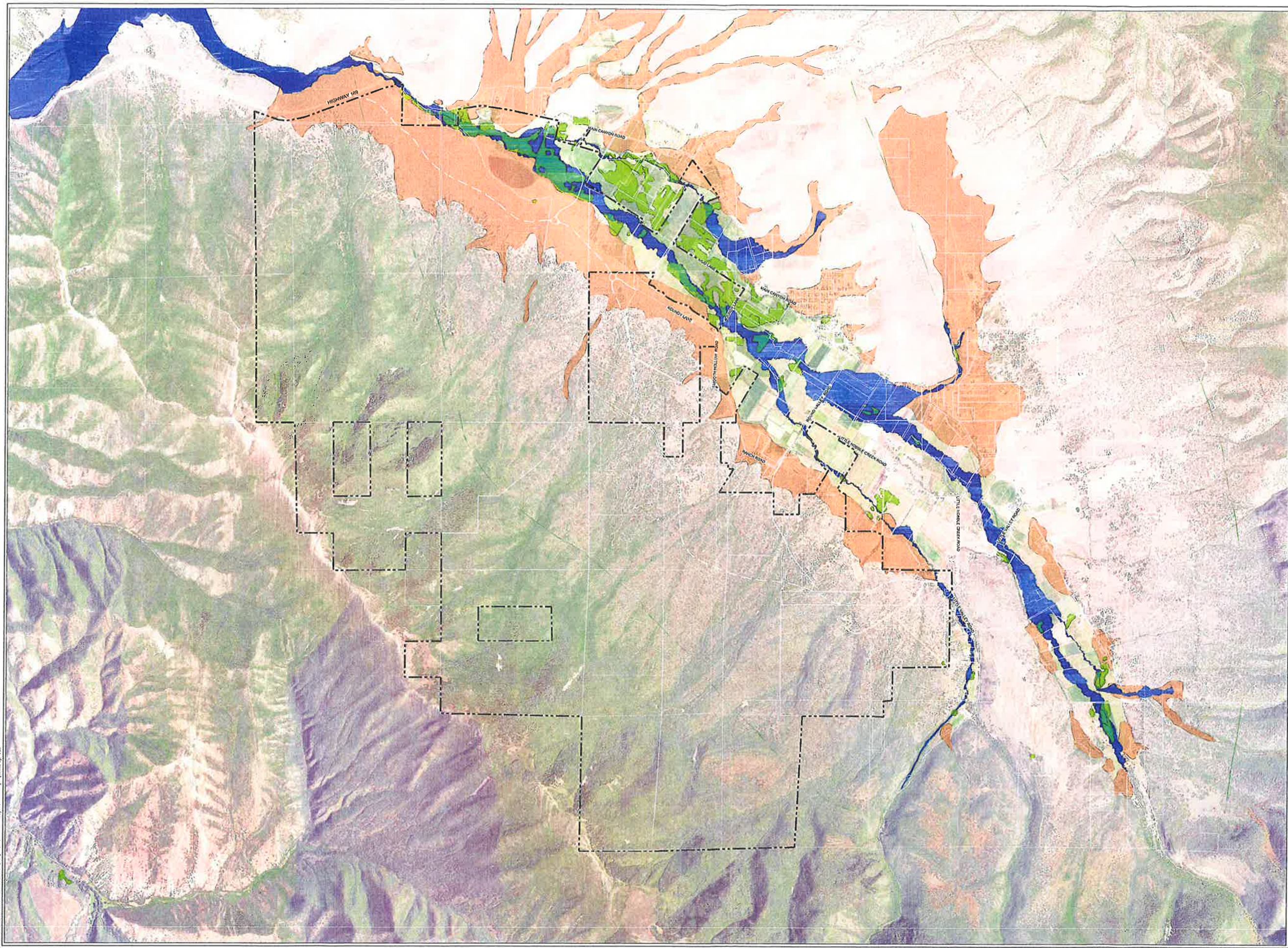
Wallsburg Overlay Zone

Area Transportation Map

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ph 435.657.9749

DESIGN BY: DEJ	DATE: 15 JUL 2015	SHEET
DRAWN BY: DEJ	REV:	10

Sheet 11 of 11
Wallsburg Overlay Zone
Environmental Constraints Map
DESIGN BY: DEJ
DRAWN BY: DEJ
DATE: 15 JUL 2015
REV:
SHEET 11



LEGEND

- Fault Lines
- Alluvial Fan
- Wetlands
- Parcels
- Landslide Hazard
- Floodplains
- County Master Plan Roads

Scale: 1"=1500'

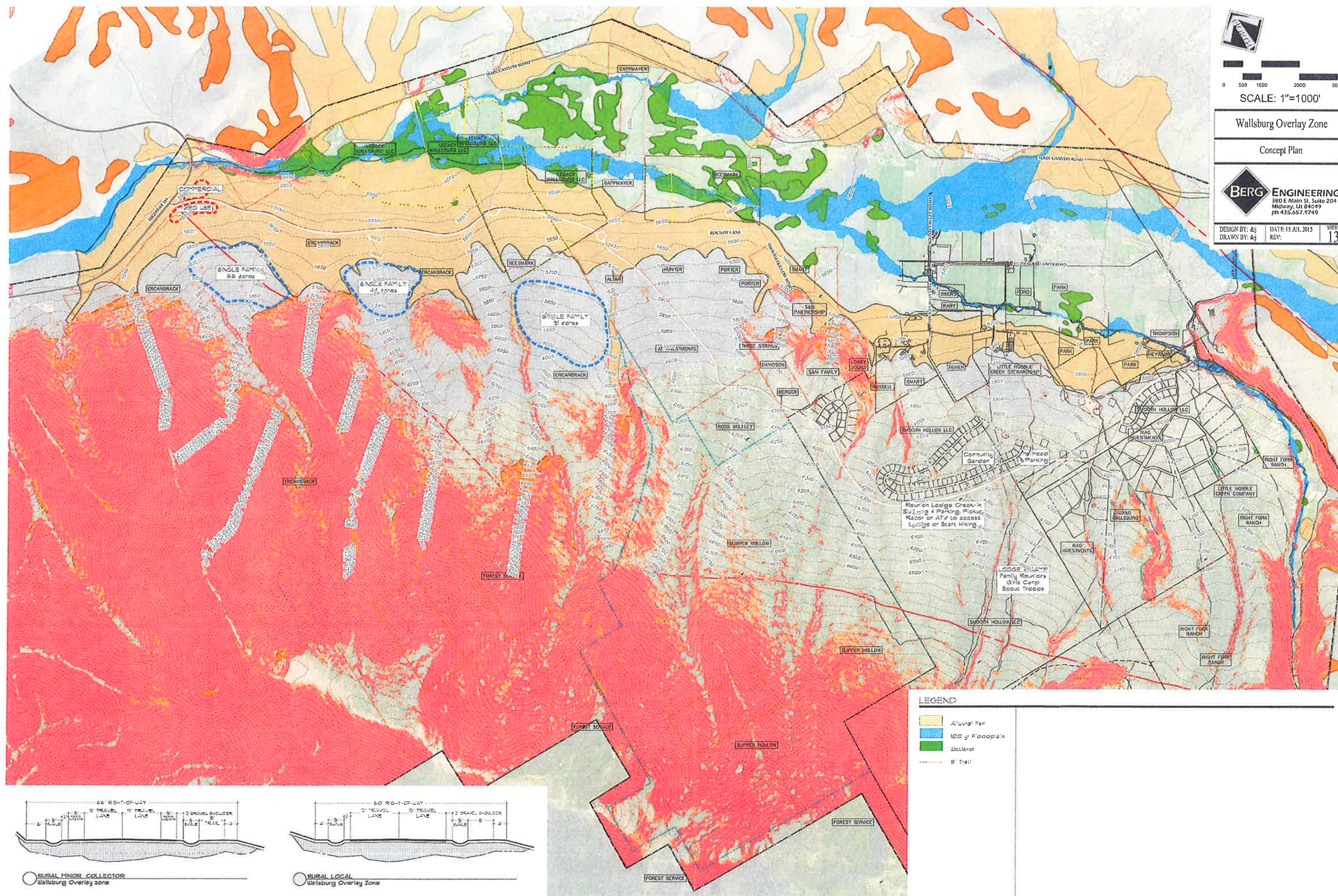
North Arrow

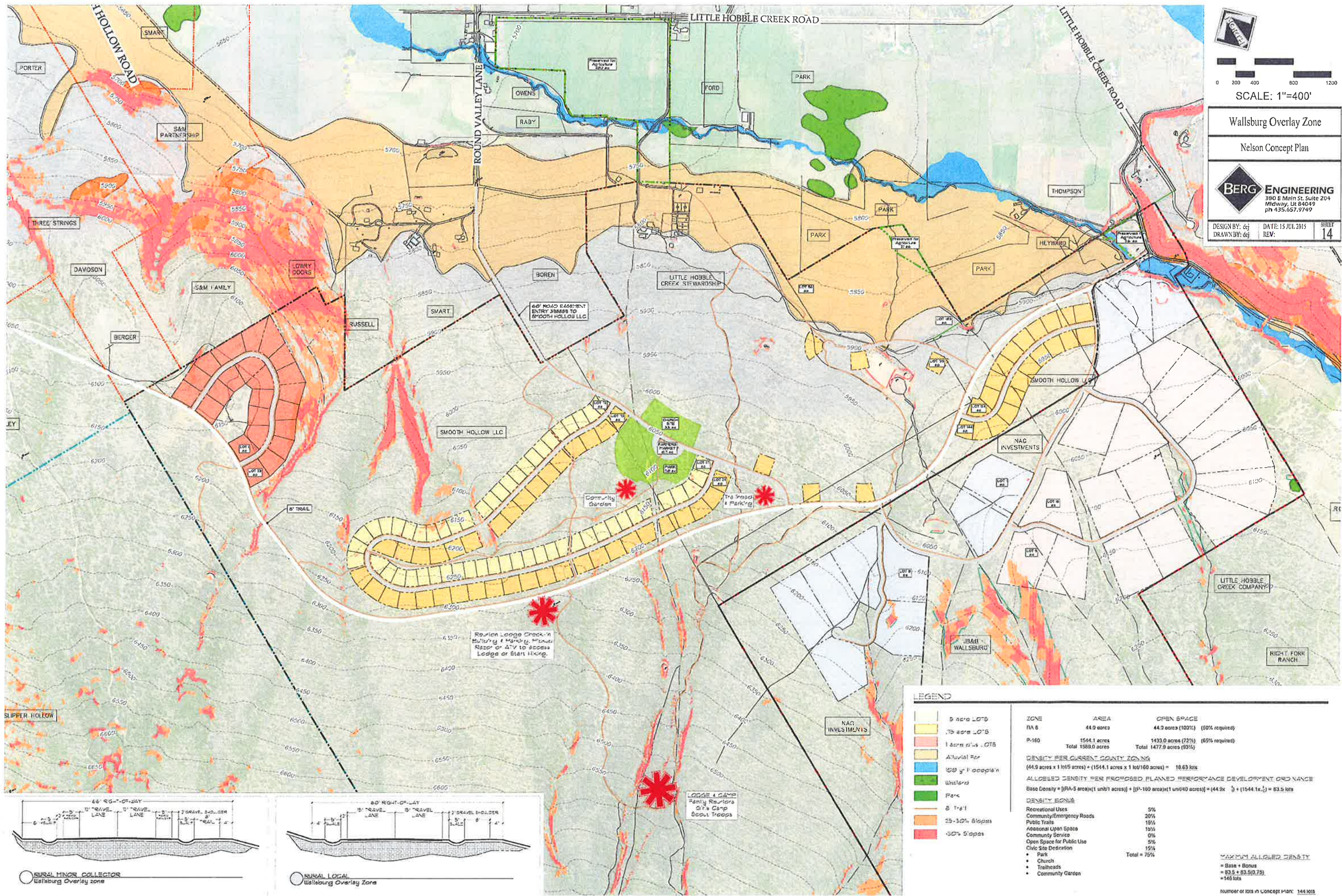
Wallsburg Overlay Zone

Environmental Constraints Map

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DRAWN BY: DEJ
DATE: 15 JUL 2015
REV:
SHEET 11





0 200 400 600 1200

SCALE: 1"=400'

Wallsburg Overlay Zone

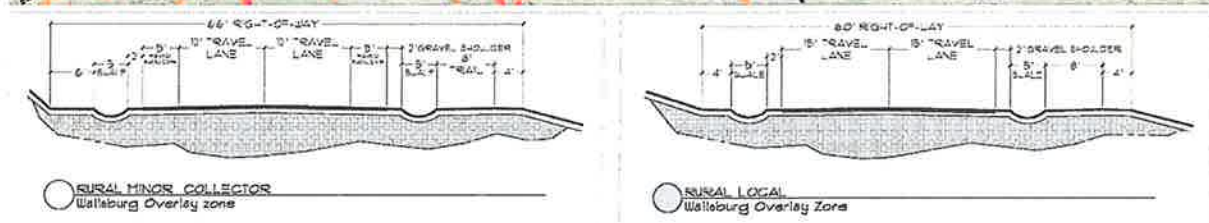
Nelson Concept Plan

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DESIGN BY: *de*
DRAWN BY: *de*

DATE: 15 JUL 2015
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14



LEGEND

- 5 acre LOTS
- 7.5 acre LOTS
- 1 acre plus .075
- Alluvial Fan
- 100 yd floodplain
- Wetlands
- Park
- 8' Trail
- 25-50% Slopes
- 50% Slopes

ZONE	AREA	OPEN SPACE
RA 6	44.0 acres	44.0 acres (100%) (50% required)
P-160	1544.1 acres	1433.0 acres (72%) (65% required)
	Total 1588.0 acres	Total 1477.9 acres (93%)

DENSITY PER CURRENT COUNTY ZONING
(44.0 acres x 1 lot/5 acres) + (1544.1 acres x 1 lot/160 acres) = 18.63 lots

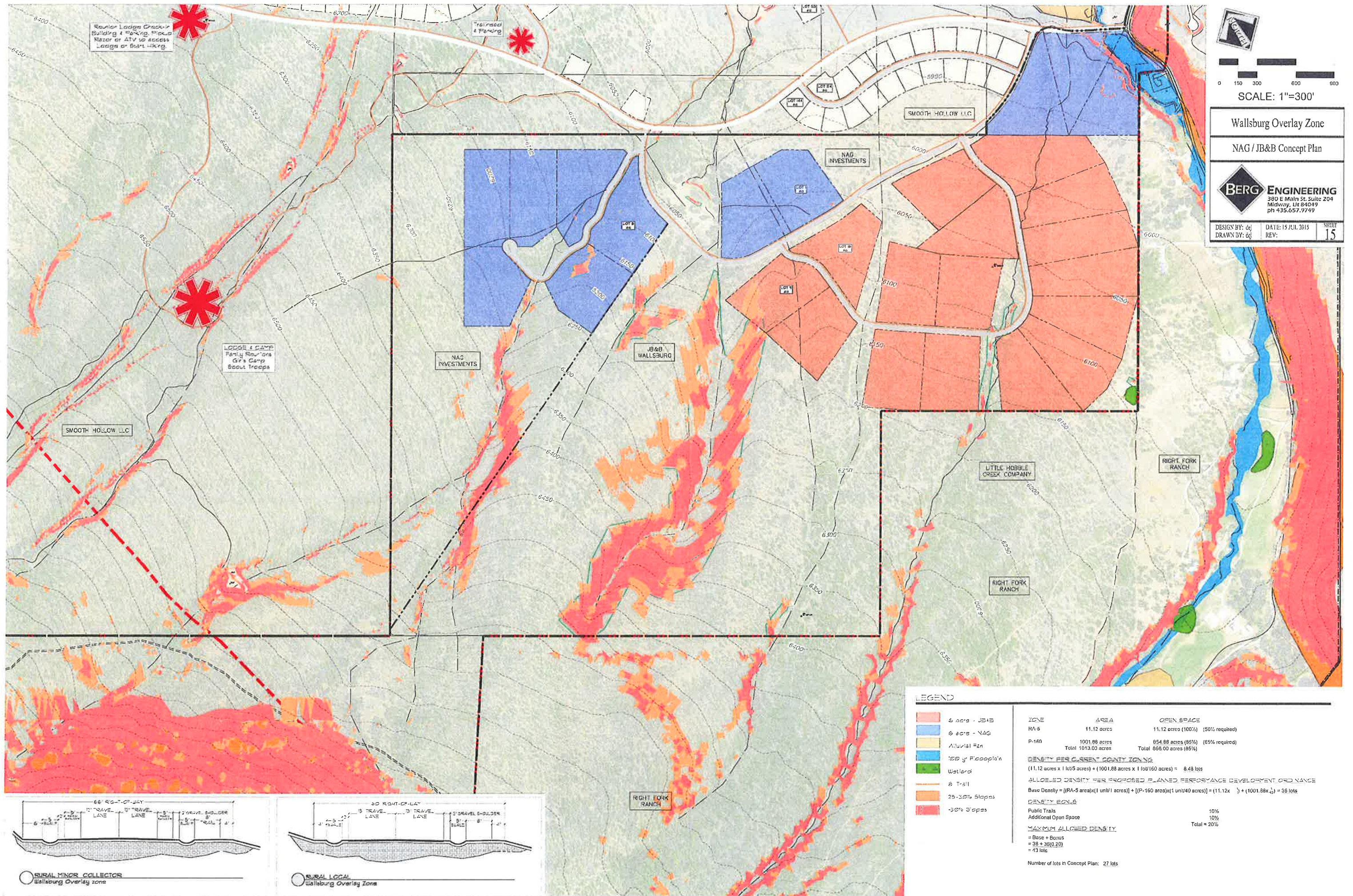
ALLOWED DENSITY PER PROPOSED PLANNED PERFORMANCE DEVELOPMENT ORD NANCE
Base Density = ((RA-5 area)(1 unit/1 acre)) + ((P-160 area)(1 unit/160 acres)) = (44.0 x 1) + (1544.1 x 1/160) = 83.5 lots

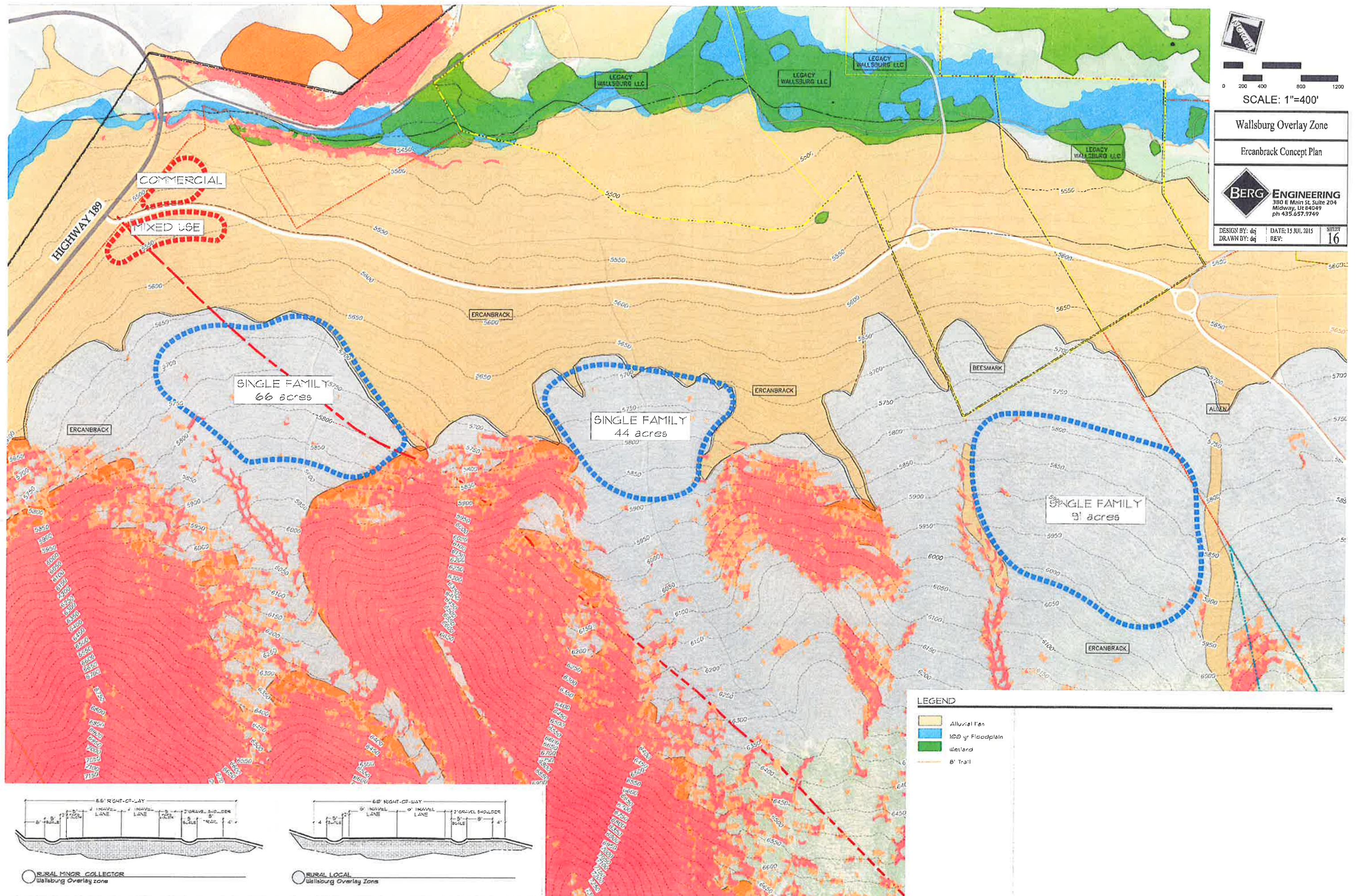
DENSITY BONUS

Recreational Uses	5%
Community/Emergency Roads	20%
Public Trails	15%
Additional Open Space	15%
Community Service	0%
Open Space for Public Use	5%
Civic Site Dedication	15%
Total	75%

MAXIMUM ALLOWED DENSITY
= Base + Bonus
= 83.5 + 83.5(0.75)
= 145 lots

Number of lots in Concept Plan: 144 lots





Zoning Code Text Amendments

July 15, 2015

Doug Smith
Wasatch County Planning
55 South 500 East
Heber City, Utah 84032

Re: Zoning Code Text Amendments to 16.05, 16.06, 16.07 and 16.29
 Wallsburg Overlay Zone

Dear Doug:

An overlay zone in Wallsburg has been proposed by fifteen (15) land owners that represent approximately 8,200 acres. The overlay zone promotes goals contained in the Wasatch County General Plan and is intended to:

- preserve land for farming and grazing
- preserve sensitive lands
- preserve open space
- allow clustered development and promote a more efficient pattern for development
- provide a second access to Highway 189 for the Wallsburg area
- promote the development of essential community services
- promote cooperation among land owners in development of property

Chapter 16.29 - Planned Performance Developments is proposed to be amended to include the Wallsburg Overlay Zone. The overlay zone contains properties zoned as P-160, A-20 and RA-5. The general regulations for these zones is not proposed to be changed but references as needed for the Wallsburg Overlay Zone have been added to Chapters 16.05 (P-160), 16.06 (A-20) and 16.07 (RA-5). The proposed code text amendments to each chapter are enclosed.

Impacts of the proposed zoning code text amendments for properties in the Wallsburg Overlay Zone include:

- A minimum open space requirement of 50% in the A-20 and RA-5 zones.
- A minimum open space requirement of 65% in the P-160 zone.
- Clustered development and smaller lots than standard zoning would allow.
- Commercial uses allowed within the overlay zone for community services. Current county zoning does not allow any commercial in the Wallsburg area.
- A base density of 1 per 40 acres for overlay zone properties in the P-160 zone.
- A base density of 1 per 5 acres for overlay zone properties in the A-20 zone.
- A base density of 1 per 1 acre for overlay zone properties in the RA-5 zone.
- Sewer and culinary water systems are required for properties within the overlay zone.
- A minor collector road that provides a second access to Highway 189 is promoted.

- Public trails are promoted in the overlay zone.
- Recreational uses are promoted in the overlay zone.

The community will benefit from the improved public safety and access created by the proposed Wallsburg Overlay Zone. The proposed minor collector road to Highway 189 provides a second route in and out of the Wallsburg area which has been serviced by only one paved road. The connection of other roads that are currently dead end roads and new roads from Main Canyon Road is also promoted within the overlay. This will allow for better emergency services response times and alternate routes in times of road closures.

The Wallsburg area lacks essential community services. The overlay zone promotes the development of essential community services such as a gas station, grocery store, restaurants, health and medical clinics. Civic improvements such as land or buildings for schools, churches, parks, libraries and other public amenities are also promoted within the overlay zone.

The preservation of land for farming, grazing and other agricultural pursuits maintains the rural way of life in Wallsburg. The open space requirements within the overlay zone also help to preserve a rural environment that benefits all of the Wallsburg community.

The proposed code text amendments for the Wallsburg Overlay Zone are enclosed with this letter. Please call me at (435) 657-9749 if you have any questions regarding this application to amend the zoning code.

Respectfully,



Paul Berg, P.E.

Proposed code text amendments to Chapter 16.05 – Preservation Zone (P-160) for the proposed Wallsburg Overlay Zone are shown in red.

Chapter 16.05: PRESERVATION ZONE (P-160)

16.05.01: PURPOSE

The purpose of the preservation zone (P-160) is to establish areas in Wasatch County where development may be limited due to the remoteness of services, topography and other sensitive environmental issues. Furthermore, the specific intent in establishing the preservation zone (P-160) is for the following purposes:

- A. Protect the present and future water supply of the county and surrounding counties;
- B. Protect natural features and sensitive environmental areas;
- C. Protect the county grazing and forestry land;
- D. Avoid excessive costs for public services which result from excessive scattering of residential dwellings in remote areas;
- E. Prevent excessive soil erosion and water pollution;
- F. Promote the raising and keeping of domestic and wild animals and fowl in keeping with optimum intensity of use, consistent with recognized range management practices;
- G. Prevent the necessity of having to pay excessive taxes on grazing lands;
- H. Preserve and protect recreational opportunities;
- I. Allow residential development on a limited basis when services are not readily available but are appropriately addressed by the developer to the satisfaction of the county; and
- J. Residents of the proposed development would have essential services provided at a level that would not impact their health, safety and welfare, and to provide these services would not be fiscally irresponsible for the county.

Adopted by Ord. 2002 Code § 16.05.01 on 1/1/2002

16.05.02: PERMITTED PRINCIPAL USES

- A. All uses contained herein are listed by number as designated in the Wasatch County land use classifications, which is published and maintained by the planning department, and is attached as appendix 1, **chapter 16.36** of this title. Classes or groupings of uses permitted in the zone are identified by a four (4) digit number in which the last one or two (2) digits are zeros, and subuses of those categories or groupings will follow that number. (For example, a particular category may be listed as 8100, and a subcategory of 8100 would be 8110 and a subcategory of 8110 would be 8111). This document, available in the planning office, is to be used by the planning office and others to assist in determining similar uses and the intent of this chapter.
- B. All such classes listed herein and all specific uses contained within them in the Wasatch County land use classification will be permitted in the preservation zone (P-160), subject to the limitations set forth herein.

**PERMITTED PRINCIPAL USES IN
THE PRESERVATION ZONE (P-160)**

Use Number	Use Classification
1111	Single-family dwelling
4500	Highway and street rights of way
4835	Irrigation distribution channels
4836	Water pressure control stations and pumping plants
4839	Other water utilities or irrigation, NEC
4841	Underground sewage pipeline right of way
7190	Historic and monument sites
8141	Beef cattle (raising for purposes other than dairying - excluding feedlots)
8142	Horses (raising, breeding and/or training)
8145	Paddock - small fenced area for livestock, noncommercial
8149	Livestock operation, NEC (includes goat and sheep production)
8162	Rangeland
8180	Fallow
8300	Forestry activities and related services

- C. Permitted Accessory Uses: Accessory uses and structures are permitted in the preservation zone (P-160), provided they are incidental to, and do not substantially alter the character of, the permitted principal use or structure.

1. Accessory buildings such as garages, carports, greenhouses, gardening sheds and similar structures, which are customarily used in conjunction with and are incidental to a principal use or structure.
2. Swimming pools and incidental bathhouses.
3. Storage of materials used for the construction of a building, including a temporary contractor's office and/or tool shed; provided, that such uses are on the building site; and provided, further, that such use shall be for only the period of construction and thirty (30) days thereafter. Approval is subject to a bond and site plan approval from planning staff.
4. Barns, corrals and arenas.

Adopted by Ord. 2002 Code § 16.05.02 on 1/1/2002

Amended by Ord. 2004-26 on 11/17/2004

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
1903	Accessory residential unit (attached)
1905	Carcaker accessory dwelling unit
1906	Grouping of residential lots
1907	Guest accessory dwelling unit
4712	Telephone, relay towers, microwave or others
4810	Electric utilities (except 4813)
4824	Gas pressure control stations
4833	Water storage
4834	Water storage covered
4910	Underground pipeline right of way and pressure control stations
6721	Police protection and related activities (public only)

6723	Fire protection and related activities (public only)
7493	Yurt
7520	Group or organized camps
7912	Zip lines, canopy tours, etc. ¹
8405	Fishing activities for personal use only
8510	Metal ore mining
8530	Crude petroleum and natural gas
8542	Crushed and broken stone quarrying

Note: Zip lines and canopy tours listed in 7912 must be in compliance with recommendations contained in the general plan for the specific planning area they are located in. If the general plan is silent on allowing recreational activities in a specific planning area the use is deemed to not be allowed.

*Adopted by Ord. 12-08 on 4/18/2012
Amended by Ord. 14-05 on 11/5/2014*

16.05.04: LOT AREA

Unless approved as part of a planned performance development in the Wallsburg Overlay Zone, the minimum lot area or parcel size in the preservation zone (P-160) shall be one hundred sixty (160) acres per single-family dwelling. Grouping of residential development lots may be allowed; provided, that services are available and density is not increased more than base density, i.e., one unit per one hundred sixty (160) acres. The approval process for grouping of residential lots is outlined in [chapter 16.27](#), "Development Standards", of this title. No density bonuses will be granted for development in the preservation zone (P-160) unless in a planned performance development in the Wallsburg Overlay Zone. If part of a planned performance development, lot sizes and density shall be in accordance with the approval.

*Adopted by Ord. 2002 Code § 16.05.04 on 1/1/2002
Amended by Ord. 2003-22 on 11/24/2003*

16.05.05: LOT WIDTH

Unless approved as part of a planned performance development in the Wallsburg Overlay Zone, each lot or parcel of land in the preservation zone (P-160) shall have a lot width of at least three hundred twenty feet (320'), measured at the front setback. This requirement is also applicable to projects that group residential lots, unless a sewer system is provided, in which case, lot widths may be two hundred feet (200').

Adopted by Ord. 2002 Code § 16.05.05 on 1/1/2002

16.05.06: LOT FRONTAGE

Each lot or parcel of land in the preservation zone (P-160) shall abut a public road or a road built to county standards for a minimum distance of three hundred feet (300') on a line parallel to the centerline of the road. The lot frontage shall be measured along the street right of way. **Deviation of this standard may be allowed by the legislative body, after recommendation for or against by the Planning Commission, during the approval process in Chapter 16.29 of this title if the proposed development is a Wallsburg Overlay Zone Planned Performance Development. In no case shall frontage be less than 70 feet in a planned performance development.**

Adopted by Ord. 2002 Code § 16.05.06 on 1/1/2002

Amended by Ord. 2005-23 on 3/7/2006

Amended by Ord. 2005-18 on 3/9/2006

Amended by Ord. 2005-33 on 3/9/2006

16.05.07: LOT AREA PER DWELLING

Not more than one single-family dwelling may be placed upon a lot or parcel of land in the preservation zone (P-160) **unless approved as a planned performance development in the Wallsburg Overlay Zone.**

Adopted by Ord. 2002 Code § 16.05.07 on 1/1/2002

16.05.08: SETBACK REQUIREMENTS

The setback requirements for this zone shall be as follows:

- A. **Front Setback; Residential Structures Or Accessory Buildings Not Housing Animals:** The front setback shall be a minimum of sixty feet (60') from the center of the road, or thirty feet (30') from the edge of the right of way, whichever is greater. If the property is located on a state or federal highway, the setbacks shall be a minimum of one hundred fifty feet (150') from the edge of the right of way. Corner lots shall have two (2) front setbacks on the street sides.
- B. **Barns, Coops Or Other Structures Housing Animals:** The front setback for such structures shall be a minimum of one hundred feet (100') from the edge of the right of way, providing however, all such structures must also be set back from any existing residential structure at least one hundred feet (100'), or a minimum of fifty feet (50') side setback, from any adjoining undeveloped property line. If located on a state or federal highway, accessory structures shall be behind the main structure.
- C. **Side Setbacks:** All permitted structures shall be set back from the side property line a minimum of twelve feet (12'). Buildings that will house animals shall have a side setback of not less than fifty feet (50') and be at least one hundred feet (100') from any dwelling on or off site.
- D. **Rear Setbacks:** All permitted structures shall be set back from the rear property line a minimum of thirty feet (30'). Buildings that will house animals shall have a setback of at least fifty feet (50') and be at least one hundred feet (100') from any dwelling on or off site.
- E. **Railroad Setbacks:** The setback of all residential dwellings shall be a minimum of seventy five feet (75') from the railroad right of way.
- F. **Planned Performance Developments in the Wallsburg Overlay Zone:** Setbacks shall be approved by the legislative body, after recommendation for or against from the Planning Commission on a case by case basis during the approval process contained in Chapter 16.29 of this title.

Adopted by Ord. 2002 Code § 16.05.08 on 1/1/2002

16.05.09: BUILDING HEIGHT

Height of all dwellings, accessory buildings and/or structures shall not exceed thirty five feet (35') above natural grade.

Adopted by Ord. 2002 Code § 16.05.09 on 1/1/2002

16.05.10: DISTANCE BETWEEN BUILDINGS

The distance between any accessory building and the main building that does not house animals, shall be in accordance with the International building code (IBC) and international fire code (IFC).

Adopted by Ord. 2002 Code § 16.05.10 on 1/1/2002

Amended by Ord. 14-05 on 11/5/2014

16.05.11: SITE PLAN PROVISIONS

Before the issuance of a building permit for a dwelling or any other permitted or conditional use, a site plan must be submitted to the planning department showing the location of any existing conditions, structures, topography or any environmentally sensitive lands located on the lot.

Adopted by Ord. 2002 Code § 16.05.11 on 1/1/2002

16.05.12: PERMISSIBLE LOT COVERAGE

See subsection [16.28.07M](#) of this title.

Adopted by Ord. 2002 Code § 16.05.12 on 1/1/2002

16.05.13: PARKING, LOADING AND ACCESS

Parking, loading and access requirements are discussed in detail in [chapter 16.33](#) of this title. Please refer to that chapter for further details applying to this zone.

Adopted by Ord. 2002 Code § 16.05.13 on 1/1/2002

16.05.14: OTHER REQUIREMENTS

- A. Signs: Please refer to [chapter 16.26](#) of this title for specific sign regulations. Generally, the following regulations apply to this zone:
 - 1. Signs or nameplates not exceeding two (2) square feet in area and displaying only the name and address of the occupant.
 - 2. Signs approved as part of a home occupation.
- B. Landscaping: There are no landscaping requirements in the preservation zone (P-160), unless approved for grouping of residential lots **or in a planned performance development**.
- C. Walls And Fences: Fences in the preservation zone (P-160) shall be minimal, and shall only fence in a small area not over one acre in size to protect the dwelling and landscaping around the dwelling. Any other fencing will only be permitted if the design does not inhibit the movement of deer, elk or other wildlife on the property.

D. Water Requirements:

1. Each dwelling shall be considered a full time residence and must have sufficient culinary water available as required by the state division of drinking water and division of water rights and/or governing water district.
2. Each dwelling must have sufficient water for outside irrigation to provide water for any landscaped area, plus any water required for irrigation of any agricultural use intended. The amount of water required for outside irrigation will be determined by the Wasatch County water board, based upon the appropriate needs of the property, after taking into consideration the existing irrigation patterns and any landscaping or agricultural plans of the owner. The director will also be guided by the policies of the division of water rights.

E. Compliance With Land Use Restrictions Not Guarantee Of Building Permit: All applicable requirements for issuance of a building permit from all departments must be met before the permit may be issued.

F. Additional Regulations: In the event of a conflict between this section and any other county regulations, the regulations of this section shall control. See also [chapter 16.27](#) of this title for additional regulations that apply to this zone. In the event of a conflict between that section and the regulations contained in this section, the regulations of this section would control.

G. Division Of Property: Prior to consideration for development in the Wasatch mountain planning area, in conformance with the general plan, the following shall be required:

1. Preparation of a physical constraints inventory;
2. Preparation of a site master plan;
3. An amendment to the general plan; and
4. An amendment to the zoning map.

Adopted by Ord. 2002 Code § 16.05.14 on 1/1/2002

Amended by Ord. 2005-18 on 3/9/2006

Amended by Ord. 08-15 on 11/12/2008

16.05.15: GRAVEL PIT STANDARDS

A. Gravel pits are only allowed in the preservation zone (P-160) as a conditional use.

B. Before a conditional use application is considered by the planning commission, the applicant shall submit the following items for their review and consideration:

1. Mining plan which shows the limits of disturbance for the entire property and the surface area for each phase that can be disturbed at one time;
2. Bonding is required to assure that each phase is restored and complies with the restoration plan;
3. Dust control plan;
4. Noise control plan;
5. Lighting plan;
6. Time of operation plan;
7. Provide restoration plan for each of the phases and the entire property; and
8. Any information or plan that the Wasatch County planning director or planning commission may require.

Adopted by Ord. 2002 Code § 16.05.15 on 1/1/2002

16.05.16: YURT STANDARDS

A. Yurts are only allowed in the preservation zone (P-160) as a conditional use.

- B. A conditional use permit for a yurt is only valid for up to two (2) years, but may be renewed by reapplication upon or prior to expiration.
- C. An application for a conditional use permit for a yurt must include the following information:
 - 1. Type of heating source, if any.
 - 2. Type of lighting source, if any.
 - 3. Type of sanitation facility, if any.
 - 4. Planned used.
 - 5. Site plan showing all existing and proposed buildings on the property.
- D. A yurt is only allowed in a location where a primary or accessory building would be allowed.
- E. A yurt may not be connected to a foundation or permanent base structure.
- F. A yurt may not be used for residential purposes.
- G. A yurt may not be connected to any private or public utility, including, but not limited to, electricity; culinary water or well; sewer, septic tank or other waste disposal system.
- H. Chemical toilets, porta-pottys or other waste disposal systems may not be left on site unless a permit for such has been obtained from the Wasatch County health department.

Adopted by Ord. 06-15 on 6/30/2008

Amended by Ord. 08-15 on 11/12/2008

Proposed code text amendments to Chapter 16.06 – Agricultural Zone (A-20) for the proposed Wallsburg Overlay Zone are shown in red.

Chapter 16.06: AGRICULTURAL ZONE (A-20)

16.06.01: PURPOSE

The agricultural zone (A-20) is established to provide areas in which agricultural pursuits can be encouraged and supported within Wasatch County. This chapter sets forth guidelines and restrictions to protect agricultural uses from encroachment of urban sprawl. Uses permitted in the agricultural zone (A-20), in addition to agricultural uses, must be incidental thereto and should not detract from the basic agricultural character of the zone. Furthermore, the specific intent in establishing this zone is for the following purposes:

- A. Avoid excessive costs for public services in areas with high physical constraints;
- B. Provide a location where the cultivation of crops and the raising and keeping of livestock and related uses can be protected and encouraged;
- C. Prevent the necessity of having to pay excessive taxes on grazing lands;
- D. Preserve the beauty of the entry corridors of Wasatch County;
- E. Protect the underground water supply from pollution; and
- F. Maintain an open rural buffer between Heber and Midway City.

Adopted by Ord. 2002 Code § 16.06.01 on 1/1/2002

16.06.02: PERMITTED PRINCIPAL USES

Those principal uses or categories of uses as listed herein, and no others, are permitted in the agricultural zone (A-20).

- A. All uses contained herein are listed by number as designated in the Wasatch County land use classification, which is published and maintained by the planning department, and are attached as appendix 1, [chapter 16.36](#) of this title. Classes or groupings of uses permitted in the zone are identified by a four (4) digit number in which the last one or two (2) digits are zeros, and subuses of those categories or groupings will follow that number. (For example, a particular category may be listed as 8100, and a subcategory of 8100 would be 8110 and a subcategory of 8110 would be 8111.) This document, available in the planning office, is to be used by the planning office and others to assist in determining similar uses and the intent of this chapter.
- B. All such classes listed herein and all specific uses contained within them in the Wasatch County land use classification will be permitted in the agricultural zone (A-20), subject to the limitations set forth herein:

PERMITTED PRINCIPAL USES IN THE AGRICULTURAL ZONE (A-20)

Use Number	Use Classification
1111	Single-family dwelling, detached

4500	Highway and street right of way
4811	Electric transmission right of way for underground lines only
4821	Underground gas pipeline right of way
4824	Gas pressure control stations
4831	Underground water pipeline right of way
4835	Irrigation distribution channels
4836	Water pressure control stations and pumping stations
4841	Underground sewage pipeline right of way
4842	Sewer treatment plants
4844	Sewer pumping station
4873	Storm drainage right of way
7600	Parks and trails
8110	Field and seed crops
8140	Livestock
8150	Animal specialties for personal use only
8160	Pasture and rangeland
8170	Horticulture specialties
8180	Fallow
8190	Agriculture - not elsewhere classified
8213	Hay baling and threshing services, corn shelling

8220	Animal husbandry services (except 8224)
9100	Undeveloped and unused land area
9300	Water areas

C. **Permitted Accessory Uses:** Accessory uses and structures are permitted in the agricultural zone (A-20), provided they are incidental to, and do not substantially alter the character of, the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

1. Accessory buildings such as garages, carports, greenhouses, gardening sheds and similar structures, which are customarily used in conjunction with and are incidental to a principal use or structure.
2. Swimming pools and incidental bathhouses.
3. Storage of materials used for the construction of a building, including a temporary contractor's office and/or tool shed; provided, that such uses are on the building site; and provided, further, that such use shall be for only the period of construction and thirty (30) days thereafter. Approval is subject to a bond and site plan approval from planning staff.
4. Barns, corrals, machine sheds and outdoor arenas that are noncommercial.

Adopted by Ord. 2002 Code § 16.06.02 on 1/1/2002

Amended by Ord. 2004-26 on 11/17/2004

16.06.03: CONDITIONAL USES

The following table shows the uses and structures that are permitted in the agricultural zone (A-20) only after a conditional use permit has been approved, and subject to the terms and conditions thereof:

CONDITIONAL USES IN THE
AGRICULTURAL ZONE (A-20) USE

Use Number	Use Classification
1902	Ranch or farm employee dwelling (1 per 20 acres) (not to exceed 1,000 square feet)
1903	Accessory residential unit (attached)
1905	Caretaker accessory dwelling unit
1907	Guest accessory dwelling unit
4845	Water reclamation plants
4872	Debris basins

4874	Spreading grounds (areas for percolating water into underground)
8146	Indoor arenas (noncommercial, for personal use only)
8224	Animal kennels, boarding, breeding
8290	Other agricultural related activities
8405	Fishing activities, personal use only

Adopted by Ord. 2002 Code § 16.06.03 on 1/1/2002

Amended by Ord. 2004-26 on 11/17/2004

Amended by Ord. 2012-13 on 11/14/2012

Amended by Ord. 14-05 on 11/5/2014

16.06.04: LOT AREA

Unless approved as part of a Wallsburg Overlay Zone Planned Performance Development, the minimum area of any lot or parcel of land in the agricultural zone (A-20) shall be twenty (20) acres, not including any land contained within a dedicated public road right of way. **If part of a planned performance development, lot sizes and density shall be in accordance with the approval.**

Adopted by Ord. 2003-22 § 16.06.04 on 11/24/2003

16.06.05: LOT WIDTH

Unless approved as part of a Wallsburg Overlay Zone Planned Performance Development, each lot or parcel of land in the agricultural zone (A-20) shall have a lot width of at least three hundred twenty feet (320'), measured at the required building setback.

Adopted by Ord. 2002 Code § 16.06.05 on 1/1/2002

Amended by Ord. 2005-23 on 3/7/2006

Amended by Ord. 2005-18 on 3/9/2006

16.06.06: LOT FRONTAGE

Each lot or parcel of land in the agricultural zone (A-20) shall abut a public road or road built to county standards for a minimum distance of three hundred feet (300') on a line parallel to the centerline of the road. Corner lots shall have a minimum frontage of three hundred feet (300') on both roads. **Deviation of this standard may be allowed by the legislative body, after recommendation for or against by the Planning Commission, during the approval process in Chapter 16.29 of this title if the proposed development is a Wallsburg Overlay Zone Planned Performance Development. In no case shall frontage be less than 70 feet in a planned performance development.**

Adopted by Ord. 2002 Code § 16.06.06 on 1/1/2002

Amended by Ord. 2005-23 on 3/7/2006

Amended by Ord. 2005-23 on 3/7/2006

Amended by Ord. 2005-18 on 3/9/2006

16.06.07: LOT AREA PER DWELLING

Not more than one single-family dwelling may be placed upon a lot or parcel of land in the agricultural zone (A-20), unless a conditional use has been obtained for a ranch or farm employee dwelling, or structures are permitted accessory uses **or unless approved as a planned performance development.**

Adopted by Ord. 2002 Code § 16.06.07 on 1/1/2002

16.06.08: SETBACK REQUIREMENTS

- A. Front Setback: Each structure in the agricultural zone (A-20) shall have a front yard of not less than thirty feet (30') from the edge of the road right of way or sixty feet (60') from the center of the road, whichever is greater. If the property is located along a state or federal highway, the setbacks shall be one hundred fifty feet (150') from the edge of the right of way.
 - 1. Accessory Buildings: Accessory buildings or other structures that will house animals shall have front setbacks of one hundred feet (100') from the road right of way, providing however, all such structures shall also be set back from any existing residential structure at least one hundred feet (100'). Along a federal or state highway, accessory structures must be located behind the main structure.
 - 2. Major County Collector Roads: For buildings abutting a county street that is designated as a major collector road in the Wasatch County master transportation plan, the setback shall be eighty five feet (85') from the centerline of any street, or fifty feet (50') from the right of way, whichever is greater.
- B. Side Setbacks: All structures not intended to house animals shall be set back from the side property line a minimum of ten feet (10'). The sum of the two (2) side setbacks shall be at least twenty four feet (24'). Buildings that will house animals shall have a side setback of not less than fifty feet (50') and at least one hundred feet (100') from any dwelling on or off site.
- C. Side Setbacks For Corner Lots: Side setbacks for corner lots shall be the same as the front setback.
- D. Rear Setbacks: All structures not intended to house animals shall be set back from the rear property line a minimum of thirty feet (30'). Buildings that will house animals shall have a rear setback of not less than fifty feet (50') and at least one hundred feet (100') from any dwelling on or off site.
- E. Railroad Setbacks: The setback of all residential dwellings shall be a minimum of seventy five feet (75') from the railroad right of way.
- F. **Planned Performance Developments in the Wallsburg Overlay Zone: Setbacks shall be approved by the legislative body, after recommendation for or against from the Planning Commission on a case by case basis during the approval process contained in Chapter 16.29 of this title.**

Adopted by Ord. 2002 Code § 16.06.08 on 1/1/2002

16.06.09: BUILDING HEIGHT

Height of all dwellings, accessory buildings and/or structures shall not exceed thirty five feet (35') above natural grade.

Adopted by Ord. 2002 Code § 16.06.09 on 1/1/2002

16.06.10: DISTANCE BETWEEN BUILDINGS

The distance between any accessory building that does not house animals and the main building shall in accordance with the International building code (IBC) and international fire code (IFC). The maximum distance between the main building and the ranch or farm employee dwelling shall not exceed three hundred feet (300').

Adopted by Ord. 2002 Code § 16.06.10 on 1/1/2002

Amended by Ord. 14-05 on 11/5/2014

16.06.11: SITE PLAN PROVISIONS

To obtain a building permit for a dwelling or any other permitted or conditional use, a site plan must be submitted to the planning department showing any existing conditions, structures, topography or any sensitive lands located on the lot.

Adopted by Ord. 2002 Code § 16.06.11 on 1/1/2002

16.06.12: PERMISSIBLE LOT COVERAGE

In the agricultural zone (A-20), all buildings shall cover not more than ten percent (10%) of the area of the lot or parcel of land.

Adopted by Ord. 2002 Code § 16.06.12 on 1/1/2002

16.06.13: PARKING, LOADING AND ACCESS

Parking, loading and access requirements are discussed in detail in [chapter 16.33](#) of this title. Please refer to that chapter for further details applying to this zone.

Adopted by Ord. 2002 Code § 16.06.13 on 1/1/2002

16.06.14: OTHER REQUIREMENTS

- A. Signs: Please refer to [chapter 16.26](#) of this title for specific sign regulations. Generally, the following regulations apply to this zone:
 - 1. Signs or nameplates not exceeding two (2) square feet in area and displaying only the name and address of the occupant;
 - 2. Home occupational signs not exceeding two (2) square feet in area.
- B. Landscaping: There are no landscaping requirements for the agricultural zone (A-20) **unless in a planned performance development.**
- C. Walls and Fences: No requirement, except those imposed by the "right to farm" regulations contained in section [16.21.14](#) of this title. Fences may not extend into the road right of way area. If a sight obscuring fence is desired, it may not protrude into a twenty five foot (25') visibility triangle on the street sides of a corner lot, or near a driveway used for ingress and egress on all lots. (See section [16.37.06](#), figure 6 of this title.)
- D. Water Requirements:
 - 1. Each dwelling shall be considered a full time residence and must have sufficient culinary water available as required by the state water engineer and/or governing water district.

2. Each dwelling must have sufficient water for outside irrigation to provide water for a minimum of one-fourth (0.25) acre of landscaped area, plus any water required for irrigation of any agricultural use intended. All lots must prove sufficient water to irrigate any land, which has been historically irrigated. An appropriate reduction of acreage may be given for: a) water which is converted to provide culinary water service for the dwelling; and b) certain surface areas that do not require irrigation and that may be created in association with the development of the land. These areas include, but are not limited to, building pads, sidewalks, roadways, driveways and parking areas. The amount of water required for outside irrigation will be determined by the Wasatch County water board, based upon the needs of the property after taking into consideration the existing irrigation patterns and any landscaping or agricultural plans of the owner. The director will also be guided by the policies of the irrigation company involved as well as the state engineer.
- E. Compliance With Land Use Restrictions Not Guarantee Of Building Permit: All applicable requirements for issuance of a building permit from all departments must be met before the permit may be issued.
- F. Additional Regulations: See also [chapter 16.27](#) of this title for additional regulations that apply to this zone. In the event of a conflict between that chapter and the regulations contained in this chapter, the more restrictive regulations shall control.

Adopted by Ord. 2002 Code § 16.06.14 on 1/1/2002

Amended by Ord. 2003-22 on 11/24/2003

Amended by Ord. 2004-26 on 11/17/2004

Amended by Ord. 2005-18 on 3/9/2006

Amended by Ord. 08-15 on 11/12/2008

Proposed code text amendments to Chapter 16.07 – Residential Agricultural Zone (RA-5) for the proposed Wallsburg Overlay Zone are shown in red.

Chapter 16.07: RESIDENTIAL AGRICULTURAL ZONE (RA-5)

16.07.01: PURPOSE

- A. The residential-agricultural zone (RA-5) is established to maintain the rural atmosphere and high quality of life desired by the citizens of Wasatch County by establishing a residential area that is mixed with agricultural uses.
- B. The specific intent in establishing this residential-agricultural zone (RA-5) is for the following purposes:
 1. Provide a place in the county where residential dwellings may be constructed in harmony with agricultural uses.
 2. Provide for the protection of the groundwater resources by requiring larger lots when septic tank drainfields are used.
 3. Facilitate providing services to residential development for street maintenance, fire and police protection, and health and sanitation services, and other available services.
 4. Provide a zone where residents can have farm animals in reasonable numbers and conduct agricultural activities.

Adopted by Ord. 2002 Code § 16.07.01 on 1/1/2002

16.07.02: PERMITTED PRINCIPAL USES

Those principal uses or categories of uses listed herein, and no others, are permitted in the residential-agricultural zone (RA-5).

- A. All uses contained herein are listed by number as designated in the Wasatch County land use classification, which is published and maintained by the planning department, and are attached as appendix 1, [chapter 16.36](#) of this title. Classes or groupings of uses permitted in the zone are identified by a four (4) digit number in which the last one or two (2) digits are zeros, and subuses of those categories or groupings will follow that number. (For example, a particular category may be listed as 8100, and a subcategory of 8100 would be 8110 and a subcategory of 8110 would be 8111.) This document, available in the planning office, is to be used by the planning office and others to assist in determining similar uses and the intent of this chapter.
- B. All such classes listed herein and all specific uses contained within them in the Wasatch County land use classification will be permitted in the residential-agricultural zone (RA-5), subject to the limitations set forth herein:

PERMITTED PRINCIPAL USES IN THE RESIDENTIAL-AGRICULTURAL ZONE (RA-5)

Use Number	Use Classification
1111	Single-family dwellings, detached, on 1 parcel

1292	Residential facility for handicapped persons
4111	Railroad right of way
4500	Highway and street right of way
4811	Underground electric transmission right of way under 38 kVA and under 35 feet in height
4821	Underground gas pipeline right of way
4831	Underground water pipeline right of way
4835	Irrigation distribution channels
4836	Water pressure control stations and pumping stations
4841	Underground sewage pipeline right of way
4844	Sewer pumping station
4873	Storm drain right of way
7420	Playgrounds and athletic areas
7600	Parks and trails
8110	Field and seed crops
8130	Orchards and vineyards
8140	Large animals for personal use (limited to 2 per acre of ground) (except 8143)
8150	Animal specialties for personal use only, except apiaries
8160	Pasture and rangeland
8170	Horticulture specialties
8220	Animal husbandry services (except 8222, 8223, and 8224)

9300	Water areas
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C. Permitted Accessory Uses: Accessory uses and structures are permitted in the residential-agricultural zone (RA-5), provided they are incidental to, and do not substantially alter the character of, the permitted principal use or structure:

1. Accessory buildings such as garages, carports, greenhouses, gardening sheds, recreation rooms and similar structures, which are customarily used in conjunction with and are incidental to a principal use or structure.
2. Swimming pools and incidental bathhouses.
3. Storage of materials used for the construction of a building, including a temporary contractor's office and/or tool shed; provided, that such uses are on the building site; and provided, further, that such use shall be for only the period of construction and thirty (30) days thereafter.
4. Produce stands for the purpose of displaying and selling agricultural or farming products, which are grown or produced on the premises on which said stand is located. Said stand shall not exceed ground coverage of three hundred (300) square feet, and will be limited to one stand per parcel of property. Stands shall not provide off street parking.
5. Barns, corrals, machine sheds and outdoor arenas that are noncommercial.

Adopted by Ord. 2002 Code § 16.07.02 on 1/1/2002

Amended by Ord. 2004-26 on 11/17/2004

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
1903	Accessory residential unit (attached)
1905	Caretaker accessory dwelling unit
1907	Guest accessory dwelling unit
4712	Telephone relay towers, microwave or other

4811	Electric transmission right of way over 35 feet and/or over 38 kVA
4814	Electric substations
4824	Gas pressure control stations
4834	Water storage
4836	Water pressure control stations and pumping stations
4844	Sewer pumping station or pressure control stations
4864	Combination utility rights of way
4911	Petroleum pipeline right of way underground
6240	Cemeteries, mausoleum (except 6243)
6810	Nursery, primary and secondary education
6910	Religious activities
7123	Botanical gardens and arboretums
7400	Recreational activities - noncommercial (except 7414, 7415, 7417)
7911	Sleigh ride, wagon ride and farm experience activities
8146	Indoor arenas (noncommercial)
8224	Animal kennels, boarding, grooming

Adopted by Ord. 2002 Code § 16.07.03 on 1/1/2002

Amended by Ord. 2003-22 on 11/24/2003

Amended by Ord. 2004-26 on 11/17/2004

Amended by Ord. 11-09 on 11/30/2011

Amended by Ord. 2012-13 on 11/14/2012

Amended by Ord. 14-05 on 11/5/2014

16.07.04: LOT AREA

Unless approved as part of a Wallsburg Overlay Zone Planned Performance Development, lots must be a minimum of five (5) acres. If part of a planned performance development, lot sizes and density shall be in accordance with the approval.

Adopted by Ord. 2002 Code § 16.07.04 on 1/1/2002

16.07.05: LOT WIDTH

Unless approved as part of a Wallsburg Overlay Zone Planned Performance Development, each lot or parcel of land in the residential-agricultural zone (RA-5) shall have a lot width of at least three hundred twenty feet (320') at the required building setback.

Adopted by Ord. 2002 Code § 16.07.05 on 1/1/2002

Amended by Ord. 2005-23 on 3/7/2006

16.07.06: LOT FRONTAGE

Each lot or parcel of land in the residential-agricultural zone (RA-5) shall abut a public road or road built to county standards for a minimum distance of three hundred feet (300') on a line parallel to the centerline of the road. Corner lots shall have a minimum frontage of three hundred feet (300') on both roads. Deviation of this standard may be allowed by the legislative body, after recommendation for or against by the Planning Commission, during the approval process in Chapter 16.29 of this title if the proposed development is a Wallsburg Overlay Zone Planned Performance Development. In no case shall frontage be less than 70 feet in a planned performance development.

Adopted by Ord. 2002 Code § 16.07.06 on 1/1/2002

Amended by Ord. 2005-23 on 3/7/2006

Amended by Ord. 2005-18 on 3/9/2006

Amended by Ord. 2005-23 on 3/9/2006

16.07.07: LOT AREA PER DWELLING

Not more than one single-family dwelling may be placed upon a lot or parcel of land in the residential-agricultural zone (RA-5) unless approved as part of a planned performance development. If a conditional use is obtained, an accessory dwelling unit (ADU) in accordance with section [16.21.46](#) of this title may be built within the main structure or detached from the main structure.

Adopted by Ord. 2012-13 on 11/14/2012

16.07.08: SETBACK REQUIREMENTS

The setback requirements for this zone shall be as follows:

- A. Front Setback: Each lot or parcel in the residential-agricultural zone (RA-5) shall have a front yard setback of not less than sixty feet (60') from the center of the road, or thirty feet (30') from the edge of the right of way, whichever is greater. If the property is located along a state or federal highway, the setbacks shall be one hundred fifty feet (150') from the edge of the right of way.
 1. Accessory Buildings Not Housing Animals: The front setback shall be a minimum of sixty feet (60') from the center of the road, or thirty feet (30') from the edge of the right of way, whichever is greater. If the property is located on a state or federal highway, the setback must be a minimum of one hundred fifty feet (150') from the right of way.
 2. Structures Housing Animals: Structures that will house animals shall be a minimum of one hundred feet (100') from the road right of way, providing however, all such structures

must also be set back from any existing residential structure on the same lot or an adjacent lot at least one hundred feet (100').

3. Major County Collector Roads: For buildings abutting upon a county street that is designated as a major collector road in the Wasatch County master transportation plan, the setback shall be eighty five feet (85') from the centerline of any street, or fifty feet (50') from the right of way, whichever is greater.
- B. Side Setbacks: All structures not intended to house animals shall be set back from the side property line a minimum of ten feet (10'). The sum of the two (2) side setbacks shall be at least twenty four feet (24'). Side setbacks on buildings that will house animals must be a minimum of fifty feet (50') and one hundred feet (100') from any dwelling on or off site.
- C. Corner Lots: For corner lots, the side setback for the main structure on the street side shall be the same setback as that required for the front.
- D. Rear Setbacks: Structures not intended to house animals shall be set back from the rear property line a minimum of thirty feet (30'). Buildings that will house animals must have a rear setback of not less than fifty feet (50') and at least one hundred feet (100') from any dwelling on or off site.
- E. Railroad Setbacks: The setback of all residential dwellings shall be a minimum of seventy five feet (75') from the railroad right of way.
- F. **Planned Performance Developments in the Wallsburg Overlay Zone: Setbacks shall be approved by the legislative body, after recommendation for or against from the Planning Commission on a case by case basis during the approval process contained in Chapter 16.29 of this title.**

Adopted by Ord. 2002 Code § 16.07.08 on 1/1/2002

16.07.09: BUILDING HEIGHT

Height of all dwellings, accessory buildings and/or structures shall not exceed thirty five feet (35') above natural grade.

Adopted by Ord. 2002 Code § 16.07.09 on 1/1/2002

16.07.10: DISTANCE BETWEEN BUILDINGS

The distance between any accessory building that does not house animals and the main building shall be in accordance with the International building code (IBC) and international fire code (IFC).

Adopted by Ord. 2002 Code § 16.07.10 on 1/1/2002

Amended by Ord. 14-05 on 11/5/2014

16.07.11: SITE PLAN PROVISIONS

To obtain a building permit for a dwelling or any other permitted or conditional use, a site plan must be submitted to the planning department showing any existing conditions, structures, topography or any sensitive lands located on the lot.

Adopted by Ord. 2002 Code § 16.07.11 on 1/1/2002

16.07.12: PERMISSIBLE LOT COVERAGE

In the residential-agricultural zone (RA-5), all buildings, including accessory buildings and structures, shall cover not more than twenty percent (20%) of the area of the lot or parcel of land.

Adopted by Ord. 2002 Code § 16.07.12 on 1/1/2002

16.07.13: PARKING, LOADING AND ACCESS

Parking, loading and access requirements are discussed in detail in [chapter 16.33](#) of this title. Please refer to that chapter for further details applying to this zone.

Adopted by Ord. 2002 Code § 16.07.13 on 1/1/2002

16.07.14: OTHER REQUIREMENTS

- A. Signs: Please refer to [chapter 16.26](#) of this title for specific sign regulations. Generally, the following regulations apply to this zone:
 - 1. Signs or nameplates not exceeding two (2) square feet in area and displaying only the name and address of the occupant.
 - 2. Home occupational signs not exceeding two (2) square feet in area.
- B. Landscaping: See section [16.21.10](#) of this title for a detailed discussion of landscaping requirements for general development within this zone.
- C. Trails: See section [16.21.18](#) of this title regarding trail requirements in this zone.
- D. Walls And Fences: Non-sight obscuring fences, that exceed thirty six inches (36") in height, may be placed within the front setback or the side setback on a corner lot. Fences may not extend into the road right of way area. If a sight obscuring fence is desired, it may not protrude into a twenty five foot (25') visibility triangle on the street sides of a corner lot, or near a driveway used for ingress and egress on all lots. (See section [16.37.06](#), figure 6 of this title.)
- E. Water Requirements:
 - 1. Each dwelling shall be considered a full time residence and must have sufficient culinary water available as required by the state water engineer and/or governing water district for residential use only.
 - 2. Each dwelling must have sufficient water for outside irrigation to provide water for a minimum of one-fourth (0.25) acre of landscaped area, plus any water required for irrigation of any agricultural use intended. All lots must prove sufficient water to irrigate any land, which has been historically irrigated. An appropriate reduction of acreage may be given for: a) water which is converted to provide culinary water service for the dwelling; and b) certain surface areas that do not require irrigation and that may be created in association with the development of the land. These areas include, but are not limited to, building pads, sidewalks, roadways, driveways and parking areas. The amount of water required for outside irrigation will be determined by the Wasatch County water board, based upon the needs of the property after taking into consideration the existing irrigation patterns and any landscaping or agricultural plans of the owner. The director will also be guided by the policies of the irrigation company involved, as well as the state engineer.
 - 3. The water requirements for any other use in this zone will be determined as part of the conditional use approval process.
- F. Septic Drainfields: Septic tank drainfields shall be separated by a minimum of two hundred feet (200'). **In the Wallsburg Overlay Zone development should install a sewer collection system and treatment system to serve the neighborhoods that are on smaller lot sizes. Use of onsite treatment systems such as Orenco that are approved by the County Health Department and the State of Utah Division of Water Quality are recommended.**
- G. Compliance With Land Use Restrictions Not Guarantee Of Building Permit: All applicable requirements for issuance of a building permit from all departments must be met before the permit may be issued.

H. Additional Regulations: See also [chapter 16.27](#), "Development Standards", of this title for regulations that apply to this zone. In the event of a conflict between that chapter and the regulations contained in this chapter, the regulations of this chapter would control.

Adopted by Ord. 2002 Code § 16.07.14 on 1/1/2002

Amended by Ord. 2003-22 on 11/24/2003

Amended by Ord. 2004-26 on 11/17/2004

Amended by Ord. 2005-18 on 3/9/2006

Amended by Ord. 08-15 on 11/12/2008

Chapter 16.29

PLANNED PERFORMANCE DEVELOPMENTS

(Amended for Wallsburg Overlay Zone)

Draft July 13, 2015

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Section 16.29.01 Purpose.

The purpose of the Planned Performance Developments Chapter is to encourage imaginative and efficient utilization of land, to develop a sense of community, and to ensure compatibility with the surrounding neighborhoods and environment. This is accomplished by providing greater flexibility in the location of buildings on the land, the consolidation of open spaces and clustering of dwelling units. These provisions are intended to create more attractive and more desirable environments within Wasatch County and to encourage the following:

- (1) Allow creative use of the land and encourage the preservation of permanent open space and sensitive areas;
- (2) Permit developers to vary density, architectural styles and building forms on a project-by-project basis, rather than on the basis of traditional zoning concepts, in a manner that will permit developers to create recreational/resort housing styles and amenities, in response to changing markets;
- (3) Permit developers to situate the various features of their developments in harmony with the natural features of the land more than would otherwise be possible under a lot-by-lot development;
- (4) Preserve to the greatest extent possible the existing landscape features, watershed, animal habitat and natural amenities and to utilize such features in a harmonious and aesthetically pleasing manner;

(Ord. 08-13, Amended, 10/28/2008; Ord. 07-12, Amended, 06/24/2008)

Section 16.29.02 Scope.

Planned Performance Developments are applicable to the **Wallsburg Overlay Zone (WOZ)**, (M) Mountain Zone, the (SRZ) Strawberry Recreation Zone and the (TR) Transitional Residential Overlay Zone.

(Ord. 08-13, Amended, 10/28/2008)

Section 16.29.03 Permitted Uses.

Uses permitted in the Planned Performance Development shall be limited to those uses listed by the provision of the underlying zone, except as follows:

(1) Permitted Accessory Uses in open space areas or buildings may be used only by the residents of the development, and shall not at any time become commercial for the use of the general public, except for required trails which shall be open to the public.

(2) If a development is approved as a resort, with commercial uses, and has large tracts of open space, commercial uses within the open space, may be allowed for guests of the resort. The County Council after a recommendation from the Planning Commission shall make a determination that the proposed commercial uses do not deter from the intent of the open space or the purpose sections of the applicable code(s).

(3) Accessory uses shall include recreational facilities and structures, day care centers, personal services, RV parking and other uses deemed appropriate by the Legislative Body, after a recommendation for or against by the Planning Commission, as part of the final development plan.

(Ord. 09-16, Amended, 02/25/2010; Ord. 08-13, Amended, 10/28/2008; Ord. 07-12, Amended, 06/24/2008; 2003-22, Amended, 11/24/2003, Effective date 12/19/2003.)

Section 16.29.04 Design.

The design of the development shall be guided by the Physical Constraints Analysis, the suitability of soils, slopes, geologic hazards, traffic safety and travel efficiency, enhancement of aesthetic and scenic values, convenience of vehicular access to the development and to the dwellings within the development, un-crowded appearance around buildings, quality of landscaping and other amenities, the preservation of bodies of water, and other significant features. The development should incorporate a compact clustered lot layout that minimizes large amounts of infrastructure. **Dark sky compliant lighting to preserve the rural atmosphere of Wasatch County is required.** Landscaping requirements both of private and public property shall be determined during the approval process. Timing for installation of the landscaping on public property (i.e., in park strips) and public and private parks shall be outlined in the development agreement.

(Ord. 08-13, Amended, 10/28/2008; Ord. 07-12, Amended, 06/24/2008)

Section 16.29.05 Compliance with this Title.

The development will comply with the regulations set forth in this Title, including, but not limited to landscaping, preservation of sensitive lands, lighting, signs, and all other pertinent sections contained therein.

(Ord. 08-13, Amended, 10/28/2008; Ord. 07-12, Amended, 06/24/2008)

Section 16.29.06 Minimum Open Space.

In the M and TR zone at least forty (40) percent of the gross land area contained within the development will be preserved for dedicated open space and not part of the plated lots. Ten percent (10%) of the required open space must be usable open space as defined herein. A density bonus may be provided to compensate for additional open space, as outlined in the Performance Chart attached hereto.

In the Wallsburg Overlay Zone at least fifty percent (50%) of the gross land area contained within the development must be preserved as dedicated open space and not part of the plated lots in areas traditionally zoned as A-20 or RA-5. At least sixty-five percent (65%) is required in areas traditionally zoned as P-160. Ten percent (10%) of the required open space must be usable open space as defined herein. A density bonus may be provided to compensate for additional open space, as outlined in the Performance Chart attached hereto.

In the (SRZ) Strawberry Recreation Zone there shall be a minimum of eighty (80) percent of the gross land area contained within the development preserved as open space and not be part of platted building lots. Wasatch County shall be the holder of the third party conservation easement that prohibits future development of the open space. All open space shall be dedicated with the first phase and recorded as part of the phase 1 plat. A conservation easement shall be recorded with each phase having a prorated amount of acreage so that each phase has an equal portion of the open space encumbered by the conservation easement. A phasing plan shall be submitted showing how this will be done.

(Ord. 08-13, Amended, 10/28/2008; Ord. 07-12, Amended, 06/24/2008; 2004-26, Amended, 11/17/2004)

Section 16.29.07 Content of Development.

The development may mix the uses contained within the development between single-family lots and attached housing.

In the Wallsburg Overlay Zone community services such as gas stations, convenience stores, grocery stores, restaurants and health/medical services are encouraged in designated commercial areas. Recreation related to hunting, fishing, equestrian, hiking, camping and mountain biking are also encouraged. Continuation of agriculture and grazing shall be promoted in all developments. Refer to the Performance Chart for density bonuses related to these items.

In the SRZ there must be a mixture of uses and amenities. If there has been historical agricultural uses related to the property the agricultural nature of the ground must be preserved in accordance with the approved plan..

(Ord. 08-13, Amended, 10/28/2008; Ord. 07-12, Amended, 06/24/2008)

Section 16.29.08 Density.

Density will be determined by the use of the Performance Chart.

(1) TR – Transitional Residential Overlay Zone; For a Planned Performance Development in the (TR) Transitional Overlay Zone, a minimum of twenty (20) acres/ ERU's shall be required. The maximum density allowed shall not exceed fifty (50) percent of the base density.

(2) M - Mountain Zone; In the (M) Mountain Zone, the density shall be determined by a Physical Constraints Analysis. Any (M) Mountain Zone development more dense than one (1) ERU for every five (5) net developable acres must earn additional density by complying with items listed on the performance chart. A Planned Performance Development in the M (Mountain) Zone shall require at least (160) acres and maintain a minimum of twenty (20) units. The number of units may be less than twenty (20) if the County Legislative Body, after recommendation from the Planning Commission, determines that the development would be more compatible with the existing neighborhood and promote good planning practices.

(3) SRZ- Strawberry Recreation Zone; In the (SRZ) Strawberry Recreation Zone, the density shall be determined by a Physical Constraints Analysis. Base density is one (1) unit for every ten (10) acres if the requirements of this section are met including the "required" sections in 16.29.15. If the requirements listed in this section are not met or used density is one (1) ERU for every 160 acres. Any allotment of density above the base density established by the zoning ordinance shall be specific to the development plan approved by the Wasatch County Council. In the event that the developer or a successor in interest makes a material change in the development plan, as determined by the Planning Department, and subject to review by the Board of Adjustment, voids all remaining density allotments until such time as the amended plan is reviewed and approved by the Wasatch County Planning Commission and County Council. Density allotments do not run with the land and no vested interest in the allotment may be claimed other than on the basis of an approved development plan.

(4) Wallsburg Overlay Zone;

Minimum Acreage for a Planned Performance Development

Minimum of 20 acres required in RA-5 zone and A-20 zones.

Minimum of 40 acres required in P-160 zone.

Base Density

1 unit per acre in the RA-5 zone.

1 unit per 5 acres in the A-20 zone.

1 unit per 40 acres in the P-160 zone.

Bonus Density

Additional density may be granted to a development based on the criteria in the Performance Chart (Section 16.29.15). The Wallsburg Overlay Zone allows up to an additional 145% of the base density.

Any (SRZ) Strawberry Recreation Zone development more dense than one (1) ERU for every ten (10) acres must earn additional density by complying with items listed on the performance chart. A Planned Performance Development in the (SRZ) Strawberry Recreation Zone shall require at least (5,000) acres and maintain a minimum of one hundred (100) units.

(Ord. 09-16, Amended, 02/25/2010; Ord. 08-13, Amended, 10/28/2008; Ord. 07-12, Amended, 06/24/2008; 2004-26, Amended, 11/17/2004)

Section 16.29.09 Setback Requirements.

The setback requirements for this zone shall be determined by the County Legislative Body, after recommendation from the Planning Commission part of the Preliminary plan approval.

(Ord. 09-16, Amended, 02/25/2010; Ord. 08-13, Amended, 10/28/2008; Ord. 07-12, Amended, 06/24/2008; 2005-18, Amended, 03/09/2006; 2005-23, Added, 03/09/2006)

Section 16.29.10 Process.

The process for Planned Performance Developments shall conform to the process outlined in Chapter 16.27.09 for Large Scale Developments.

(Ord. 08-13, Amended, 10/28/2008; Ord. 07-12, Amended, 06/24/2008; 2005-18, Amended, 03/09/2006; 2005-23, Amended, 03/09/2006; 2005-23, Renumbered, 03/09/2006)

Section 16.29.11 Pedestrian Circulation.

Pedestrian circulation shall be determined on a case-by-case basis. All developments shall comply with the Wasatch County Trail Plan. Depending on the density of the project, the developers shall be required to provide sidewalks and trails unless waived by the County Legislative Body after consideration by the Planning Commission.

(Ord. 09-16, Amended, 02/25/2010; Ord. 08-13, Amended, 10/28/2008; Ord. 07-12, Amended, 06/24/2008; 2005-18, Amended, 03/09/2006; 2005-23, Renumbered, 03/09/2006)

Section 16.29.12 Water and Sewer System.

All Planned Performance Developments in the Mountain (M) Zone or the (SRZ) Strawberry Recreation Zone, of six (6) or more units must be served with an approved public or private water system and provide fire flow in accordance with the Uniform Fire Code. Developments in the (TR) Zone must be tied into public sewer and water systems. Developments in the (M) Mountain Zone or the (SRZ) Strawberry Recreation Zone with over twenty (20) lots must have a sewer collection system and treatment facility. Developments in the (M) Mountain Zone and (SRZ) Strawberry Recreation Zone with twenty (20) lots or less can have individual septic systems if the gross density is not more than five (5) units per acre. Septic drainfields must have two hundred (200) feet of separation and be approved by the County Health Department

(Ord. 08-13, Amended, 10/28/2008; Ord. 07-12, Amended, 06/24/2008; 2005-23, Renumbered, 03/09/2006; 2004-26, Amended, 11/17/2004; 2003-22, Amended, 11/24/2003, Effective date 12/19/2003.)

Section 16.29.13 Physical Constraints Analysis.

A Physical Constraints Analysis is required at the time an application is submitted for site master plan and determination for base density, and shall show the following:

- (1) The project will not consist of any building envelopes on natural or manmade slopes over thirty (30) percent grade.
- (2) The project will not show any structures within fifty (50) feet of any fault line.
- (3) The project will not consist of activities on or disturbance of any wetland areas, except as approved by the Army Corps of Engineers.

- (4) The project will not contain any platted lot within any landslide hazard areas unless approved by the Legislative Body, after a recommendation for or against by the Planning Commission, as part of the open space area.
 - (5) The project will not consist of any development within any flood hazard area, except as provided in Chapter 16.28.04 of this title.
 - (6) The project will not consist of any development within any shallow-ground water hazard areas, areas of springs or seeps or surface water areas.
 - (7) The project will not consist of any development within any areas that are recommended locations for detention basins or established road and utility corridors.
 - (8) The project will avoid any development that will protrude above any ridgelines, except as provided in Section 16.27.20.
 - (9) The project will include a preliminary geotechnical evaluation of the site. **For the Wallsburg Overlay Zone the geotechnical evaluation shall declare the suitability of alluvial fans for construction of roads, utilities and dwellings and an conditions or further studies need for said construction and development in alluvial fans.**
 - (10) The project will include a concept plan showing road and lot layout, open space, etc.
 - (11) All proposed density for projects shall be approved by the County Legislative Body after recommendation by the Planning Commission.
- (Ord. 09-16, Amended, 02/25/2010; Ord. 08-13, Amended, 10/28/2008; Ord. 07-12, Amended, 06/24/2008; 2005-18, Amended, 03/09/2006; 2005-23, Renumbered, 03/09/2006)

Section 16.29.14 Minimum Open Space Requirements.

Planned performance developments in the (TR) Transitional Recreation zone and (M) Mountain zones shall have a minimum amount of forty (40) percent open space. **The Wallsburg Overlay Zone requires fifty percent (50%) in areas with the RA-5 or A-20 zones and sixty-five percent (65%) in the P-160 zone.** In the (SRZ) Strawberry Recreation Zone there shall be a minimum of 80% open space. Additional open space may be required or density bonuses given as provided herein. The usable open space must be located on slopes of less than ten (10) percent grade.

(1) Intended Uses for Open Space.

- (a) Open space should preserve environmentally sensitive areas, including slopes, unstable soils, geologic hazard areas, wetlands, desirable vegetation areas, wildlife habitat, view corridors, flood plains, culinary water sources, aquifer recharge areas, streams, seeps, springs and drainage corridors, ridge-lines, or other environmentally sensitive areas or important features.
- (b) Open space reserved for slopes less than ten (10) percent is to allow for pedestrian seating, walking, play areas, or open gathering areas to create an open, inviting feel to the property, and/or landscaped areas to improve appearance of the area.
- (c) Roadways, parking, storage areas, residential, and any land within a building lot, whether single family or multi-family, and any area within twenty (20) feet of any building shall be excluded in calculating the required area for open space.
- (d) in the (SRZ) Strawberry Recreation Zone unimproved open space shall be used for a viable agricultural operation including grazing and/or forestry.

(e) in the Wallsburg Overlay Zone unimproved open space, in addition to those uses listed herein, may be used for a viable agricultural operation including grazing, farming, and/or forestry.

(2) Open Space to Remain in Perpetuity. As assurance that the designated open space will remain open and unobstructed from the ground upward, the developers shall execute an open space preservation agreement with the County, which agreement shall run with the land and shall be binding upon the developer, heirs, successors, and assigns. The open space agreement shall preclude building on or development of the designated open space areas throughout the life of the development, unless approved by the County Legislative Body. Wasatch County, a land trust or other viable option acceptable to the County shall also be used to ensure that open space is protected. If deemed appropriate by the Planning Department, for smaller subdivisions, the open space may be contained within the lots owned by separate ownership, but must be deed restricted to prevent building of any structures, including fences thereon. Trail requirements of the Wasatch County Trail Plan will still apply to smaller subdivisions.

(3) Ownership. Open space shall either be owned and maintained by an approved entity, as defined in the development agreement, with an acceptable open space easement held by the County.

(4) Construction and Maintenance. The developer shall construct and landscape all areas and build all facilities, as per the approved plan. The Homeowners Association shall maintain all common areas and facilities. In the event that the Homeowners Association fails to maintain the facilities as approved, Wasatch County may place a lien upon each property contained within the development for the costs of such maintenance. Such lien may be foreclosed in the same fashion as a lien placed for property taxes.

(Ord. 08-13, Add, 10/28/2008)

Section 16.29.15 Performance Chart.

The performance chart below gives a range for each proposed density bonus. A full or partial density bonus may be granted for each item on the performance chart.

Bonus Density ¹	TR	M	SRZ	WOZ
Base Density	1 ERU per acre ²	1 ERU per 5 acres ³	1 ERU per 10 acres ³	1 per acre in RA-5 1 per 5 acres in A-2 1 per 40 in P-160
40% gross contiguous open space preserved, 10% of which must be useable, must be preserved and subject to Planning Commission and County Council review and modification (See section 16.29.13 for guidelines). 80% gross contiguous open space in the SRZ.	required	required	80% contiguous open space required	50% in RA-5 50% in A-20 65% in P-160 required
10% usable open space ⁴	required	required	required	required
Preserves sensitive areas in Open Space ⁵	required	required	required	required
Development provides a mixture of recreational uses ⁶	n/a	n/a	required	0 – 15%
Extraordinary/major community infrastructure improvements or transferable development rights (TDR) ⁷	0-5%	0-20%	0-20%	0 – 20%
Public Trails (that exceed requirements) ⁸	0-5%	0-15%	0-15%	0 – 15%
Additional/Extra usable Open Space for public use or agriculture & grazing ⁹	0-5%	0-15%	0-15%	0 – 20%
Improving open space for public use ¹⁰	0-15%	0-20%	0-20%	0 – 15%
Complying with Affordable Housing Requirements	required	required	required	required
Dedication of land for/or Building of Civic Site ¹¹	0-15%	0-20%	0-20%	0 – 20%
Use of LEED or other comparable design standards ¹²	0-5%	0-10%	0 - 10%	0 – 10%
Commercial uses: resort support commercial, retail, hotel ¹³ Community services, gas, grocery, restaurant, health and medical in Wallsburg		0-30%	0-30%	0 – 30%
Total	50%	130%	130%	0 – 145%

¹ Bonus Density may not be stacked upon each other and more than one bonus given for the same item. Bonuses will be calculated on the base density and not on the base density plus other bonuses.

² The base density in the TR Zone is 1 unit per one acre. Bonus density may be awarded upon showing excellence in providing the amenity listed in the Performance Chart. The 2006 boundaries only apply to properties within the Heber City areas of influence as shown on the 2006 Wasatch County Zoning map.

³ In the M and the SR Zones base density will be determined through a full physical constraints analysis and master planning of the property the bonus density shall be determined by complying with the items on the above chart. The numbers assigned to certain amenities above are only some of the factors for consideration during the determination of density in the M and the SR Zones. The County Legislative Body, after recommendation from the Planning Commission may consider other factors and may assign appropriate density bonuses for any such factor, including or excluding any of those listed herein. Base density requires full compliance with all "required" sections listed in 16.29.15 otherwise the base density for the particular underlying zone shall be used.

⁴ Usable open space would be land that is able to be landscaped and is contained on slopes of ten (10) percent or less and is capable of being used for park-like areas or at least landscaped with berm's, shrubs, lawns, etc. In the event that the majority of the project land is well above the required ten (10) percent grade, the County Legislative Body and Planning Commission may, after review of the Physical Constraints Analysis, consider land over ten (10) percent grade as part of the required ten (10) percent useable open space, provided that a trail system can be installed along with such improvements as trail benches, picnic tables and overlook rest areas, in order for the open space to count as useable. It must contain no less than ten thousand (10,000) square feet of contiguous area in each open space parcel, unless ten thousand (10,000) square feet is more than the required ten (10) percent. It is not intended to be remnant pieces of land too small to be used for anything that combined would have met the required amount of land. Usable open space must be landscaped and maintained in accordance with an approved landscape plan. This required open space is within the forty (40) percent. Gross contiguous open space shall be integrated and provide logical connections to other open space parcels on the property. Open space shall connect to existing platted open space when possible or a connection shall be provided that meets the intent of the ordinance to provide a network of open space parcels and not isolated pieces.

⁵ Sensitive areas include, but are not limited to, ridgeline/view-shed areas, areas of special interest or beauty, wetlands, fault zones, stream corridors, important wildlife areas, unstable soils, or any other environmental concern addressed in this Title. If any sensitive areas are being preserved that are required to be preserved by other regulations, no density bonus will be granted for such preservation.

⁶ A mixture of recreational uses means a number of opportunities are provided on-site such as biking, hiking, fishing, hunting, snowmobiling, rock climbing, four wheeling, horseback riding etc. **Creation of hunting preserves or special hunting units that are available to the public may also receive density bonuses in the Wallsburg Overlay Zone.**

⁷ Extraordinary/Major Community Infrastructure Improvements, such as construction or upgrades of collector or arterial roads systems; storm water, sewer, gas, electrical systems

beyond the requirements of the project/development or TDR. In the Wallsburg Overlay Zone the connection and development of local roads that enhance emergency services access, provide secondary routes and community connectivity are also eligible for this bonus. Land owners that contribute to the right-of-way dedication or construction of the second route to State Road 189 should be given special consideration of the Planning Commission for the full 20% density bonus. Density granted for infrastructure improvements shall be determined by the benefit to the County, Cost of the improvements, enhancement to public safety, Benefits to the general citizenry of Wasatch County and if the improvements are a priority listed in the General Plan, Transportation plans etc.

⁸ Public trails criteria for trail bonuses should be based on the length of trail system. Hikers typically travel 1 to 3 miles per hour depending on terrain conditions and their ability. As such, trails systems should be long enough to afford a meaningful recreational experience (1 mile minimum over and above the minimum requirement). Trail surface type should also be considered as part of the connectivity to the trail system in the area. Special consideration shall be given to trails/trailheads that are considered a priority and shown on the master trail plan and provide links to recreation areas.

⁹ Any open space allowed for public use for purposes of acquiring this bonus must be approved for such use by the Legislative Body, after a recommendation for or against by the Planning Commission, and must have a plan for landscaping and maintenance (including watering) of such open space and intended use. Additional open spaces that preserve agriculture, grazing, farming and ranching in the Wallsburg Overlay Zone shall also be considered for this bonus.

¹⁰ If the intended use for the usable open space results in the developer improving the open space beyond landscaping, maintenance and trails, and the developer provides such improvements (playground equipment, soccer and baseball fields, tennis courts, trail benches, picnic tables, overlook rest areas, etc.), this density bonus would apply in addition to any bonus density that may apply for providing the open space.

¹¹ Dedication (On-site or Off-site) of large civic sites may include dedication of just the land, or the land and actual building of the civic structures. They may include such things as parks, school sites, public parking structures not needed for the development itself, or providing substantially more than needed for the development itself in an area where needed, outdoor amphitheater, indoor riding arena, libraries, senior citizen's centers, women's shelters or similar shelters, public swimming pools, public tennis courts, or any other large civic or public amenity approved by the Planning Commission and accepted for dedication by the County Council.

¹² Use of LEED (Leadership in Energy and Environmental Design) Design Standards allows the developer to demonstrate to the Planning Commission and Legislative Body conformance with the desired LEED Certification level for bonus points. Points may be awarded based upon compliance with levels such as (a) Silver, (b) Gold or (c) Platinum as established by the National LEED Certification Board.

¹³ Proposals for commercial uses that will provide additional tax base to the County and will be built in conjunction with an approved phasing plan. Density points may be earned based on square footage and/or estimated revenue to the County of commercial uses. Feasibility of commercial uses should be well thought out so the amount of commercial uses proposed will be built. Density bonus points will be deleted if commercial uses are requested to be removed. Commercial uses cannot be left for the final phases unless approved as part of the commercial phasing plan.

Wallsburg lacks essential community services such as gas stations, convenience stores, grocery stores, health and medical services and schools. Community programs, parks and recreation is also limited. Developments that contain these community services shall receive a density bonus in the Wallsburg Overlay Zone. Bonuses for commercial, retail, etc. in the Performance Chart are also available.

(Ord. 09-16, Amended, 02/25/2010; Ord. 08-13, Renumbered, 10/28/2008; 08-13, Renumbered, 10/27/2008; Ord. 07-12, Amended, 06/24/2008; 2005-23, Amended, 03/09/2006; 2005-23, Renumbered, 03/09/2006; 2004-26, Amended, 11/17/2004)