

FA/FR ORDINANCE AMENDMENT



Planning and Development Services

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OAM2023-000944

Forestry Recreation (FR)/Foothill Agriculture (FA) ORDINANCE AMENDMENT

Public Body: Salt Lake County Council

Meeting Dates: January 23, 2024

Request: Update to the FR and FA zoning districts to address horses and other animals

Planner: Brian Tucker, Planning Manager

Legal Counsel: Zach Shaw

Planning Staff Recommendation: Approval

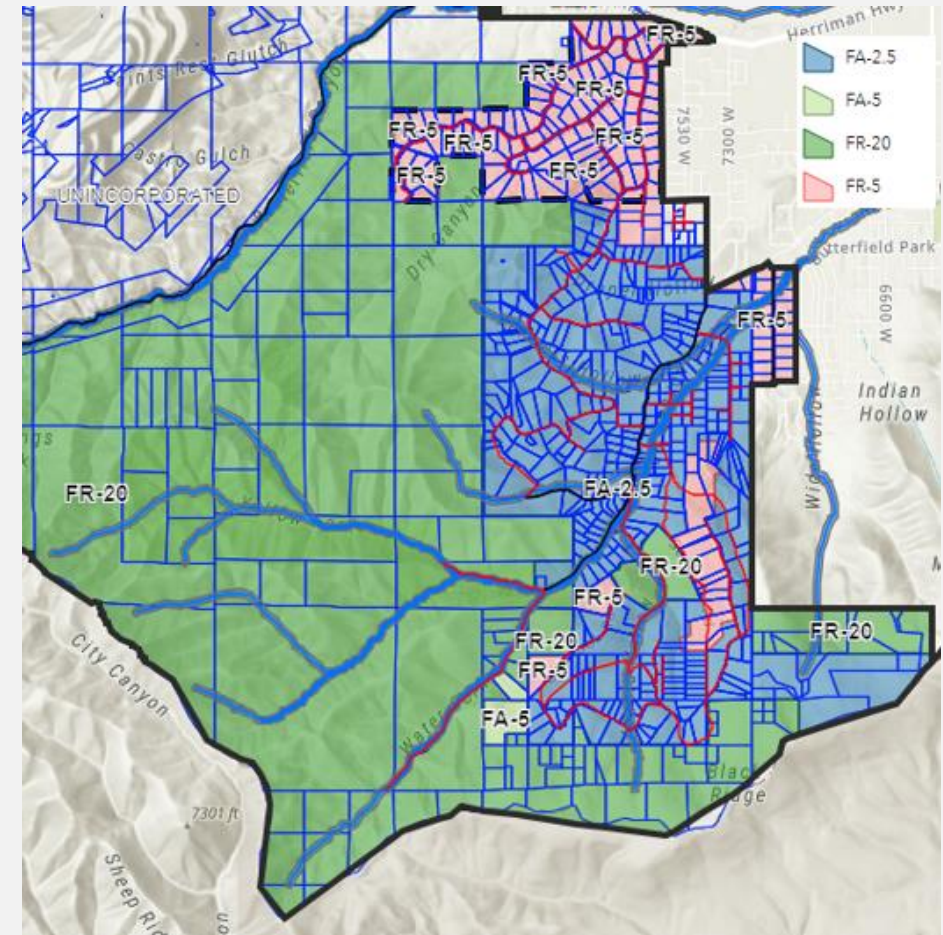
THE PROBLEM



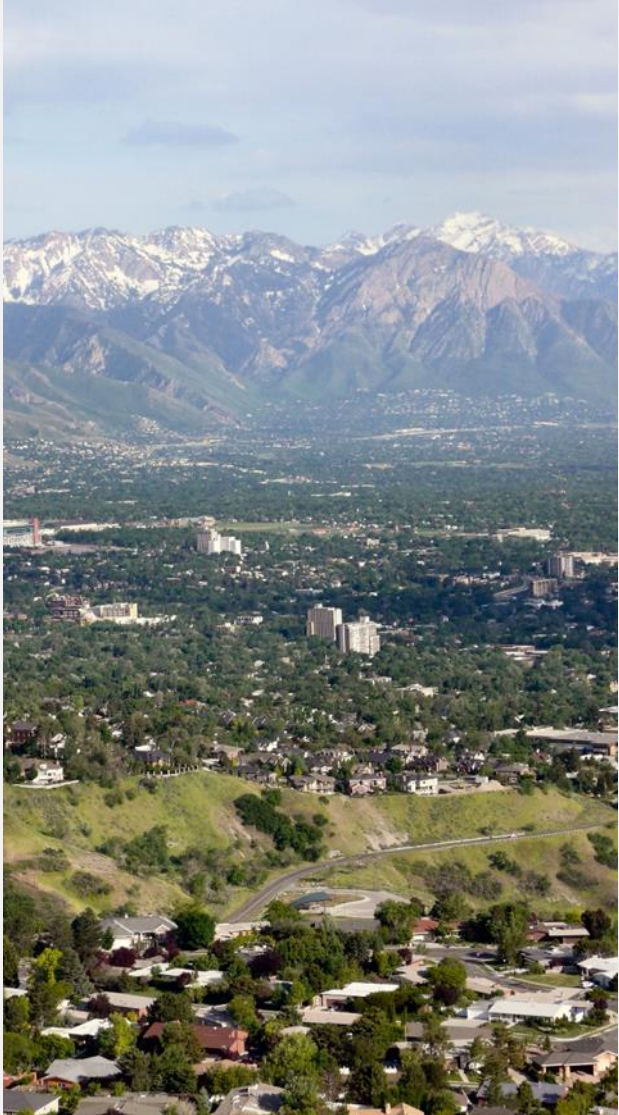
- The primary problem driving the need for this update is water quality mandates from the State of Utah
- State of Utah has set a deadline for February 2024
- Salt Lake County must implement regulatory Best Management Practices to protect waters from E. coli pollution
- Consequences likely include monetary penalties (SLCo paid a \$280,000 fine in 2016)
- Current ordinance lacks enforceable standards for obtaining and maintaining land use permits for horses and other animals
- Lack of uniformity/predictability and an increase in nuisances in both the FR and FA zones, has fostered an environment where “anything goes.”

HISTORY – 2021 DRAFT

- First proposed 2021 to the Salt Lake County and Mountainous Planning District Planning Commissions
- Proposed ordinance extensively vetted and revised
- Abundant public input received throughout Planning Commission recommendation processes
- Significant revisions made in response to the public input
- Despite revisions, public opposition persisted
- Salt Lake County Planning Commission recommended denial
- Mountainous Planning District Planning Commission recommended approval



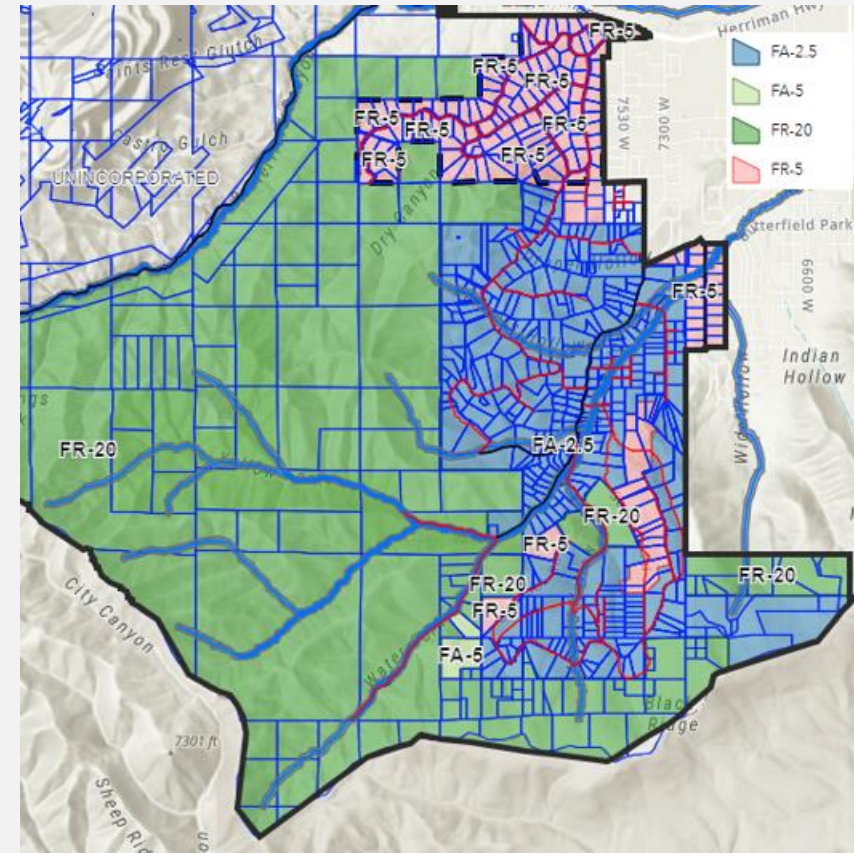
HISTORY - OUTREACH



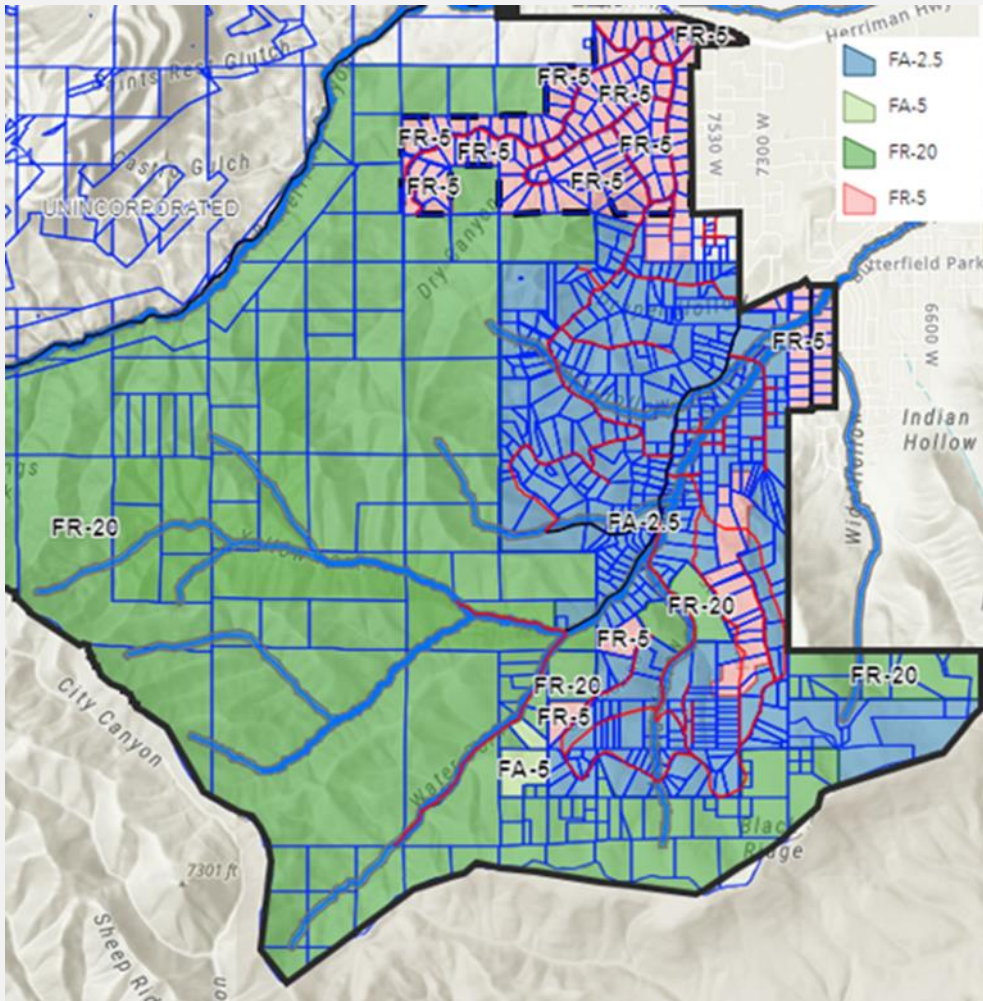
- Split recommendation was a cause for reflection
- Many Citizens had only been engaged via the contentious public hearing process
- Salt Lake County and MSD Planning staffs contacted members of the the Hi-Country I and II HOA boards in an effort to find concerned individuals to better understand the precise concerns the residents had about the proposed ordinance update
- It was hoped that these members would reach out to other members and concerned residents

HISTORY - OUTREACH

- As a result of this outreach, SLCO and MSD met with 8 residents of Hi-Country phases I and II. Staff met with those individuals for 3 hours listening to their concerns
- After better understanding those concerns, Salt Lake County and MSD Planning staffs made significant additional revisions to the proposed ordinance update in an attempt to address each concern
- The revised draft was then shared with those participants, and during a 2-hour meeting that draft was discussed with those residents and concerns heard
- Those board members who did participate in these discussions were not acting in their capacity as board members but as concerned citizens



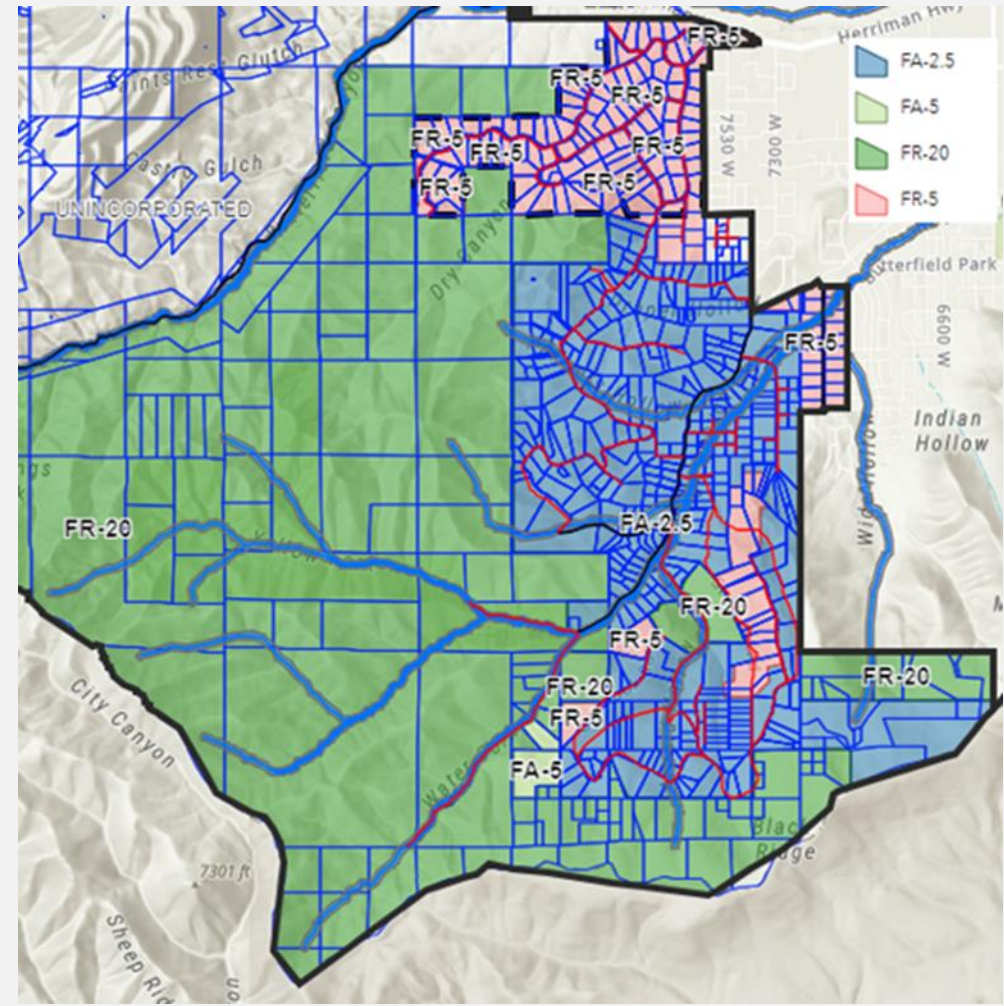
PROPOSED ORDINANCE (EXECUTIVE SUMMARY)



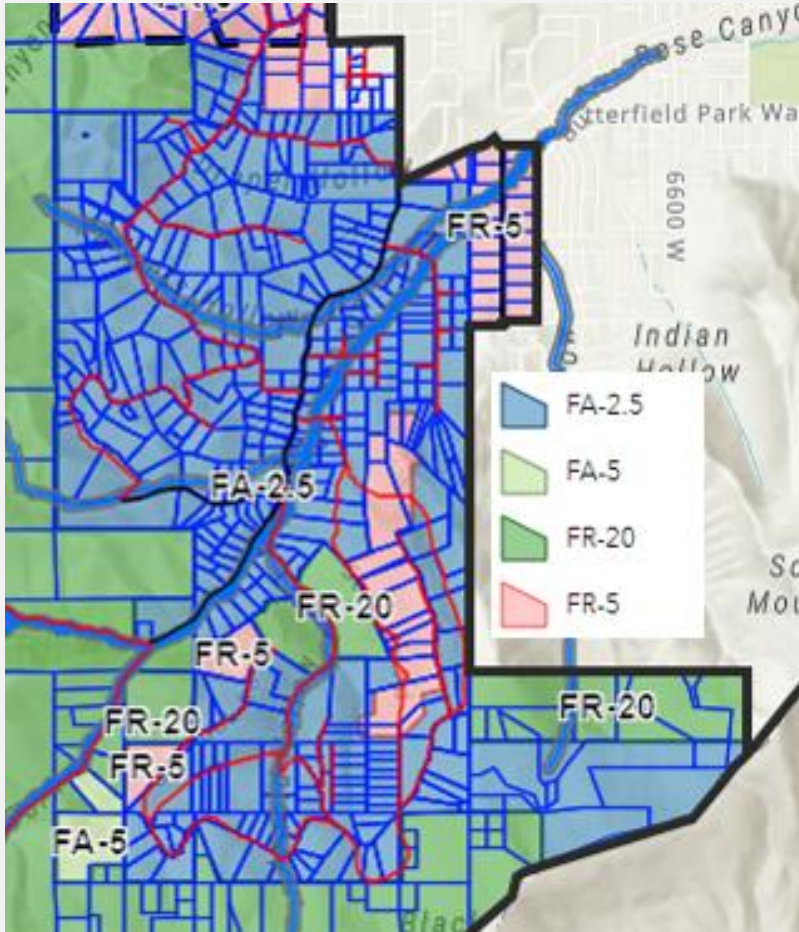
- Eliminates the need for Conditional Use Permits in most cases
- Requires landowners with animals to get a relatively inexpensive administrative permit
- This permit:
 - Requires a manure management plan
 - Will create a record of existing structures, corrals and fences, thereby documenting the “grandfathered” status
 - Is not limited only to those who currently have horses/ animals
 - Stream setbacks will only apply to new structures, corrals and fences

PROPOSED ORDINANCE (MISCONCEPTIONS)

- The proposed ordinance DOES NOT eliminate horse or animal rights in the Southwest Valley
 - Existing Horse/Animal Permits will continue as before
 - Existing Structures, corrals and fences will continue as before
 - In most cases the current animal limits are unchanged
 - In a few cases, the horse limits will allow more horses than the current limit
 - Property owners without horses or animals will be allowed to establish horse and animal uses in the future



FA - FOOTHILL AGRICULTURE ZONE



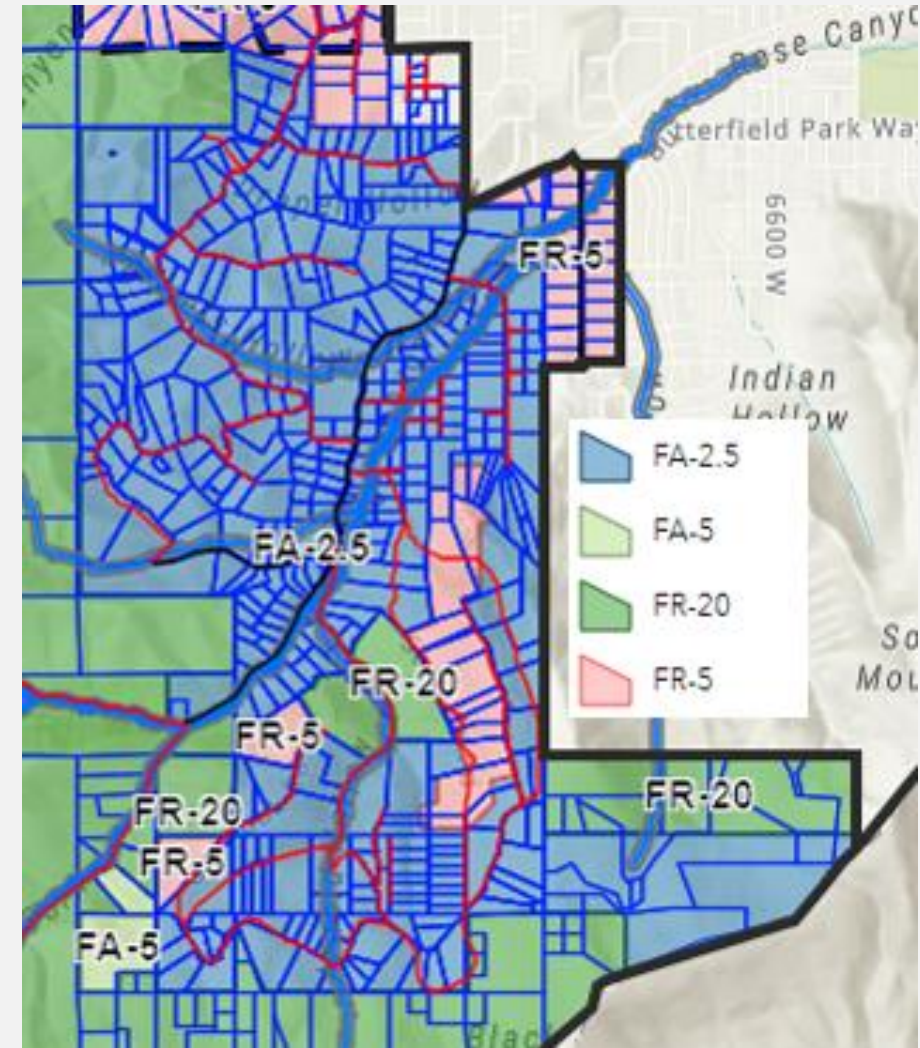
Foothill Agriculture Zone (Mainly High Country II)

- Four horses per lot for personal use only will remain a permitted use, as will other animals currently allowed in the zone.
- All existing buildings and corrals will be grandfathered from the amended ordinance stream setback requirements.
- Only new buildings, fences, corrals, etc., will need to meet the new stream setbacks.

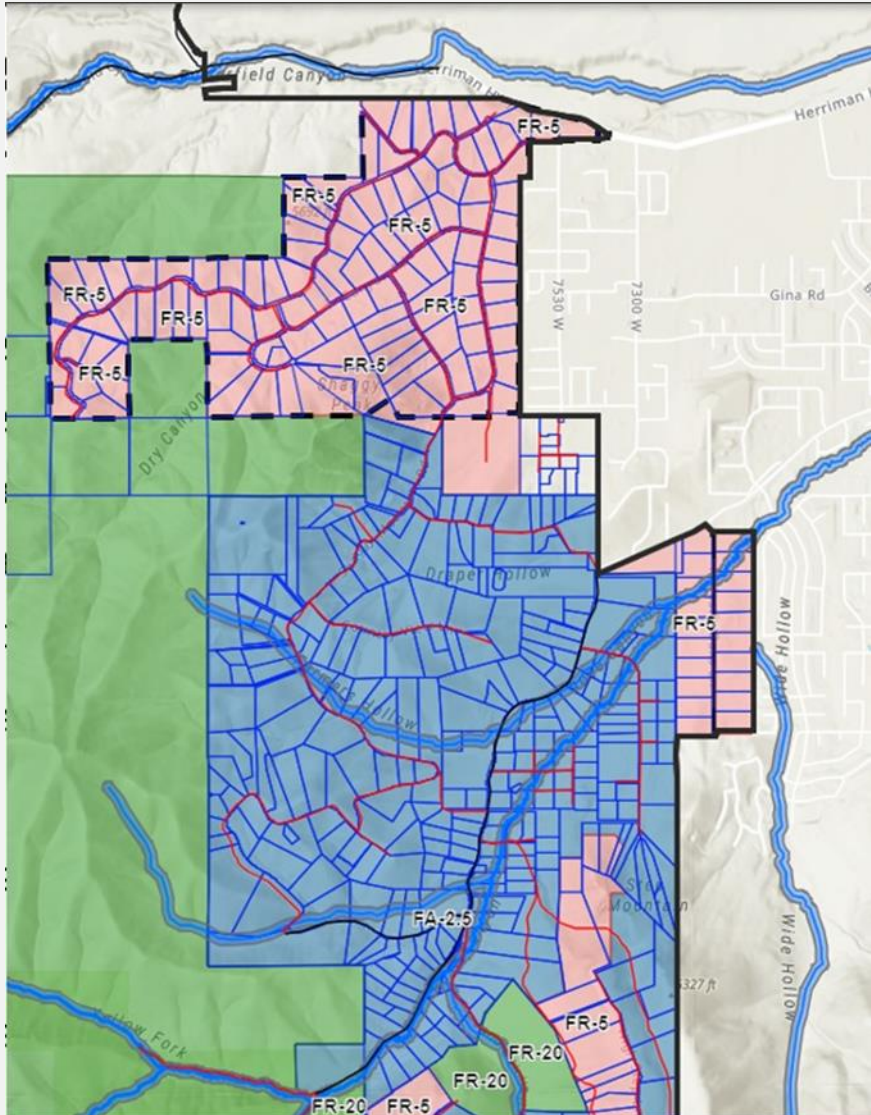
FA - FOOTHILL AGRICULTURE ZONE

Foothill Agriculture Zone (Mainly High Country II)

- Residents will be required to apply for an administrative permit.
- The permit will establish all legal non-complying structures with a site plan establishing their current locations and dimensions.
- The permit will include a manure management plan and establish the number of permitted horses.



FR – FORESTRY RECREATION ZONE



PERENNIAL AND INTERMITTENT STREAMS WITH 100' BUFFER

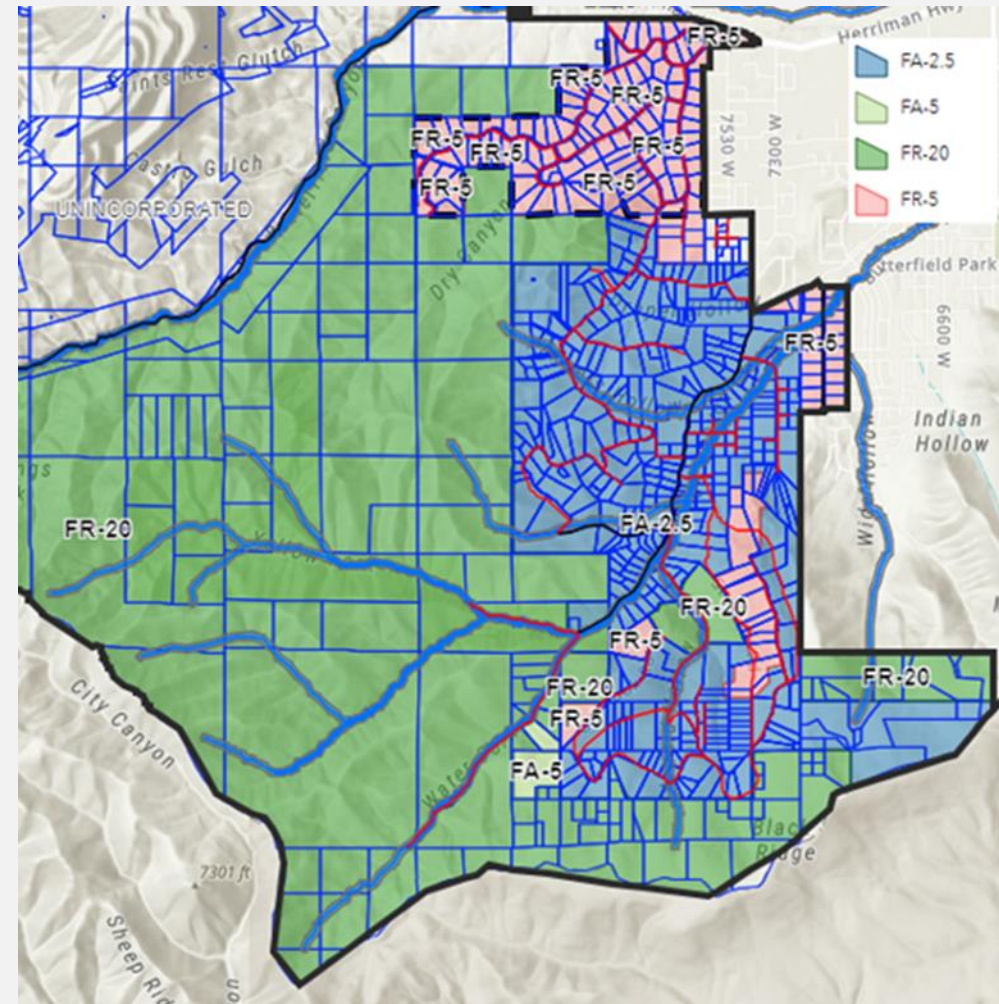
Forestry Recreation: (Mainly Hi Country I)

- Where a property owner has an existing conditional use permit, that permit will determine the number of horses allowed.
- Only properties with a stream running through them will be subject to a four horse limit. There do not appear to be any properties in Hi-Country I that have streams running through them.

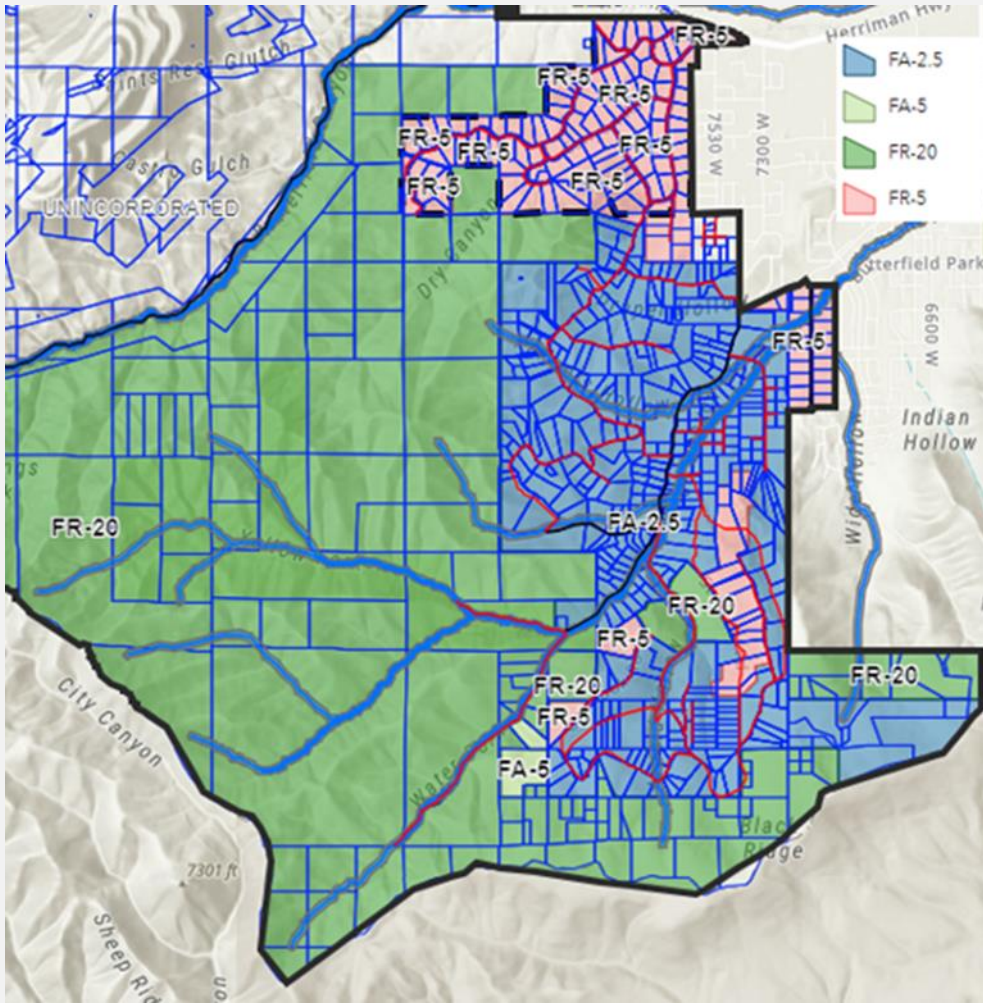
FR – FORESTRY RECREATION ZONE

Forestry Recreation: (Mainly Hi Country I)

- Properties lacking an existing conditional use permit will need to obtain a simple administrative permit. This permit is subject to a limit of 2 horses per ½ net developable acre, which is based on the standard in nearby Herriman.
- The number of other animals allowed is unchanged from the current ordinance.



FR – FORESTRY RECREATION ZONE



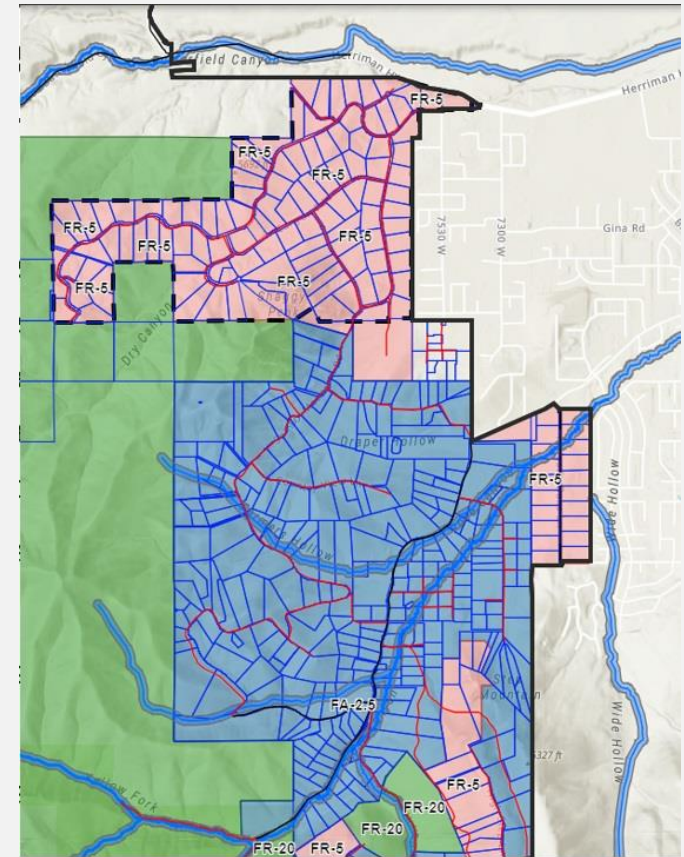
Forestry Recreation: (Mainly Hi Country I)

- Properties in Hi Country I will only require a simple Administrative Permit, which will include: a manure management plan, and establish the number of permitted horses and the locations of the existing and proposed building, fences, corrals, etc.

FR – FORESTRY RECREATION ZONE

Forestry Recreation: (Mainly Hi Country I)

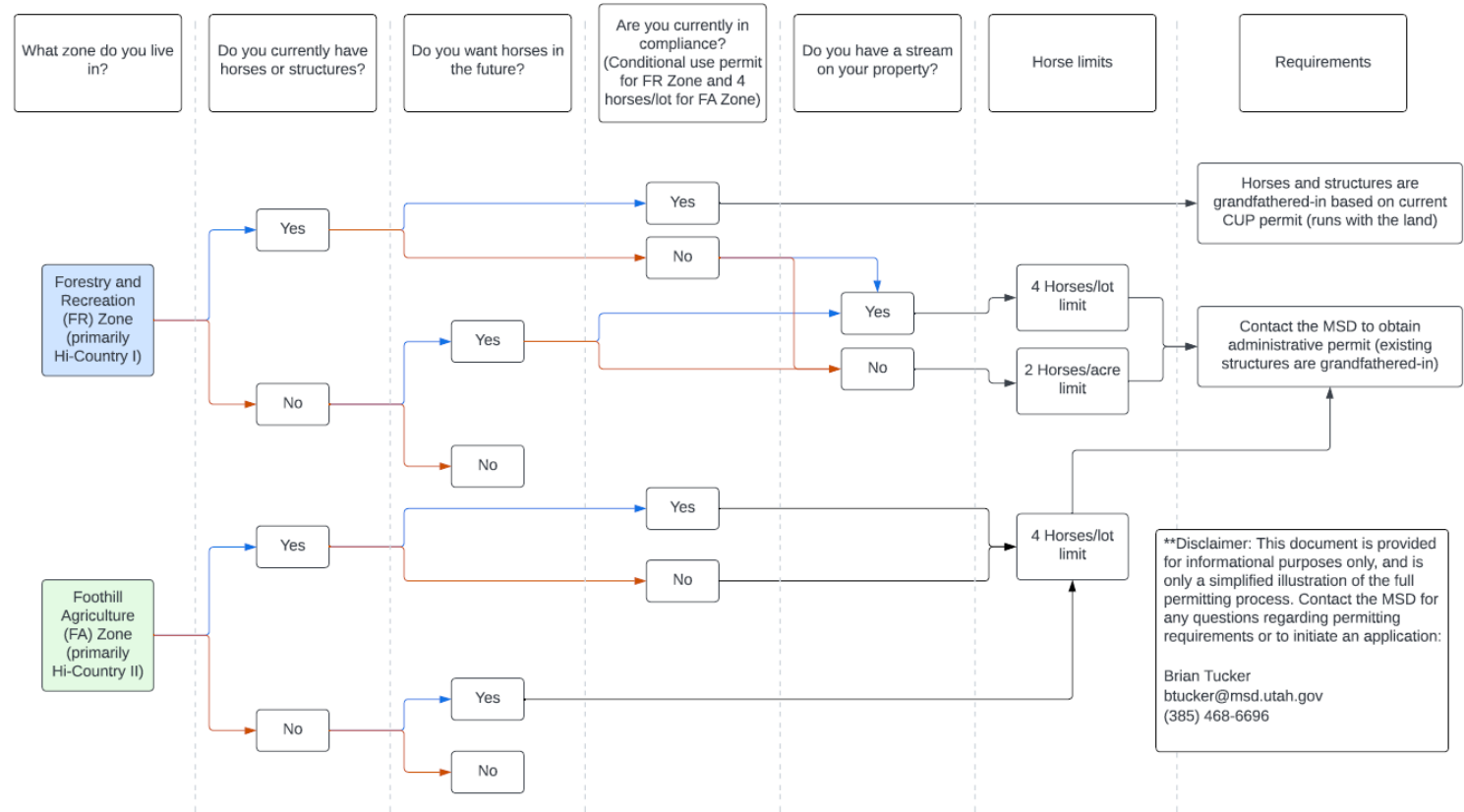
- For any FR properties that do have streams, all existing buildings and corrals will be grandfathered from the amended ordinance stream setback requirements. Only new buildings, fences, corrals, etc., will need to meet the new stream setbacks and require a conditional use permit. The new stream setback requirements are as follows:
 - Perennial streams: 100' setback from stream for structures housing animals
 - Ephemeral streams: 50' setback from stream for structures housing animals
 - 25% reduction of setbacks if vegetated riparian corridor established



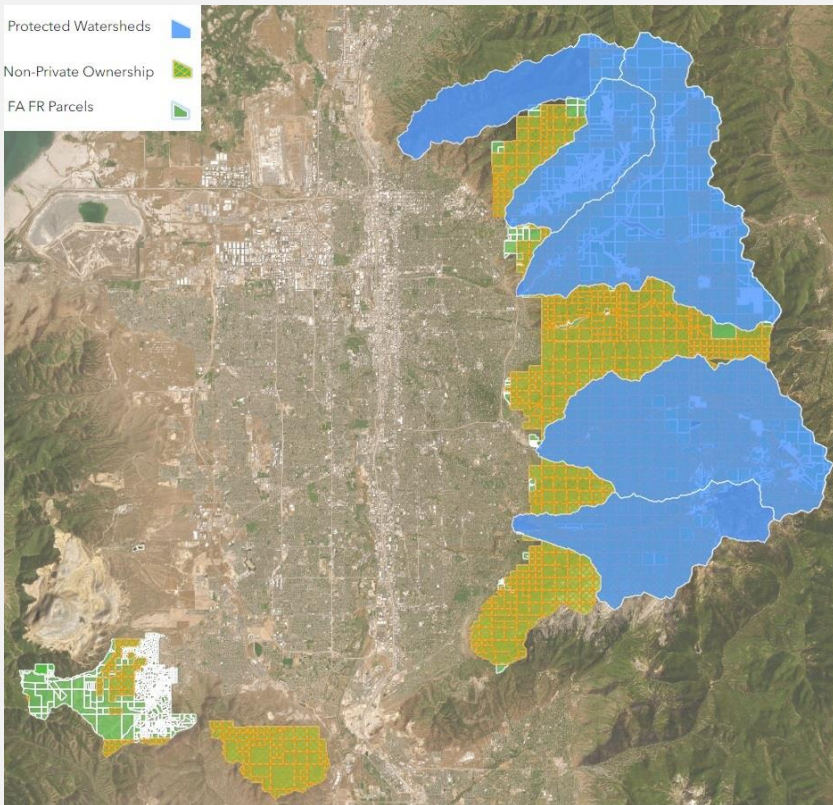
PERENNIAL AND INTERMITTENT STREAMS WITH 100' BUFFER

WHAT DOES THIS MEAN FOR MY PROPERTY?

Forestry Recreation and Foothill Agriculture Decision Matrix



SUMMARY

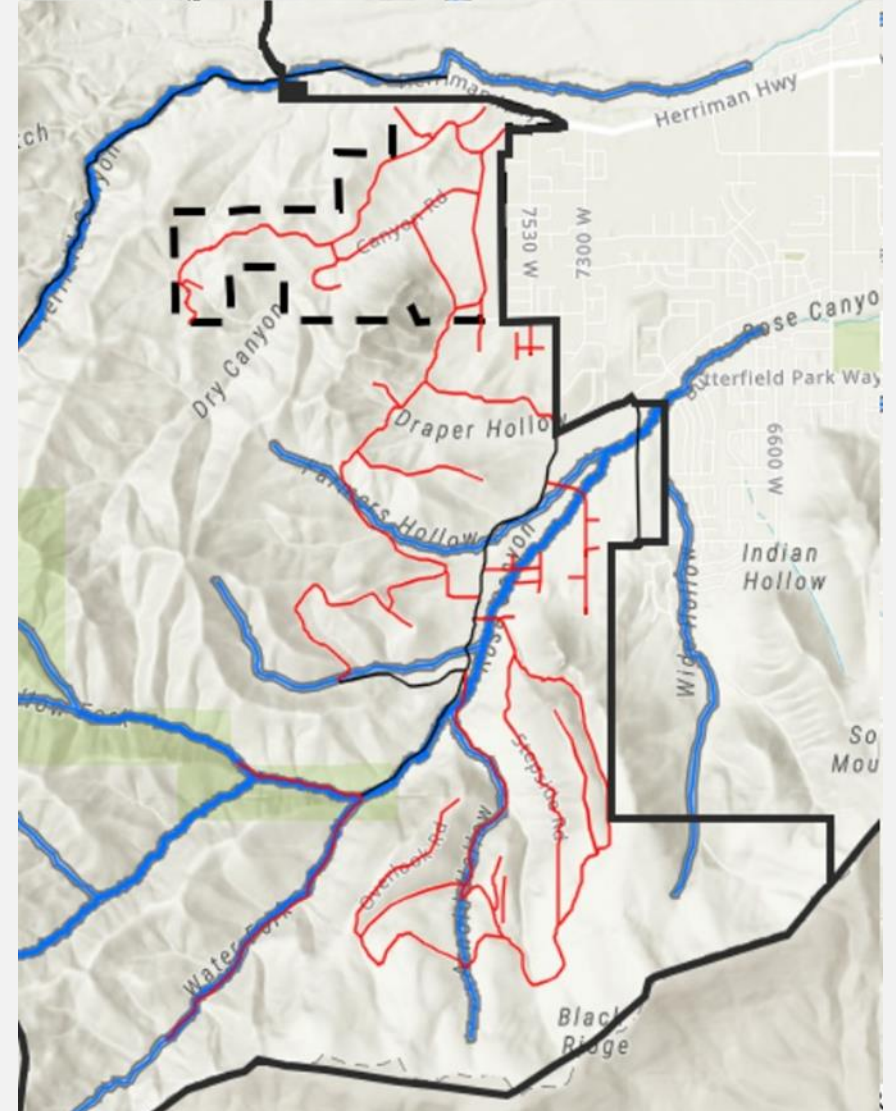


- The County's approval of the proposed ordinance amendment will help meet the requirements outlined by DWQ to address the impairment of Rose Creek, Midas Creek, and Butterfield Creek.
- The County has been working with utmost diligence to ensure that it meets all the requirements outlined by DWQ with our UPDES permit to avoid potential penalties that can go up to millions of dollars.
- With the amended FR/FA ordinance, property owners without animals can also benefit by meeting the new setback and applicable standards to establish animal rights.

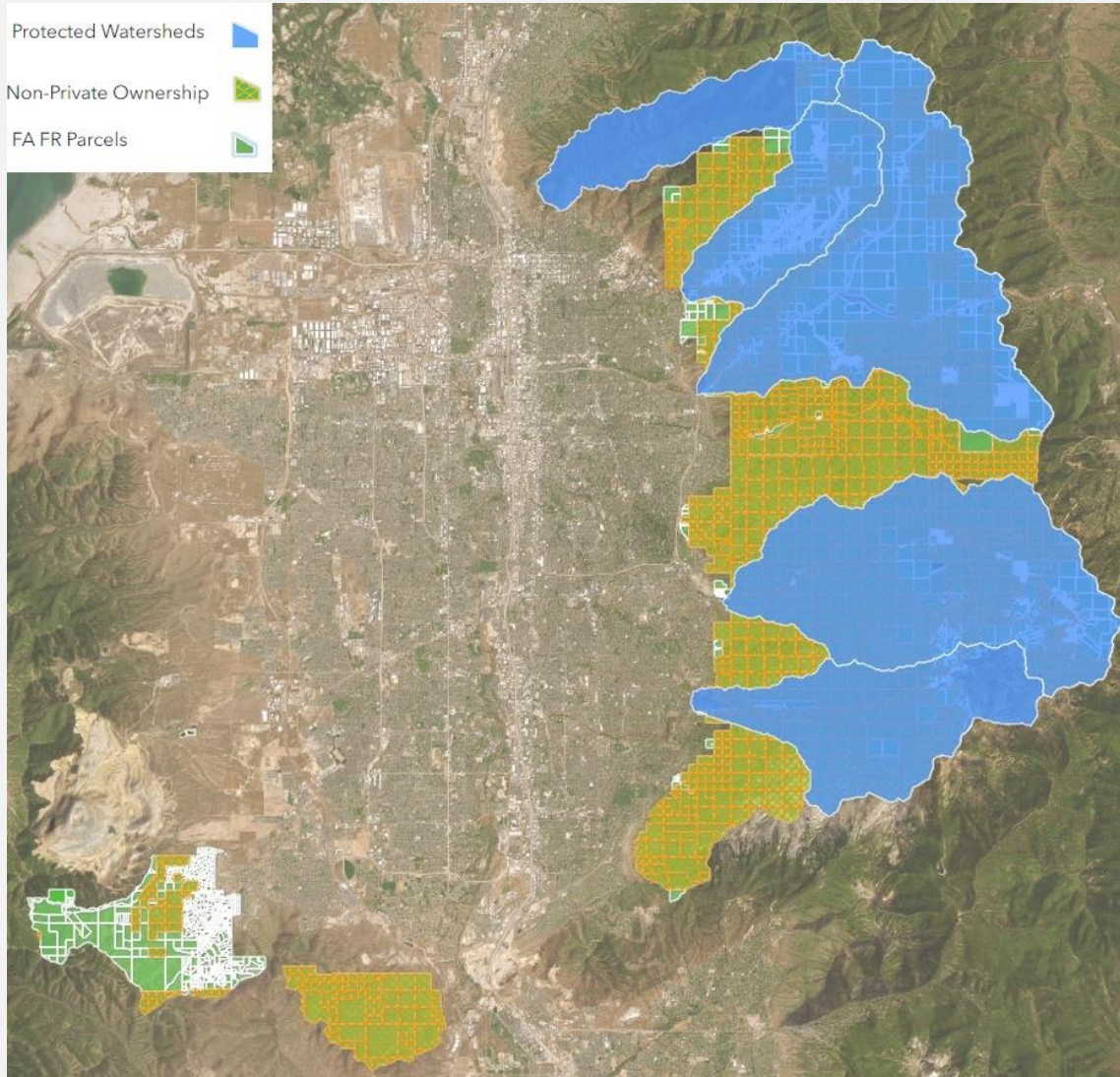
SUMMARY

- It is unlikely that existing animals or structures will be affected by the ordinance changes because:
 - 1) the stream setbacks only apply to new structures,
 - 2) the FA animal limits are unchanged, and
 - 3) the FR animal limits simply implement more objective criteria and allow for a more streamlined administrative process.

PERENNIAL AND INTERMITTENT STREAMS WITH 100' BUFFER



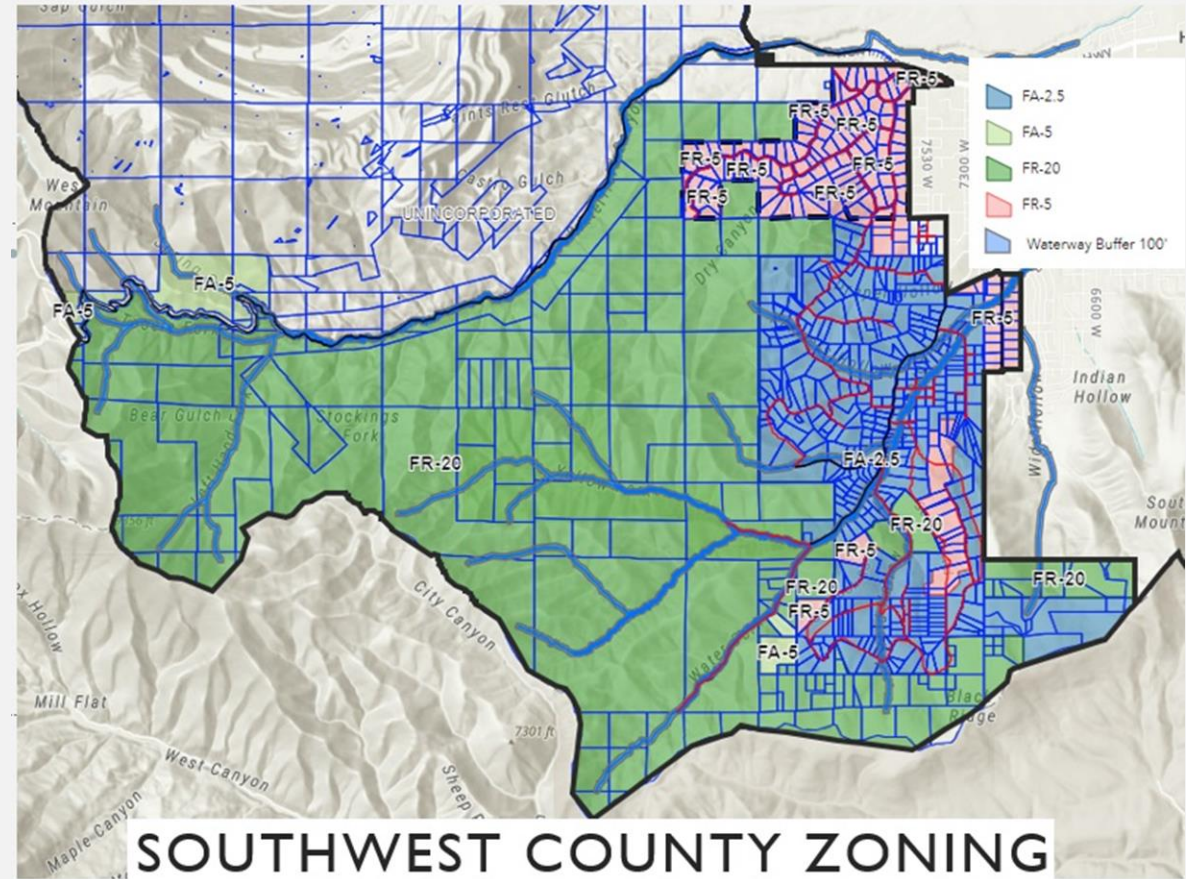
SUMMARY



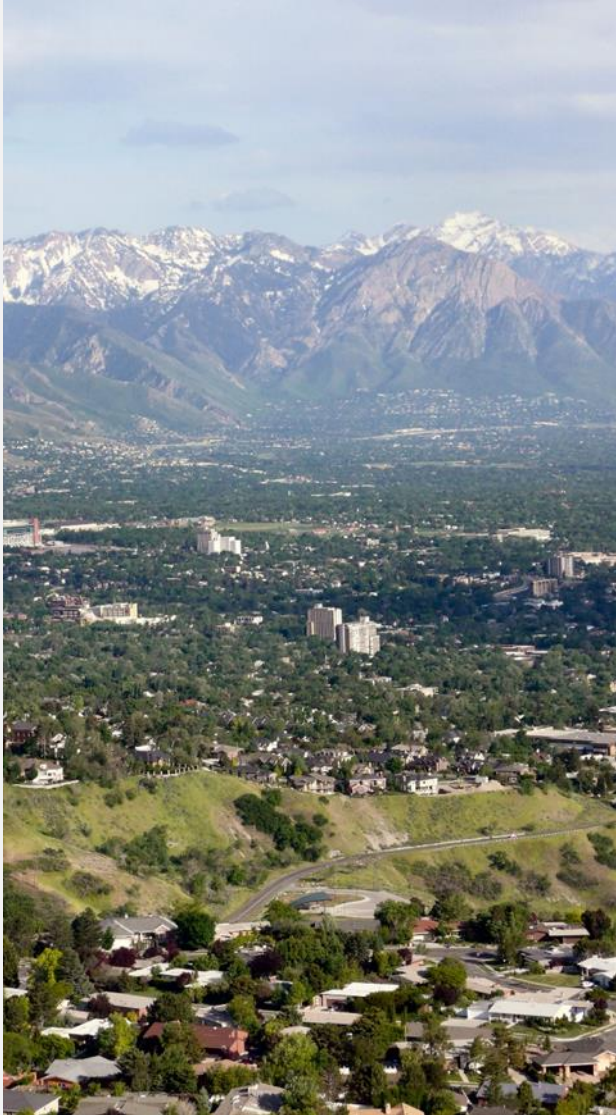
- Additionally, both existing and new permits will run with the land, allowing future property owners to have animals within existing permit parameters.
- It is also recommended that the enforcement of the new ordinance will have a delayed implementation date of six months from approval by the Council.

SUMMARY

- In addition, the County Council has recently approved a \$100,000 Match to a Watershed Planning and Restoration Program's (WPRP) Grant of \$250,000 (total of \$350,000) to support homeowners in creating a riparian corridor.
- This program is likely to launch in June of 2024, and will offer assistance to homeowners in the area and contribute to the preservation of the natural environment.



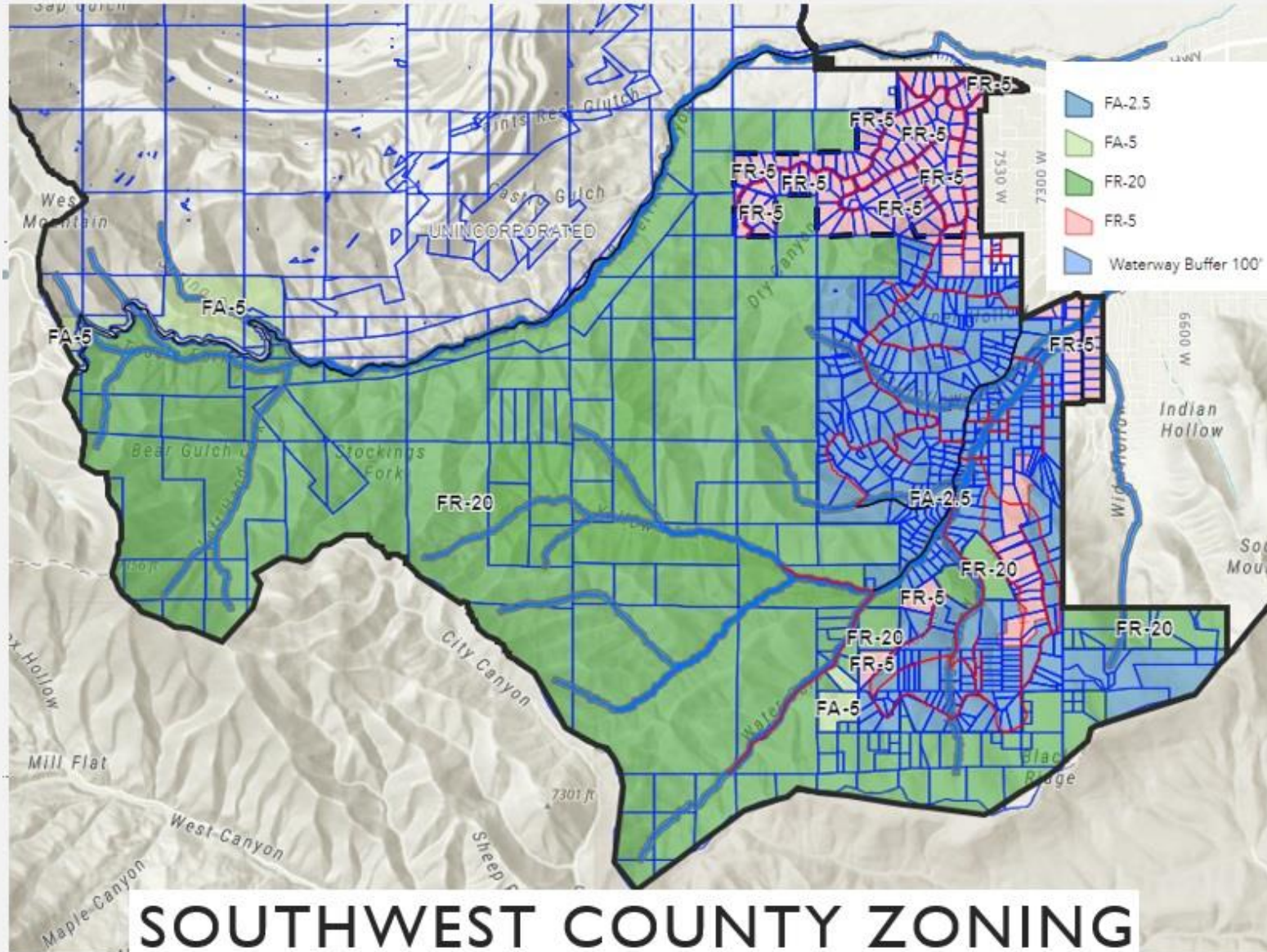
CONSEQUENCES OF INACTION



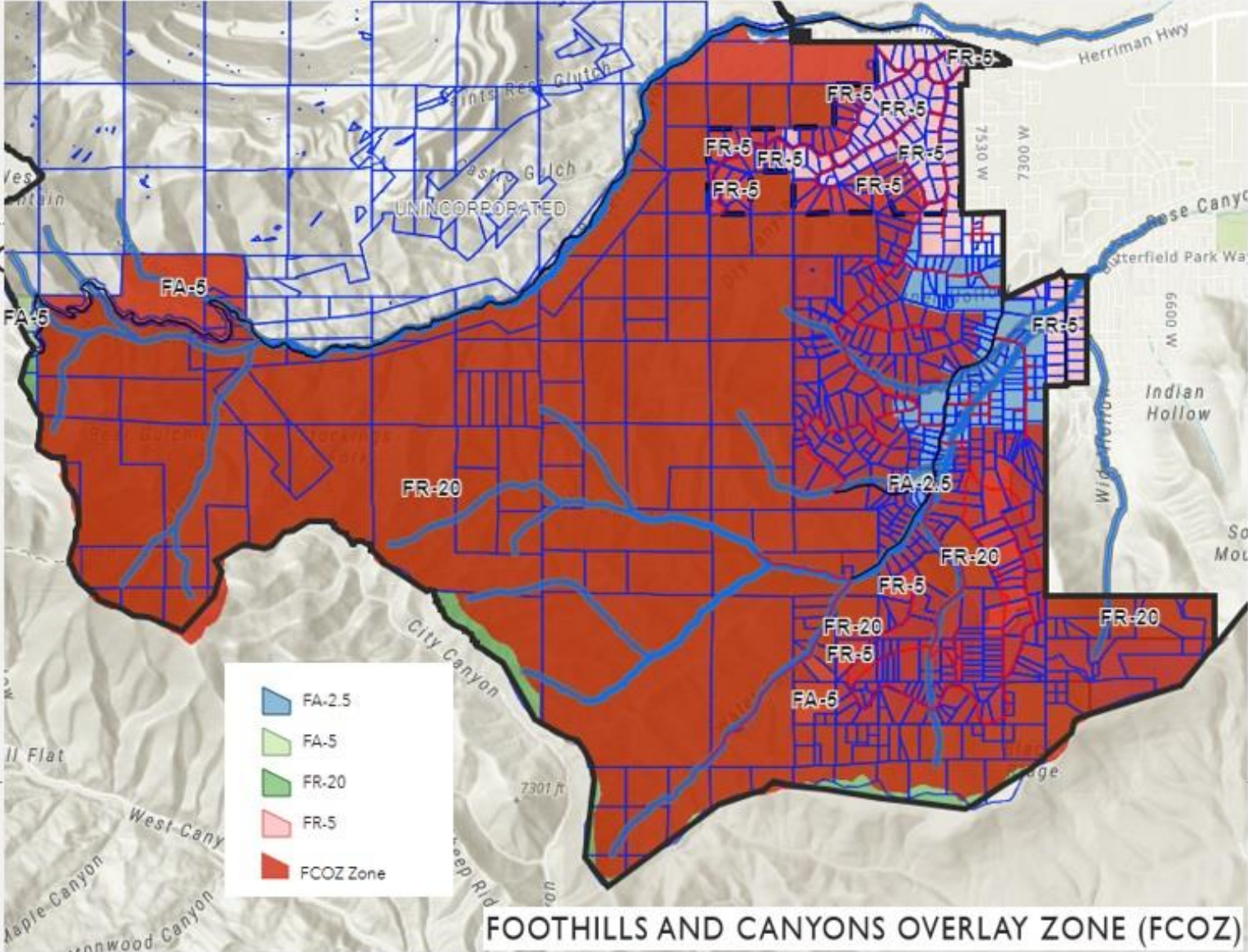
If the County does nothing to update its FR/FA ordinances, the following will likely occur:

- Salt Lake County will be subject to enforcement actions by the State of Utah for failure to implement regulatory Best Management Practices to protect waters from E. coli
 - SLCo previously required to pay a \$280,000 fine for failure to adequately address clean water problems in its stormwater regulation programs
 - State's mandate to implement regulatory Best Management Practices to protect waters from E. coli is a follow-up to its enforcement actions that resulted in the \$280,000 fine
- Property owners in the FR Zone subjected to a more expensive, time-consuming conditional use process than properties in the nearby FA Zone
- An expensive, time-consuming conditional use process becomes a disincentive to compliance
- Result some owners compliant, others not, contributing to neighbor disputes
- Continued complaints of animal nuisances and commercial uses involving animals in the FR and FA zones without effective mechanisms to respond

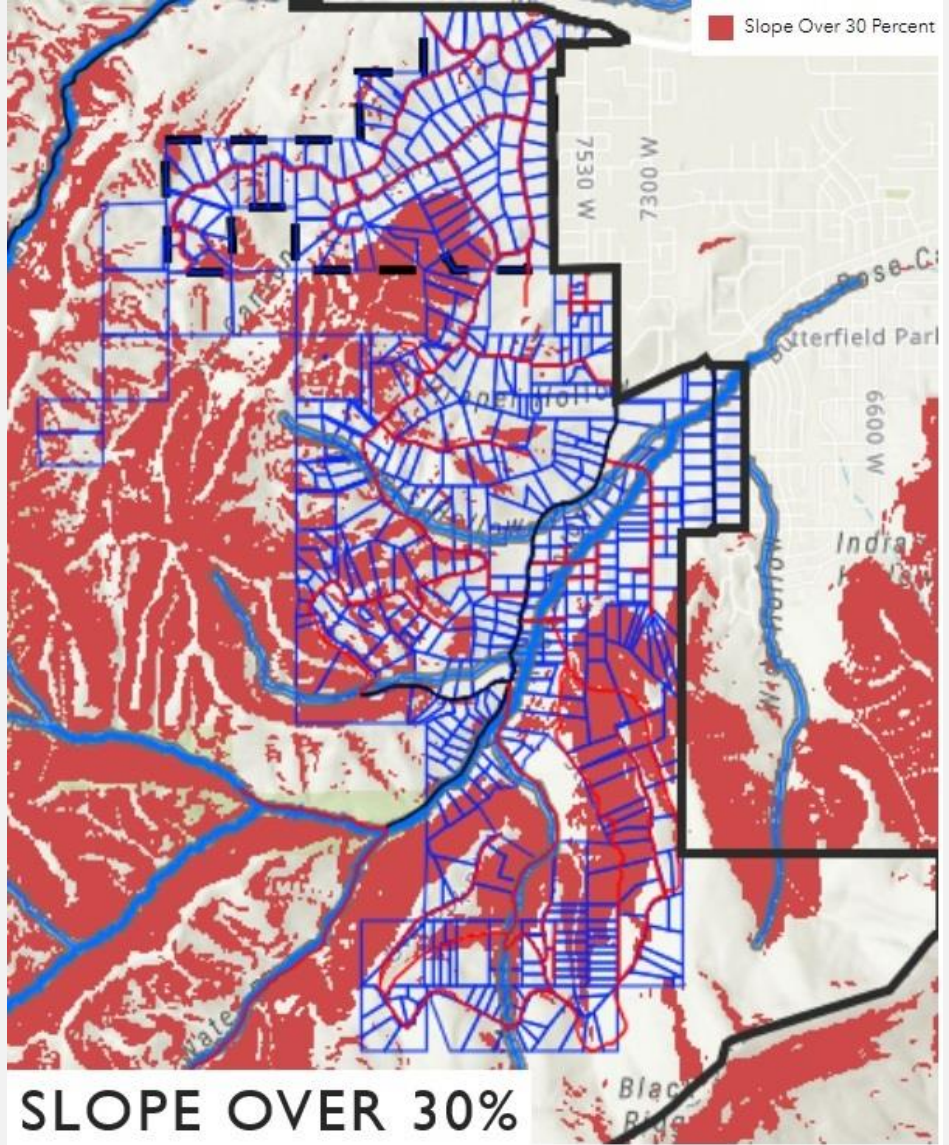
SOUTHWEST COUNTY ZONING



FOOTHILLS AND CANYONS OVERLAY ZONE (FCOZ)



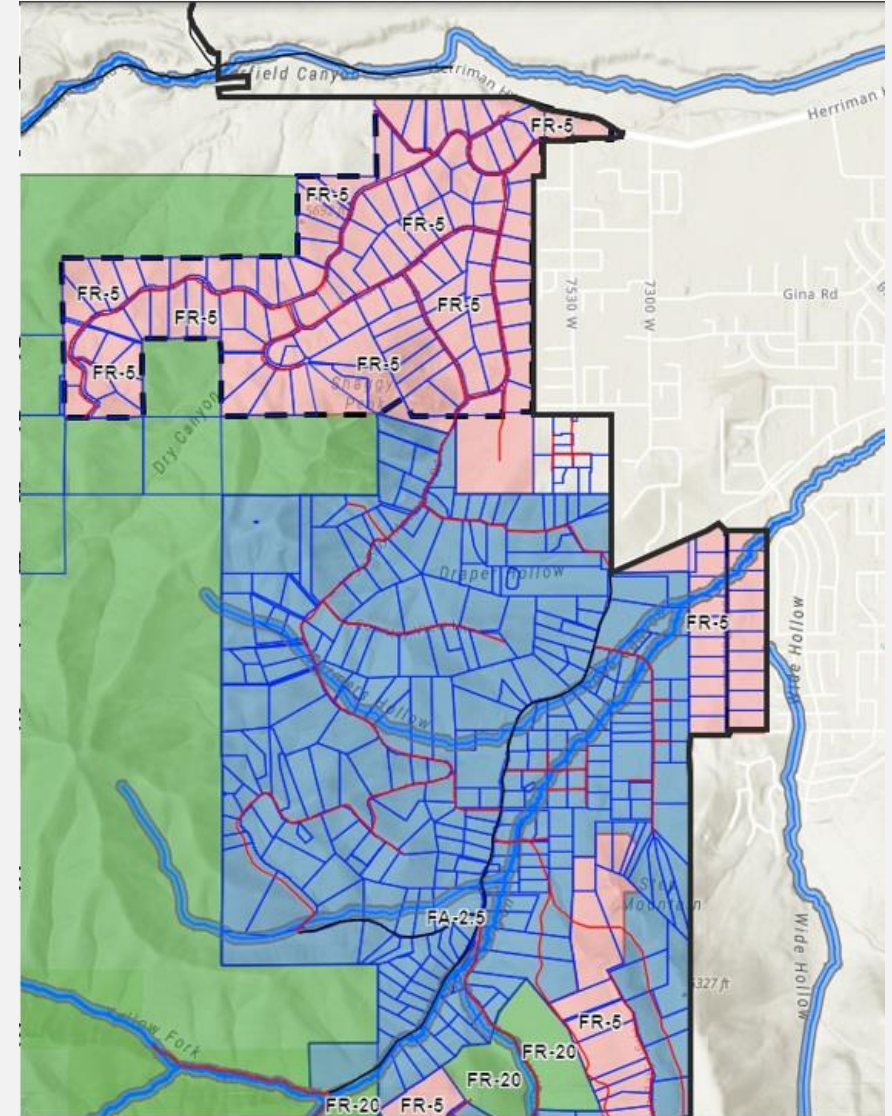
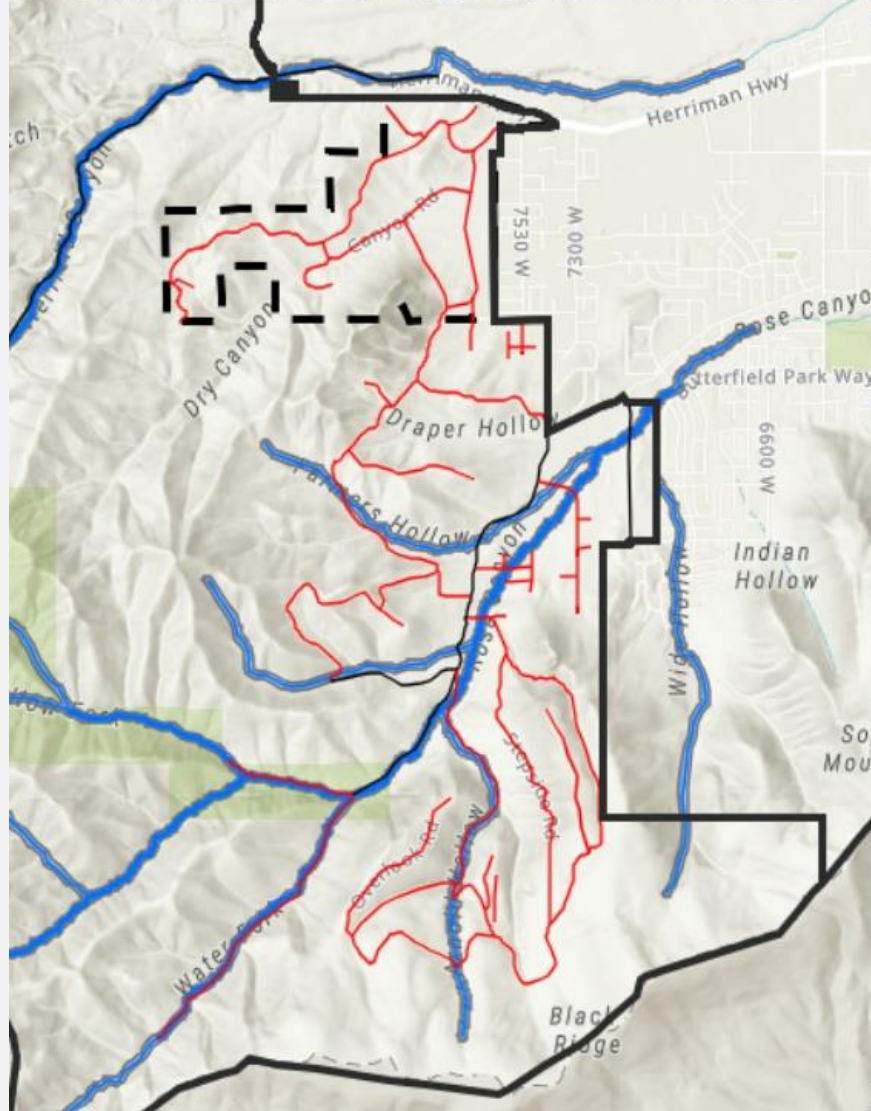
SLOPE OVER 30%



SLOPE OVER 30%

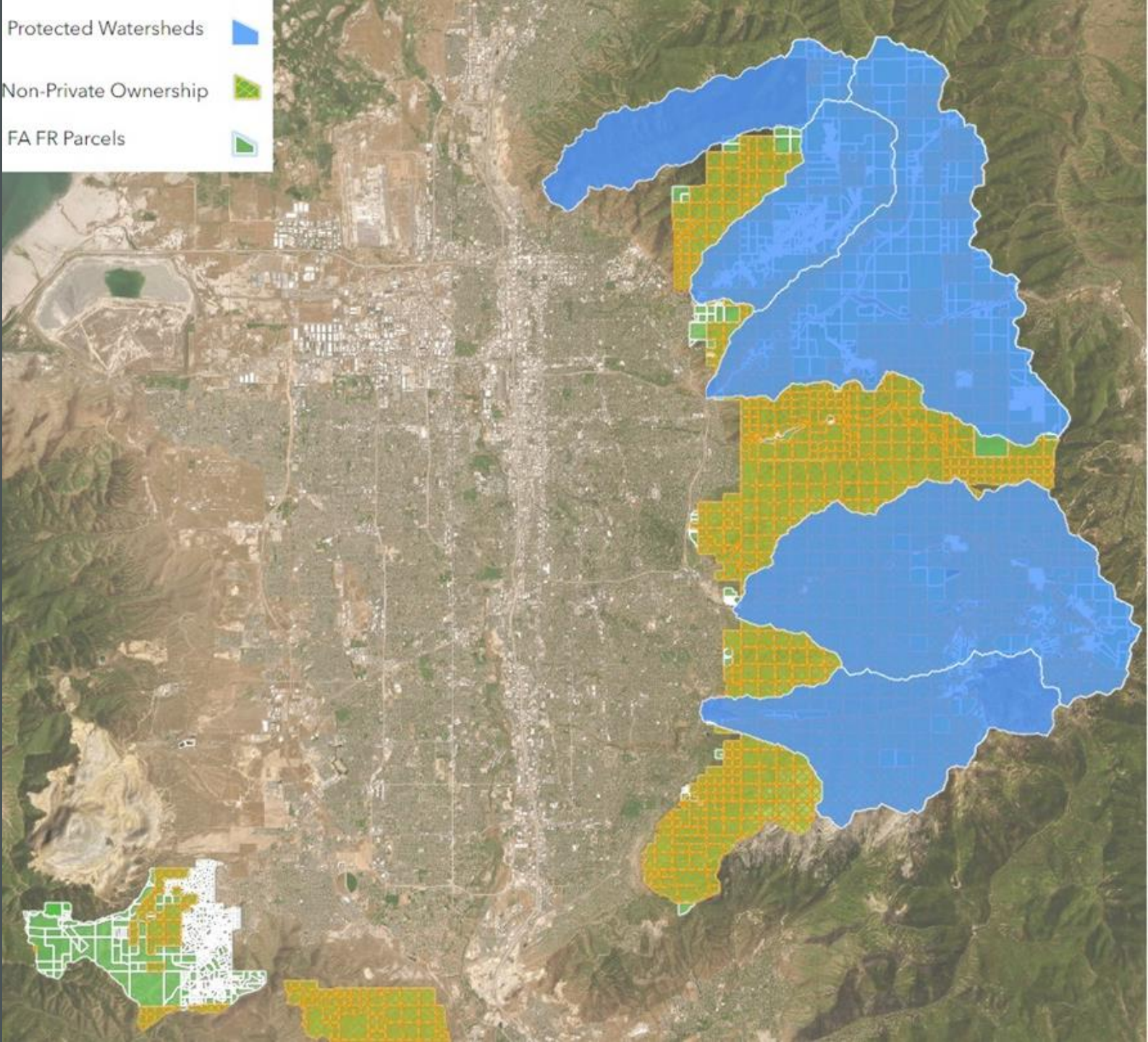
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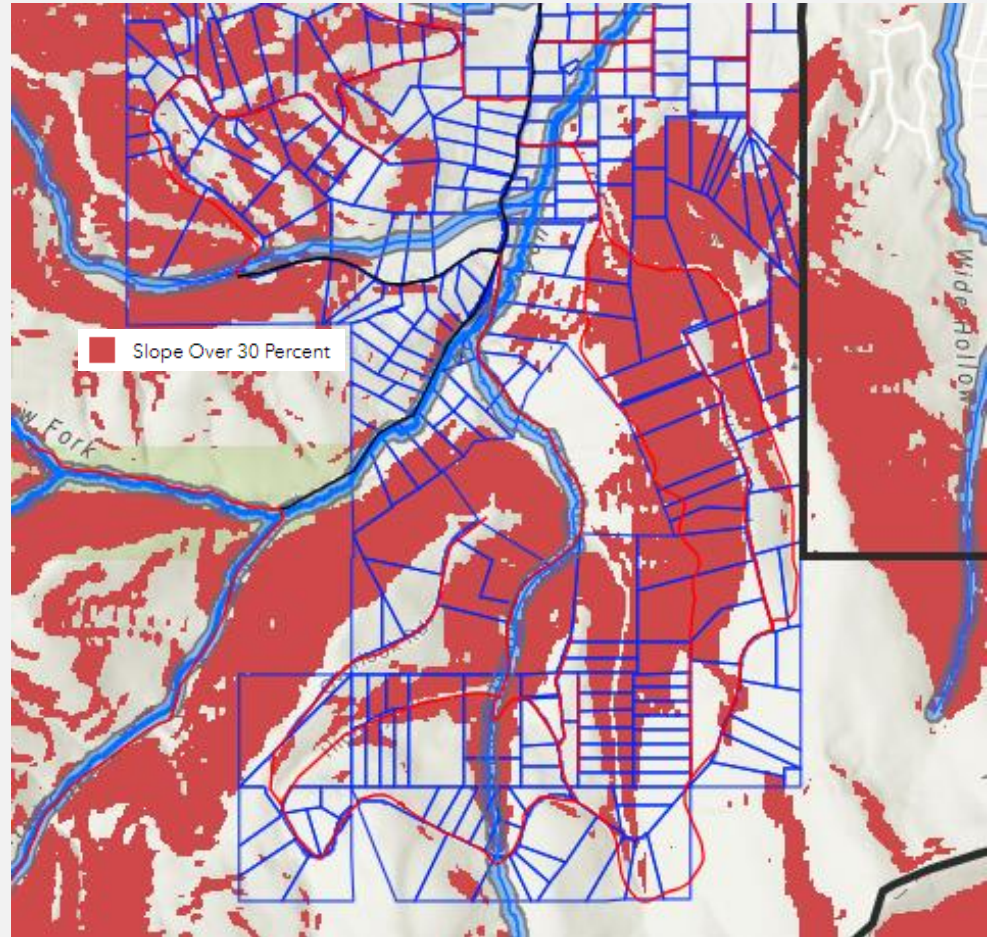
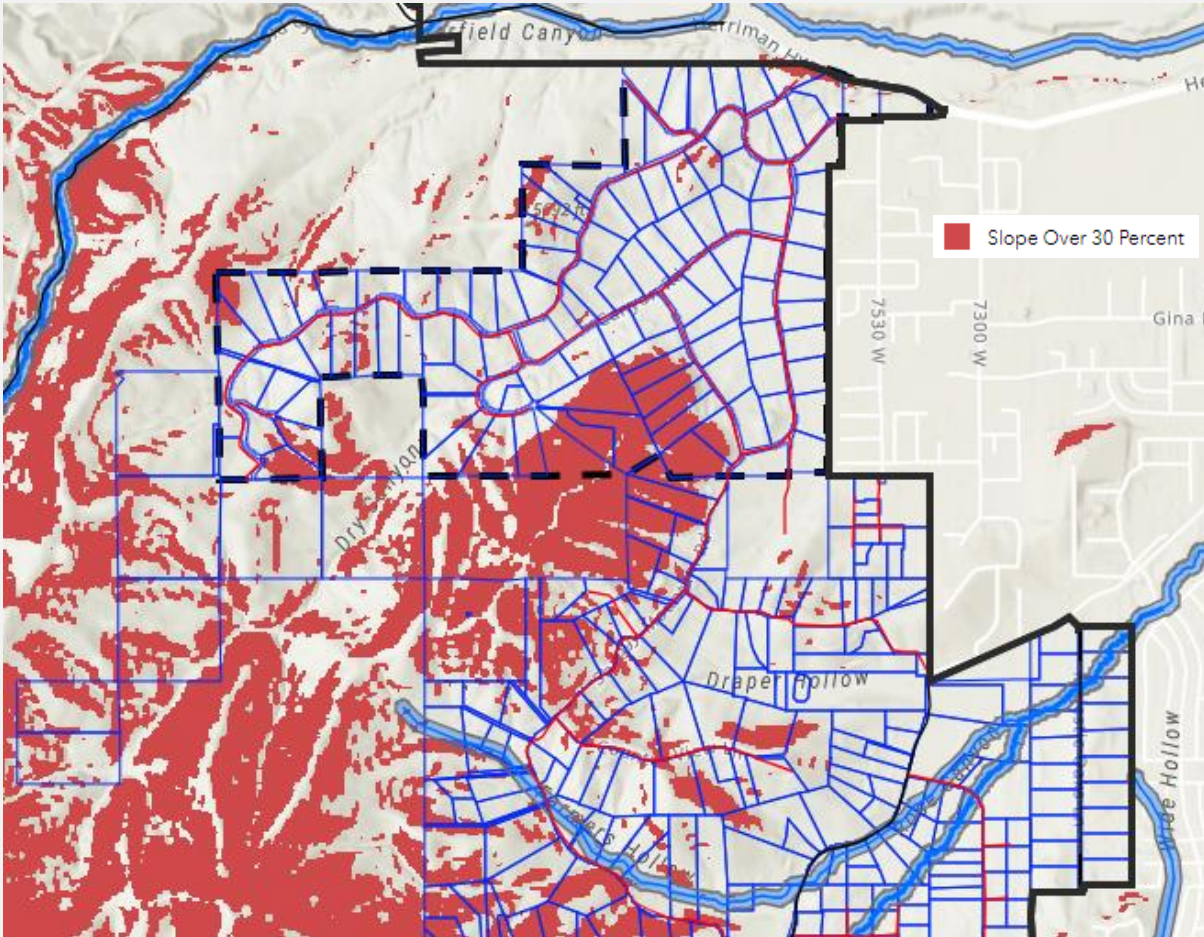


PERENNIAL AND INTERMITTENT STREAMS WITH 100' BUFFER

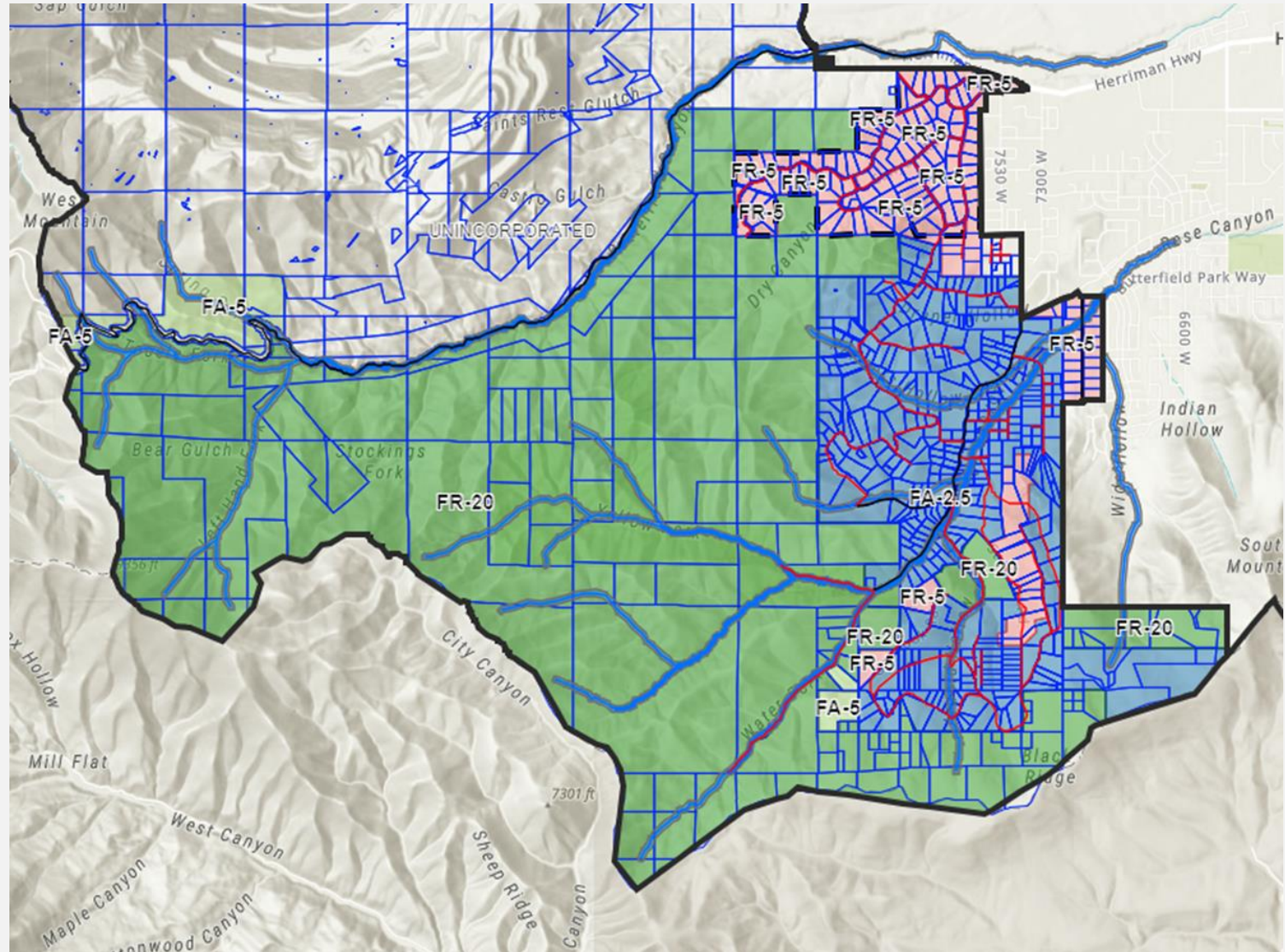
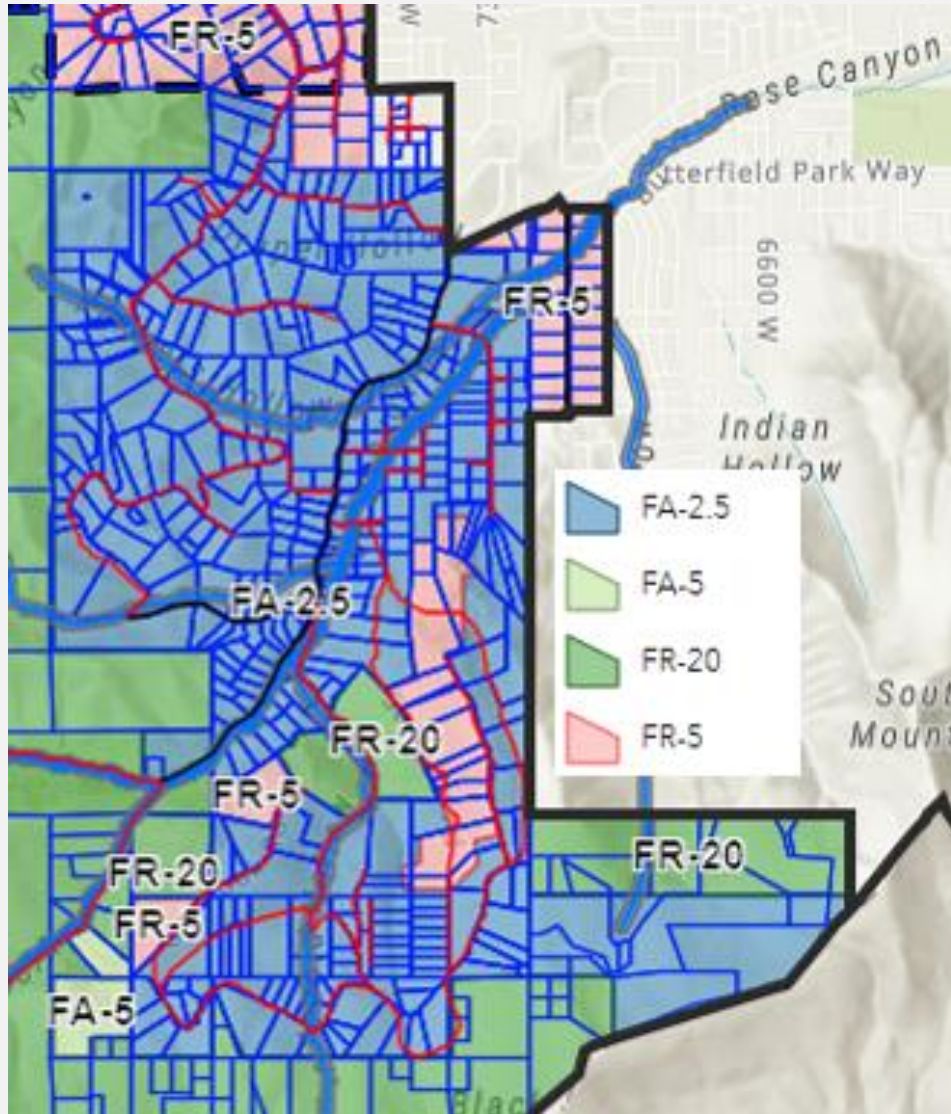
END OF
SLIDE
SHOW



SLOPE OVER 30%



SOUTHWEST COUNTY ZONING



PERENNIAL AND INTERMITTENT STREAMS WITH 100' BUFFER

