



GREATER SALT LAKE  
**Municipal Services  
District**

**Planning and Development Services**

2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050

Phone: (385) 468-6700 • Fax: (385) 468-6674

<https://msd.utah.gov/agendas/>

# Mountainous Planning District Planning Commission

## Special Public Meeting Agenda

**\*\*AMENDED\*\***

### Thursday, January 4, 2024 3:00 P.M.

**LOCATION:**

**Join meeting in WebEx**

Meeting number (access code): 961 841 420

<https://slco.webex.com/meet/wgurr>

Join meeting in WebEx (download available at <https://www.webex.com/downloads.html> for Windows, Android, and Apple devices)

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You can also dial 173.243.2.68 and enter your meeting number.

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**Anchor Location:           2001 South State Street  
North Building, Room N1-110**

*UPON REQUEST, WITH 5 WORKING DAYS NOTICE, REASONABLE ACCOMMODATIONS FOR QUALIFIED INDIVIDUALS MAY BE PROVIDED. PLEASE CONTACT WENDY GURR AT 385-468-6707.  
TTY USERS SHOULD CALL 711.*

The Planning Commission Public Meeting is a public forum where, depending on the agenda item, the Planning Commission may receive comment and recommendations from applicants, the public, applicable agencies and MSD staff regarding land use applications and other items on the Commission’s agenda. In addition, it is where the Planning Commission takes action on these items, which may include approval, approval with conditions, denial, continuance, or recommendation to other bodies as applicable.

### **PUBLIC HEARING(S)**

**OAM2023-001008 - (Continued from November 16, and December 21, 2023)** An ordinance repealing and replacing Title 18 of the Salt Lake County Code of Ordinances, 2001, entitled “Subdivisions,” in order to update the title to reflect state legislative changes, changes to the planning and development service provider for Salt Lake County, and to otherwise update Salt Lake County policy on subdivisions to reflect better principles of planning, efficiency, and

affordability; and making other related changes. **Presenter:** Brian Tucker and Zach Shaw (Motion/Voting)

**OAM2023-000994 – (Continued from October 19, November 16, and December 21, 2023)** An ordinance amending the following sections of the Salt Lake County Code of Ordinances, 2001: 19.12.020 (permitted uses in the FR zone), 19.12.030(g)(conditional uses in the FR zone), and 19.54.020 (permitted uses in the FA zone) to have distinct regulations in the FR and FA zones with regards to animal uses and their associated impacts on adjoining properties, the environment, and the well-being of animals; and making other related changes. **Presenter:** Brian Tucker and Zach Shaw (Motion/Voting)

**ADJOURN**

## Rules of Conduct for the Planning Commission Meeting

1. Applications will be introduced by a Staff Member.
2. The applicant will be allowed up to 15 minutes to make their presentation.
3. The Community Council representative can present their comments.
4. Persons in favor of, or not opposed to, the application will be invited to speak.
  - a. Speakers will be called to the podium by the Chairman.
  - b. Because the meeting minutes are recorded it is important for each speaker to state their name and address prior to making any comments.
  - c. All comments should be directed to the Planning Commissioners, not to the Staff or to members of the audience.
  - d. For items where there are several people wishing to speak, the Chairman may impose a time limit, usually 3 minutes per person, or 5 minutes for a group spokesperson.
5. Persons opposed to the application will be invited to speak.
6. The applicant will be allowed 5 minutes to provide concluding statements.
  - a. After the hearing is closed, the discussion will be limited to the Planning Commission and the Staff.

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OAM2023-001026

## ORDINANCE AMENDMENT

### Title 18 Repeal and Replace

**Public Body:** Mountainous Planning District Planning Commissions

**Meeting Dates:** January 4, 2024

**Request:** Repeal and Replace Title 18 Subdivisions

**Planner:** Brian Tucker, Planning Manager

**Legal Counsel:** Zach Shaw

**Planning Staff Recommendation:** Approval

### SUMMARY

An overhaul of Title 18 Subdivisions is long overdue. Very few changes have been made to Title 18 since Salt Lake County changed its form of government at the turn of the century, and much has taken place since then, including a major change of government and service provider for what at that time was the unincorporated county. MSD Planning, with significant input from the District Attorney's Office and Mayor's office, has prepared a comprehensive update of Salt Lake County's subdivision ordinances. The proposed ordinance included some aspects of the existing County Subdivision Ordinance but is reformatted for ease of use by the public and the staff. The proposed ordinance makes use of modern best practices in subdivision regulations and complies with state code mandates and limitations. The proposed ordinance is informed by subdivision ordinances from other jurisdictions along the Wasatch Front and by the over 60 years of planning experience on the MSD Planning Staff. Much of the subdivision ordinance is about the process of approving a subdivision and the technical engineering and surveying aspects of land development. The County Surveyor and Public Works Engineering were consulted during the writing of the proposed ordinance.

The District Attorney's Office has reviewed and revised the draft ordinance with input from the Mayor's Office. This staff report will focus on the material policy changes that would result from the adoption of the Title 18 draft ordinance. The Planning Commissions and public are welcome to give feedback on the procedural and technical aspects of the draft ordinance as well.

## BACKGROUND

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Utah Code, Chapter 17-27a, which is also known as the County Land Use, Development, and Management Act (CLUDMA), authorizes counties to regulate land use and sets the parameters to which those land uses can be regulated. Part 6 of CLUDMA authorizes the County to enact a subdivision ordinance in accordance with the provisions of CLUDMA. Titles 18 Subdivisions, and 19 Zoning, constitute Salt Lake County's land use regulations. Title 18 is the portion of Salt Lake County's code regulating subdivisions within Salt Lake County.

Because the legislature tweaks CLUDMA every year the parameters surrounding subdivisions often change. These changes can lead to inconsistencies between the County's Subdivision Ordinance and CLUDMA. The County and MSD Staffs had been working on updating Title 18 to account for legislative changes in earlier years when the 2023 legislative session began. During the 2023 legislative session, HB 174 and HB 406 were introduced and included some substantial changes including the introduction of subdivision review timeframes, limits on the number of review cycles, complications to implementing Development Agreements, and maximum residential road widths, among others. The changes associated with HB 174 and HB 406 have an implementation deadline of February 2024.

The proposed ordinance is intended to simplify the processes and application requirements and make them more accessible and understandable to the public. The proposed ordinance formalizes the informal policies that have been developed over the years to make an outdated subdivision ordinance function.

## PROPOSED POLICY CHANGES

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1. Development Agreements (section 18.04.040). These changes largely reflect recent revisions to CLUDMA in HB406 (2023 session), namely that the county must disclose clearly restricted CLUDMA rights that are negotiated in a development agreement (this provision was a response to a situation in Washington County in which that county allegedly insisted on provisions in a development agreement that were contrary to CLUDMA) The section codifies in ordinance the County's ability to enter into development agreements and outlines how those are processed.
2. Staff approval of single-lot subdivisions (18.08.010). Under this section, the Planning Director is able to approve single-lot subdivisions, rather than the planning commission. These subdivisions would not require a public meeting or hearing. The intent of this section is to streamline the process for small subdivisions, which have less impact on surrounding properties and create less need for public involvement. Public involvement is less relevant with such small subdivisions, where the sole inquiry is whether applicable ordinances have been satisfied. Recent changes in state law explicitly permit this approach. See Utah Code section 17-27a-604.1(6).
3. Concept Plan (section 18.08.050). This is another outgrowth of recent legislation (SB 174, (2023 session)). Although the County already allows an informal process to consider concept plans before a subdivision application is filed, this section codifies MSD Planning practices and also ensures that those practices comply with SB174.

4. Review of Final Plat and Associated Documents (section 18.08.090). Yet another outgrowth of recent legislation (SB174 again). This section codifies the 20 business-day shot clocks for review of final plats and associated documents, along with the other final plat review processes in SB174.
5. Concept Plan Meeting (Section 18.10.020). SB174 requires that an applicant's request for a pre-application concept plan meeting be held within 15 business days of the request. This section codifies that requirement and also details expectations for both MSD Planning and the applicant for such meeting. This largely codifies current practice.
6. Subdivision Design Standards (18.12). MSD Planning has recommended the adoption of a number of subdivision design standards and/or changes to existing design standards as follows:
  - a. Street/road standards (18.12.030), including street cross-sections, street alignment, stub streets, cul-de-sac standards (generally discouraged to encourage walkability and traffic flow), points of access, etc.
  - b. Block standards (18.12.040). Maximum length of block reduced from 1,600' to 660'. Shortening blocks makes for a more walkable community, more street connections, and better traffic flow. In some cases, it may require developers to install additional cross streets, which may result in a minimal reduction of the amount of net density, dwelling units or developable area.
  - c. Lot standards (18.12.050). Irregular elongations to achieve minimum lot size are prohibited. Additional standards were added to provide greater guidance regarding private street widths, corner lots, and double frontage lots.
7. Flag lots. The draft ordinance (18.12.070) codifies Salt Lake County's flag lot policy that has existed for many years, but recent legislative changes have required such changes to be codified in ordinance. Flag lots occur when a large lot is subdivided into two lots, with a new rear lot being created, which is accessed via an easement across the front lot (the access looking like a flag pole and the rear lot looking like a flag, hence the term flag lot). Flag lots are useful tools for infill development, which increases the housing stock in the unincorporated county, an element of the affordable housing equation.
8. Trails (18.14.120). These changes are focused on bringing trail exactions (requirements that developers provide public trails associated with their developments) into compliance with federal and state law.
9. Fencing (18.14.170). Where lots rear on a public street, the MSD proposed that the fencing requirement be changed from any solid visual fence to a decorative masonry wall. This would increase costs to developers (which will be passed on to the consumer) but will be more aesthetically pleasing to the community. After vetting with the Mayor's Office, the draft ordinance does not require masonry wall, but less costly materials must have quality design.
10. Performance Bonds (18.16.020). Some changes in this section are in response to legislation passed a few years ago limiting the warranty portion of these bonds that can be withheld and the time they can be withheld (state law changed from 20% to 10% that can be withheld and

changed from 2 years to 1 year that they can be withheld for). Another proposed change was eliminating surety bonds as an option for developers (but retaining cash bonds, letters of credit, and escrow agreements as options). Surety bonds can be challenging to enforce/call on, but they are a common form of security used by developers. It is rare that the county has to enforce the bonds. Because these bonds are so prevalent in the industry, are rarely enforced, and free up capital for construction of more housing, the surety bond option was retained in the draft ordinance.

11. Approval of subdivision amendments (18.18.030(D) and 18.18.060). Under current ordinance, the Mayor or designee holds a hearing and approves subdivision amendments when consent from all property owners within the subdivision is not possible. The draft ordinance provides for the planning commission to do this.
12. Vacating public streets (18.18.050). This draft ordinance significantly revises the county's existing ordinance. However, the proposed change is helpful because it adopts the process that currently exists in state law. By pivoting to state law, the draft ordinance removes the discussion and policy reasons for receiving or waiving compensation when a public street is vacated. Some of the language from the current statute relative to the question of compensation for vacated streets is retained.
13. Maintenance of public walkways (18.12.040). The proposed ordinance requires developers to build walkways between streets and other streets or improvements (such as parks) when necessary to provide connectivity/walkability. However, someone must provide maintenance of such walkways after they are constructed. The reasonable candidate is the entity that owns the streets and/or improvements that are connected by the walkways. For streets/improvements dedicated to/owned by the County, the County would be responsible for such maintenance.

## **STAFF RECOMMENDATION**

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The County and MSD Planning Staffs have developed a subdivision ordinance to for Salt Lake County. Staff find that the proposed ordinance:

1. Complies with applicable State Code;
2. Clarifies application requirements and the approval process for subdivisions in Salt Lake County;
3. Codifies certain County policies as required by state code;
4. Retains portions of the current County Code that are not outdated rather than change those portions for the sake of change. This will serve to preserve continuity where there is no need for change;
5. Codifies the subdivision plat and the survey requirements associated with subdivision plans in accordance with the County Surveyor's policies and procedures.
6. Has been vetted by the Salt Lake County Engineering staff to ensure that engineering best practices and the standards and specifications are codified;



7. Was developed by the MSD Planning Staff using planning best practices, experience with the subdivision regulations of other jurisdictions, and over 60 years of experience in writing, amending, administering, and enforcing land use regulations by the MSD Planning Staff;
8. Serves to protect the public health, safety, or welfare; and
9. Complies with Utah Code 17-27a, the County Land Use, Development and Management Act.

Given the above findings, staff recommends the following action:

The MSD Staff recommend that Title 18 Subdivisions be repealed and replaced as described in Attachment #1.

SALT LAKE COUNTY ORDINANCE

Ordinance No. \_\_\_\_\_, 2024

TITLE 18 “SUBDIVISIONS” COMPREHENSIVE UPDATE

AN ORDINANCE REPEALING AND REPLACING TITLE 18 OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001, ENTITLED “SUBDIVISIONS” IN ORDER TO COMPREHENSIVELY UPDATE THE TITLE TO REFLECT STATE LEGISLATIVE CHANGES, CHANGES TO THE PLANNING AND DEVELOPMENT SERVICE PROVIDER FOR SALT LAKE COUNTY, AND TO OTHERWISE UPDATE SALT LAKE COUNTY POLICY ON SUBDIVISIONS TO REFLECT BETTER PRINCIPLES OF PLANNING, EFFICIENCY, AND AFFORDABILITY; AND MAKING OTHER RELATED CHANGES.

SECTION I. Title 18 of the Salt Lake County Code of Ordinances, 2001, entitled Subdivisions,” is hereby repealed and replaced as follows:

**Chapter 18.02 TITLE, PURPOSE AND APPLICABILITY.**

**18.02.010 - Title.**

This Title is known as "The Subdivision Ordinance of Salt Lake County". This title is also known as Title 18, the Salt Lake County Subdivision Ordinance.

**18.02.020 - Purpose.**

- A. This ordinance is intended to promote the health, safety, morals, order, prosperity, and welfare of the inhabitants of unincorporated Salt Lake County which includes:
1. Facilitating the orderly development of the unincorporated county;
  2. Securing efficiency in governmental expenditures;
  3. Implementing the unincorporated county’s transportation plans;
  4. Facilitating the development of a safe and efficient street system;
  5. Facilitating the orderly transfer of the ownership of building sites in a manner consistent with state law;
  6. Ensuring adequate water, sewer, drainage, utilities, and other services to developing areas of the unincorporated county; and

7. Establishing the rights, duties, and responsibilities of subdividers with respect to the development of subdivisions within the unincorporated county.

#### **18.02.030 - Applicability.**

All land within the jurisdictional limits of the unincorporated county is subject to the provisions of this Title.

#### **18.02.040 – Severability.**

If any provision of this Title is adjudged by any court of competent jurisdiction to be invalid, that judgment does not affect, impair, invalidate, or nullify the remaining provisions of this Title. The effect of the judgment is confined to the provision immediately involved in the controversy in which the judgment or decree was rendered.

### **Chapter 18.04 SUBDIVISION PLANS AND PLATS REQUIRED.**

#### **18.04.010 - Subdivision Plats Required.**

No person may subdivide any tract of land within the jurisdictional limits of the unincorporated county; nor shall any person sell, exchange, purchase or otherwise convey a parcel of land which is part of a larger tract, if such sale or agreement would have the effect of creating a "subdivision" as defined by Chapter 19.04, unless and until a Final Plat, prepared in accordance with the provisions of this Title, has been reviewed and approved by the land use authority and recorded in the Office of the Salt Lake County Recorder consistent with this Title.

#### **18.04.020 – Exemption from Plat Requirements.**

A division of property that meets the state law standards for exemptions from plat requirement is exempt from plat requirements.

#### **18.04.030 – Lots Created by Metes and Bounds Description.**

- A. In order to ensure the accurate location of property lines and the location of future construction and land uses within those property lines; ensure the orderly dedication of rights-of-way for public thoroughfares; and facilitate the orderly transfer of ownership of buildable lots, no property created by a "metes and bounds" description and recorded with the Salt Lake County Recorder may be considered eligible for the issuance of a building permit unless:
  1. The property is recognized as a legal lot of record by the Director or designee, meets all current zoning standards, and a plat describing such parcel of land is approved by the Director or designee and recorded with the Salt Lake County Recorder;
  2. The property has been recognized by the Director or designee as a nonconforming legal lot of record, a plat describing such parcel of land is approved by the Director or designee and the plat is recorded with the Salt Lake County Recorder; or
  3. The division of property by a "metes and bounds" description is permitted by the subdivision part of the County Land Use, Development, and Management Act.

- B. A plat authorized by this Section shall be prepared in accordance with final plat requirements of this Title. The improvements required by Titles 14 and 18 of Salt Lake County Code shall be installed at the property owner's or applicant's expense.
- C. If a property qualifies as a legal lot of record or a nonconforming legal lot of record and is already developed with a dwelling unit, no plat is required. However, a street dedication may still be required.

**18.04.040 – Development Agreements.**

- A. The developer/property owner and the county may choose to enter into a development agreement that outlines the duties, responsibilities, obligations, commitments and promises of the developer/property owner and the commitments of the county.
- B. A development agreement does not exempt a developer/property owner from complying with the development code unless such an exemption is clearly contained within the executed development agreement and the council has approved the development agreement after the planning commission has held a public hearing and provided a recommendation.
- C. If a development agreement restricts an applicant's rights under clearly established state law, the county shall disclose in writing to the applicant the rights of the applicant that the development agreement restricts.
  - 1. If the county fails to disclose a restricted right in accordance with State Code, that portion of the development agreement shall be considered null and void.
- D. The development agreement shall be recorded by the applicant in the Salt Lake County Recorder's Office. Recordation by the applicant may only take place after all of the necessary signatures are obtained, all approvals given, and all bonds and fees posted. The development agreement must be recorded prior to the recording of the final plat.
- E. Any development agreement entered into by a developer/property owner and the county shall comply with the provisions identified in Utah Code §17-27a-528.

**Chapter 18.06 GENERAL REGULATIONS.**

**18.06.010 – Time Limits.**

- A. Subdivision applications are subject to expiration according to the following schedule unless, for good cause shown, the applicant is granted an extension of time by the Director:
  - 1. A preliminary plat approval expires if a complete final plat application is not submitted to Planning and Development Services within one (1) year of the preliminary plat approval.
    - a. A preliminary subdivision with an approved phasing plan is granted an automatic preliminary subdivision extension of one (1) year for the remaining phases each time a complete final plat application for one or more phases is submitted.
  - 2. A subdivision application expires if public improvements are not timely installed or bonded for as follows:

- a. To the extent the applicant chooses to install the required public improvements before the plat is recorded, applicant must install the improvements and record the plat within one (1) year after receiving a final plat approval letter. The applicant must also post a warranty bond in the amount of 10% of the cost of those improvements within that same time period.
    - i. The Director may grant a one (1) year extension to the time limit in subsection (A)(2)(a) provided the final plans have been updated to address any changes to the applicable ordinances and standards that may have been updated or changed since the time of the final plat approval.
  - b. To the extent the applicant chooses to bond for the required public improvements before the plat is recorded, applicant must post a bond for the full cost of those improvements and record the plat within six (6) months after receiving a final plat approval letter. The applicant must also hold a preconstruction meeting with the Development Review Committee within that same time period.
3. A subdivision application expires if the final plat has not been recorded with the Salt Lake County Recorder's Office within six (6) months of the last date of the required signatures on the plat.
  4. Failure to pursue an application, as evidenced by failure to file a complete application, the lack of timely resubmittal in response to the Development Review Committee's comments and corrections, or failure to communicate delays in a timely manner, shall result in the expiration of the application after six (6) months of inaction.

**18.06.020 – Exceptions, Permitted When.**

- A. In cases where unusual topographic, aesthetic, or other exceptional conditions exist or the welfare, best interests, and safety of the general public will be usefully served or protected, variations and exceptions of this Title may be made by the County Mayor after the recommendation of the Planning Commission, provided, that such variations and exceptions may only be granted if there is no substantial detriment to the public good and no substantial impairment of the intent and purpose of this Title.
- B. Any variation or exception from engineering standards required by this Title must be based on a recommendation by the County Engineering Division to the Planning Commission as to whether:
  1. Strict adherence to this ordinance is not in keeping with sound engineering practice;
  2. The variation or exception is the minimal variation or exception to this ordinance to keep with sound engineering practice; and
  3. The variation or exception is associated with a specific hardship at a specific location and not a generally applicable condition.

### **18.06.030 - Appeals.**

The applicant or any person adversely affected by a final decision on a subdivision application shall have the right to appeal the decision to the Land Use Hearing Officer by filing a letter with Planning and Development Services stating the reasons for appeal within ten (10) days after the decision. The Land Use Hearing Officer shall review the record and the decision to determine whether the decision was arbitrary, capricious, or illegal. After hearing the appeal, the Land Use Hearing Officer may affirm, reverse, alter or remand the decision for further consideration.

### **18.06.040 – Definitions.**

A. General terms used in Title 18 are defined as follows:

1. "Affected Entity" has the same meaning as in the state County Land Use, Development, and Management Act.
2. "Agent" means a person with written authorization to represent a property owner.
3. "Boundary Line Agreement" means an agreement to establish the location of a boundary between adjoining properties where the location of the boundary is ambiguous, uncertain, or disputed.
4. "Buffer" means an area along the course of any watercourse or roadway or boundary line to be maintained without the disturbance of buildings or structures other than fencing, if allowed.
5. "Concept Plat / Drawing" means a drawing that shows the overall concept of a proposed development, as further defined in these regulations.
6. "Council" means the Salt Lake County council, unless otherwise clearly indicated.
7. "County Engineering Division" means the division or personnel hired by or contracted with Salt Lake County to provide engineering services."
8. "Culinary Water Authority" means the department, agency, or public entity with the responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.
9. "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
10. "Development Code" means Titles 18 and 19 of the Municipal Code.
11. "Development Review Committee (DRC)" means Planning and Development Services Staff, in consultation with agencies contracted with or employed by Salt Lake County for engineering, health, fire, and surveying reviews and services. Comments from other affected entities, service providers or other reviewing agencies may also be solicited as needed.
12. "Director" means the Greater Salt Lake Municipal Services District Director of Planning and Development Services.
13. "Dwelling" means any building or structure, or portion thereof, intended for residential use.
14. "Dwelling unit" means one or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping. Buildings with more than one kitchen or set of cooking facilities are considered to contain more than one dwelling unit unless the additional cooking facilities are

clearly accessory to a dwelling unit as determined by the director. Factors for determining whether cooking facilities are accessory to a dwelling unit may include but are not limited to:

- a. A building design which allows all occupants ready access to all portions of the building including cooking facilities;
  - b. No portion of the building containing cooking facilities can be separated from the remaining rooms to form a separate dwelling unit;
  - c. There is only one electric and/or gas meter for the building.
15. "Easement" means the grant of a nonpossessory property interest that provides the easement holder permission to use another person's land. Common easements include rights of way for access, or the right to cross property (including easements for utility service or water conveyance.)
  16. "Good Cause" means incapacitating illness; death; lack of proper notice; unavailability due to unavoidable, unpreventable, or extenuating emergency or circumstance; if a required act causes an imminent and irreparable injury; or acts of nature adverse to performing required acts.
  17. "Graffiti" means inscriptions, drawings, paintings, or other visual defacing of buildings, structures, or natural features, without the consent of the owner thereof, and which is not otherwise authorized and permitted in the Salt Lake County ordinances.
  18. "Health Department" means the Health Department of Salt Lake County, Utah.
  19. "Land Use Application" means an application required by the zoning or subdivision ordinances, which is filed by a property owner or her agent to obtain a land use decision.
  20. "Land Use Authority" means the person, board, commission, agency, or other body designated by the Salt Lake County Council to act upon a land use application.
  21. "Land Use Decision" means any final administrative decision of the Salt Lake County council, planning commission(s), or final administrative decision of the Director or other official responsible for the enforcement of zoning and subdivision regulations, which is made in response to a land use application.
  22. "Land Use Hearing Officer" means the "Appeal Authority" created pursuant to section 17-27a-701 of the Utah Code annotated to hear appeals of zoning decisions applying the zoning ordinance as provided in Section 19.16.020, and appeals of decisions by the planning commission. The land use hearing officer is also the appeal authority for subdivision appeals, subject to Section 18.08.040 of this Ordinance. The land use hearing officer is also charged with the powers and duties enumerated in Section 19.12.040.C of this Title.
  23. "Legal Lot Of Record" means: a) any land parcel that existed, as recorded in the Office of the Salt Lake County Recorder, with a separate property identification number as provided by the Office of the Salt Lake County Recorder and Office of the Salt Lake County Assessor, prior to December 17, 1952; and b) all lots that were legally created for the purposes of development pursuant to the applicable zoning and subdivision requirements and the laws of the State of Utah after the date of first Subdivision Ordinance enactment.
  24. "Monument" means a permanent survey marker established by the Salt Lake County Surveyor and/or a survey marker set in accordance with the Salt Lake County Surveyor's specifications and referenced to County survey monuments.
  25. "Natural Condition" means the topography and vegetation of the area that is unaltered by clearing and grading during construction and protected in perpetuity.

26. "Owner" means either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or any combination thereof having a majority fee simple interest in real property, or a majority interest through any other form of ownership.
27. "Parcel of Land" has the same meaning as "Parcel" in the County Land Use, Management, and Development Act.
28. "Planning and Development Services" means the Planning and Development Services Department of the Greater Salt Lake Municipal Services District.
29. "Planning Commission" means the Salt Lake County planning commission or the Mountainous Planning District planning commission.
30. "Road" has the same meaning as "street."
31. "Record of Survey Map" means a map of a survey of land prepared in accordance with Utah Code.
32. "Sanitary Sewer Authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.
33. "Standards and Specifications" means the construction and design requirements and standards of Salt Lake County for the construction and installation of public infrastructure and improvements. Such standards and specifications shall be approved by the County Engineer, and approved by Resolution of the County Council after it provides notice and holds a public hearing in accordance with State law.
34. "Street" means a thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare, not less than twenty-five feet wide, which has been made public by right of use and which affords the principal means of access to abutting property. Street does not include alleys or trails.
35. "Street, Private" means an access way, other than a driveway, similar to and having substantially the same or similar function as a public street, providing access to one or more properties, but held in private ownership.
36. "Street Light" means a raised light installed within or adjacent to the street right-of-way, turned on or lit at a certain time every night. Modern lamps may also have light-sensitive photocells to turn them on at dusk and off at sunrise or activate automatically in foul weather.
37. "Structure" means anything constructed or erected which requires location on the ground, or attached to something having a location on the ground.
38. "Subdivision" has the same meaning as in the state County Land, Development, and Management Act.
39. "Subdivision Amendment" has the same meaning as in the state County Land, Development, and Management Act.
40. "Subject Property" means the land area for which an approval is required to comply with this Ordinance.
41. "Substantial improvement" means the following, unless defined differently in the Flood Damage Prevention Chapter:
  - a. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure, either:



- i. Before the improvement or repair is started; or
    - ii. If the structure is damaged and is being restored, before the damage occurred.
  - b. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
  - c. The term does not, however, include either:
    - i. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
    - ii. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
- 42. "Trails" means a system of public recreational pathways located within the County for use by the public for walking, biking and/or horseback riding as designated.
- 43. "Utility Company" means a company regulated by the public service commission that provides a service, including but not limited to electricity, telephone, or gas.
- 44. "Vehicle" means a self-propelled device used for transporting persons or things, including, but not limited to, automobiles, watercraft, motorcycles, snowmobiles, and recreation vehicles. The term does not include heavy machinery.
- B. Site Development terms used in Title 18 are defined as follows:
  - 1. "Arterial Street" means a street, existing or proposed, which serves or is intended to serve as a major traffic way and which is designated on the UDOT Functional Classification Map as a controlled-access highway, limited-access road, major street, parkway or by equivalent terms suitable to identify streets comprising the basic structure of the street plan.
  - 2. "Alley" means a public or private way which affords a secondary means of access to abutting property.
  - 3. "Buildable Area" means a lot or portion thereof possessing all of the following physical characteristics:
    - a. The area contains no territory having a slope of thirty percent (30%) or greater;
    - b. The engineering properties of the soil provide adequate structural support for the intended use; and
    - c. The area does not possess any other recognized natural condition that renders it unsafe for building purposes. Such areas may include (if applicable ordinances cannot be met), but not be limited to an identified floodplain or within a recognized inundation zone, mudflow zone or zone of deformation, or lands subject to earth slippage, landslide or rockfall.
  - 4. "Building" means any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals, or chattels.
  - 5. "Collector Street" means a street which carries traffic from local streets to the Arterial Street system, including the principal entrance streets from residential development onto an Arterial Street and the primary circulating streets within such a development. A collector street may have prohibited movements and the number and spacing of driveways may be controlled.

6. "Cul-de-sac" means a minor street having one open end and being terminated at the other by a vehicular turnaround.
7. "Dedication" means the conveyance of land by an owner to a public agency for any public use.
8. "Entrance" means the location of ingress to a room, building, or lot; a location of admittance.
9. "Fence" means any tangible barrier, latticework, screen, or wall with the purpose of, or having the effect of, preventing passage or view across the fence line.
10. "Final plat" means a plat map prepared in accordance with the provisions of this ordinance for the purpose of subdividing property. A final plat must be based on an accurate survey, and such survey marked on the ground so that streets, alleys, blocks, lots, and other divisions thereof can be identified.
11. "Frontage" means the uninterrupted linear or curvilinear extent of a lot, abutting on a street, measured along the street right-of-way from the intersection of one side lot line to the intersection of the other side lot line. The measurement of lot frontage shall not include irregularities in the street line and, in the case of a corner lot, shall extend to the point of intersection of the rights-of-way. If a lot has frontage on more than one street, only the frontage on one street may be used to satisfy the minimum lot frontage.
12. "Grade, finished" or "Grade, final" means the topographic elevations where the earth meets the building, upon project completion. Excluded from this definition are window wells serving basement rooms.
13. "Grade, natural" or "Grade, existing" means the topographic elevations representing the surface of the ground prior to grading, filling, or other site alterations for a project. When natural grade is not readily apparent, an approximation of preexisting conditions using grades on adjacent sites, retaining walls, prior survey maps, etc., may be used as a reference for determining natural grade. All such grade approximations shall require the concurrence of the Director.
14. "Guarantee" means a bond given by the applicant(a) to ensure the proper installation of public and other required infrastructure and improvements.
15. "Intensity" means the concentration of activity, such as a combination of the number of people, cars, visitors, customers, hours of operation, outdoor advertising, etc.; the term also refers to the size of buildings or structures, the most intense being higher, longer and/or wider.
16. "Irrigation Component" means the network of ditches, canals, and associated structures (such as diversion points, weirs, gates, and check structures) that collectively form the irrigation infrastructure.
17. "Lot" means a parcel of land occupied or proposed to be occupied by a building or buildings, together with such yards, open spaces, lot width, and lot areas as are required by this title, and having frontage upon a street or a right-of-way as required by this title. Except as provided in this title, not more than one dwelling structure shall occupy one lot.
18. "Lot, Corner" means a lot abutting on two intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed one hundred thirty-five degrees.
19. "Lot, Double Fronting" means a lot having frontage on two (2) streets that are parallel or nearly so or do not intersect.
20. "Lot Line Adjustment" has the same meaning as in the state County Land Use, Development, and Management Act.

21. "Lot Line, Side" means any lot boundary line not a front lot line or a rear lot line.
22. "Lot Width" means the distance between the side lot lines measured at the required front yard setback line. For a corner lot, the lot width is the distance between one of the front lot lines and the opposite side yard line at the required front yard setback line.
23. Nuisance strip: A strip of land smaller than a lot retained in private ownership for the purpose of controlling access to land dedicated or intended to be dedicated to street or other public use.
24. "Off Street Parking" means a site or a portion of a site, devoted to the off-street parking of vehicles and providing vehicular access to a public or private street. Off Street Parking includes, as permitted by this Ordinance, parking spaces, aisles, access drives, and landscaped areas.
25. "Open Space" means an area of land or water set aside to be preserved or reserved for use by residents of the development or the public. Open space includes an expanse of lawn, trees, plants, or other natural areas, together with any landscaped area of the site including required yards, setbacks, walkways, and limited common areas. It does not include parking, driveways, or buildings with habitable space for primary uses, but may include buildings for the purpose of providing an amenity. Open space may be distributed throughout the development and need not be in a single large area. Open space may include sensitive areas, such as areas with 30% or greater slope, fault zones, floodplains, high water tables, and wetlands if they have been designed as an integral element of the project. Any additional amenity that is located on the roof of a building shall not be considered open space.
26. "Parking Space" means space within a building, lot, or parking lot for the parking or storage of one automobile.
27. "Preliminary Approval" means an approval, with or without recommended alterations, given to a preliminary plat by the planning commission and provides the necessary authority to proceed with the preparation and presentation of the final plat.
28. "Preliminary Plat" means a map or plan of a proposed land division or subdivision. It is a drawing that shows the perimeter boundary, topography, lot layout arrangement, street layout, and other features of a proposed subdivision, as specified for a Preliminary Plat in the Ordinance.
29. "Public Utility Easement" means an area on a recorded plat map or other recorded document that is dedicated to the use and installation of public utility lines, mains, services, and minor facilities.
30. "Setback" means a distance from a curb, property line, or structure within which building is prohibited.
31. "Water Master" means the superintendent or other officer in charge of the distribution of water from an irrigating canal or ditch.
32. "Yard" means a space on a lot, other than a court, unoccupied and unobstructed from the ground upward by buildings or structures, except as follows:
  - a. Fences and walls that conform with this Ordinance.
  - b. Landscape elements including trees, shrubs, and other plants.
  - c. Necessary appurtenances for utility services associated with minor public utilities.
  - d. Planter boxes or masonry planters not exceeding twenty-four inches (24") in height.
  - e. Cornices, eaves, belt courses, buttresses, and other similar architectural features that project into any yard not more than two feet (2').

- f. Bay windows, cantilevered floors, and fireplace structures that project into any yard not more than two feet (2'), provided that they are not wider than eight feet (8') wide.
  - g. Porches, door stoops, awnings, fire escapes, and stairways that project into an interior side yard not more than two feet (2') and that project into a front, rear, or corner side yard not more than four feet (4').
  - h. Accessory structures that otherwise comply with this Ordinance.
33. "Yard, Front" means a space on the same lot with a building, between the front line of the building and the front lot line, and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the building.
34. "Yard, Required" means the open space around buildings which is required by the terms of this Ordinance.
35. "Yard, Side" means a space on the same lot with a building, between the side line of the building and the side lot line, and extending from the front yard to the rear yard. The "width" of the side yard shall be the minimum distance between the side lot line and the side line of the building. See "Side Yard, Interior Lot" and "Side Yard, Corner Lot".

## **Chapter 18.08 PROCEDURE FOR APPROVAL OF A SUBDIVISION.**

### **18.08.010 - Approval Authority.**

- A. The Director is the land use authority for all preliminary plat approvals of single lot subdivisions that do not include:
  - 1. The creation of a new public or private street or road, and/or
  - 2. A request to amend or waive certain public improvement requirements found in Chapter 18.14.
- B. The Planning Commission is the land use authority for all other preliminary plat approvals.
- C. In all of the Director's duties outlined in this Title, the Director is subject to the direction of the Mayor at the Mayor's discretion.

### **18.08.020 - Review Procedures, Director to Administer.**

In order to ensure that each subdivision fully complies with the provisions of this Title, the Director or designee shall administer formal application and review procedures for subdivisions. An application shall not be deemed complete until the full application, fees and all required materials have been submitted to Planning and Development Services. The payment of a partial fee and submission of conceptual plans for a pre-submittal review does not constitute a complete application.

### **18.08.030 – Development Review Committee.**

- A. The Development Review Committee is the Planning and Development Services staff, in consultation with agencies with statutory review and approval authority for engineering, health, fire, and surveying reviews and services. Comments from other affected entities, service providers, or other reviewing agencies may also be solicited as needed. The Development Review Committee is an extension of the Director and serves as the Director's designee with the following responsibilities:

1. Establish subdivision application forms, checklists, and standard operating procedures;
2. Review development applications, including concept plans, subdivisions, commercial site plans, and project plans;
3. Provide recommendations to the Planning Commission and/or Council regarding development applications that require their approval;
4. Review subdivision final plats and construction drawings and approve, approve with conditions, or deny final plats and construction drawings; and
5. Hold preconstruction meetings for approved subdivision plats and other applicable development projects.

#### **18.08.040 – Subdivision Procedure, Generally.**

The applicant shall prepare and submit a subdivision application, including fees, in accordance with this Title and Planning and Development Services policy. The applicant may submit a concept plan prior to submitting a subdivision application. While the concept plan is optional except under the circumstances provided herein, a preliminary and a final plat are required. Effective February 1, 2024, in processing reviews and submittals, the county shall adhere to the standards for subdivision review cycles, as articulated in Utah Code §17-27a-604 .2.

#### **18.08.050 - Concept Plan.**

- A. Except as otherwise stated in this Title, a concept plan review is not a mandatory step, nor is it a land use application for purposes of vesting.
- B. The purpose of a concept plan review is to provide a potential applicant with an economical way to work with the planning staff and elected officials in reaching a general agreement as to the nature of a proposed subdivision project, its impact on the community, and its conformance with the codes, ordinances, plans and policies. For the concept plan review, the potential applicant will not need detailed architectural or engineering drawings.
- C. An applicant may submit a concept plan if the applicant desires to obtain input from Planning and Development Services staff prior to undertaking the preparation and submission of a complete preliminary plat application.
- D. Prior to a concept plan review, the Applicant shall submit to the Director or designee a complete concept plan, including documents, fees, any items specified under Section 18.10.020, and any other matter appropriately required by the Development Review Committee.
- E. When the concept plan is complete and accepted by the Director or designee, the date of acceptance will be noted. The Development Review Committee shall, within fifteen (15) business days of the date of acceptance, schedule a meeting to review the concept plan and give initial feedback.
- F. Where the applicant owns or controls more territory than they propose to submit for preliminary or final approval, or under circumstances where the proposed subdivision is part of a larger project or territory which the applicant owns or controls and which includes property in more than one zone, the Director may require that a concept plan covering the larger area be submitted. The concept plan for the larger area shall show how the immediate development relates to:
  1. Possible development of the remaining territory;

2. The county's adopted transportation plans; and
3. The provision of other public services, utilities and facilities.

**18.08.060 – Preliminary Plat Application.**

A. Application. The applicant shall submit a preliminary plat application to Planning and Development Services, which shall include:

1. Submission of an approved application form that clearly indicates the type of application, property address, applicant information, and other pertinent information;
2. Submission of a preliminary plat and other drawings and documentation conforming to the requirements of Section 18.10.030, technical reports in accordance with Section 18.10.050, supplementary materials as required by this Title and mailing labels (if required) for notifications;
3. Authorization for application submittal from the property owner or property owner's authorized agent; and
4. All other items on the county's published list of items comprising a complete preliminary plat application.

B. Completeness Review.

1. The preliminary plat application shall be carefully reviewed by Planning and Development Services to determine whether or not it is complete.
2. If it is concluded that the preliminary plat application is not complete, the Director or designee shall notify the applicant in writing within fourteen (14) days of submission of the application:
  - a. That the application is incomplete; and
  - b. The specific components of the application deemed insufficient.
3. At any time during the completeness review process outlined in this subsection, a pre-application meeting may be requested by the applicant or Director or designee to discuss the application, plans, and anticipated review process. In order to facilitate efficiency of the review process, the Director or designee may invite representatives from other reviewing agencies as well as the applicant's design professionals to the meeting.

C. Complete Application.

1. When the preliminary plat application is determined to include all the of the required documentation, plans, plats, reports and other required submittals, the Director shall provide the amount of the fees for the applicant to pay.
2. When the applicant has paid the required fees, the application is determined complete, and the application is accepted by the Director or designee; the date of acceptance will be noted for the record in the application file.

**18.08.070 – Preliminary Plat Agency/Development Review Committee Review.**

- A. The purpose of a preliminary plat is to provide a review of a proposed subdivision prior to approval by the land use authority. It is intended that this review will help ensure that the plans which are being prepared are in accordance with all applicable development codes and ordinances.
- B. The Director or designee shall review, or cause to be reviewed, the complete preliminary plat application as follows:
  - 1. The Development Review Committee will have no more than fifteen (15) business days for review of the preliminary plat and preparation of review comments.
  - 2. The Director or designee shall review the application materials, plans, plats, and technical documents for compliance with county land use ordinances, codes, adopted plans, specifications and other technical requirements. As part of this review, the Director or designee may conduct one or more on-site reviews, as provided by Utah Code 17-27a-303.
  - 3. The Director or designee shall refer the application materials, plans, plats, and technical documents to the Development Review Committee and any other government agency and/or affected entity which the Director deems necessary to protect the health, safety, and welfare of the public and to ensure the project's compliance with all applicable ordinances, codes, adopted plans, specifications, and other technical requirements.
  - 4. Upon preliminary approval by the Development Review Committee, the Director or designee shall schedule the application for review by the land use authority.

**18.08.080 – Preliminary Plat Approval or Disapproval.**

- A. Following a review of the preliminary plat, the land use authority, as designated in Section 18.08.010, shall act on the preliminary plat as submitted or modified. The land use authority in answering the questions in Subsection B shall refer to the ordinances in effect at the time that the applicant submitted a complete preliminary plat application.
  - 1. Unless the application is for a single-lot subdivision meeting the requirements of section 18.08.010(A), the application shall be reviewed by the planning commission at a public meeting.
- B. A proposed subdivision shall comply with the following applicable requirements, as determined by the land use authority:
  - 1. The plans, documents and other submission materials (including technical reports where required) comply with the published list for a complete application.
  - 2. The submitted plans, documents and submission materials conform to applicable county standards.
  - 3. The proposed development conforms to county zoning ordinances and subdivision design standards.
  - 4. The combination of natural or manmade conditions, encumbrances, easements, setbacks, geometry, or the dimensions of the lot leaves an adequate buildable area, as dictated by county ordinance and standards and lawful agreements, for a reasonably sized main structure.

5. No natural or manmade conditions exist on or in the vicinity of the site defined in the preliminary plat that, without remediation, would render part or all of the property unsuitable for development, as dictated by county ordinances or standards.
  6. The preliminary plat provides for safe and convenient traffic circulation and road access to adjacent properties under all weather conditions, as dictated by county ordinances or standards.
  7. The preliminary plat does not impose an undue financial burden upon the county, as dictated by county ordinances or standards?
  8. The location and arrangement of the lots, roads, easements, and other elements of the subdivision contemplated by the preliminary plat are consistent with the county's current street system and transportation master plan. The land use authority may consider the transportation elements of the general plan.
  9. The preliminary plat recognizes and accommodates the existing natural conditions, as dictated by county ordinances or standards.
  10. The public facilities, including public utility systems serving the area defined in the preliminary plat, are adequate to serve the proposed development, as dictated by county ordinances or standards.
  11. The project contemplated in the preliminary plat conforms to the purposes and intent of this Title as stated in Chapter 18.02.
- C. The land use authority may:
1. Approve the preliminary plat;
  2. Approve the preliminary plat with reasonable conditions intended to ensure compliance with the standards of the applicable zone, reviewing agencies, and this Title;
  3. Continue review of the preliminary plat, directing that changes be made to the preliminary plat so that it conforms with the standards of the applicable zone, reviewing agencies, and this Title;  
or
  4. Deny the preliminary plat because it does not meet the standards of the applicable zone, reviewing agencies, and this Title.
- D. If the plat conforms with the standards of the applicable zone, reviewing agencies, and this Title and has been approved by the culinary water authority and the sanitary sewer authority, or the local health department where culinary water or sanitary sewer services is not available, the land use authority shall approve the preliminary plat.
- E. If the preliminary plat is not approved, the Director or designee shall notify the applicant in writing and give reasons for the denial.
- F. The Director or designee shall issue a preliminary plat approval letter with the conditions of approval and a copy of the approved preliminary plat. The receipt of said letter shall be authorization for the applicant to proceed with the preparation of specifications for the minimum improvements required in Chapter 18.14 of this Title and with the preparation of the final plat.



**18.08.090 – Submittal of the Final Plat, Engineering Drawings and Documents to the Development Review Committee for Final Plat Approval.**

- A. Purpose. The purpose of the final plat of a subdivision is to present an accurate depiction of the layout of the subdivision so that it can be properly recorded and then used as a permanent reference for the sale of the property included within the subdivision. The purpose of the final plat review is to ensure that the plat and the construction plans for the required improvements meet the applicable standards and specifications.
- B. Application.
1. The applicant shall submit a final plat application to Planning and Development Services, which shall include:
    - a. Submission of an application form, as designed by the Director or designee to clearly indicate the type of application, property address, applicant information, and other pertinent information;
    - b. Submission of a final plat and other drawings and documentation conforming to the requirements of Section 18.10.040, technical reports in accordance with Section 18.10.050, engineered construction plans for the improvements required in Chapter 18.14, and supplementary materials as may be required by this Title;
    - c. Authorization for application submittal from the property owner or the property owner's authorized agent; and
    - d. All other items on the county's published list of items comprising a complete final plat application.
  2. Completeness Review.
    - a. The final plat application shall be carefully reviewed by Planning and Development Services to determine whether or not it is complete.
    - b. If it is concluded that the final plat application is not complete, the Director or designee shall notify the applicant in writing within fourteen (14) days of submission of the application:
      - i. That the application is incomplete; and
      - ii. The specific components of the application deemed insufficient.
    - c. After notice is given, an incomplete application file automatically closes after sixty (60) days if the necessary components to complete the application have not been submitted.
    - d. At any time during the completeness review process outlined in this subsection, a pre-application meeting may be requested by the applicant or Director or designee to discuss the application, plans, and anticipated review process. In order to facilitate efficiency of the review process, the Director or designee may invite representatives from other reviewing agencies as well as the applicant's design professionals to the meeting.
  3. Complete Application.

- a. When the final plat application is determined to include all the of the required documentation, plans, plats, reports and other required submittals, the Director or designee shall provide the amount of the fees for the applicant to pay.
  - b. When the applicant has paid the required fees, the application submittal is complete, and the application is deemed complete and is accepted by the Director or designee, the date of acceptance shall be noted for the record.
- C. Technical Review of the Final Plat and Construction Documents. The Director or designee shall review or cause to be reviewed, the complete final plat application and construction documents as follows:
1. For every submittal, the Development Review Committee will have no more than twenty(20) working days for review of plat and/or construction plans and preparation of review comments.
  2. The Director or designee shall review the application materials identified in subsection (B)(1) for compliance with county land use ordinances, codes, adopted plans, specifications, and other technical requirements in effect at the time that the applicant submitted a complete final plat application. As part of this review, the Director or designee may conduct one or more on-site reviews, as provided by Utah Code §17-27a-303.
  3. The Director or designee shall refer the application materials identified in subsection (B)(1) to the Development Review Committee and any other government agency and/or affected entity which the Director deems necessary to protect the health, safety, and welfare of the public and to ensure the project's compliance with all applicable design standards and specifications, ordinances, codes, adopted plans, specifications, and other technical requirements.
  4. Multiple reviews and submittals may be required based on the accuracy of the plat, drawings and plans, consistency with the applicable county land use ordinances and codes, state and federal law, and adherence to the requirements of the adopted plans and specifications and other technical requirements. Effective February 1, 2024, in processing reviews and submittals, the county and applicant will adhere to the standards for subdivision review, as articulated in Utah Code §17-27a-604.2.
  5. Upon a determination that the application is consistent with applicable standards and conditions, the Development Review Committee shall provide a written letter of approval to the applicant.
  6. If an applicant is proposing substantial changes to the preliminary plat, the applicant shall be referred to the land use authority that approved the preliminary plat for final approval. Substantial changes include an increase in the number of proposed lots, changes to the location and/or configuration of streets including stub streets, and/or other changes reasonably deemed substantial by the Development Review Committee.
  7. If an applicant contests any requirements imposed by the Development Review Committee as part of the final plat approval, the applicant may appeal the conditions of approval to the land use hearing officer in accordance with section 19.20.030.

**18.08.100 - Combined Applications.**

An applicant may submit an application for approval of a preliminary plat and a final plat simultaneously if the subdivision does not include multiple phases. Such application shall be on a form provided by Planning and Development Services. The combination application shall contain both a preliminary plat and a final plat that meet all requirements of this Title and all county, state, and federal regulations prior to approval by the land use authority. All other agency reviews shall also be conducted and approved in accordance with this Title.

**18.08.110 – Recording the Final Plat.**

- A. Prior to recording the final plat, the applicant shall:
  - 1. Pay any remaining fees; and
  - 2. Provide Planning and Development Services with a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid; and
    - a. Complete all required improvements and post a durability bond in accordance with Chapter 18.16; to be considered complete, the required improvements must be inspected by, and receive approval and acceptance from, the County Engineering Division; or
    - b. Post a performance guarantee and a durability bond in accordance with Chapter 18.16 and in an amount determined by the County Engineering Division.
- B. The final plat must include all required approval signatures, including Planning Commission representative, Director, health department, district attorney, Mayor or designees, and any other signatory required by law.
- C. Make an appointment with Planning and Development Services staff to record the final plat in the Salt Lake County Recorder's Office.

**18.08.120 - As Built Drawings.**

Prior to the final acceptance of the required improvements, the applicant / developer shall provide the County Engineering Division a complete and accurate set of as-built drawings in an electronic format acceptable to the County Engineering Division.

**Chapter 18.10 DOCUMENTATION REQUIREMENTS.**

**18.10.010 – Document Submittal Requirements.**

All subdivision applications shall include, at a minimum, the documents identified in the published list of items for a complete application provided by Planning and Development Services.

**18.10.020 - Concept Plan Specifications.**

- A. As a minimum, the following information and materials should be provided as a part of the concept plan package:
  - 1. An accurate and up-to-date preliminary survey map of the property proposed for subdivision;

2. A vicinity map at a scale of 1:600 showing the property in relation to the general area of the jurisdictional limits in which it is located;
3. A schematic plat drawn clearly and accurately by a design professional at a scale appropriate for the nature of the project, to include:
  - a. Scale, north arrow, and date of preparation;
  - b. Approximate topography;
  - c. All primary and secondary conservation areas;
  - d. Existing man-made features on the property;
  - e. Proposed streets, lots, public areas, open spaces, greenbelts, buffers, amenity areas, and other significant proposed improvements;
  - f. Zoning setbacks, and the approximate area of each lot;
  - g. Any other features that will be important in the design and development of the project; and
  - h. Any off-site improvements that may be needed to properly develop the property.
4. A Stormwater Management Concept Plan;
5. Typical floor plans and elevations, if any, of the structures that are planned for the proposed subdivision; and
6. A concept plat review fee.

**18.10.030 - Preliminary Plat Required Information.**

- A. The preliminary plat application shall contain the information specified in this Section and any other items on the published list for a complete application, and shall comply with the following requirements:
  1. Description and Delineation. In a title block located in the lower right-hand corner of the plat, the following shall appear:
    - a. The proposed name of the subdivision, which name must be approved by Planning and Development Services;
    - b. The location of the subdivision, including:
      - i. Address, including Salt Lake County;
      - ii. Section, township and range, base and meridian; and
      - iii. When applicable, the name and phase of the recorded subdivision being amended;
    - c. The names and addresses of the owner, the applicant, if different than the owner, and of the designer of the subdivision; and
    - d. The date of preparation, scale (no less than one inch to equal one hundred feet) and the north point.

B. Existing Conditions. The preliminary plat shall show:

1. The location and elevation of project benchmark(s) referenced to published Salt Lake County Surveyor datum and its spatial relationship to existing Public Land Survey System monuments or their accessories;
2. The boundary lines of the proposed subdivision indicated by a solid heavy line and the total approximate acreage encompassed thereby;
3. All property under the control of the subdivider, even if only a portion is being subdivided. Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective street system of the unplatted parts of the subdivider's land shall be submitted, and the street system of the part submitted shall be considered in the light of existing street system, general street plans, other county studies and adopted transportation plans;
4. The location, width, names, and jurisdiction of all existing streets within two hundred feet (200') of the subdivision and of all prior platted streets or other public ways, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, houses or permanent easements, section, and municipal and service district boundaries, within and adjacent to the tract;
5. The location of all wells, proposed, active, and abandoned, and of all reservoirs within the tract and to a distance of at least one hundred feet (100') beyond the tract boundaries;
6. Existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of at least one hundred feet (100') beyond the tract boundaries, indicating pipe sizes, grades, manholes, elevations and exact locations;
7. Existing and proposed realignment of ditches, canals, natural drainage channels, and open waterways;
8. Boundary lines of adjacent tracts of subdivided and unsubdivided land, showing ownership and parcel identification number;
9. Contour at vertical intervals of not more than two feet (2'). Highwater levels of all watercourses, if any, shall be indicated in the same datum for contour elevations;
10. Nearest installed fire hydrants on and within five hundred feet (500') of the proposed subdivision; and
11. Accurate locations of all natural features such as lakes, ponds, streams, creeks, State Waters, wetlands, floodplain boundaries, riparian buffers, Wildlife and Priority Habitats (as identified by the Department of Natural Resources), and other significant features, and notations designating any federal, state, or local regulatory agency permits or approvals that are or may be required relative to development of or around such features.

C. Properties Located in the Foothills and Canyons Overlay Zone. In addition to the preceding, the preliminary plat for subdivision of a property located in the foothills and canyons overlay zone shall show:

1. A graphic depiction of existing slope characteristics of the property, illustrating the following:

- a. Areas with slopes less than thirty percent,
  - b. Areas with slopes thirty to forty percent,
  - c. Areas with slopes forty to fifty percent, and
  - d. Areas with slopes greater than fifty percent;
2. Identified natural hazards, including but not limited to, areas potentially subject to avalanche, liquefaction, and/or surface fault rupture;
  3. Water courses, natural drainage channels, storm water runoff channels, gullies, stream beds, wetlands, etc.

D. Proposed Subdivision Plans. The subdivision plans shall include:

1. The layout of streets, showing location, widths and other dimensions of (designated by actual or proposed names and numbers) proposed streets, crosswalks, alleys and easements;
2. The layout, numbers, and typical dimensions of lots, and in areas subject to foothills and canyons overlay zone provisions, designation of buildable areas on individual lots;
3. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision;
4. Building setback lines, including showing dimensions where required by the land use authority;
5. Typical street cross sections. The required street cross sections may be submitted as a separate sheet or as part of the construction plans. Grade sheets may be required by the land use authority or other reviewing agency; and
6. A tentative plan or method by which the applicant proposes to handle stormwater drainage for the subdivision.

E. Phasing.

1. Where an applicant proposes to submit a final plat containing less territory than shown on the preliminary plat, indicating a phased development plan, the preliminary plat shall identify each of the proposed phases. Any such final plat phasing scheme shall occur at logical "break points" in the project and provide access and utility services which will be adequate in the event that subsequent phases do not occur. The phasing scheme shall also incorporate the provisions of Chapter 18.12 of this Title.
2. A phase may not include two or more non-contiguous areas on the same plat.
3. No phasing scheme may have the effect of leaving a residual lot, non-conforming parcel, or previously divided land for which the required subdivision improvements have not been previously constructed. For purposes of this Title, a "residual lot" shall be defined as a zoning lot, created by the proposed subdivision, but which is not shown as a lot on the final plat of the subdivision project or as future development. A future development parcel must be developable into multiple lots meeting the area standards for the applicable zone.

F. The applicant shall identify to the land use authority any existing or necessary agreements with adjacent property owners relative to the subdivision development prior to its approval of the plat.

These agreements may include those relative to drainage, easements, protection strips and improvement bonds.

#### **18.10.040 - Final Plat Required Information.**

The final plat shall be prepared by a professional land surveyor licensed in Utah on a sheet of approved reproducible Mylar and made with approved waterproof black ink. The plat shall be oriented so that the top of the sheet is either north or east, whichever accommodates the drawing best. All text shall be a minimum of one-tenth inch in size. The plat shall contain all information required on the preliminary plat with the exception of contours and construction information, utilities (except existing and proposed fire hydrants), structures and fences (unless the fences are utilized as called monuments).

A. Description and Delineation. The final plat shall show:

1. The approved name of the subdivision;
2. North arrow and graphic scale. The minimum scale is 1"=100';
3. A legend defining all lines and symbols used on the plat;
4. Lot addresses, and approved street names and numbers;
5. The plat drawing shall agree with the boundary description;
6. Accurate angular and lineal dimensions for all lines, angles, and curves used to describe boundaries, streets, alleys, easements, areas to be reserved for public use, and other important features. Boundaries, lots, and streets shown as solid lines, with outside subdivision boundary lines indicated as a heavier, more substantial line than lot and street lines. Easements shown as dashed lines;
7. The lengths of lot lines and boundary lines shown as decimals of a foot with a precision of 0.00'; Bearings and angles will be shown as Deg/Min/Sec with a precision of 0°00'00". Additional precision may be necessary to meet closure requirements;
8. Bearings and distance to provide a mathematical closure of 0.01' on exterior subdivision boundary and 0.02' or less, on all lots and centerline of streets;
9. Basis of bearing between two or more public land survey monuments or between identified monuments in a recorded subdivision or street dedication plat;
10. Survey ties to public land survey monuments, and, where applicable, to identified monuments in a recorded subdivision or street dedication plat, showing measure and record, if different;
11. The accurate location of all survey monuments and fire hydrants to be installed shown by the appropriate symbol. All United States, state, county or other official benchmarks, survey monuments, or triangulation stations in or adjacent to the property shall be preserved in precise position and in compliance with Utah Code §17-23-14 and Salt Lake County Ordinance, Chapter 14.17;
12. The clearly labeled point of beginning;
13. The sum of the lot line distances along the exterior of the plat shall equal the subdivision boundary distance;

14. Existing and proposed streets within two-hundred feet (200') of the proposed subdivision boundary. Dimension street width and identified street ownership;
  15. Recording information of adjoining subdivisions. Ownership with parcel identification numbers of adjoining lots and parcels;
  16. The dimensioned relationship between existing and proposed utility easements with proposed lot lines. Include recording reference(s) of existing easements and provide a utility approval line for proposed easements;
  17. All curve data, including radii, internal angles, points and curvatures, tangent bearings and length of all arcs, identified at correct location or in a curve table;
  18. Centerline control on existing streets, matching the County's record data. New street monuments will be installed per the Salt Lake County Surveyor's monument permitting process as specified in Salt Lake County Code of Ordinances, 2001, Chapter 14.17;
  19. The dedication to the public of all streets and highways included in the proposed subdivision. Where it is proposed that streets be constructed on property controlled by a public agent or utility company, approval for the location, improvement, and maintenance of such streets shall be obtained from the public agency or utility company and entered on the final plat in a form approved by the county attorney;
  20. Subdivision monuments shall be installed prior to the improvement bond release by the applicant's engineer or land surveyor at such points designated on the final plat as approved by Planning and Development Services. Standard precast monuments, rings, and lids shall be installed through the Salt Lake County Surveyor monument permitting process (Salt Lake County Code of Ordinances, 2001, Chapter 14.17);
  21. Physical markers shall be placed at each outside boundary corner in accordance with state statutes and the Filing Professional Surveys chapter of this Title; and shall be verified to be in their correct location(s) according to the plat;
  22. Physical markers shall be placed at each lot corner in accordance with state statutes and the Filing Professional Surveys chapter of this Title; and
  23. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed or covenant for common uses of all property owners.
- B. Boundary Description. The boundary description shall include:
1. A caption with reference to current vesting deed(s), location by Quarter Section, Township & Range, Base & Meridian, and if applicable, existing lot(s) and subdivision(s);
  2. A survey tie to an existing Public Land Survey monument, or a recognized street or subdivision monument;
  3. All necessary bearings, distances and curve data to complete the description and provide a mathematical closure of 0.01' (one hundredth) of a foot or less;



4. Narrative (bound) calls to and along adjoining subdivisions, parcels, streets, and rights of way as necessary to define the intent of the description;
  5. Recording reference to any additional easements required for property access where applicable; and
  6. Total development area in square feet (0.00) and acres (0.000).
- C. Standard Forms for the Following. The county hereby adopts the template on file with the Salt Lake County Surveyor, establishing the expected format of the final plat, which at a minimum requires:
1. A Professional Land Surveyor's certificate of survey;
  2. The owner's certificate of dedication;
  3. A notary public's acknowledgement;
  4. The land use authority's certificate of approval;
  5. The health department's certificate of approval;
  6. Planning and Development Service's certificate of approval;
  7. The county attorney's certificate of approval;
  8. The county mayor's certificate of approval;
  9. The County Surveyor's record of survey acknowledgment block; and
  10. A one and one-half by five-inch (1.5" x 5") space in the lower right-hand corner of the drawing for the Salt Lake County Recorder's use.
- D. The final plat may require written acknowledgment of any legal documents recorded at the Salt Lake County Recorder's Office completed as part of the approval process for the subdivision. The acknowledgment shall include the recorded number of the document after it has been recorded at the Salt Lake County recorder's office.
- E. To ensure that all encumbrances are depicted on the plat and that all owners have signed the plat, the applicant shall provide a title report that is prepared no sooner than 60 days prior to the date that the applicant submits the final plat for signature by county offices.

**18.10.050 – Technical Reports Required.**

- A. The following technical reports are required for all subdivisions :
1. Soils Report. The report shall include, but is not limited to, information with respect to slope analysis, general soils classification, suitability for development, erosion potential, any recommendations for proposed methods of mitigating any constraints determined to be present as part of the development plan, any adverse impact on the natural environment, and anything else required by the standards of reviewing agencies.
  2. Stormwater, Grading and Drainage Plan: The plan shall include, but is not limited to, information on groundwater levels, identification and mapping of drainage channels and systems, floodplains, existing details and contours where modification of terrain is proposed, the direction of proposed

drainage flow, proposed plans and the location of all surface and subsurface drainage devices to be constructed as part of the proposed development, erosion control measures during the course of construction, identification of any grading and drainage problems such as the alteration of natural drainage patterns and any other problems of the proposed development, a plan to mitigate or eliminate such problems, any adverse impact on the natural environment, and anything else required by the standards of reviewing agencies.

- B. The following technical reports are required for subdivision applications to the extent required by applicable regulations:
1. Geotechnical and Geology Report (Global and Site Specific): The filing and contents of such reports shall be in accordance with Salt Lake County Code chapter 19.75.
  2. Natural Conditions, Vegetation Analysis, and Preservation Plan: This report and plan shall include (i) a survey of existing trees, large shrubs, and ground covers;(ii) a plan for the proposed revegetation of the site, detailing existing vegetation to be preserved, new vegetation to be planted, and any modifications to existing vegetation; and (iii)a discussion of any vegetation problems and recommendations as how to mitigate or eliminate such problems and avoid potential adverse impact on the natural environment.
  3. Fire Protection Report: This report shall include, but not be limited to, identification of potential fire hazards, mitigation measures, access for fire protection equipment, and proposed fire flow capability.
- C. The scope and content of these required technical reports and plans shall be in accordance with adopted standards of the reviewing agencies, and shall be submitted with the preliminary or final plat application as determined by the applicable reviewing agency. The County Engineering Division may waive the necessity for submitting one or more of the technical reports or any elements of a report where, in its opinion, conditions associated with the proposed development do not require consideration of the subject matter covered by the waived report. Also, where the lot is contained within an approved subdivision and the technical reports previously submitted as part of the subdivision approval process are sufficient in scope and detail to adequately address the issues required under this Chapter, this requirement may be waived.

#### **18.10.060 - Final approval, GIS Data Required.**

- A. Prior to the final approval and the issuance of any permit associated with a subdivision or development plan, or in the case of a single lot development or a single building permit, the applicant shall provide to Planning and Development Services the GIS data corresponding to the approved plans for all improvements required by Chapter 18.14. Any changes during construction will require additional GIS data to be submitted with the final approved as-built drawings. All GIS data shall be submitted as follows:
1. All GIS data shall be submitted in conformance with County Policy 1013, "Standards for Geographic Information System" and the "Salt Lake County Public Works Engineering GIS Standards," as approved by the Salt Lake County GIS Steering Committee and on file with Salt Lake County Engineering Division. The county Public Works Director or designee reserves the right to reject any GIS data that is provided and is not in compliance with the above standards.

- a. This shall be done at the developer or owner's expense. If a developer or owner does not provide the required GIS data, the county may complete the work on the developer or owner's behalf and the developer or owner shall pay to the county the cost of completing the work at the hourly rate approved by the council for such work. If the developer or owner fails to pay for such work, the county may pursue legal action to recover these costs.
  - b. A subdivision, development plan, or single lot development that costs less than \$10,000 to develop and construct, as estimated by the County Engineering Division, is exempt from the GIS requirements of this Chapter.
- B. GIS data will be required for the following improvements:
1. Roadway system: Regulatory signs, street signs, centerlines, curb and gutter, sidewalks, crosswalks, ADA ramps, striping, road width, road monuments, streetlights, and signals (including conduit and electrical boxes for streetlights and signals).
  2. Storm drain system: Catch basins, manholes, detention basin inlets and outlets, culverts, detention basin area, stormwater quality BMPs, and pipes.

## **Chapter 18.12 DESIGN STANDARDS**

### **18.12.010 - Departmental Standards.**

- A. Standards for design, construction specifications, and inspection of street improvements, curbs, gutters, sidewalks, storm drainage, and flood control facilities shall be prepared by the County Engineering and Flood Control Divisions; standards for water distribution and sewage disposal facilities shall be prepared by the health department; and standards for fire hydrants shall be prepared by the local fire authority. All applicants shall comply with the standards established by such authority and departments and agencies of the county.
- B. Subject to the provisions of Utah State Code §17-27a-507, no adopted design or construction standards shall have the effect of requiring the installation of pavement on a residential roadway at a width in excess of thirty-two feet (32').

### **18.12.020 - Conformance with Design Standards.**

The design of the preliminary and final plats of the subdivision in relation to streets, blocks, lots, open spaces, and other design factors shall conform with the standards contained herein. These design standards shall be approved by the legislative body.

### **18.12.030 - Streets and Roads, General Criteria.**

- A. Width. The width of the hard surfacing and the location and type of other required street improvements shall be as set forth on the applicable street cross section standard.
- B. Relationship to Adjacent Streets. The proposed street system shall properly align and be compatible with adjacent streets. Offset intersections shall be avoided whenever possible, and any intersecting street alignment with an offset of more than fifteen feet (15') shall be prohibited. The distance

between street intersections shall not be less than one hundred fifty feet (150') for local streets and not less than six hundred feet (600') for arterial or collector streets. This provision shall not apply to existing streets unless the development includes realignment of existing streets.

- C. Street Names. New street names may not duplicate those already existing within Salt Lake County. A street that is obviously a continuation of another street already in existence should bear the same name. Before the street is named, the proposed name must be submitted to and approved by Planning and Development Services.
- D. Access to Adjacent Properties. In order to facilitate the development of an adequate and convenient circulation system within the county and to provide access for the logical development of adjacent vacant properties, the county may, as a condition of approval, require the subdivision plan to include one or more temporary dead end streets (stub streets) which extend to the boundary of the subdivision.
1. All such stub streets shall be fully developed to the boundary of the subdivision.
  2. The requirement for a stub street may be waived the Director when:
    - a. There is no adjacent, developable parcel and the lack of a stub street will not result in a property that is landlocked;
    - b. The topography between the subject parcel or parcels and the neighboring parcel makes a stub street infeasible and alternative access exists; or
    - c. The neighboring parcel has an existing building, buildings or other substantial improvements that preclude any reasonable alignment of a future street.
  3. Any plan for the subsequent development of the adjacent property shall provide for the continuation of any such stub street. The requirement to connect to an existing stub street may be waived by the Director if:
    - a. The connecting to the existing stub street constrains any reasonable development of the site; or
    - b. The property has subsequently been rezoned to allow for land uses that are not compatible with the land uses associated with the development that resulted from the creation of the stub street. In such circumstances, pedestrian connections on the stub street should still be extended into the adjacent property to retain pedestrian access. However, the Director may waive this requirement when the extension of the pedestrian facility will result in pedestrian access between a residential zone and a heavy industrial zone, or if the developer can demonstrate that the proposed uses associated with the development will not be compatible with safe and secure pedestrian connections between the stub street and adjacent public roads.
- E. Temporary Dead End (Stub Streets). Where a final plat includes a dead end stub street which is intended to be continued into adjacent property in the future and which serves as the primary access for one or more adjacent lots, said final plat shall make provision for temporarily accommodating vehicular movement and the extension of utility services by designating temporary cul-de-sacs, turnaround areas, travel easements connecting the end of the stub street with other streets in the

vicinity or such other temporary measure as may be approved by the land use authority. Such temporary facilities required pursuant to this provision shall remain until such time as the street has been extended into the adjacent property and the improvements accepted by the county.

F. Cul-De-Sacs. Cul-de-sacs shall be discouraged.

1. Cul-de-sacs may be appropriate in cases where the possibility of future adjacent development does not exist due to topography or existing development, where an additional through street would be unnecessary, where a road cannot be extended through the property to connect to another street elsewhere, where development has occurred on at least three (3) sides of the surrounding property, or where other special circumstances exist, as determined appropriate by the land use authority after receiving a recommendation for the same from the County Engineering Division in accordance with industry best practices. When permitted, permanent cul-de-sacs shall be designed in accordance with adopted standard drawings, each cul-de-sac stem shall meet the standard street requirement, including right-of-way, pavement width, gutter, curb, and sidewalk within residential subdivisions. The maximum length of a cul-de-sac street shall be five hundred feet (500') from the center of the cul-de-sac to the centerline of the intersecting street.
2. The land use authority may require a sidewalk connection through a cul-de-sac to allow for pedestrian connectivity to existing or future adjacent development and/or public streets.

G. Vehicle Access. Subdivision projects of twenty (20) lots or more shall provide at least two (2) points of vehicular access.

**18.12.040 - Blocks.**

- A. Length. Blocks shall not exceed six hundred (660') feet in length.
- B. Width. Blocks shall be wide enough to adequately accommodate two tiers of lots except as provided for herein.
- C. Walkways. Walkways through the block to a point designated by the Planning Commission may be required by the Planning Commission (after a recommendation from the Director). Such walkways shall be a minimum of six feet in (6') width. The subdivider shall surface the full width of the walkway with a paved surface, install a solid vinyl fence or its equal four feet (4') high on each side and the full length of each walkway and provide, in accordance with the standards, rules and regulations, barriers at each walkway entrance to prevent the use of the walkway, by any motor vehicle or by any other nonmotorized vehicle wider than four feet (4'). A walkway shall be maintained by the owner of the streets or improvements connected by the walkway.
- D. Commercial and Industrial Block Design. Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

**18.12.050 - Lots.**

- A. Design. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings and be properly designed according to topography, the character of surrounding

development, and to existing requirements. Lots may not contain peculiarly shaped elongations solely to provide necessary square footage which would be unusable for normal purposes.

- B. Zoning Conformity. All lots shown on the preliminary and final plats shall conform to the minimum requirements of the zone in which the subdivision is located, and to the minimum requirements of the health department for water supply and sewage disposal. Lots created as part of an approved planned unit development, or subject to a development agreement are subject to the standards set forth in that approval or document.
- C. Frontage.
1. Each lot in a subdivision shall abut upon and have access to a street which is:
    - a. Dedicated to the county by the subdivision plat;
    - b. An existing publicly dedicated street;
    - c. An existing public street which has become public by right of use and which is more than twenty-six (26') feet wide, measuring the travel surface of the street;
    - d. An existing private street that has been approved by the county; or
    - e. Have an approved access via private right of way to a public street shown on the plan and approved under the criteria outlined in Subsection 2 of this Section.
  2. The county may approve a request for a private street that complies with the following criteria:
    - a. The street must be part of a planned unit development (PUD), or planned community where the county and the developer have entered into a development agreement;
    - b. Private streets will only be allowed for streets that have no public interest for traffic circulation and connectivity;
    - c. Unless otherwise authorized by the Mayor pursuant to Salt Lake County Code section 14.12.150, private streets shall conform to adopted street cross sections and shall in no case be less than twenty feet (20') in width.
    - d. The maximum length of a dead-end private street shall may not exceed five hundred feet (500');
    - e. A note on the plat shall be included indicating that the County has no responsibility to improve or maintain the private streets contained within, or private streets providing access to, the property described in the plat, nor does the county have responsibility for any of the infrastructure associated with the private streets such as sidewalks, drainage facilities, streetlights, curbs, and/or landscaping; and
    - f. The applicant shall provide and record a maintenance plan outlining how the private streets will be maintained.

- D. Corner Lots. Corner lots shall include the minimum lot width along each of the fronting streets, as measured at the front setback line. Corner lots shall have an additional ten feet (10') of width along one of the frontages to accommodate the additional setback requirements.
- E. Double Fronting Lots.
1. Single-family or duplex double frontage lots shall be prohibited, except where they may be essential to provide separation of single-family or duplex residential development from fronting on collector or arterial streets, or to overcome a specific disadvantage or hardship imposed by topography or other factors. Such double frontage lots allowed within the county shall be constructed to the adopted engineering design standards.
  2. Where lots have double frontage and are not screened or are not provided access directly onto an arterial street, building setback lines shall be established for each street side.
  3. Lots in single-family or duplex residential subdivisions and lots measuring less than one hundred feet (100') wide and located within multifamily residential subdivisions may abut a street on both the front and rear boundaries, but only under the following conditions:
    - a. One lot boundary must abut a collector street, arterial street, or freeway;
    - b. No access to the abutting collector street, arterial street or freeway is allowed. The Planning Commission may require a reservation, easement, or other condition of approval to ensure that no right of access is given; and
    - c. The Planning Commission may require that a parkway at the rear of a double frontage lot be landscaped, or other aesthetic treatment be provided by the applicant, subject to the approval of the land use authority to provide a visual and physical separation between the development and the street.
    - d. An existing private street does not preclude development of a double-fronting lot.
- F. Angle of Lot Lines. Side lot lines shall be approximately at right angles (90°) or radial to the street line except where topographic or other conditions make it advisable to have side lot lines at sharper angles.
- G. Multiple Ownership of Lots. Where the land covered by a subdivision includes two (2) or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the subdivision shall be considered as a joint project.
- H. Common Area Parcels. The land use authority may approve common area parcels within the boundary of a subdivision that are to be maintained by an association and owned by the lot owners in common pursuant to the common areas section of the County Land Use, Development, and Management Act. Parcels to be owned in common by the property owners within a subdivision may vary from the minimum width and area requirements for lots in the underlying zone. Common area parcels shall be labeled as "Common Area Parcel." Subdivisions with multiple common areas shall distinguish between common areas with a letter label (such as "Common Area Parcel A," "Common Area Parcel B," etc.).

**18.12.060 - Remnant Parcels and Nuisance Strips.**

- A. No subdivision or platting of a lot may create a nuisance strip, residual lot, or remnant parcel of property less than the minimum lot area or width for the zone in which it is located.
- B. If a remnant parcel is proposed, a phasing plan shall be submitted demonstrating how the remnant parcel can be developed in the future.
- C. Remnant land not included in the proposed subdivision or platting of a lot and not subject to subsection (B) may be deeded to adjacent property owners, with the deed or other appropriate instrument being recorded at the same time as the subdivision or recording of a plat. The transfer or conveyance of such remnant land may not result in additional parcels being created in or outside of the proposed subdivision or plat boundary.
- D. No lot may contain a feature intended to deny frontage to another parcel.
- E. Exceptions.
  - 1. The land use authority may approve common area parcels pursuant to section 18.12.050(H). Common area parcels adjacent to the outer boundary of a subdivision may later be conveyed to an adjoining property owner to combine it with the adjoining property as set forth in Utah Code.

**18.12.070 – Flag Lots**

- A. In order to subdivide an existing lot or parcel so as to create two or more separate lots or parcels (the base lot(s) adjacent to the street and a flag lot(s) to their rear), sufficient land area must be available to maintain:
  - 1. For the base lot(s), compliance with the required area and width requirements of the zone in which the properties are situated, and
  - 2. For flag lot(s) less than one half acre in size:
    - a. One and one half times the area requirements for the zone in which the properties are situated if ownership of the land providing access to the flag lot(s) is retained by or conveyed to the owner of those lots, or
    - b. One and one half times the area requirements for the zone in which the properties are situated *minus* the land area included in the access easement across the base lot(s).
  - 3. For flag lot(s) in zones that require a minimum lot area of one half acre in size or larger:
    - a. Compliance with the required area and width requirements of the zone in which the properties are situated, *exclusive of* the land area encumbered for access purposes to the flag lot(s), whether by ownership or perpetual easement.
- B. Access to a flag lot or lots shall be provided in the following manner:
  - 1. Ownership of the land area connecting the flag lot(s) to the street by the person(s) or entities that own the balance of the land area included in the flag lot(s), or
  - 2. Retention of ownership of the land area connecting the flag lot(s) to the street by the owner of the base lot(s) fronting on the street, but only if conveyance of that land area would render the base lot(s) substandard with regards to lot width or lot area requirements applicable to the zone in which the properties are situated. If so retained, access to the flag lot(s) shall be provided through conveyance and recordation of a perpetual access easement for each lot, together with cross maintenance and liability agreements addressing the rights and responsibilities of the owners of the base lot(s) and the flag lot(s).
  - 3. In a residential or agricultural zone, no more than one flag lot may use a single access and no



- more than one access can be created across a base lot.
- C. Access to a flag lot(s), whether by ownership of the land area across which such access is provided or through recordation of a perpetual access easement across the base lot(s), must be of uniform width from the flag lot to the intersection with the street right-of-way or easement upon which the base lot fronts in accordance with the following:
    - 1. On properties where the length of the access connection from the flag lot(s) to the public street right-of-way or easement is *less than* one hundred and thirty feet, the width of that connection must be no less than twenty feet unless a lesser width for improvements to the travel way is authorized for access purposes by the County Transportation Engineer and the Fire Authority.
    - 2. On properties where the length of the access connection from the flag lot(s) to the public street right-of-way or easement is *more than* one hundred and thirty feet, the width of that connection must be no less than twenty-five feet unless a lesser width for improvements to the travel way is authorized for access purposes by the County Transportation Engineer and the Fire Authority.
    - 3. A landscaping, irrigation, and fencing plan in compliance with section 19.76.295 C (5) shall be submitted to create a buffer between the driveway and adjoining properties to mitigate the negative impacts of the access.
  - D. In residential and agricultural zones, flag lots are intended to be used only for infill development. No subdivision, concept plan, preliminary plat, or final plat with 3 or more lots may include a flag lot or lots.

## **Chapter 18.14 REQUIRED IMPROVEMENTS.**

### **18.14.010 - Certification of Improvements.**

No final plat of a subdivision of land may be recorded without receiving a statement signed by Planning and Development Services certifying that the improvements described in the applicant's plans and specifications have been completed or that an adequate performance bond has been submitted for the required improvements as allowed under Chapter 18.16. The certification document is to certify that the required improvements meet the minimum requirements of all ordinances of the county and that they comply with the standards and requirements of the Health Department, Planning and Development Services, the Planning Commission, the Fire Authority serving the area, and other applicable county agencies.

### **18.14.020 - Storm Sewers.**

Storm sewers shall be constructed throughout the entire subdivision to carry off water from all inlets and catch basins and shall be connected to an adequate outfall. A stormwater drainage system subject to the approval of Planning and Development Services shall be provided and shall be separate and independent of the sanitary sewer system. The final plans for the drainage system shall be prepared by a licensed engineer. The licensed engineer cannot be employed by the County or the Greater Salt Lake Municipal Services District.

### **18.14.030 - Public Sanitary Sewer.**

All subdivisions shall comply with Salt Lake County Health Department Regulation 13.

#### **18.14.040 - Storm Drainage.**

No ditch or canal may be approved as suitable for the use of storm drainage water without the written permission of the appropriate ditch or canal company or of the water users for such use. No ditch or canal may be used for stormwaters unless adequately improved to handle such water as might be reasonably expected to flow from canal and ditch water, subdivision runoff water, and other water expected to reach such canal or ditch.

#### **18.14.050 - Street Improvements.**

- A. The applicant shall submit a complete set of construction plans and profiles of all streets, existing and proposed, within the subdivision to Planning and Development Services as part of a final plat application. Plans and profiles are to be prepared by a professional engineer licensed to practice in the State of Utah. The subdivider must also provide all GIS data corresponding to the submitted plans as required by Section 18.10.060. Planning and Development Services shall, within a reasonable time not to exceed twenty business (20) days from the receipt of the plans and profiles, notify the subdivider of approval, and in case of disapproval the reasons therefore in accordance with the County Land Use Development and Management Act. Such plans and profiles shall include:
1. The designation of limits of work to be done for street improvements;
  2. The location of the benchmark and its true elevation according to County Policy 1013, "Standards for Geographic Information System" and the "Salt Lake County Public Works Engineering GIS Standards," all profiles to be referred to in those standards;
  3. Profiles which indicate the finished and existing grades for the centerline of the street. Separate profiles, clearly designated, shall be made for each side of the street;
  4. Profile of all public storm drain systems and any private system that connects to any public system;
  5. Construction plans which include the details of curb and gutter and street cross-sections; location and elevation of manholes, catchbasins and storm sewers; elevations and location of fire hydrants; location of existing and proposed public survey control monuments and street centerline monuments; and any other detail necessary to simplify construction;
  6. Complete date for field layout and office checking;
  7. On curb returns, at least two additional control points for elevation besides those at points of curvature. Control points shall be staked in the field to ensure drainage at intersection; and
  8. The street address of the project as approved by Planning and Development Services and subdivision name if applicable.
- B. At least ten (10) days prior to the commencement of construction, the applicant shall furnish to Planning and Development Services two (2) bound twenty-four inch by thirty-six inch (24" x 36") hard copies of the complete set of approved construction plans and profiles of all streets, existing and proposed, as well as all corresponding GIS data in a format compatible with section 18.10.060. The approved hard copy sets of the construction plans and profiles shall include all information required in Subsection A.

**18.14.060 - Reserved for future use**

**18.14.070 - Utility and Facility Systems to Be Underground.**

All utility and facility systems including, but not limited to, all wires, lines, cables, conduits, and pipes providing services such as electricity, telephone, telegraph, cable television, gas, water, sewer, steam or petroleum including service drops, distribution systems, and transmission systems shall be placed underground in accordance with county ordinances and policies. (Refer to Chapter 19.46 of County Code, Utility and Facility System Placement Regulations.)

**18.14.080 - Street Lighting.**

- A. Except as provided for in Subsection E below, adequate street lighting shall be provided in accordance with subsection (B) for the safety and welfare of residents and businesses located in the county through the installation of a street lighting system as part of subdivision development.
- B. All streetlights intended to illuminate the public street shall be installed in accordance with the county's "Standard Specifications for Streetlight Construction." Streetlight systems shall be designated on approved plans and installed accordingly.
  1. For all residential, multi-family residential, planned unit development, commercial, and industrial subdivision developments, the applicant shall install and pay the installation costs for streetlights as shown on the approved subdivision plat or site plan and post a bond, pursuant to Chapter 18.16, guaranteeing proper installation. The applicant shall also provide a dedicated public utility easement from each respective underground power source to each streetlight.
  2. Items to be approved pursuant to the requirements of the "Standard Specifications for Streetlight Construction" include:
    - a. Appropriate distance or spacing between streetlights;
    - b. Alternating sides of street, when applicable;
    - c. Appropriate illumination at intersections;
    - d. Location upon the property;
    - e. Streetlight type and decorative style based on street classification;
    - f. Height based on location;
    - g. Installation methods and requirements; and
    - h. Illumination intensity, electrical specifications, and code requirements as determined by the "Standard Specifications for Streetlight Construction."
- C. The applicant shall submit completed as-built-drawings and the GIS data corresponding to the as-built drawings, as required by Section 18.10.060, to the Public Works Operations Director or designee within thirty (30) days of the completion of the installation of a streetlight system within a subdivision development.
- D. The Public Works Operations Director or designee shall have the authority:

1. To enforce this Section and to ensure that streetlight installation is completed in compliance with all of its requirements; and,
  2. To vary the standards referenced in this Section and to approve alternative streetlight designs and locations when adverse topography, roadway geometrics and design, the presence of natural vegetation, or any other adverse conditions exist which would justify such variations and alternatives without being detrimental to the public safety or welfare.
- E. The land use authority shall have the authority to waive the requirement for streetlight installation in subdivisions upon finding that:
1. The subdivision is located in an environmentally sensitive area;
  2. The subdivision will result in three (3) or fewer new lots; or
  3. The subdivision will not result in any other public street improvements.

**18.14.090 - Pavement Requirements.**

- A. All streets within the county shall be improved with pavements bounded by integral concrete curbs and gutters to an overall width in accordance with the standards, rules, and regulations adopted by the Council.
- B. Pavements shall be constructed in accordance with the requirements of the standards, rules, and regulations adopted by the Council.

**18.14.100 - Curbs and Gutters.**

- A. Curbs and gutters on all streets shall be concrete of the standard high-back-type unit, not less than two feet, six inches (2' 6") in overall width, and not less than seven inches (7") thick where the curb abuts the street pavement.
- B. All curb corners shall have a radius of not less than twenty-five feet (25'), or thirty-five feet (35') on streets designated as collector or arterial streets.
- C. The applicant shall install curbs, gutters, and sidewalks on existing and proposed streets in all subdivisions.

**18.14.110 - Street Name Signs.**

The applicant shall provide the county with all street name signs, conforming to the design and specifications and in the number provided by the standards, rules, and regulations of the county for all street intersections in a subdivision plat. The county shall install all street name signs to ensure uniformity.

**18.14.120 - Trails.**

To the extent allowed by the County Land Use Development and Management Act, the applicant shall dedicate trails necessary to provide public access to public lands and to connect to trails shown on the general plans or any other adopted plan or required by the land use authority. Trails shall be located so that the route is feasible for both construction and long-term maintenance; side slopes may not exceed seventy percent (70%) and rock cliffs and other insurmountable physical obstructions shall be avoided.

The specific location of the trail right-of-way shall be verified on the ground before approval of the subdivision.

**18.14.130 - Fire Hydrants.**

Fire hydrants shall be installed by the applicant in all subdivisions in accordance with the regulations of the fire authority.

**18.14.140 - Stormwater Inlets and Catch Basins.**

Stormwater inlets and catch basins shall be provided by the applicant within the roadway improvements at points specified by the County Engineering Division.

**18.14.150 - Open Ditches and Canals.**

A. Open ditches or canals may not be allowed within or adjoining a subdivision except along rear or side lot lines. Subject to Section 73-1-15.5 of the Utah Code, the applicant shall work with irrigation, drainage, or ditch companies as to:

1. Methods of covering, realigning, or eliminating ditches or canals within or adjoining the subdivision;
2. The size of pipe and culverts required;
3. The responsibility for the periodic inspection, cleaning, and maintenance of such ditches, pipes, and culverts. In cases where canals or ditches cross public roads or proposed public roads, specifications and grades for pipe or culvert must be approved by Planning and Development Services.

B. Irrigation components, whether open or piped, require water master approval.

1. If existing irrigation components are suspected and not identified, then verification by the water master is required.
2. If irrigation components are present, they are checked by the water master to comply with the ordinance.
3. The Water Master's signature is required on any sheet in the final construction plans which show irrigation components.
4. Final approval of the construction plans shall be withheld until water master's signature is confirmed.

**18.14.160 - Fencing Requirements.**

A. The applicant shall install a six-foot (6'), decorative fence or wall with an approved fence cap, in conformance with the standards and rules and regulations adopted as provided in Chapter 18.12, along all open ditches, canals, railroad rights-of-way that are on, crossing, or contiguous to the property being subdivided, except along those features which the land use authority shall determine would not be a hazard to life, or where the conforming structure would create a hazard to the safety of the public. Prior to installing such a fence or wall, the applicant shall obtain a flood control permit

from Salt Lake County in accordance with the Flood Control Facilities chapter of the Salt Lake County Code.

- B. Where lots rear on a public street, the developer shall install a decorative fence or wall along the street right-of-way which is:
  - 1. Uniform in design, color tones, and materials within the subdivision and compatible with other surrounding development;
  - 2. A solid visual barrier screening;
  - 3. A minimum of six feet (6') high from the top of curb or, if there is no curb, from the crown of the street;
  - 4. Maintained by the abutting property owner;
  - 5. Constructed with a sealant placed on any masonry fence to help with the removal of graffiti and to preserve the surface;
  - 6. Constructed according to development standards approved by the land use authority; and
  - 7. Placed on the property line with the space between the fence and the sidewalk hard surfaced or planted with a perennial groundcover and an irrigation system.

**18.14.170 - Construction of Improvements.**

- A. Twenty-four (24) hours prior to construction of any required improvements, the County Engineering Division shall be notified so that proper inspection may be provided and so that it may be determined whether or not proper authorization and/or required permits for construction have been obtained.
- B. As-built plans, profile drawings, and corresponding GIS data shall be furnished to the County Engineering Division of all street improvements, storm drain, sanitary sewer, and water systems upon completion. The improvement bond shall be retained until such plans have been submitted.
- C. Extreme care should be exercised on the part of the applicant, the applicant's contractor, and all other associated agencies for the protection and maintenance of all existing or newly placed improvements or facilities within the roadway sections during development.

**18.14.180 - Responsibility for Damages.**

All damages to any bonded improvements or facilities incurred during the construction of improvements or during the warranty bond period specified in section 18.16.050 shall be the sole responsibility of the applicant and shall be replaced to the satisfaction of the County Engineering Division before final acceptance of any improvements and bond release.

## **Chapter 18.16 PERFORMANCE GUARANTEES.**

**18.16.010 - Performance Guarantee Required.**

- A. Wherever a performance guarantee is required under the terms of this Title, the performance guarantee shall be submitted:
  - 1. In conformance with this Chapter; and
  - 2. Prior to the commencement of any improvements covered by the performance guarantee.

**18.16.020 - Performance Bonds.**

- A. Prior to the recording of a plat or conducting any development activity and in lieu of actual completion of the improvements listed in this Title, an applicant may file with Planning and Development Services a performance bond to assure actual construction of such improvements within a thirteen month period of the date of the performance bond agreement. The Director may grant an extension(s) of this period upon a showing of good cause.
  - 1. An applicant may choose to complete public improvements prior to recording a plat rather than bond for those improvements, in which case the applicant shall post a warranty bond prior to commencing construction of public improvements in accordance with section 18.16.050(A).
- B. If the applicant elects to post a performance bond in lieu of completing the improvements prior to the recording of the final plat, the applicant shall provide a performance bond for:
  - 1. The completion of one hundred percent (100%) of the required improvements; or
  - 2. If the County Engineering Division has inspected and accepted a portion of the required improvements, one hundred percent (100%) of the incomplete or unaccepted improvements.
- C. The amount of the performance bond for public improvements , including but not limited to curb, gutter, sidewalk, road construction and surfacing, stormwater, and fire hydrants shall be established by the County Engineering Division's estimated cost of completion.
- D. To the extent allowed by the County Land Use, Development and Management Act, the performance bond shall also secure any required improvements on individual lots within the subdivision which are required in this Chapter.
- E. The performance bond shall be in the form of a surety bond, cash bond, an escrow agreement, or an irrevocable letter of credit from a financial institution located in the State of Utah.
- F. A performance bond agreement shall be entered into by the county and the applicant:
  - 1. The performance bond agreement shall include a provision that the performance bond shall expire within thirteen (13) months from the date issued if the bonded improvements are not completed, and that the Director can grant an extension(s) of this period upon a showing of good cause.
  - 2. If the bonded improvements have not been completed by that date, then the performance bond shall be considered foreclosed upon.
  - 3. If the project has not been timely completed, all remaining funds shall be thereafter remitted to Planning and Development Services as set forth in the performance bond agreement.

4. The 13-month period in subsection (F)(1) may be extended only if special circumstances warrant an extension, as determined by the Director after consultation with the County Engineering Division.
- G. A performance bond may be partially released if the performance to which it relates has been satisfactorily completed, except that not less than ten percent (10%) of the performance bond shall be retained to ensure completion of the entire performance, which shall be in addition to the 10% that must be retained as a warranty for all bonded improvements that have been installed.
- H. The Mayor may establish objective procedures consistent with this Section relating to the administration of performance bonds, including fund management, default, and collection. The Mayor may provide direction on such procedures.

**18.16.030 - Final Disposition and Release.**

- A. Upon completion of the work for which a performance bond has been posted, the applicant shall submit to the Director or designee, one copy of a written request for release.
- B. Within five (5) days after receipt of the notice and request under Subsection A of this Section, the County Engineering Division shall make a preliminary inspection of the improvements and shall submit a report to the Director or designee setting forth the condition of the improvements.
- C. The Director or designee shall receive the report and, within seven (7) days of the inspection, authorize release of a portion of the performance bond corresponding to the work completed and approved if the County Engineering Division finds, based on the standards in Subsection E, that the condition of the improvements is satisfactory.
- D. The portion of the bond to be held as a warranty bond under Section 18.16.050 of this Chapter may not be released until the warranty period has expired and an inspection has been conducted by the County Engineering Division that finds, based on the standards in Subsection E, that the condition of the improvements is satisfactory.
- E. A bond may not be released if, after consulting with the County Engineering Division, the Director:
  1. Finds that the condition of material or workmanship shows unusual depreciation or does not comply with the acceptable standards of durability;
  2. Finds that any other terms of the bond agreement have not been satisfied; or
  3. As built plans, including profile drawings, have not been filed and corresponding GIS data (as required) has not been submitted.
- F. If the bond is not released, the reasons shall be given to the applicant in writing within seven (7) days from the time of the inspection.
- G. In the case of a dispute over the release of a performance bond under this Section, the applicant may appeal the Director's decision not to release the bond pursuant to Salt Lake County Code section 19.20.030.
- H. Bonds under this chapter shall be processed and released in accordance with the procedures set forth in Chapter 3.56 of County Code.



**18.16.040 - Default.**

- A. Upon substantiating a finding under Subsection B of this Section, the Director or designee with approval of the Mayor or designee may, with due notice to the applicant:
  - 1. Declare the performance bond forfeited; and
  - 2. Install or cause the required improvement to be installed using the proceeds from the performance bond to defray the costs.
- B. A performance bond may be forfeited under Subsection A of this Section if the Director or designee finds that an applicant has failed or neglected to:
  - 1. Satisfactorily install the required improvements;
  - 2. Make required corrections;
  - 3. Make payment to Planning and Development Services for administration and inspections; or
  - 4. Carry out the activity for which the performance bond was required.
- C. The applicant is responsible for work beyond the limits of the bond amount.
- D. Any funds remaining after completion of the required improvements will be returned to the applicant.

**18.16.050 – Warranty Bond.**

- A. Planning and Development Services shall retain as a warranty bond not less than ten percent (10%) of the initial amount of the performance bond. If an applicant chooses to complete public improvements prior to recording a plat rather than bond for those improvements, applicant shall post a warranty bond in the amount of 10% of the cost of the improvements before constructing any of the improvements. The warranty bond shall be in the form of a surety bond, cash bond, an escrow agreement, or an irrevocable letter of credit. The warranty bond shall be for the purpose of warranting the improvements and shall be for a period of:
  - 1. One (1) year after final acceptance of the improvement or warranty work; or
  - 2. Two (2) years after final acceptance of the improvement or warranty work, if the Director:
    - a. Determines for good cause that a lesser period would be inadequate to protect the public health, safety, and welfare; and
    - b. Has substantial evidence, on record, of any of the following:
      - i. Prior poor performance of the applicant; or
      - ii. Suspect soil conditions within the subdivision or development area, as defined in the County Land Use, Development, and Management Act, which the county has not otherwise required the applicant to mitigate.
- B. A determination under Subsection A(2) of this section shall be made by the Director in consultation with the County Engineering Division.

- C. If, after the warranty period, the durability of said improvements is found to be satisfactory, the warranty bond may be released following the procedure outlined under Section 18.16.030 of this Chapter.
- D. The County may call and use the warranty bond if an applicant elects to complete public improvements prior to recording a plat, but fails to complete that construction in the time period agreed to between the County and the applicant in the warranty bond agreement.
- E. The person giving the warranty bond shall correct unacceptable elements of the covered improvements identified by the county if at any time during the warranty period:
  - 1. Any required improvement fails or shows unusual depreciation;
  - 2. It becomes evident that certain work was not completed; or
  - 3. The materials or workmanship used in constructing the improvements do not otherwise comply with accepted standards of durability.
- F. If identified corrections are not made within a reasonable time, the Director, with approval from the County Mayor or designee, in accordance with Section 18.16.040 of this Chapter, may declare the applicant in default and use the warranty bond to defray the cost of any identified corrections required by the county.

## **Chapter 18.18 SUBDIVISION AMENDMENTS.**

### **18.18.010 - Purpose.**

This Chapter establishes review and approval procedures for subdivision amendments and property boundary adjustments.

### **18.18.020 - Boundary Line Adjustments.**

- A. If properly executed and acknowledged as required by law, an agreement between owners of adjoining property that designates the boundary line between the adjoining properties acts, upon recording in the office of the Salt Lake County Recorder as a quitclaim deed to convey all of each party's right, title, interest, and estate in property outside the agreed boundary line that had been the subject of the boundary line agreement or dispute that led to the boundary line agreement.
- B. Requirements. Adjoining property owners executing a boundary line agreement described in Subsection A shall:
  - 1. Ensure that violations of the width, area, frontage, setback and other requirements are not created, that any existing, legal nonconformities are not increased by any degree, and that the agreement includes:
    - a. A legal description of the agreed upon boundary line and of each parcel or lot after the boundary line is changed;
    - b. The name and signature of each grantor that is party to the agreement;

- c. A sufficient acknowledgment for each grantor's signature;
  - d. The parcel identification number and street address of each grantee for assessment purposes;
  - e. A legal description of the parcel or lot each grantor owns before the boundary line is changed; and
  - f. The date of the agreement if the date is not included in the acknowledgment in a form substantially similar to a quitclaim deed.
2. If any of the property subject to the boundary line agreement is part of a subdivision lot, prepare an amended plat, to be approved by the land use authority designated by Section 18.08.010, before executing the boundary line agreement; and
  3. If none of the property subject to the boundary line agreement is a part of a subdivision lot, ensure that the boundary line agreement includes a statement citing the file number of a record of a survey map on record with the Salt Lake County Surveyor.
- C. Presumptions. A boundary line agreement described in Subsection A that complies with Subsection B presumptively:
1. Has no detrimental effect on any easement on the property that is recorded before the day on which the agreement is executed unless the owner of the property benefitting from the easement specifically modifies the easement within the boundary line agreement or a separate recorded easement modification or relinquishment document; and
  2. Relocates the parties' common boundary line for an exchange of consideration.
- D. Parcels. A boundary line agreement that only affects parcels of land is not subject to:
1. Any public notice, public hearing, or preliminary platting requirement;
  2. The review of a land use authority; or
  3. An engineering review or approval of the county, except as provided in Subsection E.
- E. Boundary Line Agreements when Dwelling Units are Present.
1. If a parcel that is the subject of a boundary line agreement contains a dwelling unit, the owners shall submit the boundary line agreement to Planning and Development Services for review.
  2. The purpose of the review is to ensure that violations of the width, area, frontage, setback and other requirements are not created, and that any existing, legal nonconformities are not increased by any degree.
  3. Planning and Development Services shall complete the review within fourteen (14) days after the day on which the property owner submits the boundary line agreement for review.
  4. If Planning and Development Services determines that the boundary line agreement is deficient or if additional information is required to approve the boundary line agreement, Planning and Development Services shall, within fourteen (14) days, send written notice to the property owner that:

- a. Describes the specific deficiency or additional information required to approve the boundary line agreement; and
  - b. States that the county shall approve the boundary line agreement upon the property owner's correction of the deficiency or submission of the additional information described in the notice;
5. If Planning and Development Services approves the boundary line agreement, the division shall send written notice of the boundary line agreement's approval to the property owner within fourteen (14) days.
  6. If the county fails to send a written notice within fourteen (14) days, the property owner may record the boundary line agreement as if no review was required.

**18.18.030 - Subdivision Amendments.**

- A. Application Required. A fee owner of land, as shown on the last county assessment roll, in an approved subdivision that has been recorded with the Salt Lake County recorder may file an application with Planning and Development Services to request a subdivision amendment.
- B. Plat Required. Upon filing an application to request a subdivision amendment, the owner shall prepare a plat in accordance with Chapter 18.10 that:
  1. Depicts only the portion of the subdivision that is proposed to be amended;
  2. Includes a plat name distinguishing the amended plat from the original plat;
  3. Describes the differences between the amended plat and the original plat; and
  4. Includes references to the original plat.
- C. Notice. The Director or designee shall provide notice of the petition by mail, email, or other effective means to each affected entity that provides a service to an owner of record of the portion of the plat that is being vacated or amended at least ten (10) calendar days before the Planning Commission may approve the petition for a subdivision amendment.
- D. Public Hearing Required. The Planning Commission shall hold a public hearing within forty-five (45) days after the day on which the petition is filed if:
  1. Any owner within the plat notifies the county of the owner's objection in writing within ten (10) days of mailed notification; or
  2. A public hearing is required because all of the owners in the subdivision have not signed the revised plat.
- E. Public Hearing Not Required. The public hearing requirement does not apply, and the Planning Commission may consider at a public meeting an owner's petition for a subdivision amendment for any reason allowed in the Subdivision Amendment section of the County Land Use, Development, and Management Act:
- F. The Planning Commission may not approve a petition for a subdivision amendment under this Section

unless the amendment identifies and preserves any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the subdivision.

- G. A request to amend a public street or county utility easement is also subject to Section 18.18.050.
- H. A request to amend an entire plat or a portion of a plat shall include:
  - 1. The name and address of each owner of record of the land contained in the entire plat or on that portion of the plat described in the petition; and
  - 2. The signature of each owner of record of the land contained in the entire plat or on that portion of the plat described in the petition who consents to the petition.
- I. The name of a recorded subdivision may be changed by recording an amended plat making that change, as provided in this Section. An owner of land may not submit for recording an amended plat that gives the subdivision described in the amended plat the same name as a subdivision in a plat already recorded in the Salt Lake County Recorder's Office.
  - 1. The surveyor preparing the amended plat shall certify that the surveyor:
    - a. Holds a license in accordance with Utah Code; and
    - b. Has either (i) completed a survey of the property described on the plat in accordance Utah Code and has verified all measurements; or (ii) Has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
    - c. Has placed monuments as represented on the plat.

#### **18.18.040 - Approval of Vacation or Amendment of Plat**

- A. The land use authority may approve the vacation or amendment of a plat by signing an amended plat showing the vacation or amendment if the land use authority finds that:
  - 1. There is good cause for the vacation or amendment; and
  - 2. No public street or county utility easement has been vacated or amended.
- B. The land use authority shall ensure that the amended plat showing the vacation or amendment is recorded in the office of the Salt Lake County Recorder.
- C. If the amended plat is approved and recorded in accordance with this Section, the recorded plat shall vacate, supersede, and replace any contrary provision in a previously recorded plat of the same land.
- D. The Council may vacate a subdivision or a portion of a subdivision by recording in the Salt Lake County Recorder's Office an ordinance describing the subdivision or the portion being vacated. The recorded vacating ordinance shall replace a previously recorded plat described in the vacating ordinance.
- E. An amended plat may not be submitted to the Salt Lake County Recorder for recording unless it is:
  - 1. Signed by the land use authority; and
  - 2. Signed, acknowledged, and dedicated by each owner of record of the portion of the plat that is

amended.

- F. A management committee may sign and dedicate an amended plat as provided in the Utah Condominium Ownership Act.
- G. A plat may be corrected as provided in Utah Code §57-3-106.

**18.18.050 - Petition to Vacate a Public Street.**

- A. If a public street is vacated through a plat or amended plat, the plat shall be prepared and reviewed in accordance with the processes outlined in this title for a subdivision plat or amended subdivision plat. In lieu of vacating some or all of a public street through a plat or amended plat in accordance with Utah Code, the Council may approve a petition to vacate a public street in accordance with this section. The process followed in this section shall apply to any petition to vacate a public street within the County without regard to how the public street was created.
- B. Application. A petition to vacate some or all of a public street or county utility easement shall include:
  - 1. The name and address of each owner of record of land that is:
    - a. Adjacent to the public street or county utility easement between the two nearest public street intersections; or
    - b. Accessed exclusively by or within three hundred feet (300') of the public street or county utility easement.
  - 2. Proof of written notice to operators of utilities and culinary water or sanitary sewer facilities located within the bounds of the public street or county utility easement sought to be vacated; and
  - 3. The signature of each owner identified in Subsection B(1)(a) who consents to the vacation.
  - 4. All applicable fees found in the adopted fee schedule.
- C. Public Hearing. If a petition is submitted containing a request to vacate some or all of a public street or county utility easement, the Council shall hold a public hearing, giving notice of the date, place, and time of the hearing as follows:
  - 1. At least ten (10) days before the public hearing, the Council shall ensure that notice is:
    - a. published by the County as follows for at least 10 days:
      - i. notice shall be published on the Utah Public Notice Website;
      - ii. notice shall be published on the County's official website; and
      - iii. notice shall be posted:
        - A. on or adjacent to the public street if the petition is to vacate a public street or
        - B. on or adjacent to the easement or in a public location reasonably likely to be seen by persons who are likely to be impacted by the easement if the petition is to vacate a county utility easement.

- b. Provided to the owner of each parcel that is accessed by the public street or county utility easement; and
  - c. Mailed to each affected entity.
- 2. The purpose for holding a public hearing is for the Council to determine whether:
  - a. Good cause exists for the vacation; and
  - b. The public interest or any person will be materially injured by the proposed vacation.
- 3. In determining whether good cause exists to vacate all or a portion of any public street, the Council shall consider:
  - a. the specific manner in which the county acquired its interest in the street and the county's legal interest in the street; and
  - b. the need in the foreseeable future for its use as a public street or for any other public purpose. If such need exists or may exist in the foreseeable future, the petition shall be denied.

D. Adoption.

- 1. The Council may adopt an ordinance granting a petition to vacate some or all of a public street or county utility easement if the Council finds that:
  - a. Good cause exists for the vacation; and
  - b. Neither the public interest nor any person will be materially injured by the vacation.
- 2. If the Council adopts an ordinance vacating some or all of a public street or county utility easement, the Council shall ensure that one or both of the following is recorded in the office of the Salt Lake County Recorder:
  - a. A plat reflecting the vacation; or
  - b. An ordinance described in Subsection D(1) and a legal description of the public street to be vacated.
- 3. The action of the Council vacating some or all of a public street or county utility easement that has been dedicated to public use:
  - a. Operates to the extent to which it is vacated, upon the effective date of the recorded plat or ordinance, as a revocation of the acceptance of and the relinquishment of the county's fee in the vacated public street or county utility easement; and
  - b. May not be construed to impair:
    - i. Any right-of-way or easement of any parcel or lot owner;
    - ii. The rights of any public utility; or
    - iii. The rights of a culinary water authority or sanitary sewer authority.

4. The Council may not approve a petition to vacate a public street under this section unless the vacation identifies and preserves any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the public street.
- E. County Petition to Vacate. The County may submit a petition, in accordance with Subsection B, and initiate and complete a process to vacate some or all of a public street.
1. If the county submits a petition and initiates a process under this subsection:
    - a. The Council shall hold a public hearing;
    - b. The petition and process may not apply to or affect a public utility easement, except to the extent:
      - i. The easement is not a protected utility easement as defined in Utah Code;
      - ii. The easement is included within the public street; and
      - iii. The notice to vacate the public street also contains a notice to vacate the easement.
    - c. A recorded ordinance to vacate a public street has the same legal effect as vacating a public street through a recorded plat or amended plat.
- F. **Compensation.** Vacation of the county's interest in public streets should be viewed as a transfer of a substantial property right for which the public should be compensated. To prevent windfall enrichment to abutting property owners at public expense, such transfer should not be made without compensation being paid to the county. When considering the compensation to be paid to the county for a petition to vacate some or all of a public street or county utility easement, the Council shall take into account the following:
1. **Alleys, Walkways and Trails.** Alleys, walkways, and trails are not generally within the current planning and maintenance policies of the County. Vacation of an alley, walkway, or trail relieves the County from present or future obligations to maintain such alley, walkway or trail. This benefit to the County is declared to be adequate compensation for the County's interest. Where appropriate, the County may require conditions precedent to the vacation of any alley, walkway, or trail such as installation of landscaping, fencing, or other improvements which must be completed or bonded for prior to the transfer of county property interests.
  2. All other streets shall not be vacated or permanently closed unless adequate compensation has been paid for the transfer of the County's interest in the land. Generally, such compensation shall be the fair market value of the land. In appropriate cases compensation may be provided for in part or in whole, through an exchange of land or relocation of streets within an existing subdivision. Where the county's interest in a street is transferred to another public entity for a public use which benefits the county, the Council may determine that the benefit to the county from such use is adequate compensation for the land. Where appropriate, county may require conditions precedent such as the installation of landscaping, fencing or other improvements which must be completed or bonded for prior to the transfer of property rights.

**18.18.060 - Amendments to Create Additional Lots.**



An amendment to a recorded subdivision to create one or more additional lots shall follow the approval procedure outlined in Chapter 18.08. Where the amendment does not include the creation of additional infrastructure beyond service lines, this amendment process may utilize a streamlined final plat process.

**18.18.070 - Other Amendments to Subdivisions.**

- A. An amendment to a recorded subdivision that involves the alteration or removal of an easement, private right-of-way, condition, limitation, or special requirement shall follow the approval procedure outlined in Chapter 18.08 with the following variations:
  - 1. Only those persons or entities who have a direct interest in, or who will be directly affected by the proposed change (including the applicant) must be notified of any pending action; and
  - 2. No preliminary plat need be approved. The recommendations of the affected entities and the approval of the Planning Commission may be based on a final plat.

**18.18.080 - Correction of Technical Errors.**

An amendment to correct a technical error, such as misnumbered street addresses or an errant note on the plat may be done through recording an affidavit of correction by the Director.

## **Chapter 18.20 FILING PROFESSIONAL SURVEYS.**

**18.20.010 - Filing Required, Indexing and Fees.**

- A. Any licensed professional land surveyor making a boundary survey of private lands within this state who establishes or reestablishes any property boundary line or who obtains data for construction of a map of a plat showing the boundary line shall file a map of the survey that meets the requirements of this Chapter with the Salt Lake County Surveyor within ninety (90) days of the establishment or reestablishment of the boundary line.
- B. The Salt Lake County Surveyor shall file and index the map of the survey which will thereafter be a public record in the office of the Salt Lake County Surveyor and will be available for examination and purchase by the public. The Salt Lake County Surveyor will provide facilities for copying such maps and associated documents.
- C. Fees will be charged for services in accordance with the adopted fee schedule.
- D. The requirements of this Section are in addition to Chapter 14.17, Excavation Permit for Monuments.

**18.20.020 - Contents of Maps.**

- A. The Salt Lake County Surveyor will screen maps of survey that are submitted to ensure that they conform to the requirements set forth in this Chapter before receiving them. Such maps shall be drawn on a twenty-four-inch by thirty-six-inch (24" x 36") reproduceable mylar using waterproof black drawing ink with text of not less than one-tenth inch in size; or submitted as a digital electronic file in a type and format approved by the Salt Lake County Surveyor; and shall show:
  - 1. The location of survey by quarter section and township and range;

2. The date of survey;
3. The scale of drawing and north point;
4. The distance and course of all lines traced or established, giving the basis of bearing and the distance and course to two or more section corners or quarter corners, including township and range, or to identified monuments within a recorded subdivision;
5. All measured bearings, angles and distances separately indicated from those of record;
6. A written boundary description of property surveyed;
7. All monuments set and their relation to older monuments found;
8. A detailed description of monuments found and monuments set, indicated separately;
9. The surveyor's seal or stamp;
10. The surveyor's business name and address; and
11. Each boundary survey map shall reserve a one and one-half by four-inch (1.5" x 4") space in the lower right-hand corner of the drawing for the Salt Lake County Surveyor's use in indexing.

**18.20.030 - Written Narrative.**

- A. The map of survey shall include a written narrative that explains and identifies the purpose of the survey; the basis on which the lines were established; and the found monuments and deed elements that controlled the established or reestablished lines.
- B. If the narrative is a separate document, it shall contain the location of the survey by quarter section and by township and range, the date of the survey, the surveyor's stamp or seal; and the surveyor's business name and address.

**18.20.040 - Marking Monuments.**

- A. Any monument set by a licensed professional land surveyor to mark or reference a point on a property of land or land line shall be durably and visibly marked or tagged with the registered business name or the letters "L.S." followed by the registration number of the surveyor in charge.
- B. If the monument is set by a public officer, it shall be marked with the official title of the office.

**18.20.050 - Changes of Section or Quarter Section Corners.**

- A. If, in the performance of a survey, a surveyor finds or makes any changes to the section corner or quarter-section corner, or their accessories as they are described in an existing corner record or survey map in the Office of the Salt Lake County Surveyor, the surveyor shall complete and submit to the Salt Lake County Surveyor a record of the changes made.
- B. The record shall be submitted within forty-five (45) days of the corner visit and shall include the surveyor's seal, business name, and address.

**18.20.060 - Compliance by Governmental Agencies.**

Each federal or state agency, board or commission, district, or county corporation that makes a boundary survey of lands within unincorporated Salt Lake County shall comply with this Chapter.

**18.20.070 - Amendment by Affidavit.**

- A. Any survey map or narrative filed and recorded under the provisions of this Chapter may be amended by an affidavit of corrections:
  - 1. To show any courses or distances omitted from the map or narrative;
  - 2. To correct an error in the description of the real property shown on the map or narrative; or
  - 3. To correct any other errors or omissions where the error or omission is ascertainable from the data shown on the map or narrative as recorded.
- B. The affidavit of correction shall be prepared by the licensed professional land surveyor who filed the map or narrative.
- C. In the event of the death, disability or retirement from practice of the surveyor who filed the map or narrative, the Salt Lake County Surveyor may prepare the affidavit of correction.
- D. The affidavit shall set forth in detail the corrections made.
- E. The seal and signature of the registered professional land surveyor filing the affidavit of correction shall be affixed to the affidavit.

**18.20.080 - County Surveyor Certification.**

- A. The Salt Lake County Surveyor having jurisdiction of the map or narrative shall certify that the affidavit of correction has been examined and that the changes shown on the map or narrative are changes permitted under this Section.
- B. Nothing in this section permits changes in courses or distances for the purpose of redesigning parcel configurations.

**18.20.090 - Penalty.**

Failure to file a map of survey as required in this Chapter is guilty of an infraction.

**Chapter 18.22 HEALTH DEPARTMENT REGULATIONS.**

**18.22.010 - Adoption of Health Regulations.**

The regulating provisions of the Salt Lake County Health Department, entitled "Subdivisions," as currently adopted by the Board of Health under authority of the Utah State Code are incorporated in their entirety by reference.

**18.22.020 - Violations.**

Violation of any provision of any health regulation incorporated into this Title shall constitute a Class B misdemeanor as defined by the Utah State Code. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punished as such.

## **Chapter 18.24 FEES, ADMINISTRATION, AND ENFORCEMENT.**

### **18.24.010 - Building Permit Issuance.**

From the effective date of the ordinance codified in this Title, the building inspector may not grant a permit, nor may any county officer grant any license or permit for the use of any land or the construction or alteration of any building or structure on a parcel or lot which would be in violation of any provisions of this Title until a subdivision plat has been recorded or approved as required in this Chapter. Any license or permit issued in conflict with such provisions is void.

### **18.24.020 - Filing Fee.**

Any and all persons filing plats with the Salt Lake County Recorder shall first have paid all fees required in this Title. In addition, persons filing plats shall pay to Planning and Development Services prior to recording, an office checking fee as provided for in Section 3.48.020.

### **18.24.030 - Inspections.**

Salt Lake County Public Works shall inspect or cause to be inspected all buildings, street improvements, fire hydrants, and water supply and sewage disposal systems in the course of construction, installation, or repair. Excavations for the fire hydrants and water and sewer mains and laterals may not be covered or backfilled until such installation shall have been approved by the service provider. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the inspector.

### **18.24.040 - Enforcement Authority.**

Planning and Development Services, the County Engineering Division, and such other divisions as are specified under the provisions of this Title are designated and authorized as the agencies charged with the enforcement of the provisions of this Title and shall enter such actions in court as are necessary. Failure of such departments to pursue appropriate legal remedies does not legalize any violation of such provisions.

### **18.24.050 - Forms and Instructions.**

Application forms and instructions for preparing and processing plats and plans in accordance with these regulations are periodically updated. Current copies of these forms and instructions are available upon request from the Director. Documentation requirements are also specified in Chapter 18.10, and application completeness standards are articulated in Chapter 18.08. Applicants will be required to submit such other information and fees as may be required by the Director or designee to substantiate compliance with this Title and other applicable codes and ordinances.

## **Chapter 18.26 VIOLATIONS AND PENALTIES.**

### **18.26.010 - Prohibited Acts.**

- A. If a subdivision requires a plat, an owner of any land located in a subdivision who transfers or sells any land in that subdivision before a plat of the subdivision has been approved and recorded violates this Title for each lot or parcel transferred or sold.
- B. The description by metes and bounds in an instrument of transfer or other documents used in the process of selling or transferring does not exempt the transaction from being a violation of this Title or from the penalties or remedies provided in this Chapter.
- C. Notwithstanding any other provision of this subsection, the recording of an instrument of transfer or other document used in the process of selling or transferring real property that violates this part:
  - 1. Does not affect the validity of the instrument or other document; and
  - 2. Does not affect whether the property that is the subject of the instrument or other document complies with applicable county ordinances on land use and development.

### **18.26.020 – Violation, Penalty.**

Whoever shall violate any of the provisions of this Title, including the violation of a condition, limitation, or requirement contained on a recorded subdivision plat, is guilty of a misdemeanor and, upon conviction of any such violation, shall be punished as provided by the state criminal code for Class B misdemeanors.

### **18.26.030 – Violation, Remedies.**

- A. The county may bring an action against an owner to require the property to conform to the provisions of this Title or an ordinance enacted under the authority of this Title.
- B. An action under this Subsection may include an injunction or any other appropriate action or proceeding to prevent or enjoin the violation.
- C. The county need only establish the violation to obtain the injunction.

SECTION II. This ordinance shall become effective fifteen (15) days after its passage and upon at least one publication of the ordinance or a summary thereof in a newspaper published and having general circulation in Salt Lake County.

APPROVED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

SALT LAKE COUNTY COUNCIL

\_\_\_\_\_  
Aimee Winder Newton, Chair

ATTEST:

\_\_\_\_\_  
Salt Lake County Clerk

REVIEW AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Deputy District Attorney

ORDINANCE HISTORY

- Council Member Alvord voting \_\_\_\_\_
- Council Member Bradley voting \_\_\_\_\_
- Council Member Bradshaw voting \_\_\_\_\_
- Council Member Granato voting \_\_\_\_\_
- Council Member Harrison voting \_\_\_\_\_
- Council Member Stewart voting \_\_\_\_\_
- Council Member Stringham voting \_\_\_\_\_
- Council Member Theodore voting \_\_\_\_\_
- Council Member Winder Newton voting \_\_\_\_\_

Vetoed and dated this \_\_ day of \_\_\_\_\_, 2023.

BY \_\_\_\_\_  
Mayor Jennifer Wilson

(Complete as Applicable)  
Veto override: Yes \_\_\_ No \_\_\_ Date \_\_\_\_\_  
Ordinance Published in newspaper: Date \_\_\_\_\_  
Effective date of ordinance: \_\_\_\_\_

SUMMARY OF

SALT LAKE COUNTY ORDINANCE NO. \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_, 2024, the County Council of Salt Lake County adopted Ordinance No. \_\_\_\_\_, repealing and replacing Title 18 of the Salt Lake County Code of Ordinances, 2001, entitled "Subdivisions," in order to comprehensively update the title to reflect state legislative changes, changes to the planning and development service provider for Salt Lake County, and to otherwise update Salt Lake County policy on subdivisions to reflect better principles of planning, efficiency, and affordability; and making other related changes.

A complete copy of Ordinance No. \_\_\_\_\_ is available in the office of the Salt Lake County Clerk, 2001 South State St., N2100A, Salt Lake City, Utah.

SALT LAKE COUNTY COUNCIL

By: \_\_\_\_\_  
Aimee Winder Newton, Chair

ATTEST:

\_\_\_\_\_  
Lannie Chapman  
Salt Lake County Clerk



# Municipal Services District

PLANNING &amp; DEVELOPMENT SERVICES

## Briefing Memorandum

To: Mountainous Planning District Planning Commission

From: Brian Tucker, MSD Planning Manager

Subject: Clarification on FR/FA Misconceptions

Memorandum Dated: 12/29/2023

Meeting Date: 1/4/2024

Trent Sorensen  
Director of  
Planning & Development  
[tsorensen@msd.utah.gov](mailto:tsorensen@msd.utah.gov)  
(385) 468-6675

Brian Tucker  
Planning Manager  
[btucker@msd.utah.gov](mailto:btucker@msd.utah.gov)  
(385) 468-6696

Curtis Woodward  
Senior Planner  
[cduwoodward@msd.utah.gov](mailto:cduwoodward@msd.utah.gov)  
(385) 468-6693

Kayla Mauldin  
Senior Long-Range Planner  
[kmauldin@msd.utah.gov](mailto:kmauldin@msd.utah.gov)  
(385) 468-6699

Alex Rudowski  
Grading, Flood Plain and  
Stormwater Manager  
[arudowski@msd.utah.gov](mailto:arudowski@msd.utah.gov)  
(385) 468-6682

Alicia Gonzalez  
Code Enforcement  
Supervisor  
[acgonzalez@msd.utah.gov](mailto:acgonzalez@msd.utah.gov)  
(385) 468-6695

### **Post Public Hearing Clarifications:**

The Mountainous Planning District Planning Commission (“Planning Commission”) chose to take public comments during their December meetings. After having heard an additional 2 hours of public comment, it seems prudent to clarify first that the scope of the proposed ordinance in the Mountainous Planning District is fairly limited, only applying to a handful of parcels of privately owned property. Most of the public comment came from the Hi-Country area of the unincorporated county, which is outside of the Mountainous Planning District, and was focused on the proposed ordinance’s impact on existing structures and animals. Even though these questions have little impact on the Mountainous Planning District, staff wanted to provide some clarification to the Planning Commission that the proposed ordinance has little practical change/impact on existing animals and structures in Hi-Country compared with current ordinance; it primarily applies moving forward.

### **Proposed stream setbacks have little or no impact on existing structures (fences, corrals, barns, etc.):**

- Hi-Country Phase II is primarily FA and has perennial and ephemeral streams; Hi-Country Phase I is primarily FR and generally does not have streams.
  - Therefore, stream setbacks are primarily in FA zoned property.
- Proposed stream setbacks only apply to new structures, so existing structures are not impacted by the proposed ordinance.





### **Proposed animal limits have little or no impact on existing animals:**

- In Hi Country II, primarily zoned FA, the current limit of 4 horses per lot will not change. The keeping of up to 4 horses per lot will remain a permitted use. If residents currently have more than 4 horses in FA zone, that is unlawful under current ordinance; the proposed ordinance does not change that.
- The 4 horse limit in FR zoned property with streams will have little impact in Hi Country II because most of that area is zoned FA, which already has a 4 horse limit. The 4 horse limit in FR zoned property with streams will have little impact in Hi Country I because that area generally does not have streams.
- In Hi Country I, primarily zoned FR, properties with a current conditional use permit will be subject to the limits in that permit, so the number limits in the proposed ordinance will not impact those properties. Properties without a current conditional use permit will no longer be required to obtain a costly conditional use permit, but must only obtain a simple administrative permit that is subject to a limit of 2 horses per ½ net developable acre, which is based on the standard in nearby Herriman.
- Where a property owner currently has other animals in either zone, the County already regulates those animals as “Family Food Production”. The proposed ordinance does not change the existing “Family Food Production” definition or regulations. If the animals a property owner has under the current code are legal, they will remain legal if the proposed ordinance is adopted. If the animals a property owner has under the current code are unlawful, they will remain unlawful if the proposed ordinance is adopted.

### **Animal Owners in both FR and FA Zones will need to Obtain Permits:**

- Under the proposed ordinance, residents in both Hi-Country Phase I (primarily zoned FR) and in Hi-Country Phase II (primarily zoned FA) will have to get a simple administrative permit. The purpose of this permit is to account for number of horses ensure that a manure management plan is in place, and that the proposal meets the other standards in the proposed section 19.54.020(C)(2)(8) such as minimum lot size and approval from the water service provider(s).
  - Because Hi-Country I does not generally have streams, a Conditional Use Permit will typically not be required in that area. Because Hi-Country II is primarily zoned FA, and horses are a permitted use in that zone, a Conditional Use Permit will not typically be required in that area either.
- The proposed ordinance will require property owners in the FR zone (Hi Country I) to submit a slope study to determine the areas with steep slopes (30% and above), that need to be excluded from the net developable acreage calculation.
  - As an alternative to the requirement of a slope study, the Planning Commission could recommend a horse limit of 2 horses per acre with no slope study requirement. The purpose of the slope study requirement is to make the proposed ordinance comparable with Herriman standards, where the lots are typically smaller and flatter than lots in the unincorporated foothills.



Planning and Development Services  
2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050  
Phone: (385) 468-6700 • Fax: (385) 468-6674  
[msd.utah.gov](http://msd.utah.gov)

OAM2023-000944

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

**Public Body:** Mountainous Planning District Planning Commissions

**Meeting Dates:** January 4, 2024

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

**Planner:** Brian Tucker, Senior Planner

**Legal Counsel:** Zach Shaw

**Planning Staff Recommendation:** Approval

### HISTORY OF ORDINANCE UPDATE

This ordinance was first proposed in 2021 as part of a multi-part response to water quality issues found in many of the streams that make up the Jordan River watershed. These water quality issues resulted in a mandate from the State of Utah that Salt Lake County implement regulatory best management practices to improve water quality. These regulatory best management practices have an implementation deadline of February 2024; this deadline is for adoption of regulations, not elimination of impaired status.

An earlier draft was presented to the Salt Lake County and Mountainous Planning District Planning Commissions in 2021. Public hearings were held by the Mountainous Planning District and Salt Lake County Planning Commissions as part of the recommendation process. Abundant public input was given during those hearings, resulting in significant revisions to the draft ordinance being made in response to that public input. Notwithstanding these revisions, public opposition persisted, and the two recommending planning commissions provided a split recommendation: the Salt Lake County Planning Commission recommended denial of the proposed ordinance update, and the Mountainous Planning District Planning Commission recommended approval.

The epicenter of that opposition seemed to be in the Rose Canyon area, an area of the County where most residents live in the Hi-Country I and Hi-Country II neighborhoods. Recognizing that these citizens had only been engaged via the contentious public hearing process, Salt Lake County and MSD Planning staffs reached out to members of the Hi-Country I and II HOA boards in an attempt to better understand from a smaller, more manageable group of concerned citizens their precise concerns about the proposed ordinance update. It was hoped that because these board members are residents in an area where public opposition was centered, they could give the staff feedback on their concerns and also act as a conduit to reach out to other concerned residents in the hope that they too could help the staff understand their precise concerns. A group consisting of concerned

**Request:** FR/FA Ordinance Amendment

citizens from both Hi Country I and II met with staff on two occasions. Some of these citizens were HOA board members but the views they represented were their own, not those of either board.

The first meeting consisted of the staff listening to the residents' concerns for 3 hours. After better understanding those concerns, Salt Lake County and MSD Planning staff made significant additional revisions to the proposed ordinance update in an attempt to address each concern. The revised draft ordinance was then sent to the residents from the first meeting and a second meeting was held to listen to and discuss the revised draft. These revisions and the concerns they address are outlined in the next section of this staff report.

As a result of the 2021 public hearings, the 2023 meetings held with concerned citizens, and a collaborative drafting and editing process between the Salt Lake County and MSD staff members, this proposed ordinance has been extensively vetted and revised.

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## **DESCRIPTION OF THE PROBLEMS**

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A common question throughout the public comment process for the proposed ordinance amendment has been whether a problem exists that needs solving. The problems with the current FR and FA ordinances have been manifest in the Hi Country Estates area (a zoning map of this area can be found at the following link: <https://gslmsd.maps.arcgis.com/apps/webappviewer/index.html?id=fe15827707de44b3b92becce08529cb3>, but they involve ordinances that affect other areas of Unincorporated Salt Lake County.

The primary problem driving the need for this update is water quality mandates from the State of Utah. As explained in Appendix A to this staff report, the State of Utah has set a deadline for February 2024 by which Salt Lake County must implement non-structural (i.e., regulatory) Best Management Practices to protect waters from E. coli pollution, or face the prospect of penalties similar to what Salt Lake County was required to pay in 2016 (a \$280,000 fine). Attached as Appendix A to this Staff Report is a thorough summary of this problem completed by Salt Lake County Public Works. Appendix A also refutes the misconception that horse manure does not contain E. coli.

In addition to the water quality issue that is the primary problem, there is confusion about what permits are required (if any) in the southwest portions of the County to have horses and other animals, what the process is to obtain such permits, and why the process is different depending on what zone a property owner is in. It appears that the understanding among Hi Country Estates property owners is that all properties are "horse" properties. However, in the FR zone, where horses are a conditional use, few properties with horses have conditional use permits; in the FA zone, horses are a permitted use, so only 1 or 2 permits have been issued (for structures that house animals). This confusion has been complicated by the fact that exemptions to permitting requirements for agricultural buildings have been built into Utah code. Unfortunately, Code Enforcement staff is placed in a situation that puts the County at risk of selective enforcement claims and creates the potential of hostility between neighbors when some property owners are following County ordinance, while others are not. The proposed ordinance provides a clearer, streamlined process for property owners to obtain a permit in a way that addresses concerns about water quality and nuisances to neighbors who have complained to Code Enforcement staff for years.

Third, there has been a history of complaints to Code Enforcement staff by neighbors of horse owners, regarding nuisances caused by horse owners. The proposed ordinance requires a manure management plan and other measures to address these concerns.

## **Request: FR/FA Ordinance Amendment**

Finally, it should be noted that many complaints to Code Enforcement staff have focused on commercial uses related to horses, such as boarding and trail riding. After receiving significant public input on this issue, and further engaging with residents in the Hi Country area, the proposed ordinance update also clarifies this issue.

**In summary, if the County does nothing to update its FR/FA ordinances, the following will likely occur:**

1. 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. Salt Lake County was previously required to pay a \$280,000 fine for failure to adequately address clean water problems in its stormwater regulation programs. The 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.
2. Property owners in the FR Zone will have to go through a more expensive, time-consuming conditional use process to obtain a permit than property owners in the nearby FA Zone. The expensive, time-consuming conditional use process becomes an incentive to not come into compliance, resulting in some property owners who are compliant and others that are not, and further contributing to neighbor disputes. This situation also places the County at risk for accusations of selective enforcement;
3. Continued complaints will be made to Code Enforcement and MSD Planning staff regarding animal nuisances and commercial uses involving animals in the FR and FA zones.

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## **SCOPE OF PROPOSED SOLUTION**

In protected watersheds, Salt Lake County Health Department and Salt Lake City Public Utility regulations prohibit the keeping of animals. Many of the east side canyons are protected watersheds. The effect of the proposed ordinance is primarily felt in watersheds that are not protected, including the Rose Creek area that seems to be the epicenter of opposition to the proposed ordinance.

In those areas that are not in a protected watershed, this ordinance will provide for stream setbacks and other measures to address the water quality concerns, while acknowledging legal rights for existing structures to remain. An effort has been made to balance the need to regulate domestic animals near waterways with property rights. A map of properties zoned FR or FA outside of the protected watershed in unincorporated Salt Lake County can be found at the following link:

<https://gslmsd.maps.arcgis.com/apps/instant/interactivelegend/index.html?appid=a7956f68202b49988ff567fd5f846363>

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## **DESCRIPTION OF CHANGES TO THE PROPOSED ORDINANCE**

As mentioned previously in this report, Salt Lake County and MSD Planning staffs made significant additional revisions to the original proposed ordinance update in an attempt to address each concern of the residents with whom Salt Lake County and MSD officials met. Appendix B to this Staff Report is the latest draft with these revisions. The blackline changes in Appendix B were those proposed to the planning commissions previously. The redline changes are those changes made in response to recent meetings with the Hi-Country residents. Because the recent changes are so significant, it is necessary for the planning commissions to make a new recommendation to the County Council on the proposed ordinance update. Below is a summary of the most recent changes and the issues they address.

### **Stream Setbacks:**

## Request: FR/FA Ordinance Amendment

**Concern:** Residents with whom Staff met earlier this year explained that stream setbacks are too large, especially for ephemeral streams; residents may be willing to provide a better riparian corridor if the setbacks could be reduced (a healthy riparian corridor helps filter contaminants, so they do not enter the stream).

**Response:** Staff agreed to reduce ephemeral stream setbacks from 100' to 50' (this is consistent with stream setbacks in FCOZ (Foothills and Canyons Overlay Zone). Staff agreed that stream setbacks (ephemeral or perennial) could be further reduced by 25% if property owners established a riparian corridor in accordance with the standards set forth in the SLCO "Stream Care Guide" and applicable landscaping standards from the zoning ordinance. This is a concept borrowed from the Foothills and Canyons Overlay Zone that allows the Director to further reduce setbacks under certain situations. The riparian corridor is not mandatory unless the property owner wants a reduced setback.

### **Existing Structures:**

**Concern:** Residents with whom Staff met earlier this year explained that existing structures do not receive adequate protection from setback regulations because many of them were built without land use or building permits.

**Response:** The proposed ordinance will apply only to new construction. Zoning requirements are not typically applied retroactively, and the proposed ordinance will not be applied retroactively. Structures that were established legally will not have to be made compliant with the proposed ordinance unless the property owner chooses to add to the structure or remove and reconstruct the structure.

Structures that are established in compliance with the applicable regulations<sup>1</sup> but are then made non-complying by a later land use ordinance change retain their lawful status. These structures are known as non-complying structures and can be maintained as though they were compliant.

### **Number of Horses:**

**Concern:** Residents with whom Staff met earlier this year explained that the ordinance's limit on the number of horses is inconsistent with surrounding jurisdictions' limits. However, at the Salt Lake County Planning Commission's public hearing, other residents expressed concern of large lots having too many horses (for example a 5 acre lot could have 20 horses). Concerns were also raised over the cost of submitting a slope analysis to determine the net acreage on which the number of horses is calculated.

**Response:** Herriman allows 4 horses per acre. The draft ordinance has been amended to increase the number of horses to be consistent with Herriman. Specifically, the draft has been amended from a previously proposed 2 horses per acre to the current proposal for 2 horses per ½ acre. However, because Herriman typically has much flatter and smaller lots than the unincorporated foothills, some adjustments to the proposed ordinance may be appropriate. The planning commission could consider the following adjustments: 1) return to the 2 horses per acre that was originally proposed, 2) retain the proposed 2 horses per ½ acre, but place a cap on the number of horses, consistent with the typical lot size of surrounding Herriman lots, 3) if option 1 or 2 is recommended, eliminate the need for a slope study.

### **Permitting of Horses:**

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<sup>1</sup> It should be noted that under State law and County ordinance, land use and building permits have not been required for structures that exclusively house animals (unless they have plumbing, electricity, or HVAC systems). Accordingly, such existing structures that otherwise met other applicable requirement in place the day they were constructed would become non-complying structures and therefore lawful.

## **Request:** FR/FA Ordinance Amendment

**Concern:** The residents we met with like a streamlined permitted use process, but perhaps property with difficult challenges (like streams) warrants a conditional use process.

**Response:** Staff agreed to make properties with streams going through them a conditional use.

### **Boarding of Horses:**

**Concern:** The residents we met with did not express any great concern with boarding horses for others so long as the property complies with the other regulations for keeping horses/animals; however, these residents indicated that they do not think that commercial trail riding businesses are an appropriate fit for a low-density residential environment because of the additional traffic, parking, noise, signage, light, etc. that a trail riding business would bring (they are also not in favor of outsiders using HOA trails).

**Response:** Staff agreed to explicitly acknowledge that boarding horses for others is appropriate if all other requirements for keeping horses are met. Staff also agreed that individual riding lessons on-site are appropriate if horses on-site are used (no trailers bringing additional traffic and parking problems) and instruction is confined on-site (HOA trails are not used). Staff agreed to include an explicit prohibition on trail riding businesses in both zones.

### **Manure Management:**

**Concern:** Ordinance needs to acknowledge that cold-weather disposal of manure is different than warm-weather disposal (frozen manure is difficult to regularly dispose of, etc.)

**Response:** Staff added language that the manure management plan includes a plan for disposing of manure in cold-weather months as well as warm-weather months.

### **Municipal or Regulatory Agency Permitting:**

**Concern:** Ordinance needs to indicate that when approving animal use near water resources, water providers should follow adopted regulations and not just ad hoc determinations.

**Response:** Salt Lake County is limited in what it can tell water providers to do, but language was added that indicates that water providers provide written approval in accordance with their regulations.

### **Cattle Grazing on Public Property:**

**Concern.** The residents we met with and concerned citizens during the recent public hearings have expressed concerns with cattle that graze on Salt Lake County property in the Yellow Fork recreational area are the primary contributors to E. coli in Rose Creek. Cattle on Federal lands were also a concern.

**Response:** Salt Lake County Parks and Recreation staff continues to enforce its rights when cattle trespasses onto its property. Salt Lake County does not have jurisdiction over Federal land. Cattle grazing on public property likely contributes to the water quality issues. The water quality issue is the result of many factors. Many solutions have been, are being or will be implemented to help solve the issue. Salt Lake County enforcing its property rights is one of those solutions. This proposed ordinance is another solution. **The proposed ordinance is only one of many actions Salt Lake County has taken and will need to take to move toward compliance with the applicable water quality standards.**

### **Noxious Weeds:**

**Concern.** Salt Lake County's attempts to promote a vegetated riparian buffer in the ordinance update are belied by the noxious weeds that infect Rose Creek.

**Response:** Salt Lake County Health Department staff provide best management practices for noxious weed mitigation by private property owners adjacent to Rose Creek. The Utah Noxious Weed Act requires each county to have a noxious weed supervisor (program manager in SLCO's case) which implements a program to prevent the spread of noxious weeds, provides education on noxious weeds and their identification and control of them, maps noxious weeds and maintains data on those infestations. The law has specifics regarding enforcement of noxious weed control and outlines landowners' responsibility. The following is a link that outlines the State's noxious weed program. <https://ag.utah.gov/farmers/plants-industry/noxious-weeds-program/>

Salt Lake County has an ordinance that regulates weeds greater than 6" tall. This is primarily for wildfire control. MSD Planning enforces this ordinance. The following link outlines the requirements of this ordinance. [https://library.municode.com/ut/salt\\_lake\\_county/codes/code\\_of\\_ordinances?nodeId=TIT9HESA\\_CH9.60WERE](https://library.municode.com/ut/salt_lake_county/codes/code_of_ordinances?nodeId=TIT9HESA_CH9.60WERE)

The proposed ordinance's incentive for property owners to establish a robust riparian buffer (a 25% reduction of the setback is the incentive for pursuing this voluntary option) is one of many efforts to replace noxious weeds with healthy vegetation that filters pollutants and intercepts and detains runoff from adjacent upland areas. Healthy riparian corridors not only positively impact water quality but improve soil retention, stormwater flows, and provide habitat for wildlife all while reducing noxious weed spread downstream. Non- point source resources and NRCS grants are available to help support agricultural producers improve stream restoration and water quality. The following links provide information on grants and conservation practices. <https://deq.utah.gov/water-quality/utah-nonpoint-source-management-program>; <https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/utah>

Many of the residents we met with have expressed support for the latest revisions. Salt Lake County and MSD Planning staff have tried to understand the concerns and we believe that we have responded to them in good faith.

## **PLANNING COMMISSION PUBLIC HEARINGS**

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On October 11, 2023 the Salt Lake County Planning Commission held a public hearing on the proposed ordinance. On October 19, 2023, the Mountainous Planning District Planning Commission held a public hearing on the proposed ordinance. Many of the concerns raised in the past were again expressed and this staff report has been amended to better address those concerns. Other concerns were voiced during the hearings that are addressed below.

### **Other Domestic Animals on Private Property:**

**Concern:** This ordinance only addresses horses. It doesn't address other animals that the property owners might have such as chickens, goats, cows, and the like.

**Response:** Salt Lake County has long regulated these other animals as "Family Food Production". This is a land use listed as a permitted use in the Forestry Agricultural (FA) Zones and as a conditional use in the Forestry Recreation (FR) Zones. "Family food production" means the keeping of not more than two cows, two sheep, two goats, twenty rabbits, fifty chickens, fifty pheasants, ten ducks, ten turkeys, ten geese and twenty pigeons, provided that not more than three of the above-listed kinds of animals and fowl are permitted at any one time on any lot in zones where family food production may be a permitted or conditional use.

### **HOA CC&R's:**

**Concern:** The proposed ordinance does not have the same restrictions as our CC&R's with regard to boarding horses, riding lessons and other restrictions.

## **Request:** FR/FA Ordinance Amendment

**Response:** Salt Lake County and the MSD do not and cannot enforce CC&R's. The ordinances can be written to cover some of the same concerns and restrictions. To the extent that the ordinance does cover these restrictions, the County and MSD can enforce the ordinance. The CC&R's may in some cases be more restrictive and in other cases less restrictive. Salt Lake County and the MSD will enforce the County's ordinance as adopted.

### **Hi-Country I and Hi-Country II Boards:**

**Concern:** A number of concerns having to do with the HOA Boards were raised during the public hearings, and in particular the Salt Lake County Planning Commission's hearing. There were concerns about the HOA Boards exceeding their authority by weighing in on the potential ordinance. One person who indicated that they were a board member wondered why they had not been included, as did a person who seemed to indicate that they were a former board member. Board members who spoke to staff after the Salt Lake County Planning Commission meeting were concerned that the presentation indicated that they were acting as board members, where they felt they were acting as concerned and interested citizens.

**Response:** The misconceptions about the HOA Boards were very likely the result of the staff report and the presentation that, in hindsight, were unclear. The presentation was changed significantly between the Salt Lake County Planning Commission and the Mountainous Planning District Planning Commission meetings based on this feedback. This staff report has also taken great pains to clarify that the initial outreach by the County and MSD Staffs was to the boards, where we had contact information or could find contact information to find residents with whom we could begin the conversation. It was hoped that this outreach would result in a smaller, more manageable and productive process to hear, understand, and respond to the specific concerns of residents. Members of both boards did participate in the conversations and meetings, though not in an official capacity as board members. We believe that there was some participation by at least one and maybe more than one individual not on either board.

### **Planning Commissioner Requests:**

Planning Commissioners made the following requests at their respective Planning Commission meetings, which will be followed by Staff's research/responses:

1. Summarize efforts that other entities are taking to address clean water concerns in the unincorporated County. *See Appendix D of this Staff Report*
2. Explain efforts of Salt Lake County/others to provide toilets in recreational areas. Salt Lake County is currently constructing one restroom at the Butterfield Trailhead Regional Park that connects to Yellow Fork Canyon, which will be completed in November 2023. The County is actively pursuing funding for two additional restrooms in the area projected for a 2024 completion.
3. Explain how an HOA's CC&Rs interrelate with Salt Lake County ordinances. *See page 7 of this Staff Report.*
4. Show what areas of unincorporated Salt Lake County that are impacted by the proposed ordinance, i.e., FR and FA zoned areas that are not within a protected watershed. *See link to map on page 3 of this Staff Report.*
5. Identify the number of permits for animals that currently exist in the Hi Country area. Since 2020, three horse permits have been issued in Hi Country. Information prior to 2020 is available to some extent but is not organized in a manner that enables staff to readily separate building permits from conditional use permits from code enforcement cases. In the past, case numbers were used that did not include any reference to the case type. For any address, the information on the various cases associated with the address is likely accessible. For a geographic area that includes hundreds of parcels, it would require the



**Request:** FR/FA Ordinance Amendment

staff to go through each parcel, reading each file, to determine the number of animals in Hi Country. This effort would not account for the keeping of horses that predated any regulations or any horse kept in violation of the regulations.

6. Describe grant programs that address clean water problems, including establishment of riparian corridors. See Appendix E of this Staff Report.
7. Identify data that has been obtained along Rose Creek regarding testing for E Coli. See link on page 4 of Appendix A, entitled "TMDL Appendices." Go to pages 184-88 of TMDL Appendices.
8. Identify Staff's research on E coli in horses in the staff report. See Appendix A of this Staff Report, pages 3-4.

**Summary of Public Hearings:**

After having heard the concerns expressed in the Salt Lake County Planning Commission's public hearing, staff reworked the PowerPoint presentation to better explain some aspects of the ordinance, particularly as it pertains to existing structures, and this seemed to pay dividends in the aftermath of the Mountainous Planning District Planning Commission's public hearing. Some who expressed opposition to the ordinance seemed to be more comfortable with the proposed ordinance after having gained a greater understanding that the ordinance will not place prohibitions on their animal and other rights to the degree that they had feared. Opposition may persist due to concerns over the contention that the horses are not an issue and nothing should be done to place restrictions on them. As explained in the first section of this staff report, doing nothing will have material consequences for Salt Lake County and its citizens.

Note: At the October 11, 2023, Salt Lake County Planning Commission, Ed Marshall asked that Section 19.12.030.G.1 apply only to protected watersheds. Mr. Marshall has followed up with Staff on the status of this revision. Staff have not made the revision to the attached ordinance, but do not have any issue with the Planning Commissions revising the text to read "protected watersheds".

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**STAFF RECOMMENDATION**

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Staff wishes to emphasize this staff report's (including Appendix A's) outline of water quality concerns and the risks to Salt Lake County for failure to address those concerns in an ordinance update. That, combined with ongoing enforcement problems, compels Staff to recommend approval of the draft ordinance update. Appendix C is a clean blackline draft of the proposed ordinance, showing how the final proposed ordinance differs from the current Salt Lake County Code. Staff has reviewed the proposed ordinance and finds that it:

1. Complies with applicable State Code;
2. Serves to protect the public health, safety, or welfare; and
3. Upholds the vision of the adopted West General Plan, which among other things calls for private property rights on the West Bench (including Hi Country) to be balanced with regional goals of conserving critical lands, water, and open space, and integrating water resource planning and land use decisions.

**Appendices**

Appendix A: Salt Lake County Public Works' Analysis of Clean Water Problem

Appendix B: Proposed Ordinance's redline revisions resulting from meetings with Hi-Country HOA Boards

**Request:** FR/FA Ordinance Amendment

Appendix C: Proposed Ordinance blackline revisions showing changes from current Salt Lake County Code

Appendix D: Salt Lake County Public Works' Summary of Regulations and Entities that Address Clean Water Mitigation

Appendix E: Salt Lake County Public Works' Summary of Funding Available to Assist with Water Quality Projects

## **APPENDIX A**

In an effort to remain compliant with new stormwater regulations, Salt Lake County is proposing zoning ordinance updates to include stream setbacks. There is a sizeable amount of science that suggests stream setbacks with vegetated stream buffer zones can have significant impacts to water quality and stream ecology. This appendix summarizes many of the reasons the County is proposing these changes.

### **EPA Compliance Evaluation Inspection (CEI) of Salt Lake County's Municipal Separate Storm Sewer System (MS4) Stormwater Program**

**Background information-**As part of the Federal Clean Water Act amendment, Salt Lake County was permitted as a Phase 1 Municipal Separate Storm Sewer System (MS4) in 1995, allowing the County to discharge municipal stormwater to water bodies of the State. With oversight from the EPA, this permit is regulated by the Utah Division of Water Quality (DWQ) under the Utah Pollutant Discharge Elimination System (UPDES) Jordan Valley Municipalities Permit No. UTS000001. This permit is typically renewed every five years. The permits were issued to the County in 2001, 2006, 2013 and 2020.

The Salt Lake County Stormwater Program was audited for the first time on June 26<sup>th</sup> and 27<sup>th</sup>, 2007 by the State DWQ. During this audit, the DWQ identified nine deficiencies with corrective actions in a final report dated August 19<sup>th</sup>, 2009. The County submitted a final response plan on September 11<sup>th</sup>, 2009 and began correcting the identified deficiencies.

The next Compliance Evaluation Inspection (CEI) occurred when the County was contacted by the EPA on February 17<sup>th</sup>, 2012 and informed of their intent to conduct a comprehensive evaluation inspection of Salt Lake County's stormwater MS4 program and 2006 permit on the week of March 5-9, 2012, which they did. Four EPA inspectors conducted an inspection that week to review plans and records of randomly selected sites within the unincorporated County as well as County-wide facilities. In summary, the EPA identified 48 total findings (44 that required corrective actions and 4 recommendations) during their inspection in a report to the County dated June 20<sup>th</sup>, 2012.

The County submitted a corrective action plan to the EPA on August 31, 2012 that addressed all 48 findings. The County proceeded to implement the corrective action plan.

On February 2<sup>nd</sup>, 2015, the County received a letter from the Department of Justice (DOJ) stating they "were prepared to bring a federal court action against the County of Salt Lake....for violations of the Clean Water Act" and violations of its UPDES permit pertaining to the 2012 CEI.

The court action placed Salt Lake County under a Consent Decree requiring a fine be paid and the stormwater program be brought into compliance with its existing UPDES Permit. Specifically, the final Consent Decree required payment of a \$280,000 fine (\$140,000 to the EPA & \$140,000 to the State DWQ). The fine to the EPA was paid on May 6<sup>th</sup>, 2016.

In addition, as part of the Consent Decree, there were 27 compliance requirements, including the need to update existing stormwater ordinances, including fines and penalties for enforcement related activities for violations of the Clean Water Act. The compliance requirements at that time were met and Salt Lake County was released from the Consent Decree April 6, 2019.

The County was issued a new UPDES Permit on February 26, 2020, which contained new language detailing increased requirements of municipal bodies to regulate stormwater with respect to nutrient loads and to specifically address how they were planning to protect "Impaired Waterbodies" within their respective jurisdictions.

## **Impaired Waterbodies in Salt Lake County**

The State of Utah defines the need to protect surface waters in UAC Rule 317-2-1A. This rule reads:

"Whereas the pollution of the waters of this state constitute a menace to public health and welfare, creates public nuisances, is harmful to wildlife, fish and aquatic life, and impairs domestic, agricultural, industrial, recreational and other legitimate beneficial uses of water, and whereas such pollution is contrary to the best interests of the state and its policy for the conservation of the water resources of the state, it is hereby declared to be the public policy of this state to conserve the waters of the state and to protect, maintain and improve the quality thereof for public water supplies, for the propagation of wildlife, fish and aquatic life, and for domestic, agricultural, industrial, recreational and other legitimate beneficial uses; to provide that no waste be discharged into any waters of the state without first being given the degree of treatment necessary to protect the legitimate beneficial uses of such waters; to provide for the prevention, abatement and control of new or existing water pollution; to place first in priority those control measures directed toward elimination of pollution which creates hazards to the public health; to insure due consideration of financial problems imposed on water polluters through pursuit of these objectives; and to cooperate with other agencies of the state, agencies of other states and the federal government in carrying out these objectives."

The State of Utah uses science wherever possible to implement Rule 317. Data is collected in surface waters to determine if these waters meet defined beneficial uses. If waters meet quality standards for applicable beneficial uses, surface waters are considered "Fully Supporting" these uses. If one or more of the uses have quality standards not being met, waters are considered "Impaired". A map of these surface waters and their status can be found at:

<https://deq.utah.gov/water-quality/most-recent-approved-integrated-report>

The Combined 2018/2020 Integrated Report (IR) assesses the quality of the surface waters in the state and identifies waterbodies that are not meeting water quality standards. These standards support the designated beneficial uses that protect water quality for NOT JUST drinking water, but for recreation, aquatic life, and agriculture and others as well. Waterbodies or sub-

watersheds that do not meet one or more of their beneficial uses are classified as "Impaired" in the IR and placed on the federal Clean Water Act 303(d) List of Impaired Waterbodies. Watersheds can also be considered as "Impaired" as many of the pollutants of concern, like E. coli, originate from terrestrial origins and are controlled by land management practices.

A river or stream, for purposes of the integrated Report (IR), is defined as flowing surface water moving under the force of gravity. Flowing surface waters include perennial, intermittent, and ephemeral surface waters, springs, and seeps, provided they are flowing and connect, contribute, or are influencing water quality in a downstream river or stream. Source: <https://deg.utah.gov/water-quality/most-recent-approved-integrated-report>

Protected watersheds generally only protect specific geographic areas for drinking water quality standards and do not apply to watersheds for other beneficial uses. Beneficial uses other than drinking water are still protected by UAC Rule 317 and have water quality standards associated with them.

There are numerous stream segments or reaches that are considered impaired by the definitions listed above. Many of these areas fall within FR/FA zoned areas. Although this zoning ordinance update will affect those areas, vegetated stream setbacks are a management practice that can benefit a host of water quality stressors including bacterial impairments, excess sediment from runoff including construction runoff, temperature, dissolved oxygen and nutrients. The beneficial impacts from implementing this BMP are hard to overstate.

Source: Scientific Recommendations on the Size of Stream Vegetated Buffers Needed to Protect Water Quality, Montana DEQ 2008

[https://mwcc.kjpc.tech/media/library/content/MA\\_Science\\_Setback\\_Wildlife\\_2008.pdf](https://mwcc.kjpc.tech/media/library/content/MA_Science_Setback_Wildlife_2008.pdf)

Much of the discussion centered around the introduction of Vegetated Riparian Buffers comes from residents in the High Country Estates area in the SW Quadrant of Salt Lake County who live near Rose Creek. Rose Creek is on the 303(d) list of impaired waters for violating the 2B Water Quality Standard for E. coli. E. coli is a bacterial organism found in the digestive tracts of warm-blooded animals.

Many claims have been made about E. coli and how it pertains to horses. One of the claims, horses do not have E. coli in their digestive tract, has been circulating throughout the discussion around the Rose Creek impairment. This claim is not consistent with scientific articles published on the topic. "Longitudinal study of Clostridium difficile and antimicrobial susceptibility of Escherichia coli in healthy horses in a community setting", a longitudinal study published by A. Schoster, 2012, indicates a different finding. 77.3% of horse manure tested positive for E. coli in this particular study.

Source: <https://pubmed.ncbi.nlm.nih.gov/22554764/>

Another blog posted by "Standardbred Canada" titled "E. coli, water testing and horses, what are the risks?" published by Dr. Alison Moore in 2017, also indicated E. coli is found in horse manure and cited the previous study.

Source: <https://standardbredcanada.ca/blog/alison-moore/3-23-17/e-coli-water-testing-and-horses-what-are-risks.html>

After reviewing these and other relevant studies from Rutgers and Michigan State University pertaining to E. coli in horse manure, staff concludes the argument that horses do not have E. coli is not supported by scientific literature.

Sources: <https://njaes.rutgers.edu/fs036/> ,  
<https://www.sciencedirect.com/science/article/pii/S0167587723000211>

These claims also miss the point that E. coli is an indicator of fecal contamination in water supplies, which is a violation of the clean water act. Utah DWQ and municipalities which DWQ regulates are obligated to address this impairment and ensure we have plans to control this pollutant from entering impaired receiving waters as indicated by Section 3.1.2 of the Jordan Valley UPDES Permit:

3.1.2. **Water Quality Controls for Discharges to Impaired Water bodies.** If the Co-Permittee discharges to an impaired waterbody, the Co-Permittee shall include in its SWMP document a description of how the Co-Permittee will control the discharge of the pollutants of concern. This description must identify the measures and BMPs that will collectively control the discharge of the pollutants of concern. The measures must be presented in the order of priority with respect to controlling the pollutants of concern.

<https://documents.deq.utah.gov/water-quality/facilities/jordan-valley-municipalities/DWQ-2023-003215.pdf>

The Total Maximum Daily Load (TMDL) Study for Rose Creek is ranked as high priority by the State of Utah. This study will assess the data collected to date and attempt to determine the cause(s) of the water quality impairment in Rose Creek. After the cause is identified, potential solutions will be identified by the stakeholder group assembled to characterize this problem. A TMDL is the calculation of the maximum amount of a pollutant allowed to enter a waterbody so that the waterbody will meet and continue to meet water quality standards for that particular pollutant.

#### **TMDL Status Update:**

**TMDL Main Report:** <https://documents.deq.utah.gov/water-quality/watershed-protection/total-maximum-daily-loads/DWQ-2022-032026.pdf>

**TMDL Appendices:** <https://documents.deq.utah.gov/water-quality/watershed-protection/total-maximum-daily-loads/DWQ-2022-032001.pdf>

The Jordan River E. coli TMDL study has been published and signed into law by the State of Utah, and the Jordan Valley UPDES Permit E. coli related updates were adopted as of 8/16/2023. The UPDES updates allow a 180-day implementation period for Salt Lake County and other named UPDES permittees to implement structural (physical structures) and non-structural

(educational or regulatory) Best Management Practices (BMP's) to protect receiving waters from E. coli pollution. Rose Creek is one of the tributaries of the Jordan River listed as impaired in this TMDL (Jordan River E. coli TMDL, Table 3 pg. 17). Accordingly, there is significant urgency for Salt Lake County to address this problem, including via the proposed ordinance.

The process used to list Rose Creek as an impaired waterbody in this TMDL is described in detail in the TMDL main report and appendices. In summary, data was collected and analyzed between 2012 and 2022 at three different monitoring locations along Rose Creek. Rose Creek at Yellow Fork Canyon trailhead (RC\_11.32), Rose Creek at Arnold Hollow Rd (RC\_10.58) and Rose Creek above the confluence with the Jordan River (RC\_00.71) are the sites where data was collected. At the upper sites, RC 11.32 and RC\_10.58, approximately 1/3 of the 65 samples collected did not meet water quality standards with max samples exceeding the 2,419 organisms/100 ml sampling threshold, meaning the E. coli presence was too numerous to count. At RC\_00.71, 89% of the samples exceeded water quality standards and max samples were found at this location as well. The highest samples were generally observed in the months of June-October.

The Standard used to list waterbodies as impaired is described on page 14 of the main report and reads:

"The E. coli numeric criteria for designated beneficial use Class 1C (drinking water) and 2B (infrequent primary contact recreation) waters state that sample concentrations may not exceed 206 MPN per 100 milliliter (mL) as a 30-day and recreation season geometric mean, or a maximum of 668 MPN per 100 mL in more than 10% of samples collected during the recreation season. The 30-day geometric mean is based on no less than five samples collected more than 48 hours apart within 30 days. The three assessment scenarios for E. coli in Utah's waters are shown below. 1. For years with  $\geq 5$  collection events no less than 48 hours apart in any recreation season (May 1 through October 30), no more than 10% of samples collected from May 1 through October 30 should exceed 668 MPN/100 mL. 2. For recreation seasons with  $\geq 5$  collection events no less than 48 hours apart, no 30-day interval geometric mean should exceed 206 MPN/100 mL. 3. For recreation seasons with  $\geq 10$  collection events, the geometric mean of all samples should not exceed 206 MPN/100 mL."

The TMDL also discusses the need to reduce the amount of E. coli entering the Jordan River and tributaries. The Rose Creek assessment Unit will need to have 83% reductions in E. coli concentrations to meet water quality standards.

These reductions will need to happen in response to the use of strategically implemented BMP's. The location and distribution of the of the BMP's will depend on the nature and severity of the water quality violation but need to address the likely sources of impairment. The TMDL document specifically acknowledges the problem of domestic animals near impaired waterways; "Based upon visual inspection, however, cattle, sheep, horses and chickens are present in the watershed. One goal of the implementation plan of this TMDL is to identify areas where livestock waste has the potential to enter waterways" (Jordan River TMDL, pg 39). Thus BMP's Salt Lake County needs to implement must include either a structural (physical pollution control) or non-structural (regulatory pollution control) strategy to keep animal waste from entering

receiving waters. Vegetated buffers created through a non-structural regulatory BMP (Ordinance update) are the preferred strategy to achieve this compliance point as the structural BMP's available (such as berms, fencing, underground collection galleries, etc) are far more restrictive and onerous.

The duty to comply with the UPDES Permit is described in detail in the permit itself, section 6.1-6.2.

### 6.1. Duty to Comply

The Co-Permittee must comply with all conditions of this Permit. Any Permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for Permit termination, revocation and reissuance, or modification; or for denial of Permit coverage. The Co-Permittee shall give advance notice to the Director of any planned changes in the Permitted facility or activity, which may result in noncompliance with Permit requirements.

### 6.2. Penalties for Violations of Permit Conditions

The Act provides that any person who violates a Permit condition implementing provisions of the Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates Permit conditions or the Act is subject to a fine not exceeding \$25,000 per day of violation. Any person convicted under UCA 19-5-115(2) a second time shall be punished by a fine not exceeding \$50,000 per day. These penalties can be assessed to individuals or municipal governments found to be out of compliance with Clean Water Act regulations.

## **The need for Stream Setbacks**

Water resources are critical to the economy, public welfare and quality of life as stated in UAC Rule 317-2-1A. Development and land management practices have measurable effects on these resources. Riparian areas (stream side vegetation communities) and their associated wetlands, where water and land come together, are particularly sensitive to development and disturbance. The more developed the land surrounding these resources becomes the greater the need to protect them.

As a result of these pressures, land managers and planning officials consider the health of riparian areas and surrounding wetlands when considering ordinances governing planning and zoning in these areas. One of the most effective tools planners and local governments have to protect these areas is to set back structures and protect streamside buffers of native vegetation. The vegetated buffer is the workhorse of the setback tool because it is the area that filters out pollutants, helps prevent unnatural erosion, works to minimize the impact of floods, sustains the food and habitat of fish and wildlife and more. As a result, relevant scientific studies focus on the vegetated buffer portion of this tool. Much data has been collected about what types and how wide these setbacks and associated vegetated buffers must be. The general consensus is that a vegetated buffer needs to be at least 100' in width. The setback should be wide enough to



prohibit degradation of the vegetated buffer; lawns, patios, playgrounds, outbuildings and other features introducing foot traffic should be kept outside the setback radius. The table below summarizes the results from 77 different scientific studies regarding stream buffer width.

Type of Water Pollution	Average Stream Buffer Width	Number of Studies Used in Calculating Desired Buffer Width
Erosion control	100-year floodplain, but at least 100 feet	Review article conclusion (Wenger 1999)
Flood control, includes channel migration ability	100-year floodplain	Review article conclusion (Castelle et al 1994)
Nutrient	100 feet (range 33–600 feet)	12
Ammonia reduction (78% reduction)	164 feet	1
Fecal coliform	129 feet (range 100–600 feet)	4
Nitrates in surface runoff	113 feet (range 33–279 feet)	5
Nitrates in shallow groundwater	168 feet (range 3–721 feet)	31
Nitrogen	87 feet (range 5–164 feet)	4
Pesticides	182 feet (range 164–200 feet)	2
Phosphorus	106 feet (range 53–200 feet)	6
Sediment	103 feet (range 30–300 feet)	19
<b>Average Stream Buffer Width Needed to Filter Approximately 80% of Pollutants</b>	<b>132 feet</b>	

Source: Scientific Recommendations on the Size of Stream Vegetated Buffers Needed to Protect Water Quality, Montana DEQ 2008

These setbacks should be increased if properties surrounding streams have steep slopes, which increase erosion potential and related runoff, erodible soils for the same reason or if the stream in question is impaired, which Rose Creek is. For these reasons, the 300' setback was originally proposed on properties that could potentially house larger numbers of animals.

Many municipalities are dealing with water quality impairments and an evolving regulatory landscape. Setbacks are one of the most beneficial tools municipal leaders have to deal with the regulatory challenges they are facing. Many municipalities have already undertaken this challenge including Salt Lake City, Cottonwood Heights, Lehi City and Saratoga Springs. These proactive municipalities have riparian protection ordinances already passed and many other municipal governments have riparian ordinances or overlay zones in process. Related, a new legislative task force led by Representative Gay Bennion, House District 41, is examining how to remove barriers and create ordinances like these for municipal leaders.

# APPENDIX B

## =SALT LAKE COUNTY ORDINANCE

ORDINANCE NO. \_\_\_\_\_, 2023

### ANIMAL ORDINANCE UPDATE FOR FR AND FA ZONES

AN ORDINANCE OF GENERAL REVISION, AMENDING THE FOLLOWING SECTIONS OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001: 19.12.020 (PERMITTED USES IN THE FORESTRY AND RECREATION (FR) ZONE), 19.12.030(G)(CONDITIONAL USES IN THE FR ZONE), AND 19.54.020 (PERMITTED USES IN THE FOOTHILL AGRICULTURE (FA) ZONE) TO HAVE DISTINCT REGULATIONS IN THE FR AND FA ZONES WITH REGARDS TO ANIMAL USES AND THEIR ASSOCIATED IMPACTS ON ADJOINING PROPERTIES, THE ENVIRONMENT, AND THE WELL-BEING OF ANIMALS; AND MAKING OTHER RELATED CHANGES.

The County Legislative Body of Salt Lake County ordains as follows:

SECTION I. The amendments made here are designated by underlining the new substituted words. Words being deleted are designated by brackets and interlineations.

SECTION II. Section 19.12.020 of the Salt Lake County Code of Ordinances is amended as follows:

#### **19.12.020 – Permitted Uses**

The following uses are permitted in the FR zones subject to compliance with all applicable requirements set forth in this chapter including those relating to site and lot dimensions, development standards, and other regulations:

- A. Accessory uses and structures customarily incidental to a permitted use;
- B. Agriculture, as defined in Section 19.04.020;
- C. Apiary;
- ~~C~~D. Home business, subject to Chapter 19.85;
- ~~D~~E. Home day care/preschool for six or fewer children subject to the conditions set forth in Section 19.04.293;

F. Horses, and animals and fowl for family food production as defined in Chapter 19.04 of this title, provided that:

1. The area proposed for such use is not a protected watershed area, as determined by the health department's watershed regulation;

2. ~~For p~~Properties ~~that do not~~ include within their borders, ~~do not~~ adjoin, or are ~~not~~ within ~~100'-50'~~ of ephemeral streams or ~~100'~~ of perennial streams, as defined in Salt Lake County Code Chapter 19.72.:

~~a. All horses, animals, or fowl allowed in this subsection (F) are housed or otherwise confined at least 100' away from an ephemeral or perennial stream.~~

~~(i) This requirement shall not apply to noncomplying structures, as defined in Chapter 19.04.~~

~~b. The limits prescribed in the definition of family food production in Chapter 19.04 apply.~~

~~c. Two horses per acre for a maximum of four (4) horses are allowed.~~

3. ~~For properties that do not include within their borders, do not adjoin, or are not within 100' of ephemeral streams or perennial streams, t~~The following limits apply:

a. the limits prescribed in the definition of family food production in Chapter 19.04.

b. a maximum of two (2) horses per 1/2 acre are allowed.

4. If horses, or animals or fowl for family food production were approved by a land use permit prior to adoption of this subsection (F), that permit governs over this subsection (F).

5. For purposes of this subsection (F), ~~one-two (12) horses~~ per 1/2 acre ~~is~~are allowed; ~~subject to subsection (2)(d) and (3)(e).~~ Property acreage will not be rounded up to accommodate additional horses. Properties must be a minimum of one-half (1/2) acre to have horses, cows, goats, or sheep. ~~For purposes of this subsection (F)(5), P~~property acreage shall not include ~~the footprint of a home, driveway, accessory structures that do not support animals, and the 100' setbacks referenced in subsection (F)~~any portion of the property that exceeds 30% slope. Applicant will submit a slope analysis of the property, with contour at vertical intervals of not more than two feet, showing which portions of the property exceed 30% slope.

6. Applicant submits a manure management plan, which shall address mitigation of stormwater runoff, odor, and flies, and shall include the following:

a. Clean-up of manure ~~in stalls~~ and off-site deposit of the same ~~in warm and cold-weather seasons.~~ Manure storage or composting is ~~not~~ allowed ~~except as in accordance with Salt Lake County Health Department General Sanitation Regulation explicitly permits~~regarding composting.

b. Siting of ~~newly constructed~~ stalls to protect surface water, drainageways, wellheads, streams and irrigation ditches.

c. Bedding system such as stall mats, hay, wood shaving, and/or wood pellets.

7. The property is not used for a business in which trail rides originate from the property.

a. The property may be used for a horse riding instruction business so long as that instruction is confined to the property, students do not transport their own horses to the property, and the property otherwise complies with the home business requirements in chapter 19.85; to the extent chapter 19.85 conflicts with this subsection (F)(6)(a), this subsection shall control.

b. The property may be used to board horses for others so long as all of the requirements of this subsection (F) are met.

8. The water service provider(s) for the subject property provides written approval of having animals on the subject property in accordance with its regulations.

89. A permit is obtained upon compliance with this subsection (F), notwithstanding section 19.02.090.

[E]G. Household pets, provided the area proposed for animals is not in a protected watershed area, primary water supply recharge area, or drinking water source protection area, as determined by the Salt Lake [~~Valley~~] County health department or Utah Department of Environmental Quality;

[F]H. Minor ski resort improvements, provided:

1. That the privately owned land areas on which such improvements are permitted constitute less than ten percent of the total land area utilized for the ski resort that the improvements support, and
2. That at least ninety percent of the land area on which the improvements are developed, operated, and maintained is on public lands, and
3. That the public agency responsible for the management and administration of such lands has previously approved a special use permit or similar regulatory authorization, and has assumed long-term administrative and enforcement responsibilities for such approvals, and
4. That opportunities for public notice, review, and comment on the proposed improvements have been provided through a finalized National Environmental Policy Act (NEPA) or other comprehensive public review and comment process, and
5. That such improvements are either:
  - a. Essential to public safety, or
  - b. Required in association with the reasonable repair or maintenance of existing legally established facilities and improvements, or
  - c. Essential to the continuation or extension of improvements approved under the terms of a governmental land lease or use permit or by final action of the federal or state governmental agency with jurisdiction over the lands on which the improvements are located;

[G]I. Residential facility for persons with a disability;

[H]J. Single-family dwellings;

[F]K. Wireless telecommunication facilities; provided:

1. The wireless telecommunication facility is a wall-mounted or roof-mounted facility, and
2. The facility is mounted on a nonresidential building, and
3. A computer-generated visual simulation of the proposed structure is submitted as part of the required site plan, and
4. All other applicable requirements set forth in Chapter 19.83, "Wireless Telecommunications Facilities," are satisfied.

SECTION III. Section 19.12.030(G) of the Salt Lake County Code of Ordinances is

~~repealed-amended~~ as follows:

**19.12.030 – Conditional Uses**

G. Horses, and animals and fowl for family food production, as defined in Section 19.04.235 of this title, when the property includes within its borders, adjoins, or is within 50' of ephemeral streams or 100' of perennial streams (as defined in Salt Lake County Code Chapter 19.72), provided that:

1. The area proposed for animals is not a watershed area, as determined by the health department;~~,-and~~
2. All horses, animals, or fowl allowed in this subsection (G) are housed or otherwise confined at least 50' away from an ephemeral stream or 100' away from a perennial stream, subject to the following:
  - a. The commission may reduce the above setbacks by 25% upon the applicant submitting and implementing a riparian vegetation plan that creates a riparian zone in the setback which is in accordance with recommendations in the Salt Lake County "Stream Care Guide" and the following subsections from the Landscape Design Standards section of the Salt Lake County zoning ordinance: Plant Quality, Plant Coverage and Growth Rate, Species Diversity, and Plant Size Requirements at Planting.
  - b. If the commission approves a setback reduction under subsection (G)(2)(a), structures that house horses, animals, or fowl may not be constructed until the applicant provides a bond in the amount of the estimated cost of implementing the riparian vegetation plan, as determined by the Director, in accordance with Salt Lake County Code section 19.02.110; the bond shall only be released in accordance with that section.
  - c. This subsection (G)(2) shall not apply to structures that lawfully existed as of the effective date of this subsection. Under Salt Lake County Code section 19.02.090, land use permits are not required for the keeping of animals; under Utah Code section 15A-1-204, a building permit is generally not required for structures used for the keeping of animals.

3. No more than two horses per ½ acre for a maximum of four (4) horses are allowed, and the limits on other animals prescribed in the definition of family food production in Chapter 19.04 apply:
  - a. Property acreage will not be rounded up to accommodate additional horses. Properties must be a minimum of ½ acre to have horses, cows, goats, or sheep. For purposes of this subsection (G)(3), property acreage shall not include any portion of the property in excess of 30% slope. Applicant will submit a slope analysis of the property, with contour at vertical intervals of not more than two feet, showing which portions of the property exceed 30% slope.
  - b. If horses, or animals or fowl for family food production were approved by a land use permit prior to adoption of this subsection (G)(3), that permit governs over this subsection.
4. Applicant submits a manure management plan, which shall address mitigation of stormwater runoff, odor, and flies, and shall include the following:
  - a. Clean-up of manure and off-site deposit of the same. Manure storage or composting is allowed in accordance with Salt Lake County Health Department General Sanitation Regulation regarding composting. Compost piles shall not be located within 100' of a perennial stream or within 50' of an ephemeral stream. Manure storage or composting is not allowed except as Salt Lake County Health Department General Sanitation Regulation explicitly permits composting.
  - b. Siting of newly constructed stalls to protect surface water, drainageways, wellheads, streams and irrigation ditches.
  - c. Bedding system such as stall mats, hay, wood shaving, and/or wood pellets.
5. The water service provider(s) for the property provides written approval of having animals on the property in accordance with its regulations.
6. The property is not used for a business in which trail rides originate from the property.
  - a. The property may be used for a horse riding instruction business so long as that instruction is confined to the property, students do not transport their own horses to the property, and the property otherwise complies with the home business requirements in chapter 19.85; to the extent chapter 19.85 conflicts with this subsection (F)(6)(a), this subsection shall control.
  - b. The property may be used to board horses for others so long as all of the requirements of this subsection (F) are met.
2. ~~The use will not create unreasonable on-site erosion, downstream siltation, bacteriological or biological pollution in subsurface or surface waters, destruction of vegetation, air pollution, including dust and odors or other detrimental environmental effects. In determining the environmental effects of the use, the planning commission shall seek and consider recommendations from the health department and other concerned agencies, and may require the applicant to submit scientific studies~~

~~including analysis of slope, soils, vegetative cover, availability of water, and other elements necessary to establish environmental effects of the proposed use, and~~

- ~~3. The planning commission may limit the number of animals and fowl, or limit the amount of ground to be devoted to such use, or make other conditions to ensure environmental protection, and~~
- ~~4. After the use is established, if the planning commission determines, based on findings of facts, that unreasonable environmental degradation is occurring, the planning commission may, after notification to the applicant and hearing, establish additional conditions or order the use to be abated;]~~

SECTION IV. Section 19.54.020 of the Salt Lake County Code of Ordinances is amended as follows:

### **19.54.020 – Permitted Uses**

The following uses are permitted in the FA zones subject to meeting all applicable requirements set forth in this chapter and ordinance relating to site and lot dimensions, development standards, and other regulations.

- A. Accessory uses and structures customarily incident to a permitted use;
- B. Agriculture, as defined in Section 19.04.020 of this title;
- C. ~~Animals and fowl for family food production, as defined in Section 19.04.235; household pets; a maximum of four horses for private use only;~~

Horses, and animals and fowl for family food production as defined in Section 19.04.235 of this title, provided that:

1. The area proposed for such use is not a protected watershed area, as determined by the health department's watershed regulation;

2. For properties that include within their borders, adjoin, or are within ~~400'-50'~~ of ephemeral streams or ~~100'~~ of perennial streams, as defined in Salt Lake County Code Chapter 19.72, ~~∴ All horses, animals, or fowl allowed in this subsection (C) are housed or otherwise confined at least 50' away from an ephemeral stream or 100' away from a perennial stream, subject to the following:~~

a. The Director may reduce the above setbacks by 25% upon the applicant submitting and implementing a riparian vegetation plan that creates a riparian zone in the setback which is in accordance with recommendations in the Salt Lake County "Stream Care Guide" and the following subsections from the Landscape Design Standards section of the Salt Lake County zoning ordinance: Plant Quality, Plant Coverage and Growth Rate, Species Diversity, and Plant Size Requirements at Planting.

b. If the Director approves a setback reduction under subsection (C)(2)(a), structures that house horses, animals, or fowl may not be constructed until the applicant provides a bond in the amount of the estimated cost to implement the riparian vegetation plan, as determined by the Director, in accordance with Salt Lake County



Code section 19.02.110; the bond shall only be released in accordance with that section.

(ic) This subsection (G)(2) shall not apply to structures that lawfully existed as of the effective date of this subsection. Under Salt Lake County Code section 19.02.090, land use permits are not required for the keeping of animals; under Utah Code section 15A-1-204, a building permit is generally not required for structures used for the keeping of animals. ~~This requirement shall not apply to noncomplying structures, as defined in Chapter 19.04.~~

3. The limits prescribed in the definition of family food production in Chapter 19.04 apply. A maximum of four horses for private use only is permitted.

4. Properties with horses, cows, goats, or sheep are a minimum of one acre. ~~Property acreage shall not include the footprint of a home, driveway, accessory structures that do not support animals, and the 100' setbacks referenced in subsection (C).~~

5. If horses, or animals or fowl for family food production were approved by a land use permit prior to adoption of the ~~2021-2023~~ changes to this subsection (C), that permit governs over this subsection (C).

6. Applicant submits a manure management plan, which shall address mitigation of stormwater runoff, odor, and flies, and shall include the following:

a. Clean-up of manure ~~in stalls~~ and off-site deposit of the same ~~in warm and cold-weather seasons. Manure storage or composting is allowed in accordance with Salt Lake County Health Department General Sanitation Regulation regarding composting. Compost piles shall not be located within 100' of a perennial stream or within 50' of an ephemeral stream.~~ ~~Manure storage or composting is not allowed except as Salt Lake County Health Department General Sanitation Regulation explicitly permits composting.~~

b. Siting of ~~newly constructed~~ stalls to protect surface water, drainageways, wellheads, streams and irrigation ditches.

c. Bedding system such as stall mats, hay, wood shaving, and/or wood pellets.

7. The water service provider(s) for the subject property provides written approval of having animals on the subject property ~~in accordance with its regulations.~~

8. A permit is obtained upon compliance with this subsection (C), notwithstanding section 19.02.090.

D. Apiary;

[D]E. Home business, subject to Chapter 19.85;

[E]F. Home day care/preschool for six or fewer children subject to the conditions set forth in Section 19.04.293;

[F]G. Residential facility for persons with a disability;

[G]H. Single-family dwelling;

[H]I. Wireless telecommunication facilities, provided:



1. The wireless telecommunication facility is a wall-mounted or roof-mounted facility, and
2. The facility is mounted on a nonresidential building, and
3. A computer-generated visual simulation of the proposed structure is submitted as part of the required site plan, and
4. All other applicable requirements set forth in Chapter 19.83, "Wireless Telecommunications Facilities," are satisfied.

SECTION V. This ordinance shall become effective fifteen (15) days after its passage and upon at least one publication of the ordinance or a summary thereof in a newspaper published and having general circulation in Salt Lake County.

APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, ~~2022~~2023.

SALT LAKE COUNTY COUNCIL

By: \_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
~~Sherrie Swensen~~Lannie Chapman  
Salt Lake County Clerk

APPROVED AS TO FORM:

\_\_\_\_\_

ORDINANCE HISTORY

Councilmember Bradley voting	_____
Councilmember Bradshaw voting	_____
Councilmember Theodore voting	_____
Councilmember <del>DeBry</del> <u>Harrison</u> voting	_____
Councilmember Granato voting	_____
Councilmember Winder Newton voting	_____
Councilmember Alvord voting	_____
Councilmember <del>Snelgrove</del> <u>Stewart</u> voting	_____
Councilmember Stringham voting	_____

Vetoed and dated this \_\_\_\_\_ day of \_\_\_\_\_, ~~2022~~2023.

By: \_\_\_\_\_  
MAYOR JENNIFER WILSON  
OR DESIGNEE

(Complete as Applicable)

Veto override: Yes\_\_\_\_ No\_\_\_\_ Date\_\_\_\_\_

Ordinance Published in Newspaper: Date\_\_\_\_\_

Effective Date of Ordinance:\_\_\_\_\_

SUMMARY OF

SALT LAKE COUNTY ORDINANCE NO. \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_, ~~2022~~2023, the County Council of Salt Lake County adopted Ordinance No. \_\_\_\_\_, an ordinance of general revision, amending the following sections of the Salt Lake County Code of Ordinances, 2001: 19.12.020 (permitted uses in the FR zone), 19.12.030(g)(conditional uses in the FR zone), and 19.54.020 (permitted uses in the FA zone) to have distinct regulations in the FR and FA zones with regards to animal uses and their associated impacts on adjoining properties, the environment, and the well-being of animals; and making other related changes.

SALT LAKE COUNTY COUNCIL

By: \_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
~~Sherrie Swensen~~Lannie Chapman  
Salt Lake County Clerk

APPROVED AS TO FORM:

_____	Councilmember Bradley voting	_____
_____	Councilmember Bradshaw voting	_____
_____	Councilmember Theodore voting	_____
_____	Councilmember <del>DeBry</del> Harrison voting	_____
_____	Councilmember Granato voting	_____
_____	Councilmember Newton voting	_____
_____	Councilmember Alvord voting	_____
_____	Councilmember <del>Snelgrove</del> Stewart voting	_____
_____	Councilmember Stringham voting	_____

A complete copy of Ordinance No. \_\_\_\_\_ is available in the office of the Salt Lake County Clerk, 2001 South State Street, N2-100A, Salt Lake City, Utah.

## SALT LAKE COUNTY ORDINANCE

ORDINANCE NO. \_\_\_\_\_, 2023

### ANIMAL ORDINANCE UPDATE FOR FR AND FA ZONES

AN ORDINANCE OF GENERAL REVISION, AMENDING THE FOLLOWING SECTIONS OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001: 19.12.020 (PERMITTED USES IN THE FORESTRY AND RECREATION (FR)ZONE), 19.12.030(G)(CONDITIONAL USES IN THE FR ZONE), AND 19.54.020 (PERMITTED USES IN THE FOOTHILL AGRICULTURE (FA) ZONE) TO HAVE DISTINCT REGULATIONS IN THE FR AND FA ZONES WITH REGARDS TO ANIMAL USES AND THEIR ASSOCIATED IMPACTS ON ADJOINING PROPERTIES, THE ENVIRONMENT, AND THE WELL-BEING OF ANIMALS; AND MAKING OTHER RELATED CHANGES.

The County Legislative Body of Salt Lake County ordains as follows:

SECTION I. The amendments made here are designated by underlining the new substituted words. Words being deleted are designated by brackets and interlineations.

SECTION II. Section 19.12.020 of the Salt Lake County Code of Ordinances is amended as follows:

#### **19.12.020 – Permitted Uses**

The following uses are permitted in the FR zones subject to compliance with all applicable requirements set forth in this chapter including those relating to site and lot dimensions, development standards, and other regulations:

- A. Accessory uses and structures customarily incidental to a permitted use;
- B. Agriculture, as defined in Section 19.04.020;
- C. Apiary;
- ~~C~~D. Home business, subject to Chapter 19.85;
- ~~D~~E. Home day care/preschool for six or fewer children subject to the conditions set forth in Section 19.04.293;
- F. Horses, and animals and fowl for family food production as defined in Chapter 19.04 of this title, provided that:

1. The area proposed for such use is not a protected watershed area, as determined by the health department's watershed regulation;
2. Properties do not include within their borders, do not adjoin, or are not within 50' of ephemeral streams or 100' of perennial streams, as defined in Salt Lake County Code Chapter 19.72.
3. The following limits apply:
  - a. the limits prescribed in the definition of family food production in Chapter 19.04.
  - b. a maximum of two (2) horses per ½ acre are allowed.
4. If horses, or animals or fowl for family food production were approved by a land use permit prior to adoption of this subsection (F), that permit governs over this subsection (F).
5. For purposes of this subsection (F), two (2) horses per ½ acre are allowed. Property acreage will not be rounded up to accommodate additional horses. Properties must be a minimum of one-half (1/2) acre to have horses, cows, goats, or sheep. For purposes of this subsection (F)(5), property acreage shall not include any portion of the property that exceeds 30% slope. Applicant will submit a slope analysis of the property, with contour at vertical intervals of not more than two feet, showing which portions of the property exceed 30% slope.
6. Applicant submits a manure management plan, which shall address mitigation of stormwater runoff, odor, and flies, and shall include the following:
  - a. Clean-up of manure and off-site deposit of the same in warm and cold-weather seasons. Manure storage or composting is allowed in accordance with Salt Lake County Health Department General Sanitation Regulation regarding composting.
  - b. Siting of newly constructed stalls to protect surface water, drainageways, wellheads, streams and irrigation ditches.
  - c. Bedding system such as stall mats, hay, wood shaving, and/or wood pellets.
7. The property is not used for a business in which trail rides originate from the property.
  - a. The property may be used for a horse riding instruction business so long as that instruction is confined to the property, students do not transport their own horses to the property, and the property otherwise complies with the home business requirements in chapter 19.85; to the extent chapter 19.85 conflicts with this subsection (F)(6)(a), this subsection shall control.
  - b. The property may be used to board horses for others so long as all of the requirements of this subsection (F) are met.
8. The water service provider(s) for the subject property provides written approval of having animals on the subject property in accordance with its regulations.

9. A permit is obtained upon compliance with this subsection (F), notwithstanding section 19.02.090.

~~F~~G. Household pets, provided the area proposed for animals is not in a protected watershed area, primary water supply recharge area, or drinking water source protection area, as determined by the Salt Lake [Valley] County health department or Utah Department of Environmental Quality;

~~F~~H. Minor ski resort improvements, provided:

1. That the privately owned land areas on which such improvements are permitted constitute less than ten percent of the total land area utilized for the ski resort that the improvements support, and
2. That at least ninety percent of the land area on which the improvements are developed, operated, and maintained is on public lands, and
3. That the public agency responsible for the management and administration of such lands has previously approved a special use permit or similar regulatory authorization, and has assumed long-term administrative and enforcement responsibilities for such approvals, and
4. That opportunities for public notice, review, and comment on the proposed improvements have been provided through a finalized National Environmental Policy Act (NEPA) or other comprehensive public review and comment process, and
5. That such improvements are either:
  - a. Essential to public safety, or
  - b. Required in association with the reasonable repair or maintenance of existing legally established facilities and improvements, or
  - c. Essential to the continuation or extension of improvements approved under the terms of a governmental land lease or use permit or by final action of the federal or state governmental agency with jurisdiction over the lands on which the improvements are located;

~~G~~I. Residential facility for persons with a disability;

~~H~~J. Single-family dwellings;

~~H~~K. Wireless telecommunication facilities; provided:

1. The wireless telecommunication facility is a wall-mounted or roof-mounted facility, and
2. The facility is mounted on a nonresidential building, and
3. A computer-generated visual simulation of the proposed structure is submitted as part of the required site plan, and
4. All other applicable requirements set forth in Chapter 19.83, "Wireless Telecommunications Facilities," are satisfied.

SECTION III. Section 19.12.030(G) of the Salt Lake County Code of Ordinances is

amended as follows:

**19.12.030 – Conditional Uses**

.....

- G. Horses, and animals and fowl for family food production, as defined in Section 19.04.235 of this title, when the property includes within its borders, adjoins, or is within 50’ of ephemeral streams or 100’ of perennial streams (as defined in Salt Lake County Code Chapter 19.72), provided that:
1. The area proposed for animals is not a watershed area, as determined by the health department;~~[-and]~~
  2. All horses, animals, or fowl allowed in this subsection (G) are housed or otherwise confined at least 50’ away from an ephemeral stream or 100’ away from a perennial stream, subject to the following:
    - a. The commission may reduce the above setbacks by 25% upon the applicant submitting and implementing a riparian vegetation plan that creates a riparian zone in the setback which is in accordance with recommendations in the Salt Lake County “Stream Care Guide” and the following subsections from the Landscape Design Standards section of the Salt Lake County zoning ordinance: Plant Quality, Plant Coverage and Growth Rate, Species Diversity, and Plant Size Requirements at Planting.
    - b. If the commission approves a setback reduction under subsection (G)(2)(a), structures that house horses, animals, or fowl may not be constructed until the applicant provides a bond in the amount of the estimated cost of implementing the riparian vegetation plan, as determined by the Director, in accordance with Salt Lake County Code section 19.02.110; the bond shall only be released in accordance with that section.
    - c. This subsection (G)(2) shall not apply to structures that lawfully existed as of the effective date of this subsection. Under Salt Lake County Code section 19.02.090, land use permits are not required for the keeping of animals; under Utah Code section 15A-1-204, a building permit is generally not required for structures used for the keeping of animals.
  3. No more than two horses per ½ acre for a maximum of four (4) horses are allowed, and the limits on other animals prescribed in the definition of family food production in Chapter 19.04 apply;
    - a. Property acreage will not be rounded up to accommodate additional horses. Properties must be a minimum of ½ acre to have horses, cows, goats, or sheep. For purposes of this subsection (G)(3), property acreage shall not include any portion of the property in excess of 30% slope. Applicant will submit a slope analysis of the property, with contour at vertical intervals of not more than two feet, showing which portions of the property exceed 30% slope.

- b. If horses, or animals or fowl for family food production were approved by a land use permit prior to adoption of this subsection (G)(3), that permit governs over this subsection.
4. Applicant submits a manure management plan, which shall address mitigation of stormwater runoff, odor, and flies, and shall include the following:
    - a. Clean-up of manure and off-site deposit of the same in warm and cold-weather seasons. Manure storage or composting is allowed in accordance with Salt Lake County Health Department General Sanitation Regulation regarding composting. Compost piles shall not be located within 100' of a perennial stream or within 50' of an ephemeral stream.
    - b. Siting of newly constructed stalls to protect surface water, drainageways, wellheads, streams and irrigation ditches.
    - c. Bedding system such as stall mats, hay, wood shaving, and/or wood pellets.
  5. The water service provider(s) for the property provides written approval of having animals on the property in accordance with its regulations.
  6. The property is not used for a business in which trail rides originate from the property.
    - a. The property may be used for a horse riding instruction business so long as that instruction is confined to the property, students do not transport their own horses to the property, and the property otherwise complies with the home business requirements in chapter 19.85; to the extent chapter 19.85 conflicts with this subsection (F)(6)(a), this subsection shall control.
    - b. The property may be used to board horses for others so long as all of the requirements of this subsection (F) are met.
- ~~2. The use will not create unreasonable on-site erosion, downstream siltation, bacteriological or biological pollution in subsurface or surface waters, destruction of vegetation, air pollution, including dust and odors or other detrimental environmental effects. In determining the environmental effects of the use, the planning commission shall seek and consider recommendations from the health department and other concerned agencies, and may require the applicant to submit scientific studies including analysis of slope, soils, vegetative cover, availability of water, and other elements necessary to establish environmental effects of the proposed use, and~~
  - ~~3. The planning commission may limit the number of animals and fowl, or limit the amount of ground to be devoted to such use, or make other conditions to ensure environmental protection, and~~
  - ~~4. After the use is established, if the planning commission determines, based on findings of facts, that unreasonable environmental degradation is occurring, the planning commission may, after notification to the applicant and hearing, establish additional conditions or order the use to be abated;]~~

SECTION IV. Section 19.54.020 of the Salt Lake County Code of Ordinances is



amended as follows:

### **19.54.020 – Permitted Uses**

The following uses are permitted in the FA zones subject to meeting all applicable requirements set forth in this chapter and ordinance relating to site and lot dimensions, development standards, and other regulations.

- A. Accessory uses and structures customarily incident to a permitted use;
- B. Agriculture, as defined in Section 19.04.020 of this title;
- C. ~~Animals and fowl for family food production, as defined in Section 19.04.235; household pets; a maximum of four horses for private use only;~~

Horses, and animals and fowl for family food production as defined in Section 19.04.235 of this title, provided that:

- 1. The area proposed for such use is not a protected watershed area, as determined by the health department’s watershed regulation;
- 2. For properties that include within their borders, adjoin, or are within 50’ of ephemeral streams or 100’ of perennial streams, as defined in Salt Lake County Code Chapter 19.72, all horses, animals, or fowl allowed in this subsection (C) are housed or otherwise confined at least 50’ away from an ephemeral stream or 100’ away from a perennial stream, subject to the following:
  - a. The Director may reduce the above setbacks by 25% upon the applicant submitting and implementing a riparian vegetation plan that creates a riparian zone in the setback which is in accordance with recommendations in the Salt Lake County “Stream Care Guide” and the following subsections from the Landscape Design Standards section of the Salt Lake County zoning ordinance: Plant Quality, Plant Coverage and Growth Rate, Species Diversity, and Plant Size Requirements at Planting.
  - b. If the Director approves a setback reduction under subsection (C)(2)(a), structures that house horses, animals, or fowl may not be constructed until the applicant provides a bond in the amount of the estimated cost to implement the riparian vegetation plan, as determined by the Director, in accordance with Salt Lake County Code section 19.02.110; the bond shall only be released in accordance with that section.
  - c. This subsection (G)(2) shall not apply to structures that lawfully existed as of the effective date of this subsection. Under Salt Lake County Code section 19.02.090, land use permits are not required for the keeping of animals; under Utah Code section 15A-1-204, a building permit is generally not required for structures used for the keeping of animals.
- 3. The limits prescribed in the definition of family food production in Chapter 19.04 apply. A maximum of four horses for private use only is permitted.
- 4. Properties with horses, cows, goats, or sheep are a minimum of one acre.

5. If horses, or animals or fowl for family food production were approved by a land use permit prior to adoption of the 2023 changes to this subsection (C), that permit governs over this subsection (C).
6. Applicant submits a manure management plan, which shall address mitigation of stormwater runoff, odor, and flies, and shall include the following:
  - a. Clean-up of manure and off-site deposit of the same in warm and cold-weather seasons. Manure storage or composting is allowed in accordance with Salt Lake County Health Department General Sanitation Regulation regarding composting. Compost piles shall not be located within 100' of a perennial stream or within 50' of an ephemeral stream.
  - b. Siting of newly constructed stalls to protect surface water, drainageways, wellheads, streams and irrigation ditches.
  - c. Bedding system such as stall mats, hay, wood shaving, and/or wood pellets.
7. The water service provider(s) for the subject property provides written approval of having animals on the subject property in accordance with its regulations.
8. A permit is obtained upon compliance with this subsection (C), notwithstanding section 19.02.090.

D. Apiary;

~~D~~E. Home business, subject to Chapter 19.85;

~~E~~F. Home day care/preschool for six or fewer children subject to the conditions set forth in Section 19.04.293;

~~F~~G. Residential facility for persons with a disability;

~~G~~H. Single-family dwelling;

~~H~~I. Wireless telecommunication facilities, provided:

1. The wireless telecommunication facility is a wall-mounted or roof-mounted facility, and
2. The facility is mounted on a nonresidential building, and
3. A computer-generated visual simulation of the proposed structure is submitted as part of the required site plan, and
4. All other applicable requirements set forth in Chapter 19.83, "Wireless Telecommunications Facilities," are satisfied.

SECTION V. This ordinance shall become effective fifteen (15) days after its passage and upon at least one publication of the ordinance or a summary thereof in a newspaper published and having general circulation in Salt Lake County.

APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

SALT LAKE COUNTY COUNCIL

By: \_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Lannie Chapman  
Salt Lake County Clerk

APPROVED AS TO FORM:

\_\_\_\_\_

ORDINANCE HISTORY

Councilmember Bradley voting	_____
Councilmember Bradshaw voting	_____
Councilmember Theodore voting	_____
Councilmember Harrison voting	_____
Councilmember Granato voting	_____
Councilmember Winder Newton voting	_____
Councilmember Alvord voting	_____
Councilmember Stewart voting	_____
Councilmember Stringham voting	_____

Vetoed and dated this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

By: \_\_\_\_\_  
MAYOR JENNIFER WILSON  
OR DESIGNEE

(Complete as Applicable)

Veto override: Yes\_\_\_\_ No\_\_\_\_ Date\_\_\_\_\_  
Ordinance Published in Newspaper: Date\_\_\_\_\_  
Effective Date of Ordinance:\_\_\_\_\_

SUMMARY OF

SALT LAKE COUNTY ORDINANCE NO. \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_, 2023, the County Council of Salt Lake County adopted Ordinance No. \_\_\_\_\_, an ordinance of general revision, amending the following sections of the Salt Lake County Code of Ordinances, 2001: 19.12.020 (permitted uses in the FR zone), 19.12.030(g)(conditional uses in the FR zone), and 19.54.020 (permitted uses in the FA zone) to have distinct regulations in the FR and FA zones with regards to animal uses and their associated impacts on adjoining properties, the environment, and the well-being of animals; and making other related changes.

SALT LAKE COUNTY COUNCIL

By: \_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Lannie Chapman  
Salt Lake County Clerk

APPROVED AS TO FORM:

Councilmember Bradley voting	_____
Councilmember Bradshaw voting	_____
Councilmember Theodore voting	_____
Councilmember Harrison voting	_____
Councilmember Granato voting	_____
Councilmember Newton voting	_____
Councilmember Alvord voting	_____
Councilmember Stewart voting	_____
Councilmember Stringham voting	_____

A complete copy of Ordinance No. \_\_\_\_\_ is available in the office of the Salt Lake County Clerk, 2001 South State Street, N2-100A, Salt Lake City, Utah.

## **Appendix D: Regulations and Entities that Address Clean Water Mitigation**

There are a number of Federal and State and local laws that govern Clean Water and many more regulatory and planning agencies who have roles defined in those laws. This report does not provide a comprehensive list as these laws and groups responsible for implementing them are far too numerous to list in a staff report but this report will cover the more significant laws that play a role in Salt Lake County especially those that apply to the areas affected by the FR/FA zoning ordinance update.

### **Federal Laws:**

#### **33 U.S.C. §1251 et seq. (1972) Clean Water Act**

The Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. The basis of the CWA was enacted in 1948 and was called the Federal Water Pollution Control Act, but the Act was significantly reorganized and expanded in 1972. "Clean Water Act" became the Act's common name with amendments in 1972.

The CWA made it unlawful to discharge any pollutant from a point source into navigable waters, unless a permit was obtained.

For further information on the National Pollution Discharge Elimination System Permits (NPDES), see Appendix A of this staff report.

Regulatory Agencies: EPA, State of Utah (DWQ), local Municipalities, Local and State Health Departments

Source of Information: <https://www.epa.gov/laws-regulations/summary-clean-water-act>

Section 404 of the Clean Water Act requires authorization from the Secretary of the Army, acting through the Corps of Engineers (ACOE), for the discharge of dredged or fill material into all waters of the United States, including wetlands.

Regulatory Agencies: ACOE, EPA, State of Utah (DWR)

Source of Information: <https://www.spl.usace.army.mil/Missions/Regulatory/Jurisdictional-Determination/Section-404-of-the-Clean-Water-Act/#:~:text=Section%20404%20of%20the%20Clean%20Water%20Act%20requires%20authorization%20from,the%20United%20States%2C%20including%20wetlands.>

#### **Federal Safe Drinking Water Act**

Congress has passed a Federal Safe Drinking Water Act (US EPA) which empowers the EPA to adopt and enforce rules which must be met by each public water system in the nation. By agreement with the EPA, Utah administers the federal act within the state. Thus, Utah's laws and rules regarding public drinking systems are in conformity with federal rules. Public water suppliers in Utah should refer to the Utah laws and rules.

Regulatory Agencies: EPA, State of Utah (DEQ), Municipal and public water systems

Source of Information: <https://deq.utah.gov/drinking-water/laws-and-rules>

#### **State Laws:**

##### **Safe Drinking Water Act, Title 19, Chapter 4 of Utah Code**

The Safe Drinking Water Act provides that a nine-member Drinking Water Board in tandem with the Utah Division of Drinking Water can create rules complimentary to and more stringent than federal standards to govern Public Water Systems in the state. It also provides the authority for municipalities to create and maintain source water protection areas surrounding areas where drinking water sources originate.

Regulatory Agencies: Utah DDW, Municipalities, Public Water systems, Local and State Health Departments

Source of Information: [https://le.utah.gov/xcode/Title19/Chapter4/19-4.html?v=C19-4\\_1800010118000101](https://le.utah.gov/xcode/Title19/Chapter4/19-4.html?v=C19-4_1800010118000101)

##### **Utah Water Quality Act, Title 19, Chapter 5 of Utah Code**

The Water Quality Act provides that a nine-member Water Quality Board in tandem with the Utah Division of Water Quality can create rules complimentary to and more stringent than federal standards to govern water quality, beneficial uses and stormwater permitting for Waters of the State in Utah.

Regulatory Agencies: Utah DWQ, Municipalities, Local and State Health Departments

Source of Information: [https://le.utah.gov/xcode/Title19/Chapter5/19-5.html?v=C19-5\\_1800010118000101](https://le.utah.gov/xcode/Title19/Chapter5/19-5.html?v=C19-5_1800010118000101)

#### **Local Ordinances:**

Local ordinances include ordinances from municipalities in Salt Lake County, far too numerous to list in this Staff Report, to protect specific areas of watersheds in the lower Jordan Basin against anti-degradation for culinary water purposes (source water protection), stormwater protection, maintenance and Rights-of-way protections and the newest ordinances coming to bare are Riparian Protection Ordinances; currently only Salt Lake City and Cottonwood Heights have active Riparian Protection Ordinances. State Representative Gay Bennion (Cottonwood Heights) is currently leading a task force intent upon creating resources to assist in the creation of municipal Riparian Ordinances.

Regulatory Agencies: Municipal bodies, local Health Departments

#### **Coordination of entities involved with Clean Water mitigation activities**

Most of the regulatory agencies involved with the laws described above act in response to illicit activities that could potentially harm Waters of the State or are active in the permitting process to allow discharges or changes to be made to these waters. There are a few organizations that act in coordinated fashion to help clean and restore Waters of the State deemed impaired.

The Salt Lake County Watershed Planning and Restoration Program (WPRP) has acted as the Jordan Basin Watershed Coordinator under the DWQ's Clean Water Act Section 319, Non-Point Source Watershed Coordination program since the early 1990's. In this partnership County staff has worked with DWQ to identify Waters of the State in need of restoration due to impairments and water quality data and create targeted restoration solutions to alleviate impairments. These projects have benefitted both private land and public land and have been used in tandem with development, wetland mitigation, source water protection for erosion prevention, habitat improvement, water quality improvement and a host of other reasons. To date over \$7 million has been spent on more than 30 projects in the lower Jordan River Basin.

Source: Salt Lake County Integrated Watershed Plan, 2015; Table 2-2, page 11.

Other partnerships also exist between WPRP and members of the Salt Lake Conservation District, NRCS and UDAF and DNR Dedicated Hunter program. Grant summary table in Appendix B lists grants available and potential projects to be targeted using those funds.

Non-Governmental groups like Trout Unlimited have completed numerous restoration projects on fisheries throughout the west.

Utah Division of Natural Resources in cooperation with the non-profit Sageland Collaborative has completed numerous ecological restoration projects mostly on small streams in rural parts of the state.

Quasi-Governmental organizations like the Jordan River Commission often partner or offer restoration resources to groups undertaking restoration activities.

## Appendix E: Funding available to assist with water quality projects

Numerous agencies allocate funds for water quality related projects. Federal agencies like the Natural Resources Conservation Service (NRCS) have funds available to assist with projects ranging from emergency relief due to flooding to improving livestock accommodations. State agencies like the Utah Department of Agriculture and Foods have multiple funding sources available for activities ranging from invasive weed removal to water optimization. The Utah Division of Water Quality allocates funding from Clean Water Act Section 319 funding and also state Non-Point Source pollution funds. These grants are for projects seeking to eliminate sources of Non-point Source pollution.

All of these funding sources have particular stipulations for projects as they are each designed to assist a particular population with natural resource related hardships. Most of the funding sources provide funds and in turn, have the expectation that the landowner will provide matching funds to cost share on the solutions to the resource hardships.

Salt Lake County Watershed Planning and Restoration Program (WPRP) has applied for and received many of these grants, often on behalf of public or private landowners and has sought funds from Salt Lake County to provide some of the matching funds often expected of residents. The amount of funds WPRP will receive is to be decided in the 2024 budgeting process.

Table 1 summarizes funding pools available from agencies. Column one indicates which agency is responsible for administering the funds. Column two specifies the name of the funding source. Column three briefly describes typical projects eligible for that funding source and column four describes the type of match expected for each funding source.

Table 1:

Agency	Funding Name	Typical Project	Match
UDAF	Invasive Species Mitigation (ISM)	Noxious and Invasive Weed Control	50%
UDAF	AgVIP	Nutrient Management	\$1000 payment to landowner as soon as Comprehensive Nutrient Management Plan (CNMP) is written. \$12 per acre payment for 3 years if they follow the plan.
UDAF	Water Optimization	Water Quantity (Savings) Irrigation Improvements	50%
UDAF	Pollinator Program	Native Plants for Utah Pollinators	Labor (Planting)



UDAF	Grazing Improvement	Fencing/watering for livestock	50%
UDAF	LeRay McAllister Working Farm and Ranch Fund	Conservation Easements (buyout of development rights)	<a href="https://ag.utah.gov/wp-content/uploads/2023/06/NOFO_LRM-2023_FINAL.pdf">https://ag.utah.gov/wp-content/uploads/2023/06/NOFO_LRM-2023_FINAL.pdf</a>
NRCS	Environmental Quality Incentives Program (EQIP)	Nearly everything on farm	Payment on a rate per practice
NRCS	Conservation Stewardship Program (CSP)	Pays people to be better farmers	Payment on a rate per practice
NRCS	Agriculture management assistance (AMA)	High Tunnels, raised beds, low tunnels, and no irrigation history	Payment on a rate per practice
NRCS	Inflation Reduction Act (IRA)	Anything that sequesters carbon (climate change) Reduces energy consumption	Payment on a rate per practice
NRCS	Strategic Fund Pools (EQIP)	Nearly everything on farm	Payment on a rate per practice
UDWQ	Nonpoint Source (NPS) Funding	Projects related to reducing nonpoint source pollution	40%

**From:** [Nissa Farley](#)  
**To:** [Wendy Gurr](#)  
**Subject:** Zoning Change FR  
**Date:** Friday, December 22, 2023 10:07:08 PM

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Hi Wendy-

Who do I need to send community feedback to about the zoning change for FR? I would like this read into the record.

To whom it may concern,

I am writing to you as a resident of Hi Country 1, deeply concerned about the proposed zoning changes that are currently under consideration for FR and FA Zones. These changes, if passed, will have a profound and detrimental impact on our family, our home value, and our way of life.

Our community in Hi Country 1 is not just a collection of properties; it's a vibrant, interconnected ecosystem where families, nature, and animals coexist in harmony. It is one of the only places left in Salt Lake County that still honors the heritage of our ancestors. The proposed zoning changes threatens to disrupt our way of life, imposing restrictions that are not only unnecessary but also unfairly punitive to residents in Hi Country.

One rationale I heard for moving to a permit system is that it will be less cost prohibitive and quicker for residents. I love the idea of that! However, requiring residents to do a slope study that costs \$910 is just as big of a burden as a conditional use permit. It flies in the face of the very reason the permit process was proposed in the first place. You are proposing moving from one burdensome process to another burdensome process. It doesn't make any sense.

In addition, I do not understand why such strict limitations are being proposed for horses and other animals. What is the justification for such a change? Do you really believe Herriman City residents should be allowed to have the same number or more horses than High Country residents that sit on 5-12 acre lots? To me this feels like the Planning Commission is paving the way for a land-grab rather than protecting the rights of current residents living in these zones.

Furthermore, the proposed exclusion of land areas based on slope and proximity to ephemeral streams could significantly reduce our usable property, impacting not only our daily lives but also our property value. By excluding any land over 30% slope and with setbacks from ephemeral stream, our 7.1 acre property could end up with less than 1/2 acre of qualifying land. This seems like an overreach that infringes on our property rights without a clear justification. This would dramatically impact our ability to resell our property or our home value.

The question I put back to you is if any slope greater than 30% is subtracted from usable property, does that also mean we will no longer be required to pay taxes on that property as well? If not, that is another unfair restriction put on residents that live in the Foothill Recreational zone. The name of the FOOTHILL zone acknowledges this is a hilly area—it sounds to me the entire foothill zone is going to be punished because we have hills. Horses do not require flat land to thrive.

I urge you to consider the far-reaching consequences of these zoning changes. Please listen to our voices, the voices of the residents who will be directly impacted by these decisions. We ask for a fair and reasonable approach that respects our rights as property owners and as members of this beautiful Utah community. We ask that you respect the desire of Hi Country residents to continue to live in a rural setting that embraces our heritage.

Thank you for your time and consideration. I, along with many others in Hi Country 1, am looking forward to your support in this matter.

Sincerely,

Nissa Farley