

## Emigration Township Planning Commission

### Public Meeting Agenda

**Thursday, December 17, 2015 8:30 A.M.**

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

### Location

SALT LAKE COUNTY GOVERNMENT CENTER  
2001 SOUTH STATE STREET, ROOM N1-110  
NORTH BUILDING, MAIN FLOOR  
(385) 468-6700

*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 County 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.

### BUSINESS MEETING

- 1) Approval of Minutes from the August 13, 2015 and November 12, 2015 meeting.
- 2) Other Business Items (as needed)

### PUBLIC MEETING

### Legislative

**29748** – Amend Chapter 19.78 of the Salt Lake County Zoning Ordinance – Planned Unit Developments (PUD). **Presenter:** Max Johnson

**28983** – Combine and amend Chapters 19.72 and 19.73 of the Salt Lake County Zoning Ordinance – Foothills and Canyons Overlay Zone (FCOZ). **Presenter:** Curtis Woodward

### ADJOURN



File # 0000029748

## Staff Report Summary and Recommendation

**Public Body:** Emigration Canyon TPC

**Meeting Date:** December 17, 2015

**Parcel ID:** N/A

**Current Zone:** N/A **Proposed Zone:** N/A

**Property Address:** N/A

**Request:** Amend Planned Unit Development (PUD) Ordinance

**Community Council:** Emigration

**Township/Unincorporated:** Emigration

**Planner:** Max Johnson

**Community Council Recommendation:** The Community Council recommended Approval of the PUD ordinance, though they have made several comments and questions.

**Planning Staff Recommendation:** Recommends Approval, but supports a continuance until the community council has received a response from staff regarding their concerns and questions.

**Applicant Name:** PUD Ordinance Amendment

**Applicant Address:** SL County Government Center, 2001 South State Street, Suite #N3-600, SLC, UT 84109

**Applicant Email:** [mrjohnson@slco.org](mailto:mrjohnson@slco.org)

**Phone:** (385) 468-6699

### PROJECT DESCRIPTION

This project serves to update the PUD ordinance throughout unincorporated Salt Lake County. The proposed ordinance has undergone significant change as it has been several years since major updates to this ordinance have occurred.

### EXECUTIVE SUMMARY

Neighborhood compatibility has been of paramount importance throughout the process to create this update to PUD developments. Significant changes include:

- 1) Reduced impacts on existing neighborhoods:
  - a. Height limitations, particularly in R-M zones (28' on the perimeter, otherwise 35')
  - b. Refined setbacks for perimeter dwelling structures (15')
- 2) A greater predictability for developers, staff, planning commission, and the community
- 3) Refuse collection station requires a ten foot setback from residential properties
- 4) All garages to be 22 feet in width by 20 feet long or 20 feet in width by 22 feet long

### GENERAL PLAN CONSIDERATIONS

Neighborhood quality and impact to existing neighborhoods are important considerations for all communities.

## ZONE CONSIDERATIONS

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Compatibility with existing buildings in terms of size, scale and height.	Yes
Compliance with Landscaping Requirements Verified.	Yes
Compliance with the General Plan.	Yes

## ISSUES OF CONCERN/PROPOSED MITIGATION

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The existing PUD ordinance has proved difficult to protect existing neighborhoods when developing adjacent property, specifically R-M zoned property due to extensive height and density allowances available in R-M zones that prove incompatible while transitioning to additional residential development as PUD's. Also, ancillary issues regarding street presence, building materials, parking space size, open space, placement of trash receptacles, etc., have been refined to improve PUD quality, aesthetics, location, and overall neighborhood improvement.

## NEIGHBORHOOD RESPONSE

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No neighborhood response has been received to date as the public process has been informational at the community council level. Staff expects neighborhood comment at the planning commission level in December.

## COMMUNITY COUNCIL RESPONSE

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The Emigration Canyon Community Council recommended Approval of the PUD ordinance at their meeting of December 8, 2015, though they provided several comments and questions regarding the proposed ordinance. Staff is in the process of addressing the comments.

## REVIEWING AGENCIES RESPONSE

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AGENCY: N/A

DATE: N/A

RECOMMENDATION: N/A

Compliance with current building, construction, engineering, fire, health, landscape and safety standards will be required prior to final approval of all future PUD's.

## PLANNING STAFF ANALYSIS

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Extensive research, public outreach, specific public comment on various projects throughout the past few years, as well as several stakeholder working groups have yielded results indicative that the resulting modifications and adjustments to the PUD ordinance are desired in the hopes of limiting detrimental impacts to communities, especially when R-M zoned properties are developed.

## PLANNING STAFF RECOMMENDATION

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Staff recommends approval as this request is an update that has been initiated and supported by planning commissions in support of concerns and public comment from various communities in the county as they become impacted by developments that are deemed intrusive, or out of neighborhood character, by the public.

## **CHAPTER 19.78 PLANNED UNIT DEVELOPMENTS**

- 19.78.010 PURPOSE**
  - 19.78.020 APPLICABILITY AND AREA REQUIREMENTS**
  - 19.78.030 DEVELOPMENT REQUIREMENTS**
  - 19.78.040 PLANNED UNIT DEVELOPMENT MIXED-USE**
  - 19.78.050 MAINTENANCE OF COMMON FACILITIES**
  - 19.78.060 REVIEW PROCESS**
  - 19.78.070 PRELIMINARY REVIEW**
  - 19.78.080 PLANNING COMMISSION REVIEW**
  - 19.78.090 VALIDITY OF PRELIMINARY REVIEW**
  - 19.78.100 POST-PLANNING COMMISSION APPROVAL**
  - 19.78.110 AMENDMENTS TO THE DEVELOPMENT PLAN**
  - 19.78.120 FAILURE TO BEGIN DEVELOPMENT**
  - 19.78.130 PHASED PLANNED UNIT DEVELOPMENT**
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### **19.78.010 PURPOSE**

The purpose of a planned unit development (PUD) is:

1. To provide a high quality living environment, and to utilize and incorporate natural features in the land development design.
2. To provide a more efficient use of the land and the preservation of greater proportions of open space for recreation and visual use than is otherwise provided for in the zoning regulations.
3. To provide good and compatible neighborhood and housing design by utilizing a variety of dwelling types and site arrangement plans to allow for greater flexibility and diversity in the physical pattern of the development.
4. To provide developments compatible with existing residential uses while maintaining a harmonious environment within the community.
5. To create mixed use areas designed to be beneficial to the neighborhood.
6. To ensure substantial compliance with the intent of this chapter related to the public health, safety and general welfare, while securing the efficient use of the land for residential or commercial development or combinations thereof.

It is the intent of this chapter that the development plan for a planned unit development shall be prepared by a designer(s) having professional competence in urban planning.

### **19.78.020 APPLICABILITY AND AREA REQUIREMENTS**

A planned unit development is only allowed for residential uses, except as provided in section 19.78.040, and in zones that allow residential uses. The provisions in this chapter shall govern over the chapters relating to these other zones. A planned unit development in these zones shall have a minimum area of three acres, with the following exceptions:

1. Existing condominium developments that cannot be sold or refinanced without the common area adjoining the homes in the development being divided up into individual lots that include the adjoining homes, and where these newly created lots would not qualify as traditional subdivision lots under County ordinance. In such cases, the newly created lots may qualify as a planned unit development if the development is at least one acre in size. Such a development shall be exempt from the provisions of this chapter, except sections 19.78.090 – 19.78.130 relating to review of the development.
2. Developments abutting or contiguous to a corridor or major or minor arterial as defined in the general plan shall have a minimum area of one acre. To qualify as a development that is abutting or contiguous to a corridor or major or minor arterial, said development shall have a minimum frontage of the sum of the required minimum lot width of two lots as determined by the current zoning designation.

### 19.78.030 DEVELOPMENT REQUIREMENTS

The following are required for all developments:

1. **Ownership.** The property shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.
2. **Open Space.** Common and private open space shall be provided and shall cover no less than 40 percent of the gross site area. Common open space shall be provided in the amount of at least 20 percent of the gross site area.

The required common open space shall be land areas that are not occupied by buildings dwellings, structures, parking areas, streets, curb-gutter-sidewalk, driveways, or alleys and shall be accessible by all residents of the development. Buildings erected for the purpose of providing an amenity may be included as open space. Said open space may be an area of land or water set aside, or reserved for use by residents of the development, including an expanse of lawn, trees, plants, or other natural areas. Common open space also includes common walkways (but not curb-gutter-sidewalk), formal picnic areas, and recreational areas. Common open space may be distributed throughout the development and need not be in a single large area. Common open space may include sensitive areas, such as areas with 30 percent or greater slope, fault zones, flood plains, high water tables, and wetlands, if they have been designed as an integral element of the project.

Private open space (that is provided for each dwelling unit for personal use, including a balcony) shall be located immediately adjacent to, attached to, or within the dwelling unit it is designed to serve and shall be for the exclusive use of the residents of the dwelling unit. Landscaped roof areas or decks attached to individual units may not be calculated as part of required common open space.

3. **Interior Streets.** The design of public and private streets within a development shall follow County standards for roadway development outlined in the general plan. Private streets shall be subject to the same inspections and construction standards as required for public streets. The County shall be granted a utility easement of the entire interior street system in a development project. All private streets shall be conveyed to a private association.
4. **Garbage and Recycling.** The development shall be designed to accommodate and efficiently manage the collection, storage, and removal of garbage in harmony with the neighborhood so as to minimize detrimental effects of the collection, storage, and

removal on any residence within the development or abutting neighborhoods. Dumpster enclosures shall be provided for the development and no refuse dumpster or dumpster enclosure structure shall be located closer than 10 feet to any perimeter property line. Enclosure structures must have a minimum of three sides that reflect or emulate the materials, design, and quality of the overall development. All developments shall provide recycling services.

**5. Parking.** The following minimum parking shall be provided for all multi-family projects under this ordinance:

a. Table of Parking Ratios

One bedroom unit	1.5 parking spaces per unit
Two or more bedroom units	2.0 parking spaces per unit
Guest parking spaces	0.33 parking spaces per unit (min. of 6)
Storage parking spaces for recreational vehicle storage	Not Allowed

b. The parking requirements identified in this section supersede other parking requirements in this Title.

c. All parking areas, covered or open, shall have a landscaped buffer in accordance with chapter 19.77, Water Efficient Landscape Design and Development Standards.

d. Parking ratios may be modified by the planning commission with support of a traffic study, or as follows:

**Eligible Parking Rate Reductions**

Amenity	Recommended Reduction (stalls/unit)
Car Sharing (minimum 100 dwelling units)	0.05 per car share vehicle
Bicycle Lockers/Storage (1 space per unit required)	0.05
Bicycle Share (on-site self-serve bike station)	0.05
Development Supplied Transit Passes for all residents	0.15
Senior Housing	0.20
Housing for students (< .25 miles from campus)	0.10

e. Parking is prohibited within approved fire access and turn-around facilities.

f. Garages are encouraged. There shall be no less than one covered parking stall per unit. The Planning Commission may consider the following criteria in determining whether or not the number of garages/carports should be increased or reduced:

- (1) Garage parking (with a minimum unobstructed size of 22 feet wide by 20 feet in length, or 20 feet wide by 22 feet in length) throughout the development would allow for a five percent density bonus, while installation of underground parking throughout, would allow a ten percent density bonus. Developments with carports shall not be allowed a density bonus under this chapter.

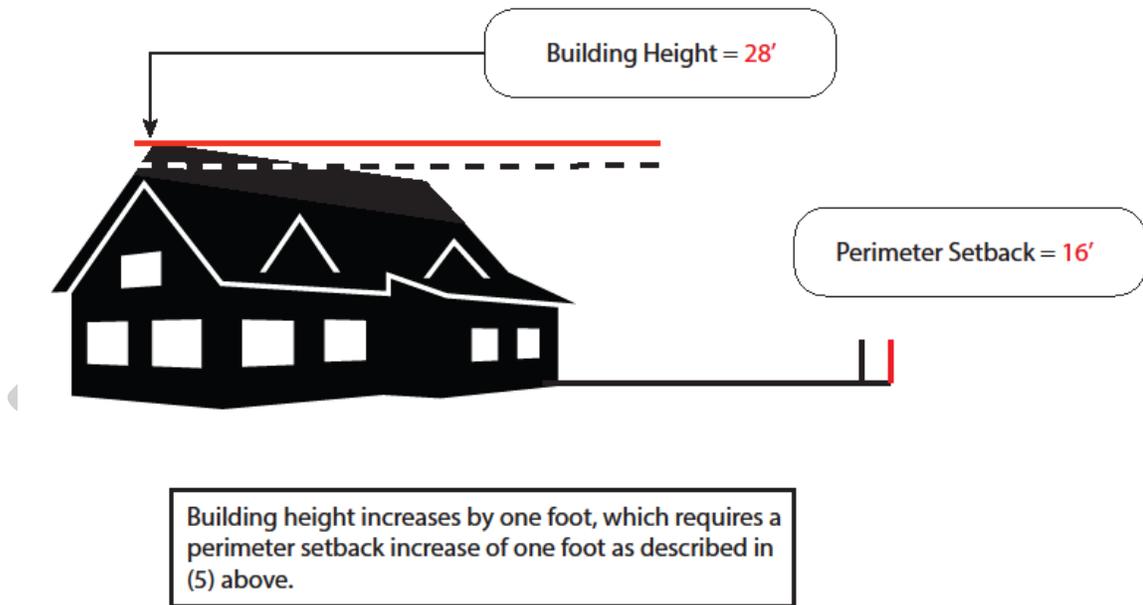
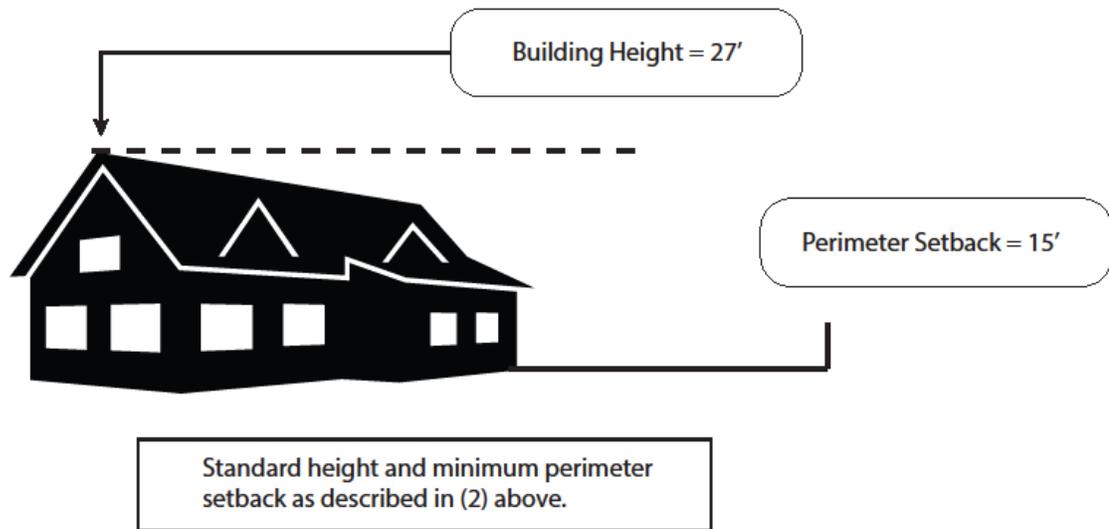
- (2) Covered parking shall be placed in locations adjacent or convenient to the buildings that they are intended to serve.
  - (3) Tandem spaces may be allowed with a minimum size requirement of 20 feet long by 9 feet wide per parking space, up to a maximum of two contiguous spaces per unit.
- 6. Building Materials.** Exterior materials of a durable or resilient nature such as brick, stone, stucco, prefinished panel, composite materials, or other materials of similar quality, hardness, and low maintenance characteristics shall be used. Other materials may be considered as an accent or architectural feature. Twenty-five year guarantee, architectural shingles and/or other longer lasting roof materials are required.
- 7. Landscaping on Public Right-of-Way.** Where a development is adjacent to a public right-of-way, a permanent open space shall be required along any front, side, or rear yard adjacent to said right-of-way. This area shall be kept free of buildings and structures (except fences, as per chapter 19.77, and approved by the Planning Commission), and permanently maintained with street trees and other landscaping, screened or protected by natural features, as per chapter 19.77. If such areas are the result of double frontage lot designs with inadequate access to the street, such areas shall be landscaped as per chapter 19.77 with a five foot landscaped area. Aesthetic entrance features are encouraged. Additional landscape treatments or buffers may also be required with width and landscaping specifications as per chapter 19.77.
- 8. Perimeter Fencing.** Fencing around the perimeter of all developments shall be provided as illustrated on the approved development plan. Acceptable fencing materials include architecturally designed brick or block, pre-cast concrete, post and rail of wood construction, or the highest quality vinyl. Unless otherwise allowed by the Planning Commission, exterior fencing along a public right of way shall be limited to brick, block, pre-cast concrete, or post and rail of wood construction materials. Interior fencing shall comply with section 19.78.030(11) (f).
- 9. Street Lights.** Street and pedestrian lighting is required. All lighting fixtures shall be directed downward with mechanisms to prevent dark sky illumination. The applicant shall submit a plan which indicates the type and location of lights in relation to the development and designed for pedestrian safety.
- 10. Signage.** Only low profile signs with a maximum size of 50 square feet, and 5 feet in height are allowed. No temporary signs are allowed other than for sale or rent signs with a maximum of 6 square feet in area per side. Only three such signs are allowed per 300 feet of frontage. The size, location, design and nature of signs, if any, and the intensity and direction of any associated lighting shall be detailed in the application, and be consistent with the characteristics of the community and chapter 19.82, Signs.
- 11. Site Plan.** All developments shall be guided by a total design plan in which the following development standards may be varied to allow flexibility and creativity in site design and building location. The Planning Commission may require such arrangements of structures, open spaces, landscaping, buffering, and access within the site development plan so that adjacent properties will not be adversely affected. The following criteria shall be used by the Planning Commission principally to assure the design objectives of this section are met.

a. **Density.** The density allowed for a development shall be no greater than that allowed in the zone in which it is located, except that a density bonus in the following amounts is allowed if either or both of the following conditions exist:

- (1) For developments on corridors as defined in the general plan, a density bonus of 10 percent is allowed; and/or
- (2) For developments within one-half mile (improved walking distance) of a rail or Bus Rapid Transit (BRT) station, a density bonus of 10 percent is allowed.

b. **Maximum Height.** For the purpose of this chapter, building height is to be measured from the lowest point of original grade to the highest ridge.

- (1) Height for developments located in the R-1, R-2, A-1, and A-2 zones shall be limited to 28 feet for all structures when the gross area of the development is less than three acres. When the gross area of the development exceeds three acres, the maximum height shall be 28 feet for all structures on the perimeter and 35 feet for all structures not on the perimeter.
- (2) Height for developments located in the R-M zone where said development is contiguous with any single family residential, R-2, R-3, and R-4, or agricultural zone shall be limited to 28 feet for all structures located on the perimeter, and 35 feet for all structures not on the perimeter.
- (3) Developments located in all other zones that allow a planned unit development shall conform to the otherwise applicable ordinances.
- (4) Rooftop patios or rooftop living spaces are not allowed on perimeter units contiguous with any single family residential, R-2, R-3, and R-4, or agricultural zone.
- (5) The height of buildings along the perimeter of a development may be increased to the maximum height allowed in this Title by one foot increments, with each additional one foot height increment requiring an additional one foot in setback from the perimeter (see table below for graphical rendering).
- (6) Notwithstanding the above, the Planning Commission may at its discretion reduce or increase the otherwise stated maximum heights if mitigation is warranted in cases where unusual topographical or other exceptional conditions or circumstances exist, such as the height of surrounding buildings.



Meaghan Fox  
 Planning and Development Services  
 10/19/15  
 House icon by Archi-Rus on Noun Project

**SL** SALT LAKE COUNTY  
 TOWNSHIPS

**Table 1.** An Illustration of height allowance, when approved by the Planning Commission, where for every foot increase in height requires a foot increase in minimum setback. This provision is designed to soften the impact to adjacent properties while allowing for increases in height where appropriate.

- c. **Perimeter Setbacks.** Buildings (including covered decks or patios, or decks or patios in excess of 18 inches above existing grade) located on lots on the perimeter (excluding the public frontage defined in chapter 19.78.040. of the

development), shall have a 15 foot setback from the perimeter lot line, and shall have a setback from a right-of-way as prescribed by the underlying zone and chapter 19.77. Otherwise, no specific yard, setback, or lot size requirement is imposed by this chapter. However, the purpose and design objectives of this chapter must be complied with in the final development plan, and the Planning Commission may require specific setbacks within all or a portion of the development to maintain harmony with the existing character of the neighborhood.

- d. **Site Calculations.** Specific calculations which address the percentage of open space, impervious versus pervious surfaces, and site improvements shall be submitted by the applicant with all project applications.
- e. **Traffic Circulation.** Points of primary vehicular access to the development shall be designed to provide smooth traffic flow with controlled turning movements and minimum hazards to vehicular, pedestrian, and bicycle traffic. Minor streets within the development shall not be connected to streets outside the development in such a manner as to encourage their use by through traffic. Adequate emergency vehicle access shall be provided. Internal circulation systems shall include pedestrian and bicycle paths, preferably separated from vehicular traffic. Where recreational facilities exist or are planned adjacent to the proposed development, such pedestrian and bicycle paths shall connect to these facilities.
- f. **Privacy.** Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, walls, barriers, landscaping, and sound reducing construction techniques shall be used as appropriate to enhance the privacy of its occupants, the screening of objectionable views or uses, and the reduction of noise.
- g. **Sidewalks.** As required elements of a development, interior sidewalks shall be installed to serve the units and connect to the public street.
- h. **Utilities.** All utilities shall be located underground, except as may be provided for in State law. Utility equipment shall be screened from view and not located on a public street.
- i. **Private outdoor spaces.** Each residential unit shall be required to have an outdoor patio/rear yard space with a minimum of 100 square feet, or a balcony with a 50 square foot minimum.

**12. Desirable Amenities.** Amenities that are identified in the *Salt Lake County Recreation and Open Space Standards Policy* shall be installed in accordance with that Policy. Where conflicts exist with this chapter and the *Salt Lake County Recreation and Open Space Standards Policy*, requirements identified in this chapter shall supersede.

**13. Miscellaneous.** Installation of xeriscaping is encouraged as an alternative to excessive lawn areas or other landscaping treatments that excessively consume water. Low impact / water retention development techniques are encouraged to manage stormwater onsite including but not limited to planter boxes, rain gardens, and bioswales in the open spaces.

Parking areas, service areas, buffers, entrances, exits, yards, courts, landscaping, graphics, and lighting for both residential and non-residential development shall be

designed as integrated portions of the total development and shall project the residential character.

#### **19.78.040 PLANNED UNIT DEVELOPMENT MIXED-USE**

Planned Unit Development mixed-use is allowed, provided it meets the following requirements:

- A. The property is abutting or contiguous to a corridor or major or minor arterial (“street”) as defined in the general plan.
- B. Commercial uses shall be allowed on the first floor of buildings fronting on the street. Office uses shall be allowed on the first and second floor of buildings fronting on the street. Entrances to the first floor of these buildings shall front on the street. Windows shall make up at least 50% of street-facing facades of these floors. These floors shall have architectural differentiation from the other floors in the building.
- C. Parking is not allowed between the building(s) and the street.
- D. The front yard setback shall be 15 feet, except as provided in subsection (E), and the side and rear yards shall be 20 feet minimum. Corner lots are deemed to have two front yards.
- E. The front yard setback is the build-to-line. At least 50% of the front elevation of the building(s) must be built within 10 feet of the build-to-line or as approved by the planning commission.
- F. Landscaping along the street shall comply with this chapter and chapter 19.77.
- G. Signage for commercial or office uses shall be limited to signs on the building that comply with chapter 19.82, or temporary A-frame signs and painted murals on the inside of a storefront window.

#### **19.78.050 MAINTENANCE OF COMMON FACILITIES**

1. A development shall be approved subject to the submission and recordation of legal instruments setting forth a plan or manner of permanent care and maintenance of all common open space and other facilities provided in the final development plan.
2. Terms in the final development plan governing maintenance of common open space and other facilities shall comply with applicable provisions of the Utah Condominium Ownership Act, Title 57-8-101, et seq., or the Utah Community Association Act, Title 57-8a-101, et seq.

#### **19.78.060 REVIEW PROCESS**

1. **Pre-Submittal Development Review.** To help expedite review of a development proposal, prior to submitting a complete application for development, persons interested in undertaking development shall meet with a member(s) of the planning staff for a planner / applicant meeting, to become acquainted with the substantive and procedural requirements of this chapter.

2. **Standard Operating Procedure (SOP).** Staff creates, revises, and adheres to a Development Review Standard Operating Procedure, to assist in the management and processing of applications. Applicants are encouraged to obtain a copy of the current SOP from Planning and Development Services staff, and to seek guidance with respect to the review and understanding of the Development Review SOP from staff.
3. **Application.** An application for a development must be submitted to Planning and Development Services. As each development application is different and unique, application documents will vary with respect to content and need for specific reports and/or studies. Consultation with staff and examination of the Development Review SOP will guide the applicant through the review process and identify all submittal documents that will be required to formalize a complete application.
  - a. Site Plan that satisfies the requirements of section 19.78.030(11).
  - b. Landscaping plan. A landscape plan is to be prepared in accordance with chapter 19.77 of this title. Staff can ask for justification of elements included in the landscape plan.
  - c. Architectural building elevations. The location and floor area of all existing and proposed buildings, structures, and other improvements including heights, types of dwelling units, non-residential structures including commercial facilities, preliminary elevations and architectural renderings of typical structures and improvements, shall be prepared by a licensed architect or other qualified professional.

#### **19.78.070 PRELIMINARY REVIEW**

When a complete application has been accepted by staff, reviews completed by staff and related agencies, and subsequent comments identified by staff and substantially addressed by the applicant, the application is scheduled for a public hearing before the appropriate Planning Commission for their review and decision. Additional adjustments, revisions, or re-submittals may be required during this process to identify all concerns related to conformance with the intent of this chapter. Failure to submit complete information will result in written notification to the applicant that the review cannot proceed further until all required, necessary, and requested information is submitted.

#### **19.78.080 PLANNING COMMISSION REVIEW**

When preliminary review of the site plan, building elevations, and preliminary subdivision plat has been determined to be complete and in compliance with all requirements, the plans and preliminary plat together with all supporting information, will be forwarded to the Planning Commission for review. If the property is to be subdivided, all requirements set forth in Title §18, Subdivisions, must be met.

In accordance with chapter 19.05.040 and Utah Code §17-27a-506, the Planning Commission shall review the proposed development plan to hear and receive public input and to determine if all reasonably anticipated detrimental effects have been substantially mitigated. The Planning Commission may require additional studies or analyses to enable it to determine how impacts should be addressed and may establish reasonable conditions of approval to address those anticipated impacts, as per chapter 19.84.060.

**19.78.090 VALIDITY OF PRELIMINARY REVIEW**

1. Once the Planning Commission determines that preliminary review is complete, the preliminary plat or approved site plan is valid (12 months for the preliminary plat and 12 months for the site plan). The Division Director may grant a one year extension of the preliminary plat or approved site plan, provided the plat still complies with all applicable ordinances.
2. If a PUD subdivision will be recorded in phases, a final plat for the first phase must be recorded within one year of the initial Planning Commission approval or one year extension thereof, the validity of the unrecorded portions of the approved preliminary plat will extend for one year from the recording date of the plat for the previous phase. Extensions of time beyond three years from the date of initial approval require review and approval of the Planning Commission prior to the then current expiration of the preliminary plat.

**19.78.100 POST-PLANNING COMMISSION APPROVAL**

After completing the preliminary review by the departments, agencies, and Planning Commission, the applicant shall submit a final site plan and preliminary subdivision plat together with all supporting documents which comply with all requirements, corrections, additions, etc. required by the departments, agencies, and Planning Commission to the Planning and Development Services Division (hereinafter known as the “development plan”).

1. The Planning and Development Services Division, along with the other reviewing departments and agencies, shall review the proposed development plan to verify compliance with all requirements, corrections, additions, etc.
2. After such review, the item may be scheduled for review by the Planning Commission upon referral by the Division Director or at the request of the Planning Commission. The final development plan shall include all of the information required in the preliminary development plan in its finalized detailed form.

**19.78.110 AMENDMENTS TO THE DEVELOPMENT PLAN**

The Division Director or designee may authorize minor changes in the location, siting, or character of buildings and structures if required to resolve an engineering or other technical issue, or other circumstances not identified at the time the final development plan was approved. No change authorized under this section may cause any of the following:

1. A change in the use and/or character of the development.
2. An increase in the overall density and/or intensity of use.
3. An increase of more than one percent in overall coverage of structures.
4. A reduction or change in character of approved open space.
5. A reduction of required off-street parking by more than five percent.
6. A detrimental alteration to the pedestrian, vehicular, bicycle, circulation, or utility networks.
7. A reduction in required street pavement widths.

Any major changes in use or rearrangement of lots, blocks, building tracts or groupings, or any changes in the provision of open space and significant changes as noted above, must be made by the Planning Commission after receipt of a recommendation by planning staff, and after applicant has filed a new application. Such amendments may be made only if they are shown to be required by changes in conditions that have occurred since the final development plan was approved. Generally speaking, any major changes must be recorded as amendments in accordance with the procedure established for adopting the final development plan.

**19.78.120 FAILURE TO BEGIN DEVELOPMENT**

If no substantial construction has occurred in the development pursuant to the final development plan within 12 months from final approval, the approved plan shall become null and void and a new development plan and application shall be required for any development on the subject property. The Planning Commission, upon a determination of good cause based on evidence submitted by the applicant, may extend the time for beginning construction a maximum period of 12 months for one time only.

**19.78.130 PHASED PLANNED UNIT DEVELOPMENT**

If the sequence of construction of various portions of the final development plan is to occur in stages, then the open space and/or recreational facilities shall be developed in proportion to the number of dwelling units intended to be developed during any given stage of construction. A phasing plan, including size and order of phases, shall be approved by staff to ensure that individual phases of the development comply with all requirements, including that the open space and/or recreational facilities are installed proportionately with the approved phasing plan. The approved phasing plan shall be submitted to the Salt Lake County Recorder for recordation as a covenant to run with the land, or a "notice of compliance" once the development has been built.



November 18, 2015

*Via Email and U.S. Mail*

Millcreek Township Planning Commission  
[mrjohnson@slco.org](mailto:mrjohnson@slco.org)  
2001 S. State Street, #N3600  
Salt Lake City, Utah 84190-3050

Re: Request for Recommendation Regarding Proposed Plan Unit Development Ordinance Revision

Dear Honorable Commission and Council Members:

The Mount Olympus Community Council considered the proposed PUD revision (or more accurately rewrite) at its regularly scheduled meeting on November 17, 2015. The ordinance was presented by John Jansen, Chair of the Millcreek Township Planning Commission, together with Max Johnson from Salt Lake County Planning and Development Services. Notably, David Baird of our Council participated in the working group which wrote the ordinance. After discussing the ordinance with Mr. Jansen, Mr. Johnson and David Baird, our council believes that the rewritten ordinance is an improvement over the current ordinance which provides little guidance to the Planning Commission with respect to PUD applications. The new ordinance improves upon that. Based upon the presentation and our review of the ordinance, we recommend that the Planning Commission approve the ordinance and recommend it to the Salt Lake County Council for passage.

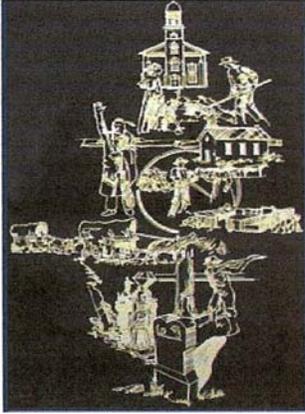
We also would like to commend the Planning Commission for its efforts in rewriting the PUD ordinance and for its upcoming work to address a rewrite of the RM Zone and C-1 and C-2 Zones. Rewrites of these zoning ordinances are long overdue in Salt Lake County and we are hopeful that your work will be a benefit to the new city planning commission and city council when they are selected next year. We encourage you to continue your work on these endeavors.

Very truly yours,

MOUNT OLYMPUS COMMUNITY COUNCIL

A handwritten signature in blue ink, appearing to read "Jeff Silvestrini".

Jeff Silvestrini  
Chair



1.

## GRANITE COMMUNITY COUNCIL

Dec. 4, 2015

Max Johnson  
Planning & Development Services  
Salt Lake County  
2001 S State  
Salt Lake City, Utah 84190

Dear Max:

The Granite Community Council appreciated the opportunity to review and comment on the proposed Planned Unit Development (PUD) ordinance change. As was noted at our November 4<sup>th</sup> meeting, which you attended, these ordinance changes are the best written and edited set of ordinances that some Council members have seen.

We discussed the ordinance change again at this month's meeting, once more Council members had had time to review it. The Council is generally in favor of the amendments being proposed to the Salt Lake County ordinance defining and controlling the development of Planned Unit Developments.

I also read your email response of Dec. 2<sup>nd</sup> to the concern first addressed by resident Robert Grow. In case you need this recommendation for your records, it follows:

The proposed PUD ordinance change was provided to Granite residents and one concern was particularly noteworthy. Mr. Robert Grow of Envision Utah asked: "Does the PUD ordinance allow density off undevelopable land for the developer? A very bad use of a PUD." He further noted that "A PUD ordinance which has this flaw allows undevelopable land to increase the value of the property substantially more than it's really worth under the regular residential zones and also radically increases the density above the norm in the surrounding neighborhoods. Neither is a good outcome...Counting unbuildable area for density in a PUD increases density along the urban-wildland interface in the foothills, along dangerous areas like fault lines, and away from transit service. Density "in all the wrong places"... There is no reason to increase developer profits by giving density credits and more units for land that should not or could not be developed in any case... Let's get density in centers where it improves everything and not scattered along foothills and in other sensitive areas. I see no reasonable logical argument to the contrary. It's just good planning."

Your response of agreement to this change was highly welcomed by our Council and particularly by Mr. Grow. We based our unanimous support for the ordinance change on the expectation that it will include verbiage that will address this concern.

In addition, the Council believes that the use of the PUD designation should not be allowed to be used to permit property owners to circumvent the rezoning process or to allow development of a property to increase density or to obviate the setback or other development requirements that would be applicable to the subject property in the absence of the PUD designation.

The Council recommends that the County also incorporate requirements into the new ordinance that (a) restrict the development density of a PUD to a density less than or equal to the density that would be permitted under the existing zoning applicable to the subject property in the absence of a PUD designation, and (b) PUDs shall comply with all setback and other development requirements that would be applicable to the subject property in the absence of a PUD designation.

Additional comments follow:

Section 19.18.040, par. E. It might be easier to understand this requirement if a figure were included.

Section 19.18.060, par. 1. This is explained so well that a similar paragraph might be included in the Foothill Canyon Overlay Zone (FCOZ) ordinance changes, which were somewhat confusing.

Section 19.18.110, par. 2 and 3: Suggest that terms such as “intensity of use” and “overall coverage of structures” be defined.

Thank you very much for your consideration of these issues.

Sincerely,

Mary J. Young  
Chairman, Granite Community Council

File # 28983

## Planning Commission Summary and Recommendation

**Public Body:** Millcreek, Emigration, County Planning Commissions

**Meeting Date:** December 16 & 17, 2015

**Request:** Recommendation on FCOZ changes

**Community Councils:** Millcreek, East Millcreek, Canyon Rim, Mt. Olympus, Emigration Canyon, Big Cottonwood Canyon

**Planner:** Curtis Woodward

**Community Council Recommendations:** See attachments

**Planning Staff Recommendation:**

### PROJECT DESCRIPTION

In response to the recommendations of the Blue Ribbon Commission, various changes have been proposed to the Foothills and Canyons Overlay Zone (FCOZ) and a new Mountain Resort Zone (MRZ) is being proposed. In consideration of the various competing interests in the canyons, the Commission's report emphasizes striking a balance between private property rights and the public interest in preserving and protecting the watershed and natural beauty of the canyon areas. Although FCOZ is designed as a set of regulations applicable to the development of private property, the report recognizes that the canyons are an important asset to a larger group than just property owners within the canyons themselves. The executive summary of the report concludes with, "Overall, the next generation FCOZ ordinance needs to be strong and clear in order to provide decision makers with the best tools possible to ensure the long-term sustainability of the Wasatch Canyons for the benefit of future generations." The draft ordinance is based on that directive.

### SITE & VICINITY DESCRIPTION (see attached map)

The areas currently within the FCOZ, which includes the areas within the Wasatch Mountains in unincorporated Salt Lake County, generally east of existing city and township boundaries; areas in the foothills of eastern Salt Lake County; and areas in the southwest corner of the County.

### NEIGHBORHOOD RESPONSE

Individual property owner and citizen responses have been received, and are included and summarized in this packet.

### COMMUNITY COUNCIL RESPONSE

Discussion has taken place with affected community councils, some of which have sent written responses. See attachments for responses from Community Councils.

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## REVIEWING AGENCIES RESPONSE

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N/A

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## STAFF ANALYSIS

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### WHAT REVISED FCOZ DOES

1. Clarifies ambiguous terms and concepts, such as “Lots of Record,” “Prominent Ridgelines,” “Open Space,” “Limits of Disturbance,” “Slope,” and “Clustering,” and eliminates confusing terms, such as “Maximum Extent Feasible.”
2. Clarifies the purposes of FCOZ, eliminating confusing concepts and terms.
3. Clarifies and mandates aesthetic design standards in areas such as siting of buildings, building materials, site preparation, traffic and parking, fencing, and lighting.
4. Eliminates confusing slope waiver process for ski resorts and replaces it with MRZ exceptions and standards.
5. Clarifies and simplifies the application process, including the role and timing of extraterritorial jurisdictions like Salt Lake City watershed.
6. Reconciles conflicts between FCOZ tree removal and revegetation standards vs. wildfire suppression standards.
7. Brings FCOZ into compliance with recent legal requirements (in areas such as exactions, Wildland-Urban Interface Codes, etc.).
8. In the above changes, strives to fairly balance property rights and environmental protection.

Although the Blue Ribbon Commission (BRC) report emphasizes “balance,” and offers points of emphasis, there are few specific suggestions for ordinance language in the report. There are thus different interpretations of what is an appropriate balance depending on an individual’s viewpoint. The public draft was presented to the BRC, and the members made recommendations which were prioritized by vote of the BRC. We have attempted to address those recommendations in the draft; however, because many of the comments which have come from the BRC and other interested parties are general in nature, we relied on the experiences of the County Planning staff and District Attorney’s office to convert the general concepts into specific ordinance revisions. As expected, public reaction to the initial draft has resulted in several suggested changes, most of which are shown in the December draft ordinances. We have shown the changes to the text by striking through words to be removed, and underlining words to be added. We also have included short explanatory notes in the margins, with longer explanations provided in a separate document.

It is our recommendation that the planning commission:

- Consider which of the proposed changes outlined in the December draft you approve,
- Discuss what other changes to the overall draft ordinance you feel are needed,
- Adopt a recommendation based on the changes discussed above.



# Salt Lake County – Blue Ribbon Commission

## Executive Summary - Final Report – June 11, 2013

This document provides a summary and overview of the major recommendations from the Final Report of Salt Lake County's Blue Ribbon Commission (BRC). The Final Report details the work of the BRC commencing in June 2012 and concluding in June 2013 and outlines the BRC's recommendations for principles to guide revisions to Salt Lake County's Foothills and Canyons Overlay Zone (FCOZ) ordinance. The work of the BRC led to three main conclusions which are:

1. The principles and values in the original FCOZ ordinance remain true today, and are of equal importance as to when the ordinance was adopted in 1997.
2. The challenges and pressures in the FCOZ areas are different today than they were in 1997. The FCOZ ordinance must be updated and adapted to reflect and address the contemporary issues and pressures of the present time.
3. The FCOZ zoning review and development process must be objective, predictable, and transparent in order to fairly balance property rights and environmental protection and to recognize the collective community values and needs of residents who depend on the canyons.

### **Specific recommendations from the BRC included the following:**

- The goal and purpose of the original FCOZ ordinance was to achieve a balance between environmental protection and property rights in the foothills and canyons of unincorporated Salt Lake County. This goal remains true today.
- Protection of the drinking water supply was a primary driver of the FCOZ ordinance and should remain a primary driver in the next generation of regulations.
- The base zoning of areas subject to the FCOZ need to mesh with land uses that are realistic and practical for the area, and recognize the wide range of canyon characteristics and considerations including aesthetics, environmental protection, public health and safety, community values, and others.
- Mechanisms, such as transfers of development rights (TDRs) or property purchases should be examined as a potential way to address severely constrained properties.
- A specific Mountain Resort Zone (MRZ) needs to be created for mountain resort areas. This zoning designation would recognize the year-round nature, function and needs of the resorts and commercial and recreational activities of visitors to the canyons.
- The FCOZ ordinance needs to recognize and accommodate a range of diverse recreational uses across all seasons including opportunities for the less able-bodied.

Overall, the next generation FCOZ ordinance needs to be strong and clear in order to provide decision makers with the best tools possible to ensure the long-term sustainability of the Wasatch Canyons for the benefit of future generations.



## **SALT LAKE COUNTY ORDINANCES CHAPTER 19.72 – FOOTHILLS AND CANYONS OVERLAY ZONE (FCOZ)**

<b>19.72.010</b>	<b>PURPOSE</b>
<b>19.72.020</b>	<b>APPLICABILITY</b>
<b>19.72.030</b>	<b>DEVELOPMENT APPROVAL PROCEDURES</b>
<b>19.72.040</b>	<b>UNDERLYING ZONING DISTRICT</b>
<b>19.72.050</b>	<b>CLUSTER DEVELOPMENT</b>
<b>19.72.060</b>	<b>SLOPE PROTECTION</b>
<b>19.72.070</b>	<b>GRADING STANDARDS</b>
<b>19.72.080</b>	<b>SITE ACCESS</b>
<b>19.72.090</b>	<b>TRAILS</b>
<b>19.72.100</b>	<b>FENCES</b>
<b>19.72.110</b>	<b>TREE AND VEGETATION PROTECTION</b>
<b>19.72.120</b>	<b>NATURAL HAZARDS</b>
<b>19.72.130</b>	<b>STREAM CORRIDOR AND WETLANDS PROTECTION</b>
<b>19.72.140</b>	<b>WILDLIFE HABITAT PROTECTION</b>
<b>19.72.150</b>	<b>TRAFFIC STUDIES</b>
<b>19.72.160</b>	<b>LIMITS OF DISTURBANCE</b>
<b>19.72.170</b>	<b>FCOZ DESIGN STANDARDS</b>
<b>19.72.180</b>	<b>EXCEPTIONS FOR MINOR SKI RESORT IMPROVEMENTS</b>
<b>19.72.190</b>	<b>WAIVERS FOR PUBLIC USES AND MINERAL EXTRACTION AND PROCESSING</b>
<b>19.72.200</b>	<b>DEFINITIONS</b>

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### **19.72.010 PURPOSE**

The general purpose of the Foothills and Canyons Overlay Zone is to promote safe, environmentally sensitive development that strikes a reasonable balance between the rights and long-term interests of property owners and those of the general public. Specifically, these standards are intended to:

- A.** Preserve the visual and aesthetic qualities of the foothills, canyons, and prominent ridgelines as defined herein, contributing to the general attractiveness and, where appropriate, the commercial viability of these areas.
- B.** Protect public health and safety by adopting standards designed to reduce risks associated with natural and man-made hazards.
- C.** Provide efficient, environmentally sensitive, and safe vehicular and pedestrian circulation.
- D.** Encourage development that conforms to the natural contours of the land and minimizes the scarring and erosion effects of cutting, filling and grading on hillsides, ridgelines, and steep slopes.
- E.** Balance private and commercial needs against the risk of destabilizing fragile soils, defacing steep slopes and degrading water quality.
- F.** Minimize disturbance to existing trees and vegetation, conserve wildlife habitat, protect aquifer recharge areas, and otherwise preserve environmentally sensitive natural areas by encouraging clustering, the transfer of development rights, or other design techniques to preserve the natural terrain.



- G. Reduce flooding by protecting streams, drainage channels, absorption areas, and floodplains.
- H. Protect property rights and commercial interests, and encourage economic development.

**19.72.020 APPLICABILITY**

**A. Geographic Area of Application**

Maps delineating the boundaries of the Foothills and Canyons Overlay Zone are on file with the Planning and Development Services Division. Such maps, as amended, are incorporated into this Ordinance as if fully described and detailed herein.

**B. Development Activities Covered**

The standards and regulations of the Foothills and Canyons Overlay Zone apply to all development that occurs within the mapped Foothills and Canyons Overlay Zone. Development includes all land disturbance activities such as grading, clearing, and excavation.

**C. Jurisdictional Exemptions**

These provisions do not apply to properties owned by the State of Utah or the government of the United States, except as specifically authorized by state or federal statute or regulation, intergovernmental agreement, or other form of cooperative agreement.

**D. Recognition of Salt Lake City Extraterritorial Jurisdiction**

Salt Lake County recognizes that Salt Lake City has extraterritorial jurisdiction for protection of its watershed located in the canyons east of Salt Lake City from City Creek Canyon south to Little Cottonwood Canyon. All development in the County impacting surface water, wells, storage facilities, or aquifers located within Salt Lake City's watershed areas shall be referred to Salt Lake City's Division of Public Utilities to ~~ensure~~ certify compliance with the City's ~~process and~~ applicable ordinances and watershed protection standards. If Salt Lake City's certification is not received within the time prescribed by County Ordinance for processing applications, the Planning Commission or Director may approve the application subject to Salt Lake City's certification.

**F. Mountain Resort Zone**

Due to the unique and specialized uses of mountain resort properties, including recreational and mixed residential and commercial uses, mountain resorts may apply for specialized mountain resort ("MRZ") zoning. Should a new resort choose not to apply for MRZ zoning, it shall be subject to all of the requirements of the underlying zone and this Chapter.

**Comment [CW1]:** The BRC and others have asked for clarification of Salt Lake City's role in FCOZ review in light of the authority granted by State Law (see Summary of Responses note 2).

**Comment [CW2]:** This is to acknowledge the MRZ zone and the fact that both ordinances apply.

**19.72.030 FCOZ DEVELOPMENT APPROVAL PROCEDURES**

**A. Purpose**

The purpose of this section is to outline the site plan application and approval process required for all development or construction activity, including tree/vegetation removal and grading, or subdivision of land, in the Foothills and Canyons Overlay Zone.



**B. Joint Applications**

Where a process is already established by ordinance or agreement for review and approval of a land use application in the Foothills and Canyons (such as a subdivision, conditional use or permitted use site plan, development agreement, or variance process), applicable FCOZ standards shall be applied concurrently with the related application. If there is no related land use application under review, the applicant shall be subject to the following process.

**C. Application Process**

**1. Pre-Application Meeting**

**a. Purpose**

An informal pre-application meeting with the Director is required prior to submitting a site development plan application. The purposes of the pre-application meeting are to provide an opportunity for the parties to discuss:

- i. The application submittal, review and approval process.
- ii. The proposed development of the site and its relationship to site conditions and area characteristics.
- iii. Applicable provisions of this Ordinance and other codes.

**b. Scheduling of Pre-Application Meeting**

To request a pre-application meeting, the applicant shall submit a pre-application meeting request on a form provided by the County, together with any required fees and materials. Upon submittal of a complete application, the development proposal shall be scheduled for discussion at ~~the next regularly scheduled~~ pre-application meeting ~~unless a later date is requested by the applicant.~~

Comment [CW3]: There was some confusion about what was meant by "regularly scheduled" meeting, so we eliminated that phrase.

**c. Attendance**

In addition to the Director, other County participants in the pre-application meeting may include representatives from the Health Department, County Engineer's Office, Fire Department, and any other person or entity the County deems appropriate.

**2. Site Development Plan**

**a. Application**

- i. Upon conclusion of the pre-application meeting process, an applicant seeking approval of a development plan shall submit an application form, together with required maps, plans, reports, special requests, and fees, to the Director. All submitted materials shall be available for public review.
- ii. Following documentation of assurances provided at the pre-application meeting or field inspections, the Director may waive or modify submittal requirements deemed unnecessary.
- iii. The Director may require additional information, as necessary, to substantiate compliance with the provisions and standards of this chapter and other applicable



codes and ordinances. For example, the Director may seek technical and policy recommendations from other public agencies with related legal jurisdiction such as the local health department; Utah Division of Wildlife Resources; Utah Division of Forestry, Fire, and State Lands; U.S. Forest Service; and U.S. Soil Conservation Service.

**b. Staff Review**

The Director shall review the development proposal for compliance with the standards and processes of this ordinance, including Paragraph D below, and shall document findings in a written report. The report shall specify all areas of noncompliance with regulations together with any recommended modifications or conditions of approval to mitigate detrimental impacts and bring the plan into compliance.

**D. Approval Standards**

The following is a summary of site development plan review standards. Failure to document compliance with any of the following may result in denial of a site development application.

1. The development is consistent with the purposes and intent of the policies, goals, and objectives of any applicable plan, including the Wasatch Canyons General Plan, the Salt Lake County Regional Trails Plan, and applicable community general plans, as amended.
2. The site plan, grading, construction, and development activities comply with the mandatory requirements of the FCOZ, unless modifications or waivers have been expressly granted.
3. The development complies with all applicable development regulations, standards, requirements, or plans adopted by the local or state authority, including but not limited to water quality and wastewater regulations.

**E. Expiration of Site Development Plan/Issuance of a Building Permit**

1. A building permit issued pursuant to the FCOZ site development plan approval process must reference all conditions or stipulations applicable to such approval. All development, construction, and use shall be in accordance with the approved site development plan.
2. An approved site development plan shall be valid for a period of twelve (12) months from the date of the final approval, unless authorized as a multi-phase development.
3. A building permit may be obtained at any time within the twelve (12) month period. If a building permit is not timely issued within the one (1) year period, approval of the site development plan automatically lapses and the plan is null and void.
4. A building permit issued for any phase of a development that has received site development plan approval may extend the life of the site development plan for the entire development for an additional twelve (12) months from the date of issuance of the building permit. If any successive twelve (12) month period expires before a building permit application is filed for a subsequent phase or phases, then the site development plan approval automatically lapses and the plan is null and void as to all undeveloped or un-built phases of the development.



- 5. A twelve (12) month extension of the life of the site development plan may be obtained subject to paying an extension fee equal to the conditional use and subdivision extension fee in the Township Services Planning Review Fee Schedule on file with Township Services.

**19.72.040 UNDERLYING ZONING DISTRICT**

- A. Conflicts. Unless specifically exempted or modified by the underlying zoner, all development shall comply with the standards of this Chapter.
- B. Division of Consolidated Lots. Previously platted lots consolidated into one taxable parcel may not be re-divided into lots smaller than the minimum area required in the underlying zone.
- A.C. Setbacks. Setbacks from property lines are established by the underlying zone. If no setbacks are stated, an applicant wishing to locate a building closer than ten (10) feet to the property line shall demonstrate that the structure will not place additional burden on neighboring properties by addressing the following factors: snow load, drainage, access, fire protection, and building code.

Comment [CW4]: Moved from the stream and wetlands protection section, where it didn't fit in.

**19.72.050 CLUSTER DEVELOPMENT**

**A. General Requirements**

Cluster development is the grouping of residential properties on lots smaller than allowed on the underlying zone to reduce infrastructure costs and environmental impacts and to reserve otherwise developable land for open space or recreation. Whether proposed by an applicant or required by the Planning Commission, cluster development may only be approved upon satisfaction of the following conditions:

1. The clustering proposal meets all other applicable requirements set forth in the Foothills and Canyons Overlay Zone or in other applicable ordinances or regulations.
2. The clustering proposal, compared with a more traditional site plan, better attains the policies and objectives of the Foothills and Canyons Overlay Zone, such as providing more natural open space, preserving existing trees and vegetation coverage, and preserving sensitive environmental areas such as stream corridors, slide areas, prominent ridgelines, wetlands, and steep slopes.
3. The clustering proposal shall have minimal adverse impact on adjacent properties or development, or, if such impacts may result, the applicant has agreed to implement appropriate mitigation measures such as landscape, screening, illumination standards, and other design features as recommended by the Director to buffer and protect adjacent properties from the proposed clustered development.
4. The architecture, height, building materials, building colors, and other design features of the development blend with the surrounding natural landscape and are compatible with adjacent properties or development.

**B. Density Bonus for Cluster Development**

1. A cluster density bonus of up to twenty-five percent (25%) over the base density permitted in the underlying zone may be available for cluster developments that satisfy the above standards while taking into account the bonus density.
2. The allowable density bonus for a cluster development is equal to twenty-five percent (25%) of the "net developable acreage", and must be rounded to the nearest whole

number, but in no case less than one (1). ~~“Net developable acreage” is defined as land with all of the following:~~

- ~~a. An average slope less than thirty percent (30%).~~
- ~~b. Soils of a suitable depth and type based on soil exploration and percolation tests in accordance with the regulations of the Utah Department of Environmental Quality in order to ensure against adverse impacts on surface and groundwater quality.~~
- ~~c. Minimum distance from any stream corridor, as defined in this Chapter, of one hundred (100) feet.~~
- ~~c. Free from any identified natural hazards such as flood, avalanche, landslide, high water table, and similar features. (See Chapter 19.74 (Floodplain Hazard Regulations) and Section 19.72.120 (Natural Hazards).)~~

Comment [CW5]: Moved to the definitions section.

- 3. The density bonus for clustering allowed pursuant to subsection B.1 is not allowed in the MRZ.

**C. Cluster Development Design**

- 1. ~~Forty percent (40%) of the~~The undeveloped area of the development site shall be preserved as active or passive natural open space. Natural open space areas shall conform with any adopted County open space and/or trail plans, provide contiguity with adjacent natural open space and/or conservation areas, protect unique natural, historic, or cultural site features and resources, and avoid fragmentation of conservation areas within the site.
- 2. The maximum number of lots allowed in a single cluster is twenty (20) lots. Each cluster shall be separated from other residential clusters by a minimum of one-hundred (100) feet.
- 3. The layout of a cluster development shall protect significant natural resources on or adjacent to the site. Natural resources include riparian areas, wetlands, ecological resources, steep slopes and ridgelines, and wildlife habitat and corridors. The overall site design shall employ the site’s natural topography to hide multiple residential clusters from the sight of adjacent clusters.
- 4. A cluster development shall preserve the open sky backdrop above any ridgelines and, where possible, significant views of the natural landscape as viewed from adjacent streets.

Comment [CW6]: By definition, a clustered development is going to result in a large area left undeveloped. Given the lot sizes involved and the restrictions on limits of disturbance, having a percentage here is not necessary.

**D. Illustration of Cluster Development**

Figure 19.72.1: Cluster Development illustrates recommended cluster development.

**FIGURE 19.72.1: CLUSTER DEVELOPMENT**

**19.72.060 SLOPE PROTECTION**

**A. Slope Protection Standards**

1. Unless otherwise allowed in this ~~Section Title~~, no development activities, including clearing, excavation, grading, and construction, are allowed on slopes greater than thirty percent (30%).
2. Structures shall be set back from ascending or descending slopes greater than thirty percent (30%) in accordance with the requirements of the building code.

**B. Development on Ridgelines**

1. ~~Unless otherwise allowed in this Title, no~~ development may break the horizon line, defined as the point where the ridge visibly meets the sky as viewed from public rights of way or trails.
2. ~~Unless otherwise allowed in this Title, no~~ development may be located within one-hundred (100) feet (map distance) from either side of the crest of a protected ridgeline designated as such in an adopted County master plan or incorporated by other ordinance.
3. Figure 19.72.2: Ridgeline Development illustrates recommended ridgeline development.

**FIGURE 19.72.2: RIDGELINE DEVELOPMENT**



**C. Natural Open Space within Steep Slopes**

Unless expressly allowed in this ~~Chapter Title~~, all areas with slope greater than thirty percent (30%) must remain in natural private or public open space, free of any development activities.

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**D. Waiver of Slope Protection Standards for Lots of Record**

1. The Planning Commission may only waive or modify the following slope protection standards as applied to development on lots of record and in subdivisions that were approved prior to the effective date of this Ordinance:
  - a. Slope protection standards prohibiting development on slopes greater than thirty

Comment [CW7]: Per Blue Ribbon Commission recommendation (see summary of responses note 23).

percent (30%) or in ridge line protection areas, as set forth above.

- b. Limitations on the crossing of slopes greater than thirty percent (30%) by any street, road, private access road or other vehicular route, as addressed in Subsection 19.72.080.

2. The Planning Commission may only waive these standards upon satisfaction of the following criteria:

**Comment [CW8]:** Per Blue Ribbon Commission recommendation.

- a. Strict compliance with the above slope protection standards
  - i. renders the site virtually undevelopable,
  - ii. results in substantial economic hardship not created by the applicant or otherwise self-imposed, or
  - iii. results in a building location that requires excessive grading, vegetation removal, or driveway distances that conflict with the purposes of this chapter.

**Comment [CW9]:** Concerns have been expressed by property owners in canyons that strict compliance with the standards can lead to worse overall site plans in terms of visual impact and hillside scarring than if slight waivers were granted. This is an attempt to address that concern.

and

- b. The development substantially conforms to all other development, site design, and environmental standards of the Foothills and Canyons Overlay Zone ~~this chapter~~ and in all other applicable ordinances and codes.

3. In granting a waiver from slope and ridge line protection standards, the Planning Commission may impose reasonable conditions to mitigate the impacts of the proposed development on adjacent properties and the surrounding environment.

**19.72.070 GRADING STANDARDS**

A. Prior to issuance of a building permit in accordance with a grading and excavation plan and report for the site approved by the Development Services Engineer; no grading, excavation, or tree/vegetation removal is permitted, whether to provide for a building site, for on-site utilities or services, or for any roads or driveways.

~~B. A maximum of thirty five percent (35%) of the total area of the lot, but not to exceed the maximum limits of disturbance allowed per 19.72.160 may be graded for a building pad, including building pads for any accessory structures.~~

**Comment [CW10]:** This restriction was a suggestion by consultants who were assisting in re-organizing all of Title 19, but needs to be removed.

C. Figure 19.72.3: Cutting and Grading illustrates recommended development that minimizes cuts.

**FIGURE 19.72.3: CUTTING AND GRADING**

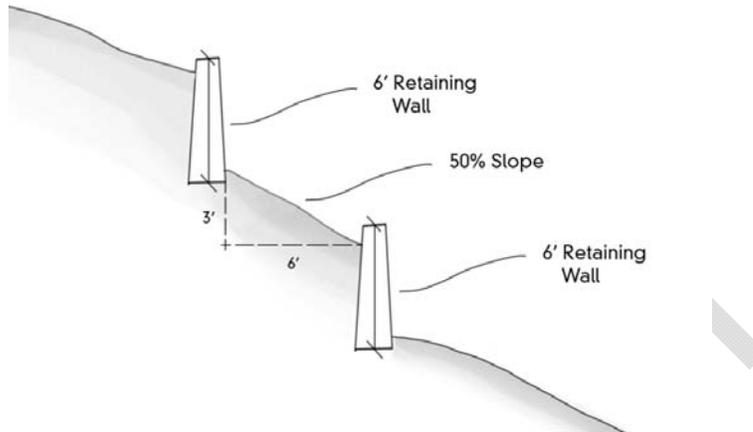


- D. The original, natural grade of a lot may not be raised or lowered more than four (4) feet at any point for construction of any structure or improvement, except:
1. The site's original grade may be raised or lowered eight (8) feet if a retaining wall is used to reduce the steepness of man-made slopes, provided that the retaining wall complies with the requirements of subsection I below.
  2. The site's original grade may be raised or lowered more than ~~six (6)~~ **eight** feet with terracing, as specified in subsection I below.
- E. Separate building pads for accessory buildings other than garages, barns, or recreational structures such as tennis courts, swimming pools, and similar facilities, are prohibited except where the natural slope is twenty percent (20%) or less.
- F. The following limits apply to graded or filled man-made slopes:
1. Slopes of twenty-five percent (25%) or less are encouraged wherever possible.
  2. Graded or filled man-made slopes may not exceed a slope of fifty percent (50%).
  3. Cut man-made surfaces or slopes may not exceed a slope of fifty percent (50%) unless it is substantiated, on the basis of a site investigation and submittal of a soils engineering or geotechnical report prepared and certified by a qualified professional, that a cut at a steeper slope will be stable and will not create a hazard to public or private property.
  4. All cut, filled, and graded slopes shall be re-contoured to the natural, varied contour of the surrounding terrain.
- G. Any slope exposed or created in new development shall be landscaped or re-vegetated pursuant to the standards and provisions of this Chapter.

- H. Excavation for footings and foundations shall be minimized to lessen site disturbance and ensure compatibility with hillside and sloped terrain. Intended excavation must be supported by detailed engineering plans submitted as part of the application for site plan approval.
- I. Use of retaining walls is encouraged to reduce the steepness of man-made slopes and to provide planting pockets conducive to re-vegetation.
  - 1. If a single retaining wall is used, one (1) vertical retaining wall up to eight (8) feet in height is permitted to reduce excavation and embankment.
  - 2. Terracing is limited to two (2) walls with a maximum vertical height of six (6) feet each. The width of a terrace shall be a minimum of a one to one (1:1) ratio with the height of the wall. Terraces are measured from the back of the lower wall to the face of the upper wall. Terraces created between retaining walls shall be permanently landscaped or re-vegetated as required by this Chapter.
  - 3. Figure 19.72.4: Terracing and Retaining Walls illustrates recommended terracing.

**FIGURE 19.72.4: TERRACING & RETAINING WALLS**





3. Retaining walls shall be faced with stone or earth-colored materials similar to the surrounding natural landscape, as required by the design standards of Foothills and Canyons Overlay Zone.
  4. All retaining walls shall comply with the minimum standards of the International Building Code.
- J.** Filling or dredging of water courses, wetlands, gullies, stream beds, or stormwater runoff channels is prohibited. Bridge construction is allowed pursuant to the standards set forth of this Section.
- K.** Where detention basins and other storm and erosion control facilities are required, any negative visual and aesthetic impacts on the natural landscape and topography shall be minimized. See [Figure 19.72.5: Recommended Detention Basin Treatment](#) which illustrates recommended treatment.
1. Detention basins shall be free form, following the natural landforms. If such forms do not exist, the basin shall be shaped to emulate a naturally formed depression.
  2. Redistributing soils from basin construction to natural side slopes around the perimeter of the basin is encouraged. Side slopes are limited to a maximum slope of 3:1. These slopes are created to filter, redirect or soften views of the basin. Total screening of basins is not required. Side slopes shall be varied to replicate natural conditions.
  3. Naturalized planting themes are required for basins. Trees and shrubs may be grouped in informal patterns to emulate the natural environment but may not reduce the volume of the basin.
  4. The ground surface of the basin and surrounding disturbed areas shall be covered with native grass mixture or other appropriate groundcover. It is the intent to provide a natural cover that does not require regular mowing or fertilization.
  5. Appropriate erosion control measures are required on all slopes.

**FIGURE 19.72.5: RECOMMENDED DETENTION BASIN TREATMENT**



**19.72.080 SITE ACCESS**

- A. Motor vehicle access to a building or development site shall be by road (including private access road), street, alley, or driveway. Any road, street, alley, or driveway constructed after the enactment of this chapter shall comply with the applicable requirements of this section.
- B. Streets, roads, alleys, or driveways shall comply with the Salt Lake County Highway ordinance and fire authority regulations.
- C. Streets, roads, alleys, or driveways may not cross slopes averaging (in any fifty feet interval) between thirty percent (30%) and fifty percent (50%) unless specifically authorized by the Planning Commission, upon the favorable recommendation of the Director and Public Works Engineer, after finding that all of the following conditions and constraints are met:
  - 1. No alternate location for access is feasible or available.
  - 2. No individual segment or increment of the street, road, alley, or driveway in excess of one hundred (100) feet in length may cross slopes averaging between thirty percent (30%) and fifty percent (50%).
  - 3. The cumulative length of individual segments or increments that cross slopes averaging between thirty percent (30%) and fifty percent (50%) may not exceed ten percent (10%) of the total length of the street, road, alley, or driveway.
  - 4. All crossings shall be designed and constructed to eliminate significant adverse environmental or safety impacts.
- D. Under no circumstances shall any segment of a street, road, alley, or driveway cross slopes averaging greater than fifty percent (50%).
- E. Streets, roads, alleys, roads, or driveways shall follow natural contour lines where possible. . If the natural contour lines do not reasonably facilitate access to the development site, a private access road or driveway may be designed and submitted for approval with a slope not

**Comment [CW11]:** Concerns were raised about whether these standards applied to new or existing roads (see summary of responses note 9).

to exceed the requirements set forth in Title 14 of the County Code. Figure 19.72.6: Recommended Access Route Configuration illustrates the access route following natural contours.

**FIGURE 19.72.6: RECOMMENDED ACCESS ROUTE CONFIGURATION**



- F. Grading for streets, roads, alleys, or driveways is limited to the paved portion of the right-of-way, plus up to an additional ten (10) feet on either side of the pavement as approved. However, when developing access on slopes in excess of twenty-five percent (25%), only the paved portion of the right-of-way used for vehicular travel, plus the minimum area required for any additional improvements, such as curb, gutter or sidewalk, may be graded. The remainder of the access right-of-way must be left undisturbed.
- G. Streets or roads may be required to provide access or maintain existing access to adjacent lands for vehicles, pedestrians, emergency services, and essential service and maintenance equipment.
- H. Private access roads and driveways shall ensure safe, convenient and adequate access to individual buildings. Driveway access to a development must be consistent with Salt Lake County general plans. In addition, provision of private access road and driveway access is subject to the following requirements:
  - 1. All private access roads and driveways shall comply with the Salt Lake County Highway ordinances and fire authority regulations.
  - 2. Private access roads and driveways greater than one-hundred fifty (150) feet in length shall meet the following requirements:
    - a. Provide a turnaround that meets the County's road/street and fire authority standards.



- b. Provide an adequate number of spaced turn-outs along the length of the private access road or driveway, as determined by the Public Works Engineer in consultation with the fire authority.
- 3. If variation from the above standards is sought, the applicant shall apply for a written Code Modification Approval from the fire authority that specifies any additional requirements that must be completed prior to construction.
- 4. Shared private roads and driveways are encouraged between adjacent lots.
- 5. Private access roads and driveways to a building site shall have direct access to a public street or to a private right-of-way previously approved by the Planning Commission.
- 6. Finished grades shall comply with the following:
  - a. Finished private access roads and driveways are limited to a maximum grade of twelve percent (12%), or as determined by the Public Works Engineer on a case-by-case basis based on health and safety concerns and the need for adequate access for County service providers. In no case, however, may the Public Works Engineer approve a maximum grade greater than fifteen percent (15%).
  - b. Private access road and driveway grades within twenty (20) feet of the roadway are limited to ten percent (10%) slope.

- 7. The Director has discretion to administratively modify the driveway access standards by a maximum of twenty-five percent (25%) where applicable upon satisfaction of the following criteria:
  - a. The modification is designed to yield:
    - i. More effective preservation of existing mature trees, vegetation, riparian areas, rock outcrops, or other significant natural features of the site;
    - ii. Less visual impact on the property or on the surrounding area; or
    - iii. Better protection of wildlife habitat.
  - b. Strict application of the standard(s) would render a site undevelopable.

Comment [CW12]: Moved from 19.72.160.E

**19.72.090 TRAILS**

- A. All proposed development in the Foothills and Canyons Overlay Zone shall be platted consistent with County general plans regarding trails, including the Salt Lake County Regional Trail Plan and the Salt Lake County Trail Access Plan. A dedication of private land may be required for public trails if the required dedication complies with the exaction requirements set forth in Utah Code section 17-27a-507(1).
- B. All land offered for dedication for trails or public access to trails must be verified on the ground by the Director before approval of the site plan. The County has the option of rejecting the applicant's offered land dedication if the proposed dedication does not comply with the exaction requirements set forth in Utah Code section 17-27a-507(1), or the requirements set forth in subsection (C) below; the County may suggest more suitable land for the applicant's consideration that does comply with each of these requirements.
- C. Land offered for dedication for trails must be located so that:
  - 1. Proposed trail construction and maintenance is feasible.
  - 2. Side slopes do not exceed seventy percent (70%).

- 3. Rock cliffs and other insurmountable physical obstructions are avoided.
- D. At the County's sole option, dedications for trails or public access may be of a fee or less-than-fee interest to either the County, another unit of government, or non-profit land conservation organization approved by the County.
- E. The County may allow a density bonus up to twenty-five percent (25%) of the maximum allowable density attributable to areas of the site with greater than thirty percent (30%) slope to be transferred to the developable areas of the site where the applicant demonstrates that the offered dedication is beyond what would be roughly proportional to the demand for such trails or trail access generated by the proposed development. The County may reduce the applicable minimum lot area requirement within the site's developable area if necessary to accommodate the transferred density.

**19.72.100 FENCES**

- A. No fence may be constructed or installed unless shown on an approved site plan.
- B. No fence in excess of forty-two (42) inches in height may be constructed or installed outside the designated limits of disturbance on a site, unless required by the County, such as fenced corrals for horses or other animals. Fences are subject to ~~Section 19.46.050(A)(4) (the Intersecting Streets and Clear Visibility~~ restrictions of this title.
- C. Fences in front yards and along roadways may not exceed forty-two (42) inches in height, except that residential buildings with frontage on a main canyon road may be screened for privacy with a 6 foot tall visual barrier fence, provided the materials and colors comply with section W of Table 19.72.11.
- D. Fences in identified wildlife corridors are strongly discouraged, but in no case may exceed forty-two (42) inches in height.
- E. Fences shall conform to the design standards of this section.

Comment [CW13]: This suggestion comes from along the main road who feel their right to privacy needs to be recognized in the fencing regulations (see summary of responses note 13).

**19.72.110 TREE AND VEGETATION PROTECTION**

**A. Purpose**

Protection of existing tree and vegetation cover is intended to:

- 1. Preserve the visual and aesthetic qualities of the County's foothills and canyons.
- 2. Encourage site design techniques that preserve the natural environment and enhance the developed environment.
- 3. Control erosion, slippage, and sediment run-off into streams and waterways.
- 4. Increase slope stability.
- 5. Protect wildlife habitat and migration corridors.
- 6. Conserve energy, in proximity to structures, by reducing building heating and cooling costs.

**B. Applicability**



These provisions apply to all development in the Foothills and Canyons Overlay Zone, with the following exceptions:

- 1. The removal of dead or naturally fallen trees or vegetation to protect public health, safety, and welfare.
- 2. The selective and limited removal of trees or vegetation necessary to obtain clear visibility at driveways or intersections, to perform authorized field survey work, or to protect structures from fire consistent with the Utah Wildland-Urban Interface Code.
- 3. The removal of trees or vegetation on land zoned or lawfully used for agricultural and forestry activities, including tree farms, or pursuant to approved forest management programs. In the event a site is substantially cleared of trees pursuant to such legitimate activities, no development or site plan applications for other types of development may be accepted by the County within thirty-six (36) months from the date of the clearing.

4. The Director has discretion to administratively modify the standards in this section by up to 25% if either of the following circumstances applies:

Comment [CW14]: Moved from 19.72.160.E

a. The modification is designed to yield:

i. More effective preservation of existing mature trees, vegetation, riparian areas, rock outcrops, or other significant natural features of the site;

ii. Less visual impact on the property or on the surrounding area; or

iii. Better protection of wildlife habitat.

b. Strict application of the standard(s) would render a site undevelopable.

**C. Tree/Vegetation Removal**

**1. Outside the Limits of Disturbance**

No trees or vegetation may be removed outside the approved limits of disturbance unless specifically exempted by this Section.

**2. Within the Limits of Disturbance**

Significant trees removed from within the limits of disturbance shall be replaced as set forth in this Section.

**3. Wildfire Hazards and Tree/Vegetation Removal**

Defensible space is defined as the required space between a structure and wildland area that, under normal conditions, creates a sufficient buffer to slow or halt the spread of wildfire to a structure. Appropriate defensible space surrounding a structure is established in Utah Wildland-Urban Interface Code incorporated in UFA Wildland-Urban Interface Site Plan/Development Review Guide. A copy of the approved fire protection plan shall be submitted to the Zoning Administrator for incorporation into the final approval documents.

**4. Tree/Vegetation Removal for Views Prohibited**

No trees or vegetation may be removed solely for the purpose of providing open views to or from structures on a site.

**D. Replacement of Significant Trees**

1. When a significant tree is removed from inside the established limits of disturbance, which removal is not required by wildland-urban interface standards referenced in C.3 above, the applicant or developer shall replace such tree(s) on the lot, according to the following schedule and requirements:
  - a. A significant tree that is removed shall be replaced by two trees with a minimum size of one inch caliper for deciduous trees and a minimum height of four feet for coniferous trees in locations on the lot that are appropriate, feasible, and practical, and that comply with fire requirements and standards, as determined by the Zoning Administrator.
  - b. Replacement trees shall be maintained through an establishment period of at least two (2) years. The applicant shall post a bond in the amount of 10% of the value of all replacement trees guaranteeing their health and survival during the first year of the establishment period.
2. If the remainder of the lot outside the permitted limits of disturbance is heavily wooded, defined as areas of trees with canopies that cover eighty percent (80%) of the area, and is not suitable to the planting of replacement trees, the planting of replacement trees ~~on other parcels in the subdivision plat where the lot is located or on parcels that adjoin the plat or lot, including open space and forest service land, may be allowed, subject to review and approval requirement may be waived~~ by the Zoning Administrator. Planting replacement trees ~~may be allowed by the Zoning Administrator on parcels within the subdivision or adjoining open space or forest service land upon on these other parcels shall not be approved~~ the written consent of the property owner or representative of the property owner of the parcel(s) where the trees are being planted. In order to minimize disturbance of public land, saplings may be used in lieu of the larger trees listed in 1(a) above at the rate of 10 saplings per required replacement tree, for trees planted on publicly owned land.

**Comment [CW15]:** This provision was questioned in terms of why people with a heavily wooded lot would have no choice but to plant trees on someone else's property.

**E. Revegetation and Land Reclamation Plan**

1. On a parcel of land that has been or will be altered from its natural condition by man-made activities, a revegetation and land reclamation plan prepared and certified by a qualified professional may be required for review and approval by the Director. The plan shall incorporate the elements of the fire protection plan, and shall indicate a timeframe for revegetation that is acceptable to the County and that takes into account optimal seasonal growing conditions.
2. The revegetation and land reclamation plan shall depict the type, size, number, and location of any vegetation and trees to be planted and illustrate how the site will be recontoured with sufficient topsoil to ensure that vegetation is successful. All new trees shown on the plan shall:
  - a. Comply with the Vegetation Clearance Guidelines of the Wildland-Urban Interface Code,
  - b. Be spaced no closer than 20 feet on center, and,
  - c. Be on the Utah Fire Resisitive Species list in the Wildland-Urban Interface Code.



- 3. Any slope exposed or created in new development shall be landscaped or revegetated with native or adapted trees and plant material. New vegetation shall be equivalent to or exceed the amount and erosion-control characteristics of the original vegetation cover in order to mitigate adverse environmental and visual effects.
- 4. On man-made slopes of twenty-five percent (25%) or greater, plant materials with deep rooting characteristics shall be selected to minimize erosion and reduce surface runoff. The planting basin shall be kept level with a raised berm around the base of the plant to help retain moisture.
- 5. Topsoil that is removed during construction may be conserved for later use on areas requiring revegetation or landscaping, such as cut-and-fill slopes.
- 6. The land reclamation plan may not include landscaping or other elements that conflict with the approved fire protection plan.

**F. Tree/Vegetation Protection During Construction and Grading Activities**

- 1. Limits of disturbance, as established in Section 19.72.160, shall be shown on the final plans for development and shall be clearly delineated on site with fencing or other separation methods approved by the Director prior to the commencement of excavation, grading, or construction activities on the site.
- 2. Within the limits of disturbance, fencing, at a minimum, shall be placed around each significant tree that will not be removed and around stands of twelve (12) or more smaller trees. Such fencing shall be placed at the edge of the individual or outermost tree's drip zone. No construction, grading, equipment or material storage, or any other activity is allowed within the drip zone, and the fencing must remain in place until all land alteration, construction, and development activities are completed.
- 3. If it is necessary to fill over the root zone, compacted soils shall be avoided by sandwiching fabric, rocks, and more fabric under the area to be filled.
- 4. If fill creates a tree well or depression around a tree or shrubs, such area shall be filled in or drained so that the vegetation is not drowned by the pooling of rainfall or irrigation.
- 5. If a significant tree that will not be removed has roots that are cut, the branches shall be trimmed by an amount equal to the percent of roots that were lost. Cutting more than thirty percent (30%) is prohibited. Roots shall be pruned cleanly prior to digging and not ripped off by heavy equipment. If the tree whose roots have been cut dies within a two (2) year period, the replacement provision in section D above applies.
- 6. Utility trenches near trees shall be avoided. If a line must be near a tree, tunneling, auguring, or other mitigation measures shall be used.

**G. Tree Removal Not Authorized by this Section**

Comment [CW16]: See summary of responses note 25.

**1. If a significant tree(s) is removed contrary to any provision in this section, the person(s) responsible for the removal shall pay to the County the value of the tree(s).**

**a. The value of the tree(s) shall be determined by a tree appraiser who is an ISA (International Society of Arboriculture) certified arborist with at least five years of experience appraising trees using the appraisal methods outlined in the current**

edition of "The Guide for Plant Appraisal," authored by the Council of Tree and Landscape Appraisers (CTLA). The appraiser shall prepare an appraisal report using these methods, and adding to the value from these methods an analysis of the tree(s) contributory value, i.e., the value that the tree(s) contributed to the overall value of the property on which they were located.

b. The appraiser shall be chosen by the person(s) responsible for the removal and the County.

c. The person(s) responsible for the removal shall pay the cost of the appraisal.

2. If a significant tree(s) is removed contrary to this section, all development and County permitting and processing of the land use application shall be put on hold for 60 days from the date of County's discovery of removal. During that time, the County will inventory the significant tree(s) that were removed, and the process of valuing the tree(s) that were removed shall commence, pursuant to paragraph 1 above.

3. The person(s) responsible for removing the significant tree(s) shall pay for the cost of removing the stump(s). The stump(s) may not be removed until an appraisal is completed pursuant to paragraph 1 above.

4. The person(s) responsible for removing the significant tree(s) shall also replace the tree(s) in accordance with the provisions in this section. The bond referenced in subsection (D)(1)(b) of this section shall be a surety bond for those that unlawfully remove trees.

In addition to the civil penalties provided in paragraphs 1 – 4 of this subsection (G), the person(s) responsible for removing the significant tree(s) shall also be subject to a criminal penalty of a Class B misdemeanor for each significant tree unlawfully removed.

#### **19.72.120 NATURAL HAZARDS**

A natural hazards report, together with geotechnical, slope, soils, and grading reports, may be required as provided in 19.75.030 "Geological Hazards" and Chapter 19.74 "Floodplain Hazards." The County shall review all natural hazards reports and recommendations in the report and may require, consistent with the above ordinances, that preliminary conditions be satisfied prior to final approval of the site plan.

#### **19.72.130 STREAM CORRIDOR AND WETLANDS PROTECTION**

##### **A. Purpose**

The following requirements and standards are intended to promote, preserve, and enhance the important hydrologic, biological, ecological, aesthetic, recreational, and educational functions of stream corridors, associated riparian areas, and wetlands.

##### **B. Applicability**

Unless previously delineated by Salt Lake County, boundaries for stream corridors and wetland areas are delineated according to the following standards:

1. Stream corridor and wetland area delineation shall be performed by a qualified engineer or other qualified professional with demonstrated experience and expertise to conduct the required site analysis. Delineations are subject to the approval of the Director.

2. Stream corridors shall be delineated at the ordinary high-water mark. Stream corridors do not include irrigation ditches that do not contribute to the preservation and enhancement of fisheries or wildlife.
3. Boundary delineation of wetlands are established using the current Federal Manual for Identifying and Delineating Jurisdictional Wetlands jointly published by the U.S. Environmental Protection Agency, the Fish and Wildlife Service, the Army Corps of Engineers, and the Soil Conservation Service.

**C. Prohibited Activities**

No ~~development activity may be conducted~~ ~~person may engage in any activity~~ that disturbs, removes, fills, dredges, clears, destroys, or alters, ~~including vegetation,~~ stream corridors, ~~or wetlands, and their setbacks as set forth below,~~ unless specifically ~~allowed in this Section, approved by Salt Lake County Flood Control, the Utah State Engineer's Office, and any other applicable authorities.~~

Comment [CW17]: Concerns were raised by about whether our ordinance recognized the permitting process involved in altering a natural stream (see summary or responses note 14).

**D. Setbacks**

**1. Buildings**

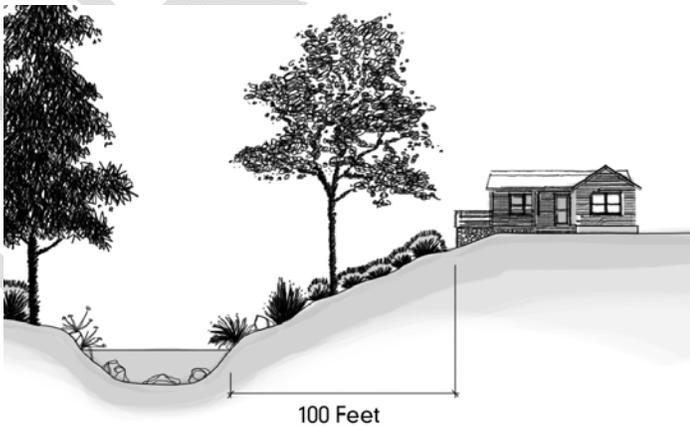
~~Setbacks from property lines are established by the underlying zone. If no setbacks are stated, an applicant wishing to locate a building closer than ten (10) feet to the property line shall demonstrate that the structure will not place additional burden on neighboring properties by addressing the following factors: snow load, drainage, access, fire protection, and building code.~~

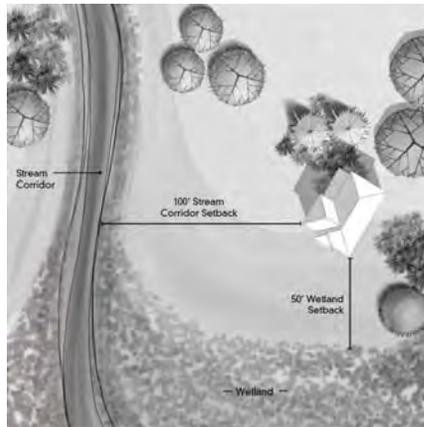
Comment [CW18]: Moved to 19.72.040.C

**21. Perennial Stream Corridors**

All buildings, accessory structures, leach fields, and parking lots must be set back at least one-hundred (100) feet horizontally from the ordinary high-water mark of perennial stream corridors. (See Figure 19.72.7: Setback from Stream Corridor)

**FIGURE 19.72.7: SETBACK FROM STREAM CORRIDOR**





**32. Wetlands**

All buildings, accessory structures, leach fields, and parking areas or lots shall be set back at least fifty (50) feet horizontally (map distance), from the delineated edge of a wetland.

**43. Ephemeral Streams**

All buildings, accessory structures, leach fields, and parking areas or lots shall be set back at least fifty (50) feet from the channel of an ephemeral stream, as defined by its ordinary high water mark. The Zoning Administrator may recommend to the land use authority modifications to this prohibition upon finding that the modification is likely to cause minimal adverse environmental impact or that such impact may be substantially mitigated. For properties located within the Salt Lake City watershed, the Zoning Administrator shall consult with Salt Lake City Public Utilities prior to making a recommendation.

**54. Natural Open Space/Landscape Credit for Setback Areas**

All setback areas are credited toward any relevant private natural open space or landscape requirements, but are not credited toward trail access dedication requirements.

**E. Preservation of Vegetation**

All existing vegetation within the stream corridor or wetland setback area shall be preserved to provide adequate screening or to repair damaged riparian areas, supplemented where necessary with additional native or adapted planting and landscaping.

**F. Bridges**

Any bridge over a stream corridor and within the stream setback area may be approved provided the Director affirms that the bridge is planned and constructed in such a manner as to minimize impacts on the stream corridor.

**G. Modification of Setbacks**

Comment [CW19]: Moved from 19.72.160.E

1. The Director has discretion to administratively modify the perennial stream corridor and wetlands setbacks by a maximum of twenty-five percent (25%) where applicable upon satisfaction of the following criteria:
  - a. The modification is designed to yield:
    - i. More effective preservation of existing mature trees, vegetation, riparian areas, rock outcrops, or other significant natural features of the site;
    - ii. Less visual impact on the property or on the surrounding area; or
    - iii. Better protection of wildlife habitat.
  - b. Strict application of the standard(s) would render a site undevelopable.

**H. Perennial Stream Corridor and Wetland Setback Requirements for Lots of Record**

**1. Existing Legally-Established Structures**

A structure legally existing on the effective date of this Ordinance that is within fifty (50) feet of a perennial stream corridor or twenty-five (25) feet of a wetland may be renovated, altered, or expanded as follows:

- a. Renovations or alterations that will not increase the gross floor area of the original, existing structure are permitted.
- b. Renovations, alterations, or expansions that will increase the gross floor area of the original, existing structure are limited to a cumulative total expansion of no more than 250 square feet of gross floor area located closer than 50 feet to a perennial stream corridor or closer than 25 feet to a wetland.
- c. Renovations, alterations, or expansions that increase the gross floor area of the original, existing structure but which are no closer than fifty (50) feet to a perennial stream corridor or no closer than twenty-five (25) feet of a wetland are permitted, subject to compliance with all other applicable regulations and standards.

**2. New Structures**

For new developments, the Director may authorize construction to no closer than fifty (50) feet from a perennial stream corridor or to no closer than twenty-five (25) feet from a wetland subject to the following criteria:

- a. Denial of an encroachment of more than the twenty-five percent (25%) into the stream or wetlands setback area allowed by 19.72.020(E) would render the site undevelopable.
- b. No alternative location for the development further away from the stream or wetland is feasible or available.
- c. Creative architectural or environmental solutions have been incorporated into the development proposal in order to ensure that the purposes of stream corridor protection, as set forth in Subsection 19.72.130 are achieved.
- d. No federal or state laws, or other County ordinances or regulations are violated.

**3. Limitations**

In allowing for the preceding improvements, the Director may not:



- a. Increase the maximum limits of disturbance set forth in Subsection 19.72.160.
- b. Authorize the encroachment of more than five-hundred (500) square feet of gross floor area of structural improvements (cumulative total) within the land area between seventy-five (75) feet and fifty (50) feet from perennial stream corridor or within the land area between fifty (50) and twenty-five (25) feet of a wetland.

**19.72.140 WILDLIFE HABITAT PROTECTION**

**A. Purpose**

Salt Lake County finds that its foothills and canyon areas provide important wildlife habitat for a wide variety of animal and bird species. In combination with the tree/vegetation and stream corridor/wetlands protection standards, the following requirements have been developed to promote and preserve valuable wildlife habitats and to protect them from adverse effects and potentially irreversible impacts.

**B. Development Limitations in Areas of Critical Habitat**

All development subject to these provisions shall incorporate the following principles in establishing the limits of disturbance and siting buildings, structures, roads, trails, and other similar facilities:

- 1. Facilitate wildlife movement across areas dominated by human activities by:
  - a. Maintaining connections between adjacent natural open space parcels and areas, and between natural open space parcels and areas in close proximity.
  - b. Prohibiting fencing types that inhibit the movement of wildlife species.
  - c. Providing selective plantings on the property that enhance the habitat value for the endemic wildlife population.
- 2. Mimic features of the local natural landscape by:
  - a. Minimizing disturbance to trees, the understory, and other structural landscape features during construction.
  - b. Providing selective plantings on the property that enhance the habitat value for the endemic wildlife population.

**19.72.150 TRAFFIC STUDIES**

**A. Traffic and Parking Impact Study Required**

A traffic and parking impact study is required as part of the site plan application for the following developments in the Foothills and Canyons Overlay Zone:

- 1. All residential development that creates a projected increase in traffic volumes equal to or greater than ten percent (10%) of current road/street capacity as determined by the Public Works Engineer.



2. All non-residential development that creates a projected increase in traffic volumes equal to or greater than fifty (50) trip-ends per peak hour.
3. All development that affects a roadway identified by the County Transportation Engineering Manager as having an unacceptable level of service (LOS) based on AASHTO guidelines and the Highway Capacity Manual.

**B. Required Submittals**

A traffic and parking impact study must address, at a minimum, the items specified in the "Submittal Requirements for Development Proposals in the Foothills and Canyons Overlay Zone," which is incorporated by reference.

**C. Review and Improvements**

All development subject to this section must demonstrate that the peak hour levels of service on adjacent roadways and at impacted intersections after development will comply with current Salt Lake County transportation and impact mitigation policies and recommendations.

**D. Circulation and Access Plan**

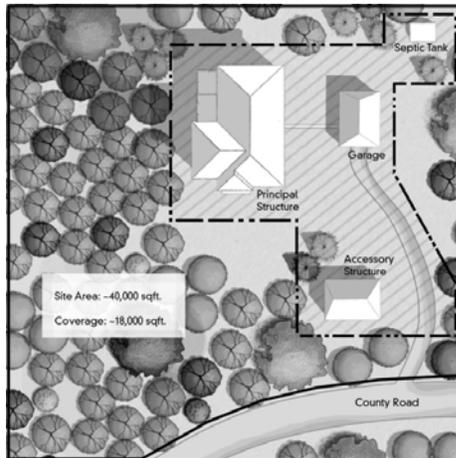
All development required by this subsection to submit a traffic and parking impact study is also required to provide a circulation and access plan to ensure free-flowing access to the site and avoid congestion and unsafe conditions on adjacent public roads and streets. The circulation and access plan may be combined with the required traffic and parking impact study.

**19.72.160 LIMITS OF DISTURBANCE**

**A. Scope and General Requirements**

"Limits of disturbance" must be established on the site plan, indicating the specific area(s) of a site where construction and development activity must be contained. (See [Figure 19.72.8: Illustration of Limits of Disturbance](#).)

**FIGURE 19.72.8: ILLUSTRATION OF LIMITS OF DISTURBANCE**



**B. Purpose for Limits of Disturbance**

Limits of disturbance are established for the following purposes:

1. Minimizing visual impacts from the development including, but not limited to: screening from adjacent and downhill properties, ridgeline area protection, and protection of scenic views.
2. Erosion prevention and control including, but not limited to, protection of steep slopes and natural drainage channels.
3. Fire prevention and safety including, but not limited to, location of trees and vegetation near structures.
4. Preservation of tree cover, vegetation, and the site's natural topography.
5. Conservation of water including, but not limited to, preservation of existing native vegetation, reduction in amounts of irrigated areas, and similar considerations.
6. Wildlife habitat protection including, but not limited to, preservation of critical wildlife habitat and migration corridors and routes.
7. Stream corridor and wetland protection and buffering.

**C. Limits of Disturbance May Be Noncontiguous**

Limits of disturbance necessary to accommodate proposed development may be noncontiguous in order to best achieve the above purposes.

**D. Maximum Limits of Disturbance**

1. ~~For single family residential uses on~~ ~~For~~ lots or parcels less than one (1) acre in size, the limits of disturbance are limited to twenty thousand (20,000) square feet.

2. ~~For single family residential uses on~~—For lots or parcels one (1) acre in size or greater, the limits of disturbance are limited to twenty thousand (20,000) square feet plus an additional square footage of up to ten (10) percent of the acreage over one (1) acre.
3. ~~For all other uses, the maximum limits of disturbance shall be determined by the Director on a case by case basis in harmony with the purposes of FCOZ stated in 19.72.010.~~

Comment [CW20]: This is a return to existing FCOZ, where more flexibility is given to site planning for non-residential uses (see summary of responses note 17).

**E. Modification of Limits of Disturbance**

1. The Director has discretion to administratively modify the limits of disturbance ~~as well as the related development standards specified below~~ by a maximum of twenty-five percent (25%) where applicable upon satisfaction of the criteria set forth in ~~Subsection 2~~ below:
  - a. ~~FCOZ design standards in Subsection 19.72.170.~~
  - b. ~~Tree and vegetation protection standards in Subsection 19.72.110.~~
  - c. ~~Perennial stream corridor and wetlands setbacks in Subsection 19.72.130.~~
  - d. ~~Driveway access standards in Subsection 19.72.080.~~

Comment [CW21]: These exceptions were relocated to the appropriate subsections.

2. ~~The Director may exercise administrative waiver authority as provided above if either of the following circumstances apply:~~
  - a. The modification is designed to yield:
    - i. More effective preservation of existing mature trees, vegetation, riparian areas, rock outcrops, or other significant natural features of the site;
    - ii. Less visual impact on the property or on the surrounding area; or
    - iii. Better protection of wildlife habitat.
  - b. Strict application of the standard(s) would render a site undevelopable.

**19.72.170 FCOZ DESIGN STANDARDS**

**A. Purpose**

As stated in 19.72.010, the general purpose of design standards is to promote development that balances the rights of the landowner with protection of the foothill and canyon environment. These standards are intentionally broad to allow flexibility in design, compatibility with varying features of the natural landscape, and consistency with the following purposes:

1. Preserve and enhance the beauty of the landscape by encouraging the retention of natural topographic features, such as drainage swales, streams, slopes, ridge lines, rock outcroppings, vistas, natural plant formations, trees, and similar features.
2. Encourage planning and design of development and building sites that balances safety, recreational opportunity, economic development, and enjoyment of property rights, while adapting development to, and preserving natural terrain.

3. Establish a foundation for development in sensitive lands to insure a more harmonious relationship between man-made structures and the natural setting.
4. Direct new development in the canyons and foothills toward areas meeting suitability criteria, as outlined in the Wasatch Canyons General Plan and other applicable general or community plans.

**B. Advisory or Mandatory Design Standards**

The development and design standards set forth in this chapter fall into two (2) categories: “advisory” standards and “mandatory” standards. Design standards that are advisory encourage voluntary adaptation. ~~However, advisory standards may be made mandatory on a site-by-site basis by the land use authority as a condition for approval. Mandatory standards are strict requirements that generally do not vary from site to site.~~ Development within the Foothills and Canyons Overlay Zone is to comply with all of the mandatory standards ~~and shall attempt to incorporate all advisory standards unless alternative design is approved by the Planning Commission upon a finding that the alternative design is in harmony with the purposes of FCOZ, as stated in Section 19.72.010.~~ The design standards and categories are summarized below in Table 19.72.1: FCOZ Design Standards.

**Comment [CW22]:** This was in response to the request that the planning commission should have some authority to waive or alter design standards for specific projects (see summary of comments note 3).

**SALT LAKE COUNTY, UTAH  
TABLE 19.72.1: FCOZ DESIGN STANDARDS**

MANDATORY STANDARDS	ADVISORY STANDARDS	DESIGN STANDARDS
<b>Mandatory</b>	<b>Advisory</b>	<b>A. Select an appropriate site</b>
X		A site must be suitable for the type of building or use being planned without major alterations to the site.
X		Buildings or uses shall comply with this Ordinance and all applicable state and federal laws, recognizing the natural or man-made restraints on particular sites such as slope, soil instability, landslides, avalanche, or flooding. (See, for example, Section 19.72.120 (Natural Hazards) and Chapter 19.74 (Floodplain Hazard Regulations).)
<b>Mandatory</b>	<b>Advisory</b>	<b>B. Site buildings in a manner that preserves existing land forms See Figure 19.72.9</b>
	X	Each building should be located so that it does not dominate the landscape. The best way to decrease visual impacts is to locate the project as far away from prominent viewing locations as possible.
X		Visually prominent areas of the site shall be left in their natural condition with the exception of areas necessary for access. Structures shall be screened using existing land forms and vegetation. (See Subsection 19.72.110 (Tree and Vegetation Protection).)
	X	Where practical, buildings should be placed in the following locations on a site: 1. Within tree masses to screen buildings 2. At the edge of trees or land masses overlooking natural open space 3. In open areas where they are not visible from roads, trails, or other public lands.

**FIGURE 19.72.9: PRESERVE EXISTING LAND FORMS**



MANDATORY STANDARDS	ADVISORY STANDARDS	DESIGN STANDARDS
<b>Mandatory</b>	<b>Advisory</b>	<b>C. Site buildings so they do not protrude into significant viewsapes. See Figure 19.72.10</b>
	X	Buildings should be designed to fit their sites and to leave natural massing and features of the landscape intact. Each building should be designed as an integral part of the site rather than an isolated object at odds with its surroundings.

	X	Where feasible, views should be maintained both to the site and to features beyond, as seen from public rights-of-way, trails, and other public lands. Projects should not be located on prominent topographic features where they dominate views or unnecessarily obscure the views of others.
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**FIGURE 19.72.10: PRESERVE SIGNIFICANT VIEWS**



Mandatory	Advisory	D. Site buildings so their form does not break prominent skylines See Figure 19.72.11
X		Buildings shall be sited at less visible places and designed so they are not obtrusive, do not loom over the hillside, and do not break prominent skylines from key vantage points. Skylines are ridges or hilltops on the horizon line that do not have backdrops behind them as viewed from key vantage points. Heavily traveled public roads located below skylines or hilltops are key vantage points.

**FIGURE 19.72.11: RIDGELINE DEVELOPMENT**



Mandatory	Advisory	<b>E. Site buildings to preserve significant trees and vegetation. See Figure 19.72.12</b>
X		Buildings shall be sited to keep removal of significant trees and vegetation to a minimum. (See section 19.72.160 (Limits of disturbance), 19.72.110 (Tree and vegetation protection).)

**FIGURE 19.72.12: PRESERVE SIGNIFICANT VEGETATION**



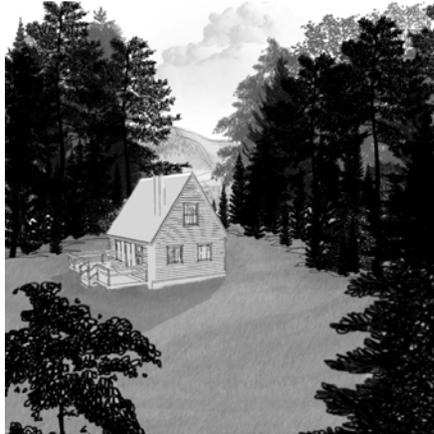
Mandatory	Advisory	<b>F. Cluster buildings and parking, and coordinate neighboring developments. See Figure 19.72.1</b>
	X	Clustering is encouraged to reduce land disturbance and the cost of providing services, road and parking area maintenance, snow removal, etc. (See Section 19.72.080 (Site Access).)
	X	Cooperative, coordinated development and the sharing of services, infrastructure, facilities, and parking among adjoining landowners is encouraged.
Mandatory	Advisory	<b>G. Locate parking facilities to minimize their visual impact. See Figure 19.72.13</b>
X		When visible from publicly used roads, parking facilities shall be screened to blend into the natural environment. Parking lot design that requires backing onto a public street is prohibited. (See Section 19.72.080 (Site Access))
X		Parking facilities should be located to the rear or side of main buildings if possible. When a site has a lot width of 100 feet or more, parking shall be located to the side or rear of the structure.
X		Parking facilities shall be designed consistent with the existing topography.
X		Parking facilities shall provide adequate snow storage areas.

FIGURE 19.72.13: PARKING LOCATION



Mandatory	Advisory	H. Place utility lines underground
X		When possible, utilities shall be placed underground and within existing roadways or in established shoulders to minimize the impact to existing natural features, such as natural vegetative patterns and land forms.
X		Tree cutting for utility corridors shall be minimized to reduce visual impacts. All disturbed areas shall be re-vegetated. (See Section 19.72.110 (Tree and Vegetation Protection).)
Mandatory	Advisory	I. Design buildings to solidly meet the ground plane. See Figure 19.72.14
X		Building designs that require a strong structural statement, such as extensive cantilevers or cuts and fills, are prohibited on sensitive hillsides with slopes greater than 30%, wetlands, streams, or hillsides with soil instability consistent with this Ordinance.
X		Buildings shall firmly meet the ground. Placing buildings on piers such that exterior walls do not continue down to the ground is prohibited, with the exception of piers that support decks.

**FIGURE 19.72.14: STRUCTURES MEET THE GROUND PLANE**



Mandatory	Advisory	J. Design buildings on hillsides to follow the natural terrain. See Figure 19.72.15
X		Buildings shall be located to minimize earth work and land disturbance.
X		Buildings shall be designed to follow natural contours rather than modifying the land to accept a building design not tailored to the site. (See Section 19.72.070 (Grading))

**FIGURE 19.54.15: STRUCTURE FOLLOWS HILLSIDE TERRAIN**



Mandatory	Advisory	K. Design buildings to minimize mass and scale See Figure 19.72.16
X		Building designs shall incorporate changes in the planes of walls and changes in the slope and height of roof lines to add variety, create visual interest, and minimize scale.
X		The massing of buildings shall be scaled to harmonize and achieve balance with the natural features of the specific site.
X		Roof lines and building mass shall echo the angles and shapes repeated in the natural landscape.

X		Building mass and wall lines shall be broken up to complement natural canyon settings and slopes.
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**FIGURE 19.72.16: MASS AND SCALE**



Mandatory	Advisory	<b>L. Select appropriate building materials and colors</b>
X		Predominant tones on exterior walls shall tend toward neutral colors, replicating natural textures – for example, warm earthy hues; dark green of forests; whites, greys, and grey-brown of the mountains; the tan of grasses; and similar colors. Bright, harshly contrasting color combinations are prohibited. Paint finishes shall have low levels of reflectivity.
	X	The use of self-weathering metals is encouraged. Chemically treating wood so that it can be allowed to self-weather is also encouraged.
Mandatory	Advisory	<b>M. Use fire-resistant roof surfacing materials that blend with the colors of the adjacent landscape.</b>
X		The color of roof surfacing materials shall blend with the surrounding landscape such as brown, tan, dark green, grey, etc.
X		Flammable wood roofing shingles are prohibited in the canyons or foothills.
Mandatory	Advisory	<b>N. Preserve existing trees and vegetation</b>
X		Significant trees and vegetation shall be preserved as provided in Section 19.72.110.
	X	When landscaping within the 30 foot fire-break area, the use of fire-resistant plants is strongly encouraged.
X		Dryland species of plants shall be selected for slope re-vegetation.
Mandatory	Advisory	<b>O. Landscape in order to retain the original character and harmony among the various elements of a site.</b>
X		Landscaping shall incorporate natural features such as trees, significant vegetative patterns, interesting land forms, rocks, water, views, and orientation.
	X	Landscaped areas should be an integral part of the development project, and not simply located in left-over space on the site. New planting should blend in with the existing landscape.
X		All disturbed areas shall be re-vegetated using native or adapted plant species and materials characteristic of the area.
	X	Use of fire-resistant plants is encouraged.

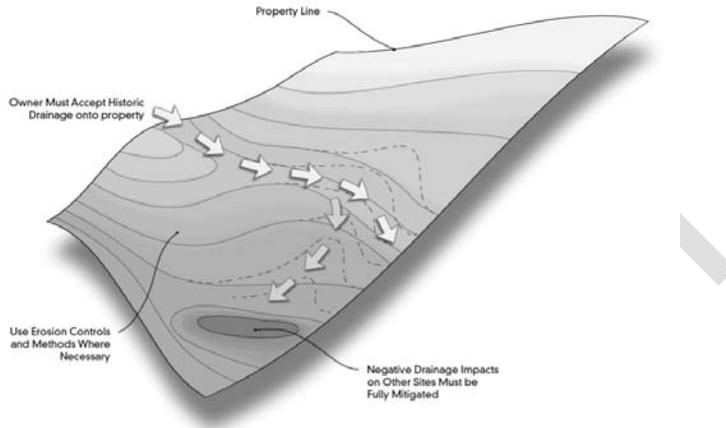
Mandatory	Advisory	<b>P. Limit site grading for buildings to preserve existing land forms. See Figure 19.72.17</b>
X		Building designs that require extensive cut and fills are prohibited. See Section 19.72.070.
	X	Modification of the natural terrain should be minimized.
X		Slopes steeper than 30% shall not be disturbed except as allowed by this Chapter.
X		Buildings, driveways, and roads shall follow the natural contours of the site and comply with county excavation, grading, and erosion control standards.

**FIGURE 24-17: BUILDINGS DESIGNED TO LIMIT GRADING**



Mandatory Standard	Advisory Standard	<b>Q. Preserve natural drainage patterns in site design. See Figure 19.72.18</b>
X		All final excavation, grading, and drainage plans shall conform to applicable county excavation, grading, and erosion control standards.
X		Development shall preserve the natural surface drainage pattern unique to each site. Grading plans shall ensure that drainage flows away from structures, especially structures that are cut into hillsides.
X		Development must prevent negative or adverse drainage impacts on adjacent and surrounding sites.
X		Standard erosion control methods are required during construction to protect water quality, control drainage, and reduce soil erosion. Sediment traps, small dams, or barriers of straw bales are generally required to slow the velocity of runoff.

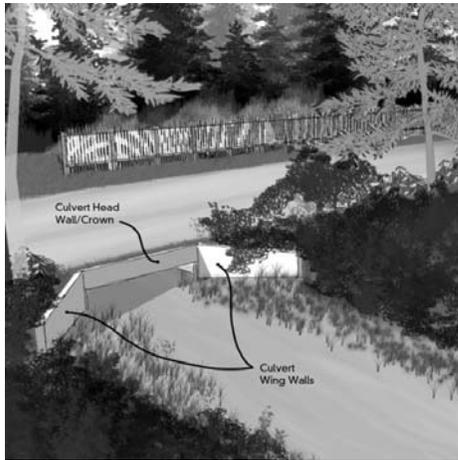
**FIGURE 19.72.18: PRESERVE NATURAL DRAINAGE PATTERNS**



Mandatory	Advisory	<b>R. Locate buildings outside stream corridor buffer zones</b>
X		Permanent structures shall be located a minimum of 100 feet horizontally (plan view) from the ordinary high-water mark of stream corridors or other bodies of water. At the discretion of the Director and based on site-specific soils, water, or vegetation studies, setback distances may be reduced <del>or expanded</del> as provided in Section 19.72.130 (Stream Corridor and Wetlands Protection).
X		Developments shall not alter natural waterways.
Mandatory	Advisory	<b>S. Construct bridges for stream crossings. See Figure 19.72.19</b>
X		Culverts may only be installed on small side drainages, across swales, and on ephemeral or intermittent streams. (See Section 19.72.130, (Stream Corridor and Wetlands Protection)). Culverts are prohibited to cross perennial streams; bridges to cross perennial streams are permitted.
X		Bridges and culverts shall be sized to withstand 100 year storm events. Concrete or stone head walls and side walls are required to maintain the integrity of the bridge structure. (See Chapter 19.74 (Floodplain Hazards).

**Comment [CW23]:** It was never the intent of FCOZ that staff members have the power to increase the stream or wetland setbacks (see summary of comments note 6).

**FIGURE 19.72.19: CULVERTS**



Mandatory	Advisory	<b>T. Design traffic circulation to respect existing topography, achieve acceptable slopes, and adhere to minimum width and turning standards. See Figure 19.72.20</b>
X		Vehicular access shall be safe and have adequate width to allow for snowplowing and snow storage.
X		Access roads shall avoid steep grades and sharp turning radii that can make access, especially in the winter, difficult.

**FIGURE 19.72.20: DRIVEWAY DESIGN**

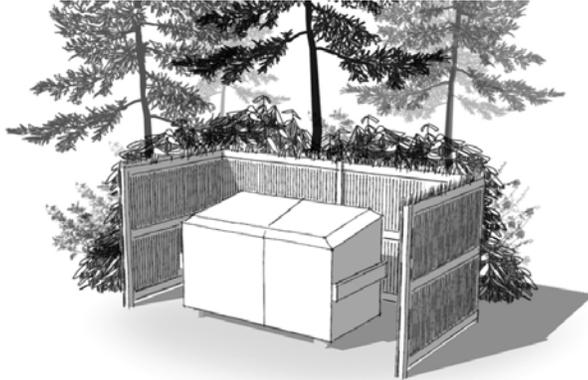


Mandatory	Advisory	<b>U. Provide safe, adequate off-street parking with year-round access</b>
X		New development shall comply with off-street parking requirements provided in

		this Ordinance.
	X	Shared driveways and shared parking areas with adjoining owners are encouraged.
X		<del>Access to off-street parking areas shall be from a private driveway or roadway rather than directly from a public street or road. Off-street parking areas shall be large enough to avoid vehicles having to back out onto a public street.</del>
<b>Mandatory</b>	<b>Advisory</b>	<b>V. Design new roads and driveways to reduce their visual impact</b>
	X	Roads and driveways should be screened using existing land forms and vegetation. Long tangents, including on side roads intersecting with arterial roads or highways, should be avoided in favor of curvilinear alignments reflecting topography.
X		Cuts and fills shall be re-graded to reflect adjacent land forms and re-vegetated with native plants. See Section 19.72.070.
<b>Mandatory</b>	<b>Advisory</b>	<b>W. Respect existing land forms, contours, and natural settings in the placement of fences. See Figures 19.72.21 and 19.72.22</b>
X		Fences may be erected to screen service and outdoor areas or provide a safety barrier. (See Section 19.72.070 (Grading Standards—Retaining Walls))
X		Fencing used to screen patios, other outdoor areas, and service areas may be composed of the following fencing materials: a. Natural or stained wood b. Brick c. Rock d. Stone e. Pre-cast fences or walls textured and colored to imitate any of the above materials f. Wrought iron
X		The following fencing materials are prohibited: a. Solid board b. Concrete or concrete block c. Chain link, except around telecommunications facilities, public utility compounds, and other related or similar facilities where security concerns and terrain make this type of fencing practical, as approved by the Planning Commission for fences around conditional uses and approved by the Zoning Administrator for fences around permitted uses. Where a chain link fence is used, a powder or dull coating of the fence is required. d. Plywood e. Painted materials f. Vinyl, except rail fences for containment of horses
X		Rail fences and low rock walls are permitted along arterial roads and highways, and at other locations to delineate property lines.
X		Fences located along property lines and arterial roads or highways are limited to a maximum height of 42 inches, except where necessary for security, safety, protection of public health, wildlife, private property, livestock, etc., .
	X	Solid barrier fences located along arterial roads or highways or placed directly on a site's front property line are discouraged.
X		Walls and fences are to be reviewed on a site-by-site basis, and require a building permit.

**Comment [CW24]:** The requirement that off street parking areas not have cars back onto the public street is sufficient. The first sentence is confusing as to what it actually requires or prohibits (see summary of comments note 5).

**FIGURE 19.72.21: OPAQUE FENCE FOR SCREENING**



**FIGURE 19.72.22: FENCES RESPECT EXISTING LAND FORMS**



Mandatory	Advisory	<b>X. Select and locate lighting fixtures only where needed to provide for the safe movement of people on the site. See Figure 19.72.23</b>
X		Light poles for public outdoor recreational facilities are limited to 60 feet in height. Light poles for outdoor recreational facilities on private residential property are limited to 18 feet in height. Both require site plan review which may require restrictions on locations and hours of illumination based upon impacts on adjoining properties. .
X		With the exception of light poles for outdoor recreational facilities, lights poles, and building-mounted fixtures shall be designed with fully shielded luminaires directed downward.

FIGURE 19.72.23: SHIELDED LIGHTING



**19.72.180 EXCEPTIONS FOR MINOR SKI RESORT IMPROVEMENTS**

Minor ski resort improvements are permitted the following exceptions, subject to approval of the site plan application for FCOZ:

- A. Development on slopes greater than thirty percent (30%).
- B. Development on designated ridge lines or ridgeline protection area.
- C. No Limitations on terracing.
- D. Permissions for streets, roads, private access roads, and other vehicular routes to cross slopes over fifty percent (50%), including limitations on driveway length.
- E. Removal of trees and vegetation, therefore no requirements for tree replacement.

**19.72.190 WAIVERS FOR PUBLIC USES AND MINERAL EXTRACTION AND PROCESSING****A. Authority to Grant Waivers**

The topographic conditions, soil characteristics, hydrologic patterns, climatic constraints, susceptibility to natural hazards, vegetation, wildlife habitat concerns, and aesthetic considerations of foothill and canyon areas often create circumstances in which strict compliance with adopted standards is not only difficult but sometimes impossible to achieve. As these challenges are frequently created by the very nature and operational characteristics of mineral extraction and processing operations, and many public uses, and are therefore most often self-imposed, other avenues of administrative relief are sometimes necessary and appropriate. Accordingly, the land use authority may waive or modify the development standards for these uses.

**B. Waiver Request Procedures**

1. A petition or request for a waiver or modification of an FCOZ development standard may be submitted in writing by the owner or authorized agent of the subject property. The petition or request shall be made concurrent with the related land use permit application--for example, conditional use application. The petition or written request shall clearly explain:
  - a. Those aspects or elements of the development proposal that are strictly prohibited.
  - b. All FCOZ regulations requested to be waived or modified in order for the development to reasonably proceed.
  - c. The basis, justification or grounds for granting the waiver or modification.
  - d. Why other common designs or improvements that may be less impactful on the environment and adjacent properties are not being considered..
  - e. The exact nature and locations of improvement for which waivers or modifications have been requested.
2. Each proposed waiver or modification is to be referred for decision to the relevant land use authority under the ordinance. The waiver or modification petition is to be accompanied by a written staff report with recommendations.
3. When a public hearing is required, the notice of the hearing shall specify the waivers or modifications requested, the relevant ordinance provisions from which the waivers or modifications are sought, and the general nature of the development that is proposed if the requested waivers or modifications are granted.

**C. Approval Standards**

In deciding whether to grant waivers or modifications to the development standards of the Foothills and Canyons Overlay Zone, the land use authority shall consider the following standards as deemed applicable by the land use authority:

1. The proposed waiver and improvements contribute to the overall use, operation, and maintenance of the property, and whether reasonable alternative means exist to reduce



or mitigate adverse impacts.

2. Strict compliance with these regulations may result in substantial economic hardship or practical difficulties for the owner of the property.
3. Strict or literal interpretation and enforcement of the specified regulation may result in a development approach inconsistent with the intent and objectives of this Ordinance.
4. The waivers or modifications may result in a development proposal that better preserves area views, reduces adverse impacts on existing trees and vegetation, reduces the overall degree of disturbance to steep slopes, protects wildlife habitat, or reflects a greater degree of sensitivity to stream corridors, wetlands, rock outcrops, and other sensitive environmental features in the vicinity of the proposed improvements.
5. The granting of the waiver or modification may have neutral or beneficial impact to the public health, safety, or welfare, or to properties or improvements in the vicinity.
6. The proposed development, as modified by the request, is consistent with the goals, objectives, and policies of the adopted community general plan applicable to the area.
7. Creative architectural or environmental solutions may be applied to alternatively achieve the purposes of this Ordinance.
8. The development in all other respects conforms to the site design, development, and environmental standards set forth in the Foothills and Canyons Overlay Zone and in all other applicable ordinances and codes.
9. The waivers or modifications requested do not violate other applicable federal, state, and local laws.

**D. Waivers**

Slope waivers are not required for mineral extraction/processing facilities or public uses with slopes of 30% or less. Slope waivers are required for eligible development activities associated with such land uses according to Table 19.16.2.

**TABLE 19.16.2: PERMISSIBLE SLOPE RANGES FOR ELIGIBLE DEVELOPMENT ACTIVITIES**

**Authority to Grant Waivers**

Slope Range	Eligible Development Activities
30% or less	<ul style="list-style-type: none"> <li>• No slope waiver required</li> </ul>
Greater than 30% up to 40%	<ul style="list-style-type: none"> <li>• All development activities associated with allowed uses</li> </ul>
Greater than 40% up to 50%	<ul style="list-style-type: none"> <li>• Pedestrian trails</li> <li>• Non-motorized vehicle trails</li> <li>• Motorized vehicle roads and trails for emergency or maintenance purposes</li> </ul>
Greater than 50%	<ul style="list-style-type: none"> <li>• Pedestrian trails</li> <li>• Non-motorized vehicle trails</li> </ul>

**E. Action on Waiver Requests**

1. The waiver or modification request may be approved as proposed, denied, or approved with conditions.
2. The decision on the request shall include the reasons for approval or denial.
3. In granting a waiver from or modification of development standards, conditions may be imposed to mitigate the impacts of the proposed development on adjacent properties and the area. These may include, for example, measures to:
  - a. protect scenic vistas, especially views from public rights-of-way and public lands,
  - b. protect natural settings in the vicinity of site improvements, and
  - c. enhance the relationship to and compatibility with other structures and open spaces in the vicinity of the proposed improvements.
4. All development shall comply with approved plans. Any proposed revisions or changes to plans requires a resubmittal and request for final action.

**19.72.200 DEFINITIONS**

For the purposes of this Chapter, the following terms shall have the following meanings:

**Alteration**

Any change or rearrangement in the supporting members of an existing structure, such as bearing walls, columns, beams, girders, or interior partitions, or any change in the dimensions or configurations of the roof or exterior walls.

**Building site**

A space of ground occupied or to be occupied by a building or group of buildings.

**Caliper**

A standard for trunk measurement of nursery stock, determined by measuring the diameter of the trunk six inches above the ground for up to and including five-inch caliper size, and twelve inches above the ground for larger trees.

**Clustering**

A development or subdivision design technique that concentrates buildings or lots on a part of the site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally sensitive areas.

**Driveway**

A private area used for ingress and egress of vehicles, which allows access from a street or road to a building, structure, or parking spaces.

**Engineering geologist**

A geologist who, through education, training and experience, is able to conduct field investigations and interpret geologic conditions to assure that geologic factors affecting engineered works are recognized, adequately interpreted, and presented for use in engineering practice and for the protection of the public.



**Expansion**

An increase in the size of an existing structure or use, including physical size of the property, building, parking, and other improvements.

**Fence**

A structure erected to provide privacy or security, which defines a private space or is used to constrain domestic animals.

**Geotechnical engineer**

A professional engineer licensed in the State of Utah, whose education, training, and experience is in the field of geotechnical engineering.

**Grading**

Any change of existing surface conditions by excavating, placing of any soils or rocks, or stripping of vegetation.

**Landscape architect**

A person who is licensed to practice landscape architecture by the state of Utah.

**Limits of disturbance**

The area(s) in which construction and development activity are to be contained, including development and construction of the principal building, accessory structures, recreation areas, utilities, services, driveways, septic tank drain fields and related system requirements, storm drainage, and other similar services or improvements. However, up to ten (10) feet of paved or unpaved shoulders for driveways are not included in the limits of disturbance.

**Lot of Record**

A lot or parcel of land established in compliance with all laws applicable at the time of its creation and recorded in the office of the county recorder either as part of a recorded subdivision or as described on a deed, having frontage upon a street, a right-of-way approved by the Land use hearing officer, or a right-of-way not less than twenty feet wide.

**Minor ski resort improvements**

Construction activities associated with the ongoing operation and maintenance of previously approved facilities, ski runs, ski trails, ski lifts and related resort appurtenances, equipment, recreational access corridors, pedestrian or non-motorized trails, non-snow related activities and accessory uses, or vehicular maintenance roads constructed or used in connection with the construction, operation, or maintenance of a resort.

**Mountain resort or Ski resort**

- A. Any publicly or privately developed recreational use permitted by relevant local, state, and federal authorities, for snow-related activities, accessory year-round or non-snow related activities, and associated facilities and improvements.
- B. Such uses, activities, and facilities may be conducted on a commercial or membership basis, whether solely on privately-owned property or on privately-owned lots or parcels interspersed with public land under a special use permit from the U.S. Forest Service or other public agency, primarily for the use of persons who do not reside on the same lot or parcel as that on which the recreational use is located.
  - 1. Snow related activities include but are not limited to: downhill skiing, cross-country skiing, snowboarding, snow shoeing, snowmobiling, or other snow related activities.



2. Accessory year-round and non-snow related activities include but are not limited to: alpine recreational activities; cultural events and festivals; and conference events.
3. Associated facilities and improvements include, but are not limited to: lodging; food, retail, and support services; recreational and fitness facilities; parking accommodations; and other uses of a similar nature specifically authorized in conjunction with the operation of a year-round resort.

#### **Natural open space**

Land in a predominantly open and undeveloped condition that is suitable for any of the following: natural areas; wildlife and native plant habitat; important wetlands or watershed lands; stream corridors; passive, low-impact activities; little or no land disturbance; or trails for non-motorized activities.

#### **Net Developable Acreage**

"Net developable acreage" is defined as land with all of the following:

- a. An average slope less than thirty percent (30%).
- b. Soils of a suitable depth and type based on soil exploration and percolation tests in accordance with the regulations of the Utah Department of Environmental Quality in order to ensure against adverse impacts on surface and groundwater quality.
- c. ~~e.~~ Minimum distance from any stream corridor, as defined in this Chapter.
- d. Free from any identified natural hazards such as flood, avalanche, landslide, high water table and similar features. (See Chapter 19.74 (Floodplain Hazard Regulations) and Section 19.72.120 (Natural Hazards)).

#### **Open Space**

Any area of a lot that is completely free and unobstructed from any man-made structure or parking areas.

#### **Ordinary high water mark**

- A. The line on the bank to which the high water of a stream ordinarily rises annually in seasons, as indicated by changes in the characteristics of soil, vegetation, or other appropriate means, taking into consideration the characteristics of the surrounding areas.
- B. Where the ordinary high water mark cannot be found, the top of the channel bank shall be substituted.
- C. In braided channels, the ordinary high water mark shall be measured to include the entire stream feature.

#### **Overlay zone**

A zoning district that encompasses one or more underlying zones and that imposes additional or alternative requirements to that required by the underlying zone.

#### **Qualified professional**

A professionally trained person with the requisite academic degree, experience, and professional certification or license in the field(s) relating to the subject matter being studied or analyzed.

#### **Retaining wall**

A wall designed and constructed to resist the lateral displacement and erosion of soils or other materials.



**Ridgeline protection area**

An area consisting of a prominent ridgeline that is highly visible from public right-of-ways or trails, and that includes the crest of any such designated prominent hill or slope, plus the land located within one-hundred feet horizontally (map distance) on either side of the crest.

**Significant trees**

Large trees of six-inch caliper or greater, groves of five or more smaller trees, or clumps of oak or maple covering an area of fifty square feet to the drip line perimeter.

**Site plan**

An accurately scaled plan that illustrates the existing conditions on a land parcel and the details of a proposed development, including but not limited to: topography; vegetation; drainage; flood plains; wetlands; waterways; landscaping and open space; walkways; means of ingress and egress; circulation; utility easements and services; structures and buildings; lighting; berms, buffers and screening devices; development on adjacent property; and any other information that may be required to make an informed decision.

**Slope**

The level of inclination from the horizontal, determined by dividing, in fifty (50) foot intervals, the average horizontal run of the slope into the average vertical rise of the same slope and converting the resulting figure into a percentage value.

**Stream, Ephemeral**

Those channels, swales, gullies, or low areas that do not have flow year-round or are not shown on United States Geological Services (U.S.G.S.) topographic maps as perennial streams. These are generally channels that are tributary to perennial streams, other ephemeral streams, terminal low areas, ponds, or lakes. They are typically dry except during periods of snowmelt runoff or intense rainfall. (Contrast with "Stream, Perennial.")

**Stream, Perennial**

Those streams, excluding ephemeral streams, or ditches and canals constructed for irrigation and drainage purposes, which flow year-round during years of normal rainfall, and that are identified on the appropriate United States Geological Services (U.S.G.S.) topographic maps as perennial streams. (Contrast with "Stream, Ephemeral.")

**Stream corridor**

The corridor defined by a perennial stream's ordinary high water mark.

**Substantial economic hardship**

A denial of all reasonable economic use of a property.

**Trails**

A type of natural open space that is a system of public recreational pathways located within the unincorporated county for use by the public for walking, biking, and/or horseback riding as designated.

**Vegetation**

Living plant material, including but not limited to trees, shrubs, flowers, grass, herbs, and ground cover.

**Waiver**

Permission to depart from the requirements of an Ordinance with respect to the application of a specific regulation.

## Summary of Responses to FCOZ revisions

Note: a revised draft, referred to in this document as “the draft” has been prepared for planning commission review, in which many of the recommendations below have been addressed. Changes to the text are shown with underline and strike-through with comments in the margins.

1. The application process should clarify what is meant by "regularly scheduled pre-application meeting" – Big Cottonwood Community Council

*Response: This is not a change from current ordinance. Originally, pre-application meetings were held weekly (generally on a Tuesday) with a limited number of time slots available. Current policy involves planning staff having regular openings on their calendars each week when they can meet with applicants, which allows the meetings to take place with much less delay. Page 3 of the draft shows how the text may be amended to simplify the pre-application meeting process.*

2. The County cannot delegate land use approval authority to Salt Lake City. SLC may be asked to review, but should not be given "veto" power over permits. – Marty Banks in behalf of the ski resorts

*Response: This issue was also a concern to our legal counsel. It is important to note, however, that it is part of the standard review procedure to request certification of compliance with all agencies that have statutory authority over any given aspect of development. For example, without Health Department approval of the proposed septic system, a building permit is not issued. Under 10-8-15 of the Utah Code, “the jurisdiction of cities of the first class shall be over the entire watershed.” It further states, “They may enact ordinances and regulations necessary to carry the power herein conferred into effect, and are authorized and empowered to enact ordinances preventing pollution or contamination of the streams or watercourses from which the inhabitants of cities derive their water supply, in whole or in part, for domestic and culinary purposes, and may enact ordinances prohibiting or regulating the construction or maintenance of any closet, privy, outhouse or urinal within the area over which the city has jurisdiction, and provide for permits for the construction and maintenance of the same.” We have included changes (FCOZ page 2) and MRZ (page 12) ordinances to clarify that applications are referred to Salt Lake City for verification of compliance with their regulations, but the permit approval authority still rests with Salt Lake County.*

3. The advisory design standards should not become mandatory as determined by the land use authority on a site-by-site basis. There should also be more flexibility built into the standards by adding back more qualifiers such as "to the maximum extent feasible," or by allowing the planning commission some authority to waive them. – Log Haven Restaurant and Marty Banks  
*Response: one of the goals stated by the blue ribbon commission was to remove ambiguity from the current requirements. Phrases like “to the maximum extent feasible” make requirements*

*difficult to interpret and enforce. An effort was made to clarify what standards were appropriate as requirements and which ones were merely suggested. County staff does agree that the phrase "advisory standards may be made mandatory on a site by site basis by the land use authority as a condition for approval" could be stricken as it could be challenged as leading to arbitrary and capricious decisions. (page 26) We have also included language that would give the planning commission some latitude to waive or lessen mandatory requirements for conditional uses if in harmony with the intent of FCOZ (also page 26).*

4. Parking lots should not be required to set back 100 feet from a stream, in light of the fact that the paved canyon roads are already closer than 100 feet from the streams. – Log Haven Restaurant

*Response: The stream setback requirements in this draft are the same as in existing code, mainly because the blue ribbon commission did not recommend changes to this portion of FCOZ. Both the existing parking lot at Log Haven and the paved road in Millcreek Canyon were installed prior to the original enactment of FCOZ. As a nonconforming structure, the parking lot at Log Haven has an avenue of relief in section 19.88.070 - Additions, enlargements, moving and reconstruction of a structure - of the zoning ordinance. There are also avenues of relief provided to lots of record to have the setback reduced; one of which we have relocated to 19.72.020.E of the draft (FCOZ page 2). However, the reduction or elimination altogether of stream setbacks in non-protected watershed areas is not something staff is prepared to include in a draft ordinance until the science and reasoning behind the original requirement can be fully researched.*

5. "Access to off-street parking areas shall be from a private driveway or roadway rather than directly from a public street or road" needs to be stricken from table 19.72.1 section U. If the intent is to have parking stalls that don't back directly onto the street, that is covered by G of the same table. – Log Haven Restaurant

*Response: This requirement is confusing, because is not clear whether this means parking stalls cannot back directly onto a public street or that some kind of frontage or other road needs to be between all parking lots and the street. Staff does not see a reason why drive aisles into parking lots cannot connect directly to a street, provided adequate separation exists to prevent drivers from pulling from the street directly into parking stalls.*

6. The Director's power to modify LOD, stream setbacks was intended to offer relief from the requirements, but it could be read as to empower him to do the opposite. This is explicitly stated in Table 19.72.1.R where it says the stream setback "may be reduced or expanded as provided in section 19.72.130." – Log Haven Restaurant

*Response: This section should be re-worded. The intent is to offer relief from the requirements. In some cases, that relief involves lowering a number (like stream setbacks) but in other cases, it involves increasing a number (like LOD areas). The key is to make it clear that the restrictions may be relaxed by 25%, not increased by 25%. The draft has been reworded to make this clear, including removing the words "or expanded" from Table 19.72.1 section R. (FCOZ page 34).*

7. 19.72.140.G needs to state that structures damaged or destroyed can be rebuilt and it ought to include parking lots as well (unless expressly considered "structures"). – Log Haven Restaurant  
*Response: The bottom line to this request is whether a parking lot is considered a structure. As discussed above, if parking lots are considered a structure, they are subject to the ordinances that apply to noncomplying structures in chapter 19.88 of the zoning ordinance. The zoning ordinance defines a structure as: "anything constructed or erected which requires location on the ground, or attached to something having a location on the ground." Under this definition, a parking lot is a structure, and there would be no need for an FCOZ revision because noncomplying structures can be rebuilt and restored if damaged or destroyed by fire, flood, etc. (see section 19.88.110 of the County zoning ordinance).*
  
8. How long does Salt Lake City have to make a decision or recommendation to the County? Should there be a prescribed time limit? – Big Cottonwood Canyon Community Council  
*Response: 19.72.020.D of the draft includes a change stating that the County may approve applications subject to Salt Lake City's certification if they have not responded within the time frames prescribed by ordinance for rendering a decision. (FCOZ page 2)*
  
9. FCOZ should clarify what standards apply to existing roads regarding width, slope, surface, etc. Current code and draft just say "shall comply with SL County Highway ordinance and fire authority regulations." This does not give guidance to property owners or developers. – Big Cottonwood Canyon Community Council  
*Response: There are several instances where FCOZ recognizes that other authorities have the final say regarding certain aspects of development (Health, Fire, Transportation). To put these authorities' specific requirements in FCOZ risks creating conflicts with those authorities' ability to interpret and grant waivers as needed to their own codes. One slight change was made in the draft, and that was to make clear that the access and road requirements of FCOZ were intended to apply to new streets, roads, and driveways. (FCOZ page 12)*
  
10. Is bonding really necessary for replacement trees? Why require people to plant trees on someone else's property? – Big Cottonwood Canyon Community Council  
*Response: Normally bonding is used as a warrantee for improvements that are installed with development. Those improvements include curb, gutter, sidewalk, and in the case of FCOZ, replacement trees. As for planting trees on other properties, it is offered as an option for lots where the owner is having difficulty finding a place to plant the replacement trees where they will survive. The draft now also includes a waiver of the replacement requirement for lots that are already heavily wooded (80% covered by trees). We also no longer require that replacement trees be planted within the limits of disturbance (opening up more locations on each lot for tree planting). (FCOZ page 17)*
  
11. Why does property need to have verified water availability to qualify for TDR? This excludes the mining claim properties from consideration. Why not allow transfers to non-resort properties and away from back country areas? - Marie Taylor, Linda Johnson

*Response: The concept of transfer of development rights included in this draft is to cluster development in the resorts in exchange for taking developable land off the table elsewhere in the canyons. The TDR section of the MRZ zone was modeled after the TDR code used very successfully at Snow Basin. Transfer of development rights to properties other than resorts involves numerous other issues, including revisions to the base zones of the “receiving” properties. Numerous other questions would have to be answered, such as how to determine the transferrable value of land that has no current development rights, but which may acquire them later? Receiving properties also need to establish that they have the capacity (in terms of buildable area, water rights, etc.) to build the additional units. The township services staff is not adverse to pursuing avenues to take backcountry holdings off the table while compensating those landowners; but that topic should be addressed by the mountainous planning district.*

12. What does "meet the net developable acreage definition in this ordinance" mean? – Big Cottonwood Canyon Community Council

*Response: “net developable acreage” is a term currently defined in the “clustering” section of FCOZ. For clarification, we have moved it in the draft to the definitions section. (FCOZ page 43)*

13. Fences taller than 42 inches should be allowed in limited areas. Also, property owners along the main road ought to be allowed to install a 6 foot fence along the front of their property for security, privacy, and noise abatement. – Emigration Canyon Community Council

*Response: Both the current ordinance and the proposed draft restrict fences along property lines, in front yards, and along roads to 42 inches. Fences in limited areas of yards, such as around a patio area, are allowed to be taller. The fencing limitations were a matter of much discussion when FCOZ was originally heard and adopted in 1998, with the same types of questions being asked. On one hand, property owners along major streets have more traffic and noise affecting their privacy. On the other hand, allowing taller solid fences along major streets in the canyons has the effect of creating a “sound wall” along the main canyon roads that could actually increase noise and would significantly impact the aesthetic views. Due to the narrow, winding nature of canyon roads, there are also safety concerns about view distances for vehicles pulling onto the roads. Staff has included wording in the draft that would accomplish the recommendation of the Community Council, but this is not a change the staff recommends approving without considering the ramifications. (FCOZ page 15)*

14. Stream modifications ought to be addressed; we should meet with the State to make sure we are on the same page in terms of permits and what can be allowed. Current code prohibits ANY work in the stream bank, which is not always prudent; this should be regulated by the State of Utah and County Flood Control. – Marty Banks and Emigration Canyon Community Council

*Response: The draft has included a provision to clarify that permits through the State Engineer and County Flood Control are required for any development activity that alters a stream bank or bed. (FCOZ page 19)*

15. The 100 foot setback from either side of a mapped ridgeline doesn't always make sense based on the topography of a given site. – Emigration Canyon Community Council  
*Response: The original public draft of the ordinance gave the planning commission a little bit more latitude than current FCOZ when it comes to granting waivers to ridgeline protection areas ("virtually undevelopable" vs. "completely undevelopable"). This draft also contains a provision to attempt to address the stated concern, by allowing the planning commission to allow exceptions if granting them results in a site plan that is more in harmony with the intent of FCOZ—reducing the need for grading, retaining walls, etc. (FCOZ page 8)*
16. The 35% limit for grading a building pad site should be exempt in MRZ. – Marty Banks  
*Response: The 35% limit was a suggestion made by a previously hired consultant, and has been removed from the draft for all FCOZ properties. (FCOZ page 9)*
17. Current FCOZ allows maximum limits of disturbance for uses other than single family residential to be considered on a case-by-case basis. This should be restored in proposed draft. Also, limits on LOD for residential uses should be reconsidered, as 10% (over the initial 20,000 s.f.) seems too small. – Marty Banks, Log Haven Restaurant  
*Response: Because many of our non-single family residential uses are larger (including larger parking lots, etc.) this flexibility for non-residential uses has been restored in this draft. (FCOZ page 24-25) Single family residential uses remain restricted to 20,000 square feet plus 10% of acreage over 1 acre.*
18. The open space requirement should be decided on a case by case basis rather than set at 40%. – Marty Banks  
*Response: The 40% open space requirement only applies to cluster development where the applicant has sought a density bonus for clustering (to address the question of: if the lots are clustered, what do you do with the rest of the area?) However, in order to not get stuck on a given number, the draft has eliminated the percentage, and simply states that the undeveloped part of the clustered subdivision must become dedicated open space to avoid future development. (FCOZ page 6)*
19. Width of retaining wall terraces should be reduced to the lesser of 4' or 1:1 to height. – Marty Banks  
*Response: The reason for the setback between walls is to allow space for landscaping to soften up the look; otherwise there is no difference between terracing and building a taller wall. The 1:1 ratio is to allow fuller landscaping to grow between taller walls. Since the limits on terracing do not apply to minor ski resort improvements, and since the maximum retaining wall height without using terracing had been raised from 6' to 8' in the first public draft, no change was made to this draft.*
20. "Lot of record" definition should not require frontage on a "street, a right of ways approved by the land use hearing officer, or a right of way not less than twenty feet wide." – Marty Banks

*Response: The frontage requirement is already in current code definition of "lot." This is basically in place to ensure that all lots have some sort of vehicular access rather than being land-locked. No change made to the draft.*

21. FCOZ needs to have the appeal rights/process stated at least once in the chapter. – Log Haven Restaurant

*Response: The zoning ordinance already has an appeals process in place that applies to the decisions applying and interpreting the ordinance, so a separate appeal process was not included in FCOZ. However, if the planning commissions and ultimately County Council feel it is necessary, an appeal provision consistent with the rest of the zoning ordinance can be inserted.*

22. The blue ribbon commission suggests that "one size fits all" does not work in the canyons, and there ought to be some consideration for Millcreek Canyon, being a non-watershed, non-resort canyon, should have FCOZ regulations tailored to its situation. – Log Haven Restaurant

*Response: There are differences in some sections of the code for watershed vs. non-watershed areas, but the creation of separate regulations for the different canyons was beyond the scope of this project. With the creation of Emigration Canyon Metro Township, Emigration Canyon will have the opportunity to "customize" FCOZ to its needs, but developing that type of customized ordinance for Millcreek Canyon is a long-term project that will best be done through the Mountainous Planning District.*

23. Amend the planning commission waiver provision in 19.72.060(D)(1)(2) to read, "The Planning Commission may only waive or modify the following slope protection standards as applied to development on lots of record...The Planning Commission may waive these standards only upon satisfaction of the following criteria..." The reason: To give the planning commission more confidence in denying a slope waiver if the relevant standards are not met. – Blue Ribbon Commission

*Response: Planning staff and planning commissions apply the standards, so no objection to making it abundantly clear that they are to do so. (FCOZ page 8)*

The following additional changes were implemented in the draft by Staff

24. Amended the following to section 19.72.040 "Unless specifically modified by this chapter development agreement, all development shall comply with the standards of the underlying zoning district. Should a conflict arise between the standards of the Foothills and Canyons Overlay Zone and the underlying zoning district, the standards of the underlying zoning district shall prevail. Previously platted lots consolidated into one taxable parcel may not be re-divided into lots smaller than the minimum area required in the underlying zone."

*Reason: The changes clarify the interaction between FCOZ and the underlying zone, including MRZ.*

25. Add a subsection (G), entitled “Tree Removal Not Authorized by this Section” to section 19.72.110.

*Reason: The penalty for violating FCOZ is \$100 per day. The daily penalty doesn't apply well to the removal of trees. The County cannot legally impose a daily penalty for the time it would take for newly planted trees to reach the maturity of the trees unlawfully removed (which would take years), and a single day's penalty doesn't adequately discourage unlawful removal.*

26. Change the definition of “significant trees” in section 19.72.200 from six-inch caliper to four-inch caliper.

*Reason: Staff is concerned about removal of trees between 4” – 6” so has modified the definition of “significant trees.” Efforts have been made in the draft to include exceptions to the tree replacement requirement for tree removal to create defensible space, and also for lots that are already heavily wooded (canopy coverage of 80%). This change is an effort to reinforce the original intent of the provision, which is to encourage applicants to choose a location on their lot that already has fewer trees where possible.*