

May 7, 2021

Dear Salt Lake County Planning Council,

This letter is to express our concern, as owners of parcels zoned FA in the southwest Salt Lake County, over the proposed zoning amendment being considered this Wednesday, May 12, 2021 at 8:30 a.m. Following are some of our concerns:

**1. No where left to house livestock** (FCOZ restricts housing on hillsides, and with this proposal FCOZ will restrict housing livestock in the flat areas between the hills). Most of Rose Canyon is topographically comprised of hill sides and ridges with a relatively small percentage of areas of flatter, low areas between the hills. Many of the current livestock housing is located in these narrow, low areas - horses like the moderate topography and it's usually much easier for people to build housing, store hay, and maintain the horses there with vehicular/trailer access. The low areas also happen to be where the perennial and ephemeral streams are located. This zoning amendment is proposing to disallow livestock housing in many of these low areas. And, current FCOZ restrictions make it difficult or impossible to house livestock on the hillsides. So, with this zoning amendment, the county would be telling the residents they can't house livestock on the hillsides or in the flatter, low areas between them.

**2. Impact on current and future property values-** property zoned for horses is a very small percentage of property in SL County, and it's decreasing in percentage terms as population and density in the valley increases. It carries a premium for people wanting to keep horses or small numbers of farm animals such as family cows, goats, or sheep. So, even if a current resident doesn't choose to keep horses on their property, a future buyer might, and the ability to keep horses on the property makes it more valuable. If restrictions make it difficult or impossible to maintain horses on either the hillsides or in the bottoms between the hillsides, it takes that premium or value from many property owners.

**3. Incentive toward higher density** - If livestock owners can't reasonably keep animals on their property, they may choose to move where they can, opening up large portions of the Canyon to buyers trying to develop or increase density since available land in the valley is rapidly diminishing.

**4. Deceiving restrictions of the amendment** - since there are two sides to any stream, a 100' setback is really 200' and a 300' setback is really 600'. In the narrow bottoms between the hillsides where many livestock are now housed, a 200 or 600' setback effectively covers much or all of the narrow low areas where housing can be located.

**5. Moving housing** -If livestock housing is located in one of these setback areas, the proposed restrictions would make many owners out-of-compliance, and require that the housing be moved, which may be of extreme expense and difficulty for the owners. Some of the housing is barns and other site- built livestock housing.

**6. Livestock Heritage of the southwest SL Valley and Hi-Country 1 and 2** - The southwest valley has a long, strong heritage of livestock. The Mascaro family who pioneered Rose Canyon kept up to 700 head of goats and maintained a small rodeo ground in the middle of Rose Canyon. Most cities in the SW county still have rodeos and families that keep small homesteads that include farm animals. Hi-Country Estates 1 and 2 are a big part of that heritage. Many horse

owners in HCE 1 and 2 ride directly to BLM or Yellow Fork recreational area. Making livestock in the community unreasonable to keep could threaten the livestock heritage of the community.

**7. Loss of Greenbelt status** - Many parcels in Rose Canyon are under Greenbelt tax status. If this ordinance amendment makes it unreasonable for livestock owners to keep livestock, they may lose their ability to qualify for greenbelt tax status, incurring roll-back taxes and making it financially difficult or impossible to keep their property going forward.

**8. Compliance/enforcement could infringe on the privacy of all residents** in the Canyon. How would compliance with these new restrictions be observed and enforced? A county employee walking on the property? Google Earth? Drones?

**9. Incremental encroachments on property rights** -taking away or restricting property rights should be well noticed, thoroughly explained, exhaustively questioned, and extremely justified. It doesn't seem like this ordinance amendment has met any of those bars. *Page 216*

*Environmental Law Institute*

*State Imposed Limitations on the Authority of Agencies to Regulate Waters Beyond the Scope of the Federal Clean Waters Act:*

d) Before taking an action restricting private property use for the protection of public health or safety, the state agency, in internal deliberative documents, shall: (i) clearly identify, with as much specificity as possible, the public health or safety risk created by the private property use; (ii) establish that the action substantially advances the purpose of protecting public health and safety against the specifically identified risk; (iii) establish, to the extent possible, that the restrictions imposed on the private property are proportionate to the extent the use contributes to the overall risk; and (iv) estimate, to the extent possible, the potential cost to the government if a court determines that the action constitutes a constitutional taking.

**10. Unreasonably lumping the SW canyons with the East-side canyons.** The SW canyons are substantially and qualitatively different from the Eastside canyons. We have a long agricultural heritage and a sagebrush/juniper ecosystem. The East-side canyons have a different eco-system of alpine forests with surface watersheds.

**11. Rose Creek is a low volume perennial stream that is not a drinking water source.**

**12. Many unanswered questions and potential problems:**

- a. Which lots are affected?
- b. Where are the streams that are affected?
- c. Who makes the determination which streams are affected and which ones aren't?
- d. Are there established uniform standards to be applied between different hydrologists?
- e. How objective/subjective is the determination process?
- f. If an area is declared to have a perennial or ephemeral stream, is the entire area or length affected, or can it affect upper or lower sections but not the other?
- g. How are property owners assured of equal applications between lots?
- h. How are the proposed setbacks measured?
- i. Do perennial and ephemeral streams have equal environmental impacts?
- j. If they don't have equal impacts, should they have equal restrictions?
- k. Is there an appeals process for affected property owners?
- l. How will property owners be assured that the restrictions won't be enforced selectively?

**We ask that the following restrictions on private property which would make keeping horses and farm animals for many residents difficult or impossible, and have an unreasonably negative impact the general well-being of the community, be removed from the proposed zoning amendment:**

3. For properties that include within their borders, adjoin, or are within 100' of ephemeral streams or perennial streams, as defined in Salt Lake County Code Chapter 19.72:

a. With the exception of subsection (3)(c)(i), all horses, animals, or fowl allowed in this subsection (F) shall be housed or otherwise confined at least 100' away from an ephemeral or perennial stream.

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

c. Two horses per acre for a maximum of four (4) horses are allowed. More than four (4) horses are allowed under the following exception:

i. If the subject property contains more than 2.5 acres that is not within 300' of the ephemeral or perennial stream (hereafter "300' setback"), two (2) horses for each acre that is outside the 300' setback are allowed so long as the horses are not housed or otherwise confined within the 300' setback. This two (2) horse per acre exception is not in addition to the general rule of (4) horses but replaces that general rule if the exception applies.

d. Properties must be a minimum of one (1) acre to have horses, cows, goats, or sheep.

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

Salt Lake County Council  
Planning Commission

Name                      Address                      Phone #

Deborah Roberts  
Emilee Fike  
Lyni Williams  
Vicki May  
~~Joseph Gallo~~  
~~Patricia~~  
Amanda Helms

