

Letter from:

Marlon Beach

[REDACTED]  
Herriman, UT 84096

Subject: FR/FA Ordinance Amendment

Thank you again, Salt Lake County Planning Commission and Staff for providing us this opportunity to communicate and work with your offices.

Quoted are MSD Planning Staff comments provided in the 210811 Salt Lake County Planning Commission Packet. My comments are in *blue*.

---

“A common question throughout the public comment process is whether a problem exists that needs solving. The problems with the current ordinances have been manifest in the Hi Country Estates area...”

*Is this a county meeting or a Hi Country Estates meeting? Both Hi Country 1 and 2 have Associations, with directors. The MSD staff is encouraged to meet with each Associations’ respective elected directors if they truly wish to gain meaningful insight into each community.*

“The FA zone only allows personal use of horses and other animals. The FR zone ordinance does not explicitly limit animal uses to personal use.”

*This is correct, and presumably the reason an owner would choose to purchase a home in one area over another. This is no different than a residential lot owner elsewhere purchasing a home with the expectation that a McDonalds will not be built next door. Again, this is a solution looking for a problem.*

“A related problem involves the number of horses permitted in both zones. The FA zone currently allows 4 horses no matter the size of the property. The FR zone does not have an express limit on the number of horses, but indicates that the planning commission can set a limit.”

*Under the current Conditional Use Permit, animal limits may be imposed by county planning staff. This is an excellent use of county expertise and isn’t being questioned by anyone I’ve spoken with.*

“... Rather than get continuous applications to rezone property and continuous opposition to the same from the County, it makes more sense to remove the incentive to rezone by having uniform standards between the two zones.”

*Will this be the standard in problem solving for the MSD planning staff in the future?  
Dissolving the differences between established zones, just to “make sense?”*

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

1) property owners in the FR zone must go through a more expensive, time-consuming process to obtain a conditional use permit, a process that is an incentive to not come into compliance, resulting in some property owners who are compliant, others that aren't, neighbor disputes over this situation, and the County at risk for selective enforcement;”

*The Conditional Use Permit is not free. I propose: Making the permit free, to provide an incentive to come into compliance. Or, itemizing the costs associated with the permit, as those costs appear to be borne by the permit requestor rather than the MSD office.*

“2) property owners in the FA zone who want commercial uses and/or more horses on their property, who apply to rezone their property to FR, resulting in a patchwork of zoning and heightened neighbor disputes over impacts of more horses; “

*There are FR properties for sale, current FA owners are permitted to buy them. The same can be said for an R-1 homeowner wishing to build a storage facility, etc.*

“3) Continued disputes over commercial animal uses because of a lack of clarity in the ordinance over what commercial uses are allowed and how to mitigate the impacts of such uses; “

*Can the MSD staff provide specific complaints? With respect to HCE1, these “complaints” come from one very small group of people. I’m afraid the county is wasting the board’s time being pawns in an ongoing neighborhood dispute. No one “speaks for Hi Country Estates” except the Board of Directors, and I am the elected President.*

“4) Increase of horses in close proximity to streams and heightened risk to the County of significant penalties for not adopting standards to mitigate the impacts of those increases.”

*When those critical streams are identified, the MSD staff should handle the mitigation efforts via the current Conditional Use Permit process. This should not be a blanket approach for all FR/FA properties.*

#### PROPOSED REVISIONS TO DRAFT ORDINANCE

( in response to public input)

The Planning Commission received significant input from members of the public in response to the proposed draft ordinance. Staff has carefully studied all of this input and has strived to balance the interests of the public with the issues outlined above and proposes the following revisions to the draft ordinance:

*1. & 2. – No comment.*

“3. A Trail Riding business is consistent with the Commercial Recreation use in the FR zone, so it would be a permitted use in both zones so long as it complies with other regulations that govern a business, such as parking, signage, lighting, business licensing, etc. Boarding horses (or other animals) for compensation is incompatible with other uses in both zones, both residential uses and the limited commercial uses in the FR and FA zones (the allowed commercial uses are primarily home-based). Allowing such boarding would be a significant expansion of the current character of the zone, and such higher-intensity incompatible uses are likely to foster disputes, as have already taken place.”

*The proposal’s continuing usage of “both zones” fails to recognize the long-standing differences between the FA and FR zones. The planning staff are doing a disservice to residents of each zone by dissolving those differences in the interest of “consistency.”*

*Trail riding, training, husbandry, and boarding all go hand-in-hand with any equestrian operation. Including one use while prohibiting another would be splitting and already very fine hair. Many of these so-called boarders are actually neighbors, who only have one horse, and would rather house their animals with someone who can provide consistent care and training, while also giving the animal the best possible life (with other horses.) If the MSD staff is already burdened by current concerns, this proposal will increase that burden tenfold.*

“4. Retain the proposed two horses per acre but exclude from acreage those improvements/areas that do not support animals, namely driveways, the footprint of a home and accessory structures that do not house animals, and the 100’ setbacks in #2.”

*As highlighted by the MSD staff themselves in Appendix B, the 2 horse limit isn’t Best Practice, nor is it even common practice in the state. It appears very arbitrary without a specialist’s endorsement. The “usable acreage” is well thought out and a necessary inclusion in my opinion.*

“5. Responding to public comment about nuisances on properties with animals, Staff recommends that Applicant shall submit a manure management plan, which shall address mitigation of storm water runoff, odor, and flies, and shall include the following:...”

*Excellent addition, and should be included in the Permit Process for FR.*

Thank you again for your time and consideration.  
Sincerely,  
Marlon Beach