

Foothills and Canyons Overlay Zone Summary

The Foothills and Canyons Overlay Zone reflects the goals and objectives of the Emigration Canyon Plan in its intent to achieve a better balance between the preservation of the Canyon's natural character and the health, safety, welfare and concern for the private property rights of those who own property in the Canyon.

Implementation of adopted plans is best achieved through adoption and enforcement of ordinances specifically tailored to achieve the goals and objectives of those plans. On January 21, 1998 Salt Lake County adopted the Foothills and Canyons Overlay Zone, together with its associated Site Development and Design Standards. These ordinances provide formidable tools for achieving those objectives.

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Concern for the environment is best demonstrated through ordinance provisions on open space and visual character preservation; ridge line protection; protection of wildlife habitat and migration corridors; maintenance of water quality and the physical integrity of Canyon watercourses and wetlands; and preservation of trees and vegetation within the Canyon's confines. The safety and well-being of Canyon residents are likewise served in regulatory terms through provisions minimizing exposure to natural hazards; accommodating both vehicles and pedestrians safely and efficiently; and reduction of flooding through protection of streams from substantial alteration of their natural functions.

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Acknowledgment and respect for private property rights is found throughout the adopted regulations.

Foothills and Canyons Overlay Zone provisions apply to all future development in the Canyon, both on newly-created and previously established lots and parcels. Lots and parcels created after the effective date of the ordinance must consist of at least one acre based on the underlying zone. Lots of record that meet the minimum lot size requirements of the underlying zone in which they are located are permitted a minimum lot size of one-half acre in size, regardless of their ownership or character of improvement status.

For lots or parcels in zone categories requiring an acre or more of land area, with commensurate lot width requirements, those that do not meet such requirements must be consolidated and will be considered to be a single, undivided lot or parcel for the purposes of the ordinance. Consideration will be given only if they are in single and common ownership and of record on

the ordinance's effective date; are contiguous; and are unimproved with structures or individual and separate connections to municipal water and sewer systems. The use or sale of such lots or parcels, or portions thereof, is prohibited when to do so renders compliance with the lot width and lot area requirements of the ordinance less feasible.

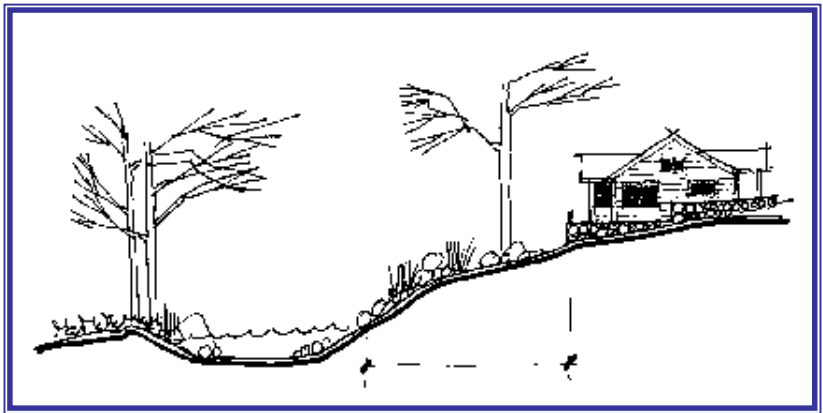
Individual substandard lots of record that are not subject to the ordinance's lot consolidation provisions shall comply with other applicable standards of the ordinance.

A clustered approach to new development is not only generally recommended but may be required by the Planning Commission if doing so will provide more open space; better preserve existing tree and vegetation cover on a site; preserve sensitive environmental areas such as stream corridors, slide areas, wetlands, and steep slopes; and have no significant adverse impact on adjacent properties or developments. In such instances not only must the architecture, height, building materials, building colors, and other design features of the development blend with the surrounding natural landscape and enhance compatibility with adjacent properties and development, but the proposal must also meet all other applicable ordinances or regulations. A density bonus is also available to promote achievement of ordinance goals and objectives.

In more general terms, the ordinance prohibits the development of structures on slopes greater than thirty percent. Development is likewise prohibited from occurring either on the crest of or within one hundred feet horizontally from the crest of ridge lines highly visible from public rights-of-way or trails. Development is likewise precluded from ridge lines determined to be prominent in conjunction with an adopted county or township plan, or as identified and designated through the county's normal development review and approval process.

Grading, excavation, or removal of any trees or vegetation is prohibited prior to completion of a review by staff and issuance of required permits. Changes to natural grade are generally limited to four feet for the accommodation of new structures or improvements. Up to six feet of grade change may be permitted, however, if a retaining wall, or series of walls separated horizontally in accordance with ordinance requirements and faced with stone or earth-colored materials to better match surrounding conditions, is used to reduce the steepness of man-made slopes.

Man-made slopes of twenty-five percent or less are greatly encouraged wherever possible. Graded or filled slopes are prohibited from exceeding fifty percent unless it can be substantiated, on the basis of a site investigation and an approved soils engineering or geotechnical report,



The ordinance requires a minimum setback of 100 feet from stream corridors.

that a steeper cut will be stable and will not create a hazard to public or private property. Recontouring of all cut, filled, and graded slopes consistent with the natural, varied contour of the surrounding terrain is required.

Stream Setback

To promote, preserve, and enhance the important hydrologic, biological, ecological, aesthetic, recreational, and educational functions that stream corridors, associated riparian areas, and wetlands provide, Health Department regulations mandate delineation of stream corridor and wetlands boundaries; prohibit their disturbance or alteration; require a minimum building setback of 100 feet from stream corridors (including intermittent), wells and springs. A 50-foot setback from wetlands is also required, as well as preservation of existing vegetation in proximity to their banks. Filling or dredging are prohibited. Aesthetic concerns are taken into consideration in the provision of detention basins and other storm and erosion control facilities, where required.

Vehicular Access

The general rule for planning streets, roads, private access roads, and other vehicular routes is to follow natural contour lines as much as possible. To extend such routes across slopes between thirty and fifty percent is generally prohibited, but may be authorized by the Planning Commission upon satisfaction of specific findings set forth in the ordinance. Driveways are subject to similar constraints, with shared access ways encouraged.

Appropriate identification and mitigation of vehicular traffic from proposed developments and provision of free-flowing access to high trip-generating sites, while minimizing congestion and unsafe conditions on adjacent public roads and streets, is accomplished through required submittal of traffic and parking impact studies. Together with overall access management plans, all of which are subsequently reviewed and enforced as a standard practice within the development review process, these measures help to achieve established traffic management objectives.

Trail Access And Dedication

Dedication of land for cross-property connections to open space and recreational resources in the vicinity of new developments is required of those developments to reasonably accommodate the increased public access demands of the new facilities. Those who dedicate land resources for such purposes in excess of acknowledged proportional requirements are eligible for density bonuses as specified in the ordinance.

Vegetation

Selective pruning and thinning of trees and vegetation, while allowed around habitable structures for fire prevention purposes and at driveways and intersections to enhance vehicular safety, is limited within the Canyon. Protective fencing established prior to construction and maintained throughout its duration ensures the protection of trees and vegetation on active construction sites, and is reinforced with replacement requirements for those improperly removed. Parcels of land that have been or will be altered from their natural condition by man-made activities are likewise addressed through revegetation and land reclamation requirements.

To promote and preserve valuable wildlife habitats and to protect them from adverse effects and potentially irreversible impacts, wildlife habitats designated as “critical summer/winter use” are protected through the retention of features similar to those found in the local natural landscape; establishment and maintenance of buffers between more intense human activities and core habitat areas; and facilitation of wildlife movement across areas dominated by human

activities. The involvement and cooperation of the Utah Division of Wildlife Resources in the review, comment, and recommendation on proposals for new development in areas of wildlife habitat concern ensures the viability of the adopted regulations.

In terms of administrative approaches, several mechanisms are incorporated into the ordinance to facilitate these protections. A concept referred to as “limits of disturbance” is used to contain construction and development activity on a property to a specific area(s) selected on the basis of ordinance constraints. For single family residential developments, limits of disturbance include the area required for the principal structure, an accessory structure (s), utilities, services, drainage facilities, and a septic tank. Areas required for driveways and leach fields are not included.

For lots or parcels less than 1.0 acre in size, the base limits of disturbance for an individual single-family use and associated improvements is restricted to 10,000 square feet. In the event significant existing site vegetation is retained, however, or remedial revegetation and land reclamation improvements are provided which substantially advance the purposes and objectives of the Foothills and Canyons Overlay Zone, up to 15,000 square feet of site disturbance may be authorized. A similar approach is used for properties over one acre in size, with 12,000 square feet of site disturbance being the norm, and up to 18,000 square feet available with the retention of



Landscape to retain harmony and preserve the original character.

significant vegetation or the provision of remedial improvements.

A comprehensive development review and approval process, incorporating pre-application consultation with property owners prior to the preparation and submittal of development proposals and mandatory involvement by a broad range of regulatory agency representatives in the review and

approval of those proposals ensures administration and enforcement of the ordinance most consistent with its goals and objectives. Ample opportunities for administrative relief from the strict enforcement of ordinance provisions which might otherwise render a property completely unbuildable balance the regulations with respect to private property rights.