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Staff Report Memorandum

November 17, 2022

To: City Council via Planning Commission
From: Community Development Department
Subject: Bell Canyon Acres Code Amendment
Amend Title 21, Chapter 19, Special Development Districts,
Section 34, SD(R-1-30A) Bell Canyon Acres, of the Sandy
Municipal Code
(Community #22)

CA02092022-0006266
SD(R-1-30A)

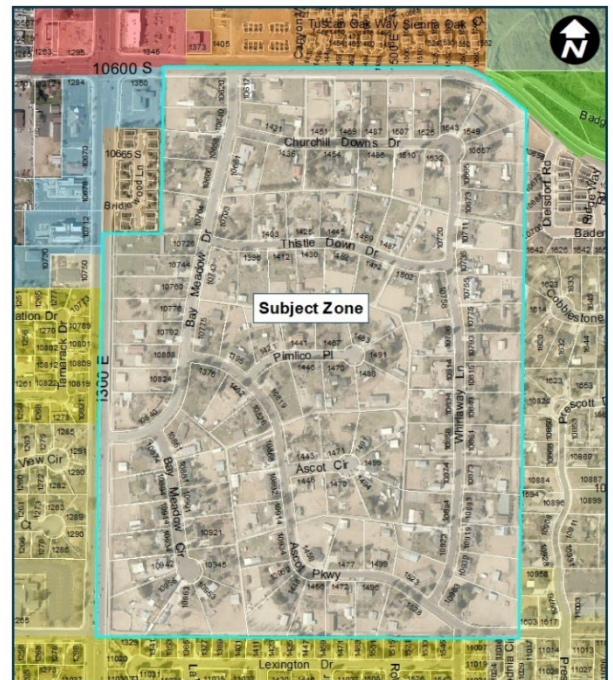
Hearing Notice: This item has been noticed to property owners within 500 feet of the subject area, on public websites, and at public locations.

Request

On behalf of Sandy City, the Community Development Department is proposing to Amend Title 21, Chapter 19, Section 34 SD(R-1-30A) Bell Canyon Acres, of the Sandy Municipal Code. This request was made from City Administration (see the attached Exhibit "C") for staff to prepare some changes to the requirements of the Special Development Zone, [SD\(R-1-30A\)](#) - Bell Canyon Acres, that applies to approximately 110 acres, located at approximately 1300 East and 10600 South. The intent of the request is to amend the requirements of this Special Development (SD) Zone that would refine the special regulations intended to further encourage the preservation of this area's unique identity and refine requirements that have proven difficult to apply and enforce.

Background

The Bell Canyon Acres Subdivision was developed over several phases in the 1970's under the A-1 zoning district. The lots of the subdivision range from 1/2 to 1-1/3 acre. The zoning classification for the subdivision has gone through several changes over time. In 1982, the subdivision was rezoned to R-1-20A. It was changed to R-1-30A in 1992, to prevent the re-subdivision of existing lots within the development.



CA02092022-0006266
SD(R-1-30A) Bell Canyon Acres
Code Amendment

PRODUCED BY MIKE WILCOX
COMMUNITY DEVELOPMENT DEPARTMENT

Property Case History	
Case Number	Case Summary
CA#07-D	A process began in 2007 to address issues raised by residents of the Bell Canyon Acres neighborhood. After evaluating several options, a Special Development (SD) Zone was drafted. In 2009, the City Council created a new SD Zone District for this specific neighborhood.
R#09-01	On April 14, 2009, the City Council rezoned all phases of the Bell Canyon Acres development under the newly created, SD(R-1-30A) Zone District.

After over two years of discussions involving numerous ways that the city could best address the needs of this community, the city created a special development zone for this unique area of the city in 2009. This area was then rezoned to this newly created SD Zone - SD(R-1-30A) Bell Canyon Acres. The intended purpose of these actions was to bring existing non-conforming horse owners into conformance (restore rights that existed when the subdivision was created), to promote responsible horse ownership, and preserve the rural character as a horse friendly subdivision.

Since that time staff has identified areas of these regulations that have worked as intended. Many residents have benefited by taking advantage of a special use permit to responsibly keep additional horses on their property. The requirements of a farm animal set aside area appears to have helped maintain the horse friendly character of the neighborhood and mitigate the impacts of larger homes being built in the area and those property owners that choose to not keep animals.

Staff has also identified areas of the code that could be improved. The existing code did not clearly identify how to calculate allotment of farm animals for properties that house a mix of large, medium, and small animals. The application of the farm animal set aside area, especially in context of the special use permit, is difficult for residents to understand and apply to the context of their property. There are many instances of existing fencing practices in the neighborhood that do not comply with our regulations. The size limits on accessory structures is often too restrictive to allow for support and care for farm animals. Despite existing regulations expressly not allowing for horse boarding, the practice continues to be prevalent in the area. The city has been dealing with a disproportionate amount of code enforcement cases in this area that involve many of the above noted code issues.





Public Notice and Outreach

The city held a neighborhood meeting via Zoom on March 25, 2022, to share information about the proposed code amendment and gather input and feedback from the residents of Bell Canyon Acres. It was well attended by approximately 80 residents. There were many comments during the meeting and many letters received after voicing both concern and support of the proposed changes. A full summary of comments received from this meeting is found in Exhibit “D”.

Analysis

Upon receiving the request of the Mayor and City Administration earlier this year, staff began to carefully review the regulations for the Bell Canyon Acres SD Zone. The following topics are proposed to be addressed in this code amendment with an analysis of each:

- Boarding.** A new definition of horse boarding is proposed along with clarification on the uses allowed in this SD Zone. The intent of these changes is to legalize the existing practice of horse boarding only within this zone district. This use would be limited to owner occupied properties and would not be allowed to be operated by property renters or businesses. Staff intends to simplify enforcement on horses to focus on land use impacts rather than ownership of the horses. It would be a better use of enforcement officers’ time to route out negative impacts created from improper care of horses, rather than whether they are boarded. So long as the property has not exceeded the number of horses allowed and keeping these horses in a non-nuisance manner, boarding alone should not generate a negative impact. This topic is likely the most divisive in the neighborhood based on the feedback staff has heard and received since our neighborhood meeting. Issues of liability and insurance were of particular concern. Staff has analyzed and researched this issue which is discussed in depth within the Position Paper attached as Exhibit “E”.
- Farm Animal Area Set Aside.** Several clarifications are proposed to clarify what does and does not count toward this required set aside area. This also includes a new explanatory graphic to help illustrate the regulations.
- Farm Animal Allowances.** One of the primary purposes of this SD Zone was to allow for properties to have four horses on an average 30,000 square foot lot “by-right”, but utilized a couple of different



ratios to arrive at the final quantity. The existing code caused a lot of confusion in how to correctly calculate how many farm animals a property owner could legally keep, especially when there is a mix of small, medium, or large farm animals. This proposal simplifies it down to a single ratio and includes an easy way determine the allowances. It does not change the number of horses permitted under the current code. An example chart is also included with the formulas to help illustrate how this is to be administered.

Example of Farm Animal Ratio Breakdown	
k = 1000	Gross Lot Square Footage = 30,000 sq ft
Large	3 x 7.5k = 22.5k
Medium	1 x 4k = 4k
Small	8 x 0.4k = 3.2k
Total	3 Large (22.5k) + 1 Medium (4k) + 8 Small (3.2k) = 29.7k

In addition, this proposal allows for a miniature horse to be considered a medium rather than large farm animal. It also places limits on Vietnamese potbellied pigs (large animal) to two per lot. It also places limits on the maximum number large, medium, and small variety of farm animals allowed, unless a special use permit is obtained.

- Special Use Permit Allowances.** This section contains several clarifications on how many farm animals this permit could allow and proposes a new formula to arrive at those numbers. While the “by-right” allowance ratios discussed above uses the property’s gross land area, this would use the amount of dedicated farm animal area set aside instead. A property would not receive benefit under this permit unless more than half of the lot area qualifies as farm animal area set aside. There are also maximums imposed for each animal size.

Example of Farm Animal Ratio Breakdown – Special Use Permit –	
k = 1000	Lot Farm Animal Set Aside Area – 20,000 Sq Ft
Large	5 x 3k = 15k
Medium	2 x 2k = 4k
Small	5 x 0.2k = 1k
Total	5 Large (15k) 2 Medium (4k) 5 Small (1k) = 20k

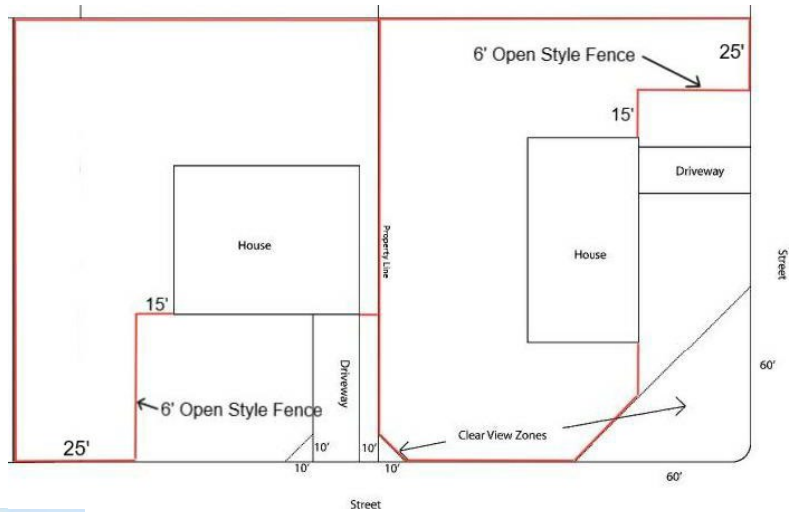
The way the city would verify ownership is revised and follows similar text used with accessory apartments and short-term rentals (STRs). There are a few other miscellaneous minor text changes that help clarify existing requirements for this permit.

- Accessory Structures.** A new conditional use permit review process is proposed for requests of additional square footage for accessory structures used for care and maintenance of farm animals. Properties in this zone can currently apply for a 50% increase in total allowed square footage under current regulations through a conditional use permit. If that amount doesn’t meet their needs, a property owner could request up to 20% of the rear yard area if



the requested increase is used exclusively for the keeping of farm animals (such as hay barns, stables, etc.). This could help several properties in the area with existing large structures that exceed current limits. Many of these structures were initially permitted and legal but have added awnings or other additions to increase capacity to provide care and maintenance of farm animals that then exceed the maximum size.

- Fencing.** There are several properties in this area that have wide lots or odd shapes that create large front or corner side yard areas. Many owners have fenced in these areas of their property with six-foot-tall split rail fencing. Existing city regulations would prohibit fencing that tall from being placed in the front yard area. The code also includes a new explanatory graphic to illustrate these new regulations. This would reduce the amount of non-conforming fencing in the area.



The full text of the proposed code amendments is shown in the attached Exhibit “A” (redlined version) and Exhibit “B” (final clean version).

Non-conforming Uses

The proposed amendments would provide a way to eliminate several non-conforming structures, fences, and boarding practices. It could create some legal non-conforming situations regarding the farm animal area set aside clarifications.

Land Development Code Purpose Compliance

The Sandy City Land Development Code in 21-1-3 lists the criteria explaining the intent and purpose of the Ordinance. The purpose is:

Sec. 21-1-3. Purpose and Scope.

- (a) *Purpose.* The ordinance from which this title is derived is adopted to implement the Sandy City's General Plan and to promote public health, safety, convenience, aesthetics, and welfare; efficient use of land; sustainable land use and building practices; transportation options and accessibility; crime prevention; timely citizen involvement in land use decision making; and efficiency in development review and land use administration. Specifically, this title is established to promote the following purposes:
 - (1) *General.*
 - a. To facilitate the orderly growth and development of Sandy City.
 - b. To facilitate adequate provision for transportation, water, sewage, schools, parks, and other public requirements.
 - c. To stabilize property values.
 - d. To enhance the economic well-being of Sandy City and its inhabitants.

- (2) *Implementation of General Plan.* To coordinate and ensure the implementation of the City's General Plan through effective execution of development review requirements, adequate facility and services review and other goals, policies, or programs contained in the General Plan.
- (3) *Comprehensive, Consistent and Equitable Regulations.* To establish a system of fair, comprehensive, consistent, and equitable regulations, standards and procedures for review and approval of all proposed land development within the City.
- (4) *Efficiently and Effectively Managed Procedures.*
 - a. To promote fair procedures that are efficient and effective in terms of time and expense.
 - b. To be effective and responsive in terms of the allocation of authority and delegation of powers and duties among ministerial, appointed, and elected officials.
 - c. To foster a positive customer service attitude and to respect the rights of all applicants and affected citizens.

The proposed code amendment is consistent with the purpose of the Land Development Code because the proposal promotes the public health, safety, and welfare; ensures consistency and equitable standards; establishes efficiency in development review and land use administration; and is consistent with the Sandy City General Plan.

General Plan Compliance

The Sandy City General Plan encourages appropriate development standards for all uses and zoning categories within the city. The proposed code amendment furthers that goal and objective by establishing appropriate land development standards for this zoning district.

Recommendation

Staff recommends that the Planning Commission forward a positive recommendation to the City Council to amend Title 21, Chapter 19, Section 34 SD(R-1-30A) Bell Canyon Acres, of the Sandy Municipal Code, as shown in Exhibit "A," based on the following findings:

Findings:

1. Compliance with the Purpose of the Land Development Code by promoting and facilitating the orderly growth and development of Sandy City.
2. Compliance with the Goals and Policies of the General Plan by establishing appropriate development standards for all uses and zoning categories within Sandy City.

Planner:

Mike Wilcox
Planning Director

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