

Sensitive Lands - APA Kanab 2022

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- Aubrey Larsen (with tears flowing from up on the hill)



CDO Statewide Situation Assessment Update (and potential toolkit)

2005 - Lara Ault, GOPB

- Background
- Who was interviewed
- Expected outcome



Interview Themes

1. **Property Rights:** Everyone is hyper-focused on not impeding on a property owner's right to use and develop their own land. We need pathways that respect property rights while at the same time addressing the common good.
2. **Language Matters:** Discussing sensitive lands effectively requires getting up close and personal with what people value and why they chose to live in a certain place. A better term could be “core community lands” as defined by the community. Sensitive lands need a place-based, value-centered definition.
3. **Effective Policies & Plans:** Policies and plans need to be sophisticated enough to actually make a difference, but simple enough to be understood, implemented, and managed effectively.
4. **Building Capacity:** Capacity and lack of understanding create barriers for communities that would otherwise implement plans and policies that protect core community lands.
5. **Actionable Resources:** Communities need tools and resources that help them understand what they have, what they want, and how to get there.
6. **“Concrete is the last crop”** We can decide what we want to be now, or miss the chance.

Steps to get started

1. Define “sensitive” for your community
2. Timing is everything
3. There are many tools in the toolbox
4. Precedents are plentiful
5. Compromise is critical
6. Have a plan and move forward
7. Pick the low hanging fruit first



Let's brainstorm a list

- What is a sensitive land? Critical lands?
- How do these relate to your community character?
- How may these affect public health and safety?

Timing

- Can you impose avoidance criteria if you do not have an ordinance to support the potential requirement?
 - Maybe in a conditional use process – if you have a good, up to date CUP
 - No ordinance equals no requirement!

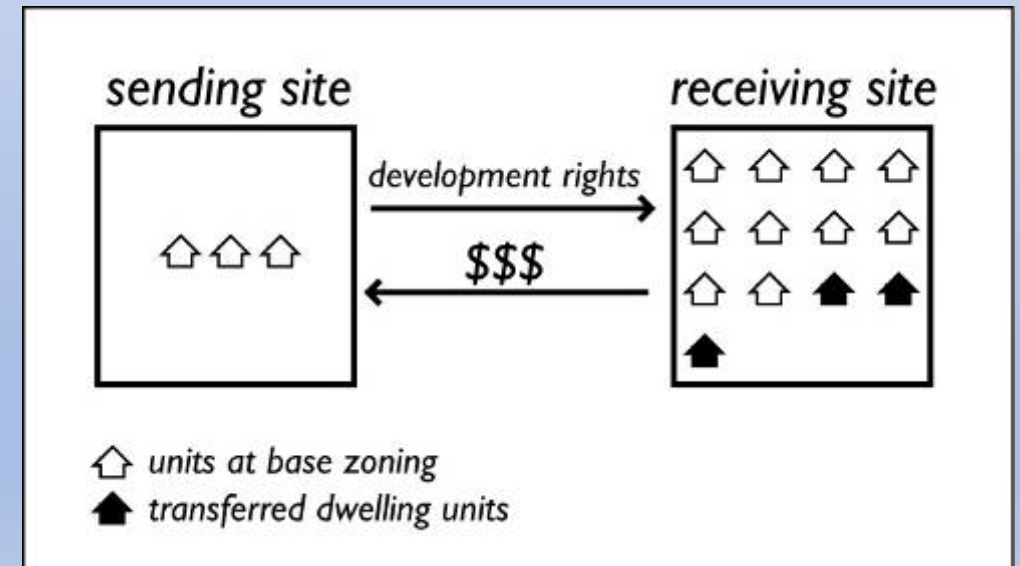
Good time for planning ahead!

Focus on those lands that are threatened!



Tools

- A good ordinance!
- Cluster with density transfers within a property
- TDR
- PDR
- Incentive based – give a bonus density
- Issues
 - Water and sewer service (septic tanks)
 - Other uses such as gravel pits
 - Where are the best places for development to occur in your town?
 - Property rights



You are not alone!

Lots of communities in Utah
have a sensitive lands ordinance

- Marriott-Slaterville
- Kamas/Francis/Oakley
- Summit County/Park City
- Salt Lake City
- Eagle Mountain
- Logan City
- Midway
- many others...



Compromise, Adjust, Test it!

- Moving ahead, even if not as far as you may have wanted, is still a step forward!
- Provide alternatives – different ways of accomplishing the goal
- Realize there are some items that defy compromise – steep slopes, debris flows, avalanche paths, flood zones, etc.
- Talk with developers (and your attorney!)



Incremental approach

- You don't have to do it all the first time
- Prioritize the most important sensitive lands – ones you know you are going to have an issue with



Who's role is it to get this going?

- PC?
- TC?
- CC?
- Concerned citizens?
- Developer?
- Planner?



General S.L. Ordinance Process/Outline

- Purpose and Intent
- Applicability (overlay?)
- Define what you want to address
- Define how you expect the SLs to be “discovered”
- Detail out how you want each SL addressed
- Include areas where no development is allowed
- Issues – compensate for development that could have occurred in some manner?
- How should the areas be preserved?
- Is there a certain size?
- What sort of buffering?
- Tools

Sensitive Lands that could have specific controls

- steep slopes, rockfall/landslide areas,
- rock outcroppings,
- wetlands,
- avalanche zones,
- intermittent or constant flow stream corridors, debris flows,
- ridgelines,
- springs,
- gullies,
- species protection,
- animal migration routes,
- heritage trees,
- oak and maple groves
- fault lines,
- soil types,
- depth to bedrock,
- shallow water table levels & fluctuations
- wildfire/urban interfaces,
- flood plains,

A Few Utah Examples:

Eagle Mountain

- Wildlife Corridor Overlay Zone
- Migration routes/seasonal ranges/habitat
- 330' width
- Drainage buffer (50')
- Incentive based - coordinated effort with landowners

Morgan County

- UGS Geologic Hazards Ordinance
- Basically requires geo-tech study w/ recommendations
- Verified by approved 3rd party engineer
- Template available from UGS (Steve Bowman)

Logan City

- Currently exploring river corridor protection ordinances
- FEMA floodplain, wetlands, riparian areas
- Extended buffers, more restrictions on floodplain

A wide-angle landscape photograph showing a vast, green grassy field in the foreground. In the middle ground, there are rolling hills and a range of dark, rugged mountains. The sky is a vibrant blue, filled with scattered white cumulus clouds. A bright sun is visible at the top center, creating a lens flare effect. The overall scene is bright and clear, suggesting a sunny day.

Questions?