



**FORESTRY RECREATION AND FOOTHILL AGRICULTURE (FR/FA) ORDINANCE
AMENDMENT
JANUARY 23, 2024**

Policy Issues requiring remedy through the Amendment of the FR/FA Ordinance

- 1. Salt Lake County is required to comply with the State Division of Water Quality's (UDWQ) Jordan River E. Coli Total Maximum Daily Load study, released in August 2023, by February 2024.** The study recognizes and describes the impairments of Rose Creek, Midas Creek, and Butterfield Creek as declared under the Clean Water Act as far back as 2014. Based on this study the Jordan Valley Utah Pollutant Discharge Elimination System (UPDES) Permit was updated and additional requirements were imposed on the County to implement Best Management Practices for development in and around the impaired creeks. These requirements are in addition to the existing UPDES permit requirements that mandate compliance with water quality standards for stormwater discharges reaching the Jordan River and its tributaries. In 2015, the County reached a settlement with the EPA, paying a reduced penalty of \$280,000 as a first-time offender for not meeting the requirements of the UPDES permit.
- 2. Lack of enforceable standards for obtaining and maintaining land use permits for animal uses has created a lack of uniformity/predictability and an increase in nuisances in both the FR and FA zones, fostering an environment where “anything goes.”**

FR/FA Ordinance Amendment Overview

Foothill Agriculture Zone (Mainly High Country II)

1. Four horses per lot for personal use only will remain a permitted use, as will other animals currently allowed in the zone.
2. All existing buildings and corrals will be grandfathered from the amended ordinance stream setback requirements. Only new buildings, fences, corrals, etc., will need to meet the new stream setbacks.
3. Residents will be required to apply for an administrative permit. The permit will establish all legal non-complying structures with a site plan establishing their current locations and dimensions. The permit will include a manure management plan and establish the number of permitted horses.

Forestry Recreation: (Mainly Hi Country I)

1. Where a property owner has an existing conditional use permit, that permit will determine the number of horses allowed.
2. Only properties with a stream running through them will be subject to a four horse limit. There are few (if any) properties in Hi-Country I that have streams running through them.
3. Properties without streams and lacking an existing conditional use permit will need to obtain a simple administrative permit. This permit is subject to a limit of 2 horses per ½ net developable acre, which is based on the standard in nearby Herriman.
 - a. The number of other animals allowed is unchanged from the current ordinance.
4. For the few FR properties that do have streams, all existing buildings and corrals will be grandfathered from the amended ordinance stream setback requirements. Only new buildings, fences, corrals, etc., will need to meet the new stream setbacks and require a conditional use permit. The new stream setback requirements are as follows:
 - a. Perennial streams: 100' setback from stream for structures housing animals
 - b. Ephemeral streams: 50' setback from stream for structures housing animals
 - c. 25% reduction of setbacks if vegetated riparian corridor established
5. Most properties in the FR zone will only require a simple Administrative Permit, which will include: a manure management plan, and establish the number of permitted horses and the locations of the existing and proposed building, fences, corrals, etc.

Summary

Salt Lake County must adhere to the requirements outlined by the Utah Division of Water Quality (UDWQ) in the Jordan Valley Utah Pollutant Discharge Elimination System (UPDES) permit. Failure to comply with these requirements could lead to significant fines for SLCo. The County has until February 2024 to comply with implementing best management practices for development in and around Rose Creek, Midas Creek, and Butterfield Creek in addition to existing UPDES permit requirements to meet water quality standards for stormwater discharges that reach the Jordan River and its tributaries. This ordinance amendment meets the additional requirements from the Jordan River E. Coli Total Maximum Daily Load study.

It is unlikely that existing animals or structures will be affected by the ordinance changes because: 1) the stream setbacks only apply to new structures, 2) the FA animal limits are unchanged, and 3) the FR animal limits simply implement more objective criteria and allow for a more streamlined administrative process. Additionally, both existing and new permits will run with the land, allowing future property owners to have animals within existing permit parameters. It is also recommended that the enforcement of the new ordinance will have a delayed implementation date of six months from approval by the Council.

In addition, the County Council has recently approved a \$100,000 Match to a Watershed Planning and Restoration Program's (WPRP) Grant of \$250,000 (total of \$350,000) to support homeowners in creating a riparian corridor. This program is likely to launch in June of 2024, and will offer assistance to homeowners in the area and contribute to the preservation of the natural environment.