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OAM2023-000944
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## Forestry Recreation (FR)/Foothill Agriculture (FA) ORDINANCE AMENDMENT

**Public Body:** Salt Lake County Council

**Meeting Dates:** January 23, 2024

**Request:** Update to the FR and FA zoning districts to address horses and other animals

**Planner:** Brian Tucker, Planning Manager

**Legal Counsel:** Zach Shaw

**Planning Staff Recommendation:** Approval

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### HISTORY OF ORDINANCE UPDATE

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This ordinance was first proposed in 2021 as part of a multi-part response to water quality issues found in many of the streams that make up the Jordan River watershed. These water quality issues resulted in a mandate from the State of Utah that Salt Lake County implement regulatory best management practices to improve water quality. These regulatory best management practices have an implementation deadline of February 2024; this deadline is for adoption of regulations, not elimination of impaired status.

An earlier draft was presented to the Salt Lake County and Mountainous Planning District Planning Commissions in 2021. Public hearings were held by the Mountainous Planning District and Salt Lake County Planning Commissions as part of the recommendation process. Abundant public input was given during those hearings, resulting in significant revisions to the draft ordinance being made in response to that public input. Notwithstanding these revisions, public opposition persisted.

The epicenter of that opposition was in the Rose Canyon area, an area of the County where most residents live in the Hi-Country I and Hi-Country II neighborhoods. Recognizing that these citizens had only been engaged via the contentious public hearing process, Salt Lake County and MSD Planning staffs reached out to members of the Hi-Country I and II HOA boards in an attempt to better understand from a smaller, more manageable group of concerned citizens their precise concerns about the proposed ordinance update. It was hoped that because these board members are residents in an area where public opposition was centered, they could give the staff feedback on their concerns and also act as a conduit to reach out to other concerned residents in the hope that they too could help the staff understand their precise concerns. A group consisting of concerned citizens from both Hi Country I and II met with staff on two occasions. Some of these citizens were HOA board members but the views they represented were their own, not those of either board.

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The first meeting consisted of the staff listening to the residents' concerns for 3 hours. After better understanding those concerns, Salt Lake County and MSD Planning staff made significant additional revisions to the proposed ordinance update in an attempt to address each concern. The revised draft ordinance was then sent to the residents from the first meeting and a second meeting was held to listen to and discuss the revised draft. These revisions are shown in Appendix B.

As a result of the 2021 public hearings, the 2023 meetings held with concerned citizens, and a collaborative drafting and editing process between the Salt Lake County and MSD staff members, this proposed ordinance has been extensively vetted and revised.

## **DESCRIPTION OF THE PROBLEMS**

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A common question throughout the public comment process for the proposed ordinance amendment has been whether a problem exists that needs solving. The problems with the current FR and FA ordinances have been manifest in the Hi Country Estates area (a zoning map of this area can be found at the following link: <https://gslmsd.maps.arcgis.com/apps/webappviewer/index.html?id=fe15827707de44b3b92becce08529cb3>), but they involve ordinances that affect other areas of Unincorporated Salt Lake County.

The primary problem driving the need for this update is water quality mandates from the State of Utah. As explained in Appendix A to this staff report, the State of Utah has set a deadline for February 2024 by which Salt Lake County must implement non-structural (i.e., regulatory) Best Management Practices to protect waters from E. coli pollution, or face the prospect of penalties similar to what Salt Lake County was required to pay in 2016 (a \$280,000 fine). Attached as Appendix A to this Staff Report is a thorough summary of this problem completed by Salt Lake County Public Works. Appendix A also refutes the misconception that horse manure does not contain E. coli, and clarifies that the State of Utah does not distinguish between pathogenic and non-pathogenic E. coli in requiring Best Management Practices.

In addition to the water quality issue that is the primary problem, there is confusion about what permits are required (if any) in the southwest portions of the County to have horses and other animals, what the process is to obtain such permits, and why the process is different depending on what zone a property owner is in. It appears that the understanding among Hi Country Estates property owners is that all properties are "horse" properties. However, in the FR zone, where horses are a conditional use, few properties with horses have conditional use permits; in the FA zone, horses are a permitted use, so only 1 or 2 permits have been issued (for structures that house animals). This confusion has been complicated by the fact that exemptions to permitting requirements for agricultural buildings have been built into Utah code. Unfortunately, Code Enforcement staff is placed in a situation that puts the County at risk of selective enforcement claims and creates the potential of hostility between neighbors when some property owners are following County ordinance, while others are not. The proposed ordinance provides a clearer, streamlined process for property owners to obtain a permit in a way that addresses concerns about water quality and nuisances to neighbors who have complained to Code Enforcement staff for years.

Third, there has been a history of complaints to Code Enforcement staff by neighbors of horse owners, regarding nuisances caused by horse owners. The proposed ordinance requires a manure management plan and other measures to address these concerns.

Finally, it should be noted that many complaints to Code Enforcement staff have focused on commercial uses related to horses, such as boarding and trail riding. After receiving significant public input on this issue, and further engaging with residents in the Hi Country area, the proposed ordinance update also clarifies this issue.

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

1. Salt Lake County will be subject to enforcement actions by the State of Utah for failure to implement regulatory Best Management Practices to protect waters from E. coli. Salt Lake County was previously required to pay a \$280,000 fine for failure to adequately address clean water problems in its stormwater regulation programs. The State's mandate to implement regulatory Best Management Practices to protect waters from E. coli is a follow-up to its enforcement actions that resulted in the \$280,000 fine.
2. Property owners in the FR Zone will have to go through a more expensive, time-consuming conditional use process to obtain a permit than property owners in the nearby FA Zone. The expensive, time-consuming conditional use process becomes an incentive to not come into compliance, resulting in some property owners who are compliant and others that are not, and further contributing to neighbor disputes. This situation also places the County at risk for accusations of selective enforcement;
3. Continued complaints will be made to Code Enforcement and MSD Planning staff regarding animal nuisances and commercial uses involving animals in the FR and FA zones.

## DESCRIPTION OF THE PROPOSED ORDINANCE UPDATE

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The draft ordinance attached as Appendix C to this Staff Report is the latest draft of the proposed ordinance. The draft ordinance provides for the following:

It modifies the current **FR ordinance** as follows:

1. Horse/animal use is modified to be a permitted (not conditional) use, which is a more streamlined process than the current conditional use process.
2. More objective criteria are added to the current ordinance. For example, property owners are allowed 2 horses per acre unless there is a stream present, in which case a maximum of 4 total horses is allowed. The horses per acre calculation excludes from acreage areas with steep slopes.
3. If streams are present on or adjoining a property, a 100' setback for perennial streams and a 50' setback for ephemeral streams is required between streams and areas that house animals. **The stream setbacks in the proposed ordinance will only apply to new structures.** Stream setbacks (ephemeral or perennial) could be further reduced by 25% if property owners established a vegetated riparian corridor. The riparian corridor is not mandatory unless the property owner wants a reduced setback.
4. A manure management plan is required with each application, which addresses mitigation of stormwater runoff, odor, and flies.
5. All property owners who have or wish to have animals will be required to obtain a land use permit. In most cases, this will be an inexpensive streamlined process, and not the conditional use process that is currently required in the FR zone. Permits will run with the land, so subsequent property owners need not obtain another permit. Current permits are recognized notwithstanding ordinance changes.
6. Commercial boarding of horses is permitted so long as the other requirements of the ordinance are met. Trail riding businesses are not allowed.

The drafted ordinance keeps the current **FA ordinance** as is (including a streamlined permitted use process and 4 horse limit for personal use), with the following additions:

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1. A 100' setback (for perennial streams) and 50' setback (for ephemeral streams) is required **for new structures** if a stream is present per #3 above;
2. Applicants must submit a Manure Management Plan per #4 above;
3. All property owners who have or wish to have animals will be required to obtain a land use permit per # 5 above, which will run with the land. Current permits are recognized per #5 above.

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## **CLARIFICATION ON PUBLIC MISCONCEPTIONS**

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### **Proposed stream setbacks have little or no impact on existing structures (fences, corrals, barns, etc.):**

- Proposed stream setbacks only apply to new structures, so existing structures are not impacted by the proposed ordinance.

### **Proposed animal limits have little or no impact on existing animals:**

- In Hi Country II, primarily zoned FA, the current limit of 4 horses per lot will not change. The keeping of up to 4 horses per lot will remain a permitted use. If residents currently have more than 4 horses in FA zone, that is unlawful under current ordinance; the proposed ordinance does not change that.
- The 4 horse limit in FR zoned property with streams will have little impact in Hi Country II because most of that area is zoned FA, which already has a 4 horse limit. The 4 horse limit in FR zoned property with streams will have little impact in Hi Country I because that area generally does not have streams.
- In Hi Country I, primarily zoned FR, properties with a current conditional use permit will be subject to the limits in that permit, so the number limits in the proposed ordinance will not impact those properties. Properties without a current conditional use permit will no longer be required to obtain a costly conditional use permit, but must only obtain a simple administrative permit that is subject to a limit of 2 horses per ½ net developable acre, which is based on the standard in nearby Herriman.
- Where a property owner currently has other animals in either zone, the County already regulates those animals as “Family Food Production”. The proposed ordinance does not change the existing “Family Food Production” definition or regulations. If the animals a property owner has under the current code are legal, they will remain legal if the proposed ordinance is adopted. If the animals a property owner has under the current code are unlawful, they will remain unlawful if the proposed ordinance is adopted.

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## **PLANNING COMMISSION RECOMMENDATIONS**

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The Salt Lake County Planning Commission held a public hearing on the proposed ordinance on October 11, 2023 and took public comment on the ordinance during their public meeting on December 13, 2023. The Salt Lake County Planning Commission recommended that the Salt Lake County Council approve the ordinance amending Title 19.

The Mountainous Planning District Planning Commission held a public hearing on the proposed ordinance on October 19, 2023 and took public comment on the ordinance during their public meeting on December 21, 2023. The Mountainous Planning District Planning Commission recommended that the Salt Lake County Council approve the ordinance amending Title 19.

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The following cleanup of the proposed ordinance has taken place as a result of planning commission recommendations and to provide clarification on questions that came up during the planning commission review. These changes are reflected in the final draft ordinance, which is attached hereto as Appendix C.

1. Manure management plan need only address clean-up and deposit of manure during warm weather seasons (because manure freezes during the winter). See sections 19.12.020(F)(6)(a), 19.12.030(G)(4)(a), 19.54.020(C)(6)(a)(cold weather language eliminated).
2. Clarification that a permit is required even if a property owner has existing animals that are a legal nonconforming use. See sections 19.12.020(F)(9), 19.54.020(C)(8)(reference to section 19.88.080 added).
3. Elimination of water authority approval as a condition of permit approval; instead require simple notification of water authority. See sections 19.12.020(F)(8), 19.12.030(G)(5), 19.54.020(C)(7).
4. Clarification that the proposed ordinance applies to areas that are not in a protected watershed (County Health Department regulations apply to animals in a protected watershed). See section 19.12.030(G)(1)(addition of the word “protected”).

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## STAFF RECOMMENDATION

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Staff wishes to emphasize this staff report’s (including Appendix A’s) outline of water quality concerns and the risks to Salt Lake County for failure to address those concerns in an ordinance update. That, combined with ongoing enforcement problems, compels Staff to recommend approval of the draft ordinance update. Appendix C is a clean blackline draft of the proposed ordinance, showing how the final proposed ordinance differs from the current Salt Lake County Code. Staff has reviewed the proposed ordinance and finds that it:

1. Complies with applicable State Code;
2. Serves to protect the public health, safety, or welfare; and
3. Upholds the vision of the adopted West General Plan, which among other things calls for private property rights on the West Bench (including Hi Country) to be balanced with regional goals of conserving critical lands, water, and open space, and integrating water resource planning and land use decisions.
4. Has been recommended for approval by the Salt Lake County Planning Commission.
5. Has been recommended for approval by the Mountainous Planning District Planning Commission

### Appendices

Appendix A: Salt Lake County Public Works’ Analysis of Clean Water Problem

Appendix B: Proposed Ordinance’s redline revisions resulting from meetings with Hi-Country HOA Boards

Appendix C: Proposed Ordinance blackline revisions showing changes from current Salt Lake County Code

## APPENDIX A

In an effort to remain compliant with new stormwater regulations, Salt Lake County is proposing zoning ordinance updates to include stream setbacks. There is a sizeable amount of science that suggests stream setbacks with vegetated stream buffer zones can have significant impacts to water quality and stream ecology. This appendix summarizes many of the reasons the County is proposing these changes.

### **EPA Compliance Evaluation Inspection (CEI) of Salt Lake County's Municipal Separate Storm Sewer System (MS4) Stormwater Program**

**Background information-**As part of the Federal Clean Water Act amendment, Salt Lake County was permitted as a Phase 1 Municipal Separate Storm Sewer System (MS4) in 1995, allowing the County to discharge municipal stormwater to water bodies of the State. With oversight from the EPA, this permit is regulated by the Utah Division of Water Quality (DWQ) under the Utah Pollutant Discharge Elimination System (UPDES) Jordan Valley Municipalities Permit No. UTS000001. This permit is typically renewed every five years. The permits were issued to the County in 2001, 2006, 2013 and 2020.

The Salt Lake County Stormwater Program was audited for the first time on June 26<sup>th</sup> and 27<sup>th</sup>, 2007 by the State DWQ. During this audit, the DWQ identified nine deficiencies with corrective actions in a final report dated August 19<sup>th</sup>, 2009. The County submitted a final response plan on September 11<sup>th</sup>, 2009 and began correcting the identified deficiencies.

The next Compliance Evaluation Inspection (CEI) occurred when the County was contacted by the EPA on February 17<sup>th</sup>, 2012 and informed of their intent to conduct a comprehensive evaluation inspection of Salt Lake County's stormwater MS4 program and 2006 permit on the week of March 5-9, 2012, which they did. Four EPA inspectors conducted an inspection that week to review plans and records of randomly selected sites within the unincorporated County as well as County-wide facilities. In summary, the EPA identified 48 total findings (44 that required corrective actions and 4 recommendations) during their inspection in a report to the County dated June 20<sup>th</sup>, 2012.

The County submitted a corrective action plan to the EPA on August 31, 2012 that addressed all 48 findings. The County proceeded to implement the corrective action plan.

On February 2<sup>nd</sup>, 2015, the County received a letter from the Department of Justice (DOJ) stating they "were prepared to bring a federal court action against the County of Salt Lake....for violations of the Clean Water Act" and violations of its UPDES permit pertaining to the 2012 CEI.

The court action placed Salt Lake County under a Consent Decree requiring a fine be paid and the stormwater program be brought into compliance with its existing UPDES Permit. Specifically, the final Consent Decree required payment of a \$280,000 fine (\$140,000 to the EPA & \$140,000 to the State DWQ). The fine to the EPA was paid on May 6<sup>th</sup>, 2016.

In addition, as part of the Consent Decree, there were 27 compliance requirements, including the need to update existing stormwater ordinances, including fines and penalties for enforcement related activities for violations of the Clean Water Act. The compliance requirements at that time were met and Salt Lake County was released from the Consent Decree April 6, 2019.

The County was issued a new UPDES Permit on February 26, 2020, which contained new language detailing increased requirements of municipal bodies to regulate stormwater with respect to nutrient loads and to specifically address how they were planning to protect "Impaired Waterbodies" within their respective jurisdictions.

### **Impaired Waterbodies in Salt Lake County**

The State of Utah defines the need to protect surface waters in UAC Rule 317-2-1A. This rule reads:

"Whereas the pollution of the waters of this state constitute a menace to public health and welfare, creates public nuisances, is harmful to wildlife, fish and aquatic life, and impairs domestic, agricultural, industrial, recreational and other legitimate beneficial uses of water, and whereas such pollution is contrary to the best interests of the state and its policy for the conservation of the water resources of the state, it is hereby declared to be the public policy of this state to conserve the waters of the state and to protect, maintain and improve the quality thereof for public water supplies, for the propagation of wildlife, fish and aquatic life, and for domestic, agricultural, industrial, recreational and other legitimate beneficial uses; to provide that no waste be discharged into any waters of the state without first being given the degree of treatment necessary to protect the legitimate beneficial uses of such waters; to provide for the prevention, abatement and control of new or existing water pollution; to place first in priority those control measures directed toward elimination of pollution which creates hazards to the public health; to insure due consideration of financial problems imposed on water polluters through pursuit of these objectives; and to cooperate with other agencies of the state, agencies of other states and the federal government in carrying out these objectives."

The State of Utah uses science wherever possible to implement Rule 317. Data is collected in surface waters to determine if these waters meet defined beneficial uses. If waters meet quality standards for applicable beneficial uses, surface waters are considered "Fully Supporting" these uses. If one or more of the uses have quality standards not being met, waters are considered "Impaired". A map of these surface waters and their status can be found at:

<https://deq.utah.gov/water-quality/most-recent-approved-integrated-report>

The Combined 2018/2020 Integrated Report (IR) assesses the quality of the surface waters in the state and identifies waterbodies that are not meeting water quality standards. These standards support the designated beneficial uses that protect water quality for NOT JUST drinking water, but for recreation, aquatic life, and agriculture and others as well. Waterbodies or sub-

watersheds that do not meet one or more of their beneficial uses are classified as "Impaired" in the IR and placed on the federal Clean Water Act 303(d) List of Impaired Waterbodies. Watersheds can also be considered as "Impaired" as many of the pollutants of concern, like E. coli, originate from terrestrial origins and are controlled by land management practices.

A river or stream, for purposes of the integrated Report (IR), is defined as flowing surface water moving under the force of gravity. Flowing surface waters include perennial, intermittent, and ephemeral surface waters, springs, and seeps, provided they are flowing and connect, contribute, or are influencing water quality in a downstream river or stream. Source: <https://deg.utah.gov/water-quality/most-recent-approved-integrated-report>

Protected watersheds generally only protect specific geographic areas for drinking water quality standards and do not apply to watersheds for other beneficial uses. Beneficial uses other than drinking water are still protected by UAC Rule 317 and have water quality standards associated with them.

There are numerous stream segments or reaches that are considered impaired by the definitions listed above. Many of these areas fall within FR/FA zoned areas. Although this zoning ordinance update will affect those areas, vegetated stream setbacks are a management practice that can benefit a host of water quality stressors including bacterial impairments, excess sediment from runoff including construction runoff, temperature, dissolved oxygen and nutrients. The beneficial impacts from implementing this BMP are hard to overstate.

Source: Scientific Recommendations on the Size of Stream Vegetated Buffers Needed to Protect Water Quality, Montana DEQ 2008

[https://mwcc.kjpc.tech/media/library/content/MA\\_Science\\_Setback\\_Wildlife\\_2008.pdf](https://mwcc.kjpc.tech/media/library/content/MA_Science_Setback_Wildlife_2008.pdf)

Much of the discussion centered around the introduction of Vegetated Riparian Buffers comes from residents in the High Country Estates area in the SW Quadrant of Salt Lake County who live near Rose Creek. Rose Creek is on the 303(d) list of impaired waters for violating the 2B Water Quality Standard for E. coli. E. coli is a bacterial organism found in the digestive tracts of warm-blooded animals.

Many claims have been made about E. coli and how it pertains to horses. One of the claims, horses do not have E. coli in their digestive tract, has been circulating throughout the discussion around the Rose Creek impairment. This claim is not consistent with scientific articles published on the topic. "Longitudinal study of Clostridium difficile and antimicrobial susceptibility of Escherichia coli in healthy horses in a community setting", a longitudinal study published by A. Schoster, 2012, indicates a different finding. 77.3% of horse manure tested positive for E. coli in this particular study.

Source: <https://pubmed.ncbi.nlm.nih.gov/22554764/>

Another blog posted by "Standardbred Canada" titled "E. coli, water testing and horses, what are the risks?" published by Dr. Alison Moore in 2017, also indicated E. coli is found in horse manure and cited the previous study.



Source: <https://standardbredcanada.ca/blog/alison-moore/3-23-17/e-coli-water-testing-and-horses-what-are-risks.html>

After reviewing these and other relevant studies from Rutgers and Michigan State University pertaining to E. coli in horse manure, staff concludes the argument that horses do not have E. coli is not supported by scientific literature.

Sources: <https://njaes.rutgers.edu/fs036/> ,  
<https://www.sciencedirect.com/science/article/pii/S0167587723000211>

These claims also miss the point that E. coli is an indicator of fecal contamination in water supplies, which is a violation of the clean water act. Utah DWQ and municipalities which DWQ regulates are obligated to address this impairment and ensure we have plans to control this pollutant from entering impaired receiving waters as indicated by Section 3.1.2 of the Jordan Valley UPDES Permit:

3.1.2. **Water Quality Controls for Discharges to Impaired Water bodies.** If the Co-Permittee discharges to an impaired waterbody, the Co-Permittee shall include in its SWMP document a description of how the Co-Permittee will control the discharge of the pollutants of concern. This description must identify the measures and BMPs that will collectively control the discharge of the pollutants of concern. The measures must be presented in the order of priority with respect to controlling the pollutants of concern.

<https://documents.deq.utah.gov/water-quality/facilities/jordan-valley-municipalities/DWQ-2023-003215.pdf>

The Total Maximum Daily Load (TMDL) Study for Rose Creek is ranked as high priority by the State of Utah. This study will assess the data collected to date and attempt to determine the cause(s) of the water quality impairment in Rose Creek. After the cause is identified, potential solutions will be identified by the stakeholder group assembled to characterize this problem. A TMDL is the calculation of the maximum amount of a pollutant allowed to enter a waterbody so that the waterbody will meet and continue to meet water quality standards for that particular pollutant.

#### **TMDL Status Update:**

**TMDL Main Report:** <https://documents.deq.utah.gov/water-quality/watershed-protection/total-maximum-daily-loads/DWQ-2022-032026.pdf>

**TMDL Appendices:** <https://documents.deq.utah.gov/water-quality/watershed-protection/total-maximum-daily-loads/DWQ-2022-032001.pdf>

The Jordan River E. coli TMDL study has been published and signed into law by the State of Utah, and the Jordan Valley UPDES Permit E. coli related updates were adopted as of 8/16/2023. The UPDES updates allow a 180-day implementation period for Salt Lake County and other named UPDES permittees to implement structural (physical structures) and non-structural

(educational or regulatory) Best Management Practices (BMP's) to protect receiving waters from E. coli pollution. Rose Creek is one of the tributaries of the Jordan River listed as impaired in this TMDL (Jordan River E. coli TMDL, Table 3 pg. 17). Accordingly, there is significant urgency for Salt Lake County to address this problem, including via the proposed ordinance.

The process used to list Rose Creek as an impaired waterbody in this TMDL is described in detail in the TMDL main report and appendices. In summary, data was collected and analyzed between 2012 and 2022 at three different monitoring locations along Rose Creek. Rose Creek at Yellow Fork Canyon trailhead (RC\_11.32), Rose Creek at Arnold Hollow Rd (RC\_10.58) and Rose Creek above the confluence with the Jordan River (RC\_00.71) are the sites where data was collected. At the upper sites, RC 11.32 and RC\_10.58, approximately 1/3 of the 65 samples collected did not meet water quality standards with max samples exceeding the 2,419 organisms/100 ml sampling threshold, meaning the E. coli presence was too numerous to count. At RC\_00.71, 89% of the samples exceeded water quality standards and max samples were found at this location as well. The highest samples were generally observed in the months of June-October.

The Standard used to list waterbodies as impaired is described on page 14 of the main report and reads:

"The E. coli numeric criteria for designated beneficial use Class 1C (drinking water) and 2B (infrequent primary contact recreation) waters state that sample concentrations may not exceed 206 MPN per 100 milliliter (mL) as a 30-day and recreation season geometric mean, or a maximum of 668 MPN per 100 mL in more than 10% of samples collected during the recreation season. The 30-day geometric mean is based on no less than five samples collected more than 48 hours apart within 30 days. The three assessment scenarios for E. coli in Utah's waters are shown below. 1. For years with  $\geq 5$  collection events no less than 48 hours apart in any recreation season (May 1 through October 30), no more than 10% of samples collected from May 1 through October 30 should exceed 668 MPN/100 mL. 2. For recreation seasons with  $\geq 5$  collection events no less than 48 hours apart, no 30-day interval geometric mean should exceed 206 MPN/100 mL. 3. For recreation seasons with  $\geq 10$  collection events, the geometric mean of all samples should not exceed 206 MPN/100 mL."

The TMDL also discusses the need to reduce the amount of E. coli entering the Jordan River and tributaries. The Rose Creek assessment Unit will need to have 83% reductions in E. coli concentrations to meet water quality standards.

These reductions will need to happen in response to the use of strategically implemented BMP's. The location and distribution of the of the BMP's will depend on the nature and severity of the water quality violation but need to address the likely sources of impairment. The TMDL document specifically acknowledges the problem of domestic animals near impaired waterways; "Based upon visual inspection, however, cattle, sheep, horses and chickens are present in the watershed. One goal of the implementation plan of this TMDL is to identify areas where livestock waste has the potential to enter waterways" (Jordan River TMDL, pg 39). Thus BMP's Salt Lake County needs to implement must include either a structural (physical pollution control) or non-structural (regulatory pollution control) strategy to keep animal waste from entering

receiving waters. Vegetated buffers created through a non-structural regulatory BMP (Ordinance update) are the preferred strategy to achieve this compliance point as the structural BMP's available (such as berms, fencing, underground collection galleries, etc) are far more restrictive and onerous.

The duty to comply with the UPDES Permit is described in detail in the permit itself, section 6.1-6.2.

### 6.1. Duty to Comply

The Co-Permittee must comply with all conditions of this Permit. Any Permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for Permit termination, revocation and reissuance, or modification; or for denial of Permit coverage. The Co-Permittee shall give advance notice to the Director of any planned changes in the Permitted facility or activity, which may result in noncompliance with Permit requirements.

### 6.2. Penalties for Violations of Permit Conditions

The Act provides that any person who violates a Permit condition implementing provisions of the Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates Permit conditions or the Act is subject to a fine not exceeding \$25,000 per day of violation. Any person convicted under UCA 19-5-115(2) a second time shall be punished by a fine not exceeding \$50,000 per day. These penalties can be assessed to individuals or municipal governments found to be out of compliance with Clean Water Act regulations.

## **The need for Stream Setbacks**

Water resources are critical to the economy, public welfare and quality of life as stated in UAC Rule 317-2-1A. Development and land management practices have measurable effects on these resources. Riparian areas (stream side vegetation communities) and their associated wetlands, where water and land come together, are particularly sensitive to development and disturbance. The more developed the land surrounding these resources becomes the greater the need to protect them.

As a result of these pressures, land managers and planning officials consider the health of riparian areas and surrounding wetlands when considering ordinances governing planning and zoning in these areas. One of the most effective tools planners and local governments have to protect these areas is to set back structures and protect streamside buffers of native vegetation. The vegetated buffer is the workhorse of the setback tool because it is the area that filters out pollutants, helps prevent unnatural erosion, works to minimize the impact of floods, sustains the food and habitat of fish and wildlife and more. As a result, relevant scientific studies focus on the vegetated buffer portion of this tool. Much data has been collected about what types and how wide these setbacks and associated vegetated buffers must be. The general consensus is that a vegetated buffer needs to be at least 100' in width. The setback should be wide enough to

prohibit degradation of the vegetated buffer; lawns, patios, playgrounds, outbuildings and other features introducing foot traffic should be kept outside the setback radius. The table below summarizes the results from 77 different scientific studies regarding stream buffer width.

Type of Water Pollution	Average Stream Buffer Width	Number of Studies Used in Calculating Desired Buffer Width
Erosion control	100-year floodplain, but at least 100 feet	Review article conclusion (Wenger 1999)
Flood control, includes channel migration ability	100-year floodplain	Review article conclusion (Castelle et al 1994)
Nutrient	100 feet (range 33–600 feet)	12
Ammonia reduction (78% reduction)	164 feet	1
Fecal coliform	129 feet (range 100–600 feet)	4
Nitrates in surface runoff	113 feet (range 33–279 feet)	5
Nitrates in shallow groundwater	168 feet (range 3–721 feet)	31
Nitrogen	87 feet (range 5–164 feet)	4
Pesticides	182 feet (range 164–200 feet)	2
Phosphorus	106 feet (range 53–200 feet)	6
Sediment	103 feet (range 30–300 feet)	19
<b>Average Stream Buffer Width Needed to Filter Approximately 80% of Pollutants</b>	<b>132 feet</b>	

Source: Scientific Recommendations on the Size of Stream Vegetated Buffers Needed to Protect Water Quality, Montana DEQ 2008

These setbacks should be increased if properties surrounding streams have steep slopes, which increase erosion potential and related runoff, erodible soils for the same reason or if the stream in question is impaired, which Rose Creek is. For these reasons, the 300' setback was originally proposed on properties that could potentially house larger numbers of animals.

Many municipalities are dealing with water quality impairments and an evolving regulatory landscape. Setbacks are one of the most beneficial tools municipal leaders have to deal with the regulatory challenges they are facing. Many municipalities have already undertaken this challenge including Salt Lake City, Cottonwood Heights, Lehi City and Saratoga Springs. These proactive municipalities have riparian protection ordinances already passed and many other municipal governments have riparian ordinances or overlay zones in process. Related, a new legislative task force led by Representative Gay Bennion, House District 41, is examining how to remove barriers and create ordinances like these for municipal leaders.

# APPENDIX B

## =SALT LAKE COUNTY ORDINANCE

ORDINANCE NO. \_\_\_\_\_, 2023

### ANIMAL ORDINANCE UPDATE FOR FR AND FA ZONES

AN ORDINANCE OF GENERAL REVISION, AMENDING THE FOLLOWING SECTIONS OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001: 19.12.020 (PERMITTED USES IN THE FORESTRY AND RECREATION (FR) ZONE), 19.12.030(G)(CONDITIONAL USES IN THE FR ZONE), AND 19.54.020 (PERMITTED USES IN THE FOOTHILL AGRICULTURE (FA) ZONE) TO HAVE DISTINCT REGULATIONS IN THE FR AND FA ZONES WITH REGARDS TO ANIMAL USES AND THEIR ASSOCIATED IMPACTS ON ADJOINING PROPERTIES, THE ENVIRONMENT, AND THE WELL-BEING OF ANIMALS; AND MAKING OTHER RELATED CHANGES.

The County Legislative Body of Salt Lake County ordains as follows:

SECTION I. The amendments made here are designated by underlining the new substituted words. Words being deleted are designated by brackets and interlineations.

SECTION II. Section 19.12.020 of the Salt Lake County Code of Ordinances is amended as follows:

#### **19.12.020 – Permitted Uses**

The following uses are permitted in the FR zones subject to compliance with all applicable requirements set forth in this chapter including those relating to site and lot dimensions, development standards, and other regulations:

- A. Accessory uses and structures customarily incidental to a permitted use;
- B. Agriculture, as defined in Section 19.04.020;
- C. Apiary;
- ~~C~~D. Home business, subject to Chapter 19.85;
- ~~D~~E. Home day care/preschool for six or fewer children subject to the conditions set forth in Section 19.04.293;

F. Horses, and animals and fowl for family food production as defined in Chapter 19.04 of this title, provided that:

1. The area proposed for such use is not a protected watershed area, as determined by the health department's watershed regulation;

2. ~~For p~~Properties ~~that do not~~ include within their borders, ~~do not~~ adjoin, or are ~~not~~ within ~~100'-50'~~ of ephemeral streams or ~~100'~~ of perennial streams, as defined in Salt Lake County Code Chapter 19.72.:

~~a. All horses, animals, or fowl allowed in this subsection (F) are housed or otherwise confined at least 100' away from an ephemeral or perennial stream.~~

~~(i) This requirement shall not apply to noncomplying structures, as defined in Chapter 19.04.~~

~~b. The limits prescribed in the definition of family food production in Chapter 19.04 apply.~~

~~c. Two horses per acre for a maximum of four (4) horses are allowed.~~

3. ~~For properties that do not include within their borders, do not adjoin, or are not within 100' of ephemeral streams or perennial streams, t~~The following limits apply:

a. the limits prescribed in the definition of family food production in Chapter 19.04.

b. a maximum of two (2) horses per 1/2 acre are allowed.

4. If horses, or animals or fowl for family food production were approved by a land use permit prior to adoption of this subsection (F), that permit governs over this subsection (F).

5. For purposes of this subsection (F), ~~one-two (12) horses~~ per 1/2 acre ~~is~~are allowed; ~~subject to subsection (2)(d) and (3)(e).~~ Property acreage will not be rounded up to accommodate additional horses. Properties must be a minimum of one-half (1/2) acre to have horses, cows, goats, or sheep. ~~For purposes of this subsection (F)(5), P~~property acreage shall not include ~~the footprint of a home, driveway, accessory structures that do not support animals, and the 100' setbacks referenced in subsection (F)~~any portion of the property that exceeds 30% slope. Applicant will submit a slope analysis of the property, with contour at vertical intervals of not more than two feet, showing which portions of the property exceed 30% slope.

6. Applicant submits a manure management plan, which shall address mitigation of stormwater runoff, odor, and flies, and shall include the following:

a. Clean-up of manure ~~in stalls~~ and off-site deposit of the same ~~in warm and cold-weather seasons.~~ Manure storage or composting is ~~not~~ allowed ~~except as in accordance with Salt Lake County Health Department General Sanitation Regulation explicitly permits~~regarding composting.

b. Siting of ~~newly constructed~~ stalls to protect surface water, drainageways, wellheads, streams and irrigation ditches.

c. Bedding system such as stall mats, hay, wood shaving, and/or wood pellets.

7. The property is not used for a business in which trail rides originate from the property.

a. The property may be used for a horse riding instruction business so long as that instruction is confined to the property, students do not transport their own horses to the property, and the property otherwise complies with the home business requirements in chapter 19.85; to the extent chapter 19.85 conflicts with this subsection (F)(6)(a), this subsection shall control.

b. The property may be used to board horses for others so long as all of the requirements of this subsection (F) are met.

8. The water service provider(s) for the subject property provides written approval of having animals on the subject property in accordance with its regulations.

89. A permit is obtained upon compliance with this subsection (F), notwithstanding section 19.02.090.

[E]G. Household pets, provided the area proposed for animals is not in a protected watershed area, primary water supply recharge area, or drinking water source protection area, as determined by the Salt Lake [~~Valley~~] County health department or Utah Department of Environmental Quality;

[F]H Minor ski resort improvements, provided:

1. That the privately owned land areas on which such improvements are permitted constitute less than ten percent of the total land area utilized for the ski resort that the improvements support, and
2. That at least ninety percent of the land area on which the improvements are developed, operated, and maintained is on public lands, and
3. That the public agency responsible for the management and administration of such lands has previously approved a special use permit or similar regulatory authorization, and has assumed long-term administrative and enforcement responsibilities for such approvals, and
4. That opportunities for public notice, review, and comment on the proposed improvements have been provided through a finalized National Environmental Policy Act (NEPA) or other comprehensive public review and comment process, and
5. That such improvements are either:
  - a. Essential to public safety, or
  - b. Required in association with the reasonable repair or maintenance of existing legally established facilities and improvements, or
  - c. Essential to the continuation or extension of improvements approved under the terms of a governmental land lease or use permit or by final action of the federal or state governmental agency with jurisdiction over the lands on which the improvements are located;

[G]I. Residential facility for persons with a disability;

[H]J. Single-family dwellings;

[F]K. Wireless telecommunication facilities; provided:

1. The wireless telecommunication facility is a wall-mounted or roof-mounted facility, and
2. The facility is mounted on a nonresidential building, and
3. A computer-generated visual simulation of the proposed structure is submitted as part of the required site plan, and
4. All other applicable requirements set forth in Chapter 19.83, "Wireless Telecommunications Facilities," are satisfied.

SECTION III. Section 19.12.030(G) of the Salt Lake County Code of Ordinances is

~~repealed-amended~~ as follows:

**19.12.030 – Conditional Uses**

G. Horses, and animals and fowl for family food production, as defined in Section 19.04.235 of this title, when the property includes within its borders, adjoins, or is within 50' of ephemeral streams or 100' of perennial streams (as defined in Salt Lake County Code Chapter 19.72), provided that:

1. The area proposed for animals is not a watershed area, as determined by the health department;~~,-and~~
2. ~~All horses, animals, or fowl allowed in this subsection (G) are housed or otherwise confined at least 50' away from an ephemeral stream or 100' away from a perennial stream, subject to the following:~~
  - a. ~~The commission may reduce the above setbacks by 25% upon the applicant submitting and implementing a riparian vegetation plan that creates a riparian zone in the setback which is in accordance with recommendations in the Salt Lake County "Stream Care Guide" and the following subsections from the Landscape Design Standards section of the Salt Lake County zoning ordinance: Plant Quality, Plant Coverage and Growth Rate, Species Diversity, and Plant Size Requirements at Planting.~~
  - b. ~~If the commission approves a setback reduction under subsection (G)(2)(a), structures that house horses, animals, or fowl may not be constructed until the applicant provides a bond in the amount of the estimated cost of implementing the riparian vegetation plan, as determined by the Director, in accordance with Salt Lake County Code section 19.02.110; the bond shall only be released in accordance with that section.~~
  - c. ~~This subsection (G)(2) shall not apply to structures that lawfully existed as of the effective date of this subsection. Under Salt Lake County Code section 19.02.090, land use permits are not required for the keeping of animals; under Utah Code section 15A-1-204, a building permit is generally not required for structures used for the keeping of animals.~~



3. No more than two horses per ½ acre for a maximum of four (4) horses are allowed, and the limits on other animals prescribed in the definition of family food production in Chapter 19.04 apply;

a. Property acreage will not be rounded up to accommodate additional horses. Properties must be a minimum of ½ acre to have horses, cows, goats, or sheep. For purposes of this subsection (G)(3), property acreage shall not include any portion of the property in excess of 30% slope. Applicant will submit a slope analysis of the property, with contour at vertical intervals of not more than two feet, showing which portions of the property exceed 30% slope.

b. If horses, or animals or fowl for family food production were approved by a land use permit prior to adoption of this subsection (G)(3), that permit governs over this subsection.

4. Applicant submits a manure management plan, which shall address mitigation of stormwater runoff, odor, and flies, and shall include the following:

a. Clean-up of manure and off-site deposit of the same. Manure storage or composting is allowed in accordance with Salt Lake County Health Department General Sanitation Regulation regarding composting. Compost piles shall not be located within 100' of a perennial stream or within 50' of an ephemeral stream. Manure storage or composting is not allowed except as Salt Lake County Health Department General Sanitation Regulation explicitly permits composting.

b. Siting of newly constructed stalls to protect surface water, drainageways, wellheads, streams and irrigation ditches.

c. Bedding system such as stall mats, hay, wood shaving, and/or wood pellets.

5. The water service provider(s) for the property provides written approval of having animals on the property in accordance with its regulations.

6. The property is not used for a business in which trail rides originate from the property.

a. The property may be used for a horse riding instruction business so long as that instruction is confined to the property, students do not transport their own horses to the property, and the property otherwise complies with the home business requirements in chapter 19.85; to the extent chapter 19.85 conflicts with this subsection (F)(6)(a), this subsection shall control.

b. The property may be used to board horses for others so long as all of the requirements of this subsection (F) are met.

~~2. The use will not create unreasonable on-site erosion, downstream siltation, bacteriological or biological pollution in subsurface or surface waters, destruction of vegetation, air pollution, including dust and odors or other detrimental environmental effects. In determining the environmental effects of the use, the planning commission shall seek and consider recommendations from the health department and other concerned agencies, and may require the applicant to submit scientific studies~~

~~including analysis of slope, soils, vegetative cover, availability of water, and other elements necessary to establish environmental effects of the proposed use, and~~

- ~~3. The planning commission may limit the number of animals and fowl, or limit the amount of ground to be devoted to such use, or make other conditions to ensure environmental protection, and~~
- ~~4. After the use is established, if the planning commission determines, based on findings of facts, that unreasonable environmental degradation is occurring, the planning commission may, after notification to the applicant and hearing, establish additional conditions or order the use to be abated;]~~

SECTION IV. Section 19.54.020 of the Salt Lake County Code of Ordinances is amended as follows:

### **19.54.020 – Permitted Uses**

The following uses are permitted in the FA zones subject to meeting all applicable requirements set forth in this chapter and ordinance relating to site and lot dimensions, development standards, and other regulations.

- A. Accessory uses and structures customarily incident to a permitted use;
- B. Agriculture, as defined in Section 19.04.020 of this title;
- C. ~~Animals and fowl for family food production, as defined in Section 19.04.235; household pets; a maximum of four horses for private use only;~~

Horses, and animals and fowl for family food production as defined in Section 19.04.235 of this title, provided that:

1. The area proposed for such use is not a protected watershed area, as determined by the health department's watershed regulation;

2. For properties that include within their borders, adjoin, or are within ~~400'-50'~~ of ephemeral streams or ~~100'~~ of perennial streams, as defined in Salt Lake County Code Chapter 19.72, ~~∴ All horses, animals, or fowl allowed in this subsection (C) are housed or otherwise confined at least 50' away from an ephemeral stream or 100' away from a perennial stream, subject to the following:~~

a. The Director may reduce the above setbacks by 25% upon the applicant submitting and implementing a riparian vegetation plan that creates a riparian zone in the setback which is in accordance with recommendations in the Salt Lake County "Stream Care Guide" and the following subsections from the Landscape Design Standards section of the Salt Lake County zoning ordinance: Plant Quality, Plant Coverage and Growth Rate, Species Diversity, and Plant Size Requirements at Planting.

b. If the Director approves a setback reduction under subsection (C)(2)(a), structures that house horses, animals, or fowl may not be constructed until the applicant provides a bond in the amount of the estimated cost to implement the riparian vegetation plan, as determined by the Director, in accordance with Salt Lake County

Code section 19.02.110; the bond shall only be released in accordance with that section.

(ic) This subsection (G)(2) shall not apply to structures that lawfully existed as of the effective date of this subsection. Under Salt Lake County Code section 19.02.090, land use permits are not required for the keeping of animals; under Utah Code section 15A-1-204, a building permit is generally not required for structures used for the keeping of animals. ~~This requirement shall not apply to noncomplying structures, as defined in Chapter 19.04.~~

3. The limits prescribed in the definition of family food production in Chapter 19.04 apply. A maximum of four horses for private use only is permitted.

4. Properties with horses, cows, goats, or sheep are a minimum of one acre. ~~Property acreage shall not include the footprint of a home, driveway, accessory structures that do not support animals, and the 100' setbacks referenced in subsection (C).~~

5. If horses, or animals or fowl for family food production were approved by a land use permit prior to adoption of the ~~2021-2023~~ changes to this subsection (C), that permit governs over this subsection (C).

6. Applicant submits a manure management plan, which shall address mitigation of stormwater runoff, odor, and flies, and shall include the following:

a. Clean-up of manure ~~in stalls~~ and off-site deposit of the same ~~in warm and cold-weather seasons. Manure storage or composting is allowed in accordance with Salt Lake County Health Department General Sanitation Regulation regarding composting. Compost piles shall not be located within 100' of a perennial stream or within 50' of an ephemeral stream.~~ ~~Manure storage or composting is not allowed except as Salt Lake County Health Department General Sanitation Regulation explicitly permits composting.~~

b. Siting of ~~newly constructed~~ stalls to protect surface water, drainageways, wellheads, streams and irrigation ditches.

c. Bedding system such as stall mats, hay, wood shaving, and/or wood pellets.

7. The water service provider(s) for the subject property provides written approval of having animals on the subject property ~~in accordance with its regulations.~~

8. A permit is obtained upon compliance with this subsection (C), notwithstanding section 19.02.090.

D. Apiary;

~~D~~E. Home business, subject to Chapter 19.85;

~~E~~F. Home day care/preschool for six or fewer children subject to the conditions set forth in Section 19.04.293;

~~F~~G. Residential facility for persons with a disability;

~~G~~H. Single-family dwelling;

~~H~~I. Wireless telecommunication facilities, provided:

1. The wireless telecommunication facility is a wall-mounted or roof-mounted facility, and
2. The facility is mounted on a nonresidential building, and
3. A computer-generated visual simulation of the proposed structure is submitted as part of the required site plan, and
4. All other applicable requirements set forth in Chapter 19.83, "Wireless Telecommunications Facilities," are satisfied.

SECTION V. This ordinance shall become effective fifteen (15) days after its passage and upon at least one publication of the ordinance or a summary thereof in a newspaper published and having general circulation in Salt Lake County.

APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, ~~2022~~2023.

SALT LAKE COUNTY COUNCIL

By: \_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
~~Sherrie Swensen~~Lannie Chapman  
Salt Lake County Clerk

APPROVED AS TO FORM:

\_\_\_\_\_

ORDINANCE HISTORY

Councilmember Bradley voting	_____
Councilmember Bradshaw voting	_____
Councilmember Theodore voting	_____
Councilmember <del>DeBry</del> <u>Harrison</u> voting	_____
Councilmember Granato voting	_____
Councilmember Winder Newton voting	_____
Councilmember Alvord voting	_____
Councilmember <del>Snelgrove</del> <u>Stewart</u> voting	_____
Councilmember Stringham voting	_____

Vetoed and dated this \_\_\_\_\_ day of \_\_\_\_\_, ~~2022~~2023.

By: \_\_\_\_\_  
MAYOR JENNIFER WILSON  
OR DESIGNEE

(Complete as Applicable)

Veto override: Yes\_\_\_\_ No\_\_\_\_ Date\_\_\_\_\_

Ordinance Published in Newspaper: Date\_\_\_\_\_

Effective Date of Ordinance:\_\_\_\_\_

SUMMARY OF

SALT LAKE COUNTY ORDINANCE NO. \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_, ~~2022~~2023, the County Council of Salt Lake County adopted Ordinance No. \_\_\_\_\_, an ordinance of general revision, amending the following sections of the Salt Lake County Code of Ordinances, 2001: 19.12.020 (permitted uses in the FR zone), 19.12.030(g)(conditional uses in the FR zone), and 19.54.020 (permitted uses in the FA zone) to have distinct regulations in the FR and FA zones with regards to animal uses and their associated impacts on adjoining properties, the environment, and the well-being of animals; and making other related changes.

SALT LAKE COUNTY COUNCIL

By: \_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
~~Sherrie Swensen~~Lannie Chapman  
Salt Lake County Clerk

APPROVED AS TO FORM:

Councilmember Bradley voting	_____
Councilmember Bradshaw voting	_____
Councilmember Theodore voting	_____
Councilmember <del>DeBry</del> Harrison voting	_____
Councilmember Granato voting	_____
Councilmember Newton voting	_____
Councilmember Alvord voting	_____
Councilmember <del>Snelgrove</del> Stewart voting	_____
Councilmember Stringham voting	_____

A complete copy of Ordinance No. \_\_\_\_\_ is available in the office of the Salt Lake County Clerk, 2001 South State Street, N2-100A, Salt Lake City, Utah.

**SALT LAKE COUNTY ORDINANCE**

ORDINANCE NO. \_\_\_\_\_, 2024

ANIMAL ORDINANCE UPDATE FOR FR AND FA ZONES

AN ORDINANCE OF GENERAL REVISION, AMENDING THE FOLLOWING SECTIONS OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001: 19.12.020 (PERMITTED USES IN THE FORESTRY AND RECREATION (FR)ZONE), 19.12.030(G)(CONDITIONAL USES IN THE FR ZONE), AND 19.54.020 (PERMITTED USES IN THE FOOTHILL AGRICULTURE (FA) ZONE) TO HAVE DISTINCT REGULATIONS IN THE FR AND FA ZONES WITH REGARDS TO ANIMAL USES AND THEIR ASSOCIATED IMPACTS ON ADJOINING PROPERTIES, THE ENVIRONMENT, AND THE WELL-BEING OF ANIMALS; AND MAKING OTHER RELATED CHANGES.

The County Legislative Body of Salt Lake County ordains as follows:

SECTION I. The amendments made here are designated by underlining the new substituted words. Words being deleted are designated by brackets and interlineations.

SECTION II. Section 19.12.020 of the Salt Lake County Code of Ordinances is amended as follows:

**19.12.020 – Permitted Uses**

The following uses are permitted in the FR zones subject to compliance with all applicable requirements set forth in this chapter including those relating to site and lot dimensions, development standards, and other regulations:

- A. Accessory uses and structures customarily incidental to a permitted use;
- B. Agriculture, as defined in Section 19.04.020;
- C. Apiary;
- ~~C~~D. Home business, subject to Chapter 19.85;
- ~~D~~E. Home day care/preschool for six or fewer children subject to the conditions set forth in Section 19.04.293;
- F. Horses, and animals and fowl for family food production as defined in Chapter 19.04 of this title, provided that:

1. The area proposed for such use is not a protected watershed area, as determined by the health department's watershed regulation;
2. Properties do not include within their borders, do not adjoin, or are not within 50' of ephemeral streams or 100' of perennial streams, as defined in Salt Lake County Code Chapter 19.72.
3. The following limits apply:
  - a. the limits prescribed in the definition of family food production in Chapter 19.04.
  - b. a maximum of two (2) horses per ½ acre are allowed.
4. If horses, or animals or fowl for family food production were approved by a land use permit prior to adoption of this subsection (F), that permit governs over this subsection (F).
5. For purposes of this subsection (F), two (2) horses per ½ acre are allowed. Property acreage will not be rounded up to accommodate additional horses. Properties must be a minimum of one-half (1/2) acre to have horses, cows, goats, or sheep. For purposes of this subsection (F)(5), property acreage shall not include any portion of the property that exceeds 30% slope. Applicant will submit a slope analysis of the property, with contour at vertical intervals of not more than two feet, showing which portions of the property exceed 30% slope.
6. Applicant submits a manure management plan, which shall address mitigation of stormwater runoff, odor, and flies, and shall include the following:
  - a. Clean-up of manure and off-site deposit of the same in warm -weather seasons. Manure storage or composting is allowed in accordance with Salt Lake County Health Department General Sanitation Regulation regarding composting.
  - b. Siting of newly constructed stalls to protect surface water, drainageways, wellheads, streams and irrigation ditches.
  - c. Bedding system such as stall mats, hay, wood shaving, and/or wood pellets.
7. The property is not used for a business in which trail rides originate from the property.
  - a. The property may be used for a horse riding instruction business so long as that instruction is confined to the property, students do not transport their own horses to the property, and the property otherwise complies with the home business requirements in chapter 19.85; to the extent chapter 19.85 conflicts with this subsection (F)(6)(a), this subsection shall control.
  - b. The property may be used to board horses for others so long as all of the requirements of this subsection (F) are met.
8. The water service provider(s) for the subject property provides written approval of having animals on the subject property in accordance with its regulations.
9. A permit is obtained upon compliance with this subsection (F), notwithstanding sections 19.02.090 and 19.88.080.



~~{E}~~G. Household pets, provided the area proposed for animals is not in a protected watershed area, primary water supply recharge area, or drinking water source protection area, as determined by the Salt Lake ~~[Valley]~~ County health department or Utah Department of Environmental Quality;

~~{F}~~H. Minor ski resort improvements, provided:

1. That the privately owned land areas on which such improvements are permitted constitute less than ten percent of the total land area utilized for the ski resort that the improvements support, and
2. That at least ninety percent of the land area on which the improvements are developed, operated, and maintained is on public lands, and
3. That the public agency responsible for the management and administration of such lands has previously approved a special use permit or similar regulatory authorization, and has assumed long-term administrative and enforcement responsibilities for such approvals, and
4. That opportunities for public notice, review, and comment on the proposed improvements have been provided through a finalized National Environmental Policy Act (NEPA) or other comprehensive public review and comment process, and
5. That such improvements are either:
  - a. Essential to public safety, or
  - b. Required in association with the reasonable repair or maintenance of existing legally established facilities and improvements, or
  - c. Essential to the continuation or extension of improvements approved under the terms of a governmental land lease or use permit or by final action of the federal or state governmental agency with jurisdiction over the lands on which the improvements are located;

~~{G}~~I. Residential facility for persons with a disability;

~~{H}~~J. Single-family dwellings;

~~{I}~~K. Wireless telecommunication facilities; provided:

1. The wireless telecommunication facility is a wall-mounted or roof-mounted facility, and
2. The facility is mounted on a nonresidential building, and
3. A computer-generated visual simulation of the proposed structure is submitted as part of the required site plan, and
4. All other applicable requirements set forth in Chapter 19.83, “Wireless Telecommunications Facilities,” are satisfied.

SECTION III. Section 19.12.030(G) of the Salt Lake County Code of Ordinances is

amended as follows:

## 19.12.030 – Conditional Uses

.....

- G. Horses, and animals and fowl for family food production, as defined in Section 19.04.235 of this title, when the property includes within its borders, adjoins, or is within 50’ of ephemeral streams or 100’ of perennial streams (as defined in Salt Lake County Code Chapter 19.72), provided that:
1. The area proposed for animals is not a protected watershed area, as determined by the health department;~~[-and]~~
  2. All horses, animals, or fowl allowed in this subsection (G) are housed or otherwise confined at least 50’ away from an ephemeral stream or 100’ away from a perennial stream, subject to the following:
    - a. The commission may reduce the above setbacks by 25% upon the applicant submitting and implementing a riparian vegetation plan that creates a riparian zone in the setback which is in accordance with recommendations in the Salt Lake County “Stream Care Guide” and the following subsections from the Landscape Design Standards section of the Salt Lake County zoning ordinance: Plant Quality, Plant Coverage and Growth Rate, Species Diversity, and Plant Size Requirements at Planting.
    - b. If the commission approves a setback reduction under subsection (G)(2)(a), structures that house horses, animals, or fowl may not be constructed until the applicant provides a bond in the amount of the estimated cost of implementing the riparian vegetation plan, as determined by the Director, in accordance with Salt Lake County Code section 19.02.110; the bond shall only be released in accordance with that section.
    - c. This subsection (G)(2) shall not apply to structures that lawfully existed as of the effective date of this subsection. Under Salt Lake County Code section 19.02.090, land use permits are not required for the keeping of animals; under Utah Code section 15A-1-204, a building permit is generally not required for structures used for the keeping of animals.
  3. No more than two horses per ½ acre for a maximum of four (4) horses are allowed, and the limits on other animals prescribed in the definition of family food production in Chapter 19.04 apply;
    - a. Property acreage will not be rounded up to accommodate additional horses. Properties must be a minimum of ½ acre to have horses, cows, goats, or sheep. For purposes of this subsection (G)(3), property acreage shall not include any portion of the property in excess of 30% slope. Applicant will submit a slope analysis of the property, with contour at vertical intervals of not more than two feet, showing which portions of the property exceed 30% slope.
    - b. If horses, or animals or fowl for family food production were approved by a land use permit prior to adoption of this subsection (G)(3), that permit governs over this subsection.

4. Applicant submits a manure management plan, which shall address mitigation of stormwater runoff, odor, and flies, and shall include the following:
  - a. Clean-up of manure and off-site deposit of the same in warm -weather seasons. Manure storage or composting is allowed in accordance with Salt Lake County Health Department General Sanitation Regulation regarding composting. Compost piles shall not be located within 100' of a perennial stream or within 50' of an ephemeral stream.
  - b. Siting of newly constructed stalls to protect surface water, drainageways, wellheads, streams and irrigation ditches.
  - c. Bedding system such as stall mats, hay, wood shaving, and/or wood pellets.
5. The water service provider(s) for the property provides written approval of having animals on the property in accordance with its regulations.
6. The property is not used for a business in which trail rides originate from the property.
  - a. The property may be used for a horse riding instruction business so long as that instruction is confined to the property, students do not transport their own horses to the property, and the property otherwise complies with the home business requirements in chapter 19.85; to the extent chapter 19.85 conflicts with this subsection (F)(6)(a), this subsection shall control.
  - b. The property may be used to board horses for others so long as all of the requirements of this subsection (F) are met.
- ~~2. The use will not create unreasonable on-site erosion, downstream siltation, bacteriological or biological pollution in subsurface or surface waters, destruction of vegetation, air pollution, including dust and odors or other detrimental environmental effects. In determining the environmental effects of the use, the planning commission shall seek and consider recommendations from the health department and other concerned agencies, and may require the applicant to submit scientific studies including analysis of slope, soils, vegetative cover, availability of water, and other elements necessary to establish environmental effects of the proposed use, and~~
- ~~3. The planning commission may limit the number of animals and fowl, or limit the amount of ground to be devoted to such use, or make other conditions to ensure environmental protection, and~~
- ~~4. After the use is established, if the planning commission determines, based on findings of facts, that unreasonable environmental degradation is occurring, the planning commission may, after notification to the applicant and hearing, establish additional conditions or order the use to be abated;]~~

SECTION IV. Section 19.54.020 of the Salt Lake County Code of Ordinances is

amended as follows:

## **19.54.020 – Permitted Uses**

The following uses are permitted in the FA zones subject to meeting all applicable requirements set forth in this chapter and ordinance relating to site and lot dimensions, development standards, and other regulations.

- A. Accessory uses and structures customarily incident to a permitted use;
- B. Agriculture, as defined in Section 19.04.020 of this title;
- C. ~~Animals and fowl for family food production, as defined in Section 19.04.235; household pets; a maximum of four horses for private use only;~~

Horses, and animals and fowl for family food production as defined in Section 19.04.235 of this title, provided that:

1. The area proposed for such use is not a protected watershed area, as determined by the health department’s watershed regulation;
2. For properties that include within their borders, adjoin, or are within 50’ of ephemeral streams or 100’ of perennial streams, as defined in Salt Lake County Code Chapter 19.72, all horses, animals, or fowl allowed in this subsection (C) are housed or otherwise confined at least 50’ away from an ephemeral stream or 100’ away from a perennial stream, subject to the following:
  - a. The Director may reduce the above setbacks by 25% upon the applicant submitting and implementing a riparian vegetation plan that creates a riparian zone in the setback which is in accordance with recommendations in the Salt Lake County “Stream Care Guide” and the following subsections from the Landscape Design Standards section of the Salt Lake County zoning ordinance: Plant Quality, Plant Coverage and Growth Rate, Species Diversity, and Plant Size Requirements at Planting.
  - b. If the Director approves a setback reduction under subsection (C)(2)(a), structures that house horses, animals, or fowl may not be constructed until the applicant provides a bond in the amount of the estimated cost to implement the riparian vegetation plan, as determined by the Director, in accordance with Salt Lake County Code section 19.02.110; the bond shall only be released in accordance with that section.
  - c. This subsection (G)(2) shall not apply to structures that lawfully existed as of the effective date of this subsection. Under Salt Lake County Code section 19.02.090, land use permits are not required for the keeping of animals; under Utah Code section 15A-1-204, a building permit is generally not required for structures used for the keeping of animals.
3. The limits prescribed in the definition of family food production in Chapter 19.04 apply. A maximum of four horses for private use only is permitted.
4. Properties with horses, cows, goats, or sheep are a minimum of one acre.

5. If horses, or animals or fowl for family food production were approved by a land use permit prior to adoption of the 2023 changes to this subsection (C), that permit governs over this subsection (C).
6. Applicant submits a manure management plan, which shall address mitigation of stormwater runoff, odor, and flies, and shall include the following:
  - a. Clean-up of manure and off-site deposit of the same in warm -weather seasons. Manure storage or composting is allowed in accordance with Salt Lake County Health Department General Sanitation Regulation regarding composting. Compost piles shall not be located within 100' of a perennial stream or within 50' of an ephemeral stream.
  - b. Siting of newly constructed stalls to protect surface water, drainageways, wellheads, streams and irrigation ditches.
  - c. Bedding system such as stall mats, hay, wood shaving, and/or wood pellets.
7. The water service provider(s) for the subject property provides written approval of having animals on the subject property in accordance with its regulations.
8. A permit is obtained upon compliance with this subsection (C), notwithstanding sections 19.02.090 and 19.88.080.

D. Apiary;

~~{D}~~E. Home business, subject to Chapter 19.85;

~~{E}~~F. Home day care/preschool for six or fewer children subject to the conditions set forth in Section 19.04.293;

~~{F}~~G. Residential facility for persons with a disability;

~~{G}~~H. Single-family dwelling;

~~{H}~~I. Wireless telecommunication facilities, provided:

1. The wireless telecommunication facility is a wall-mounted or roof-mounted facility, and
2. The facility is mounted on a nonresidential building, and
3. A computer-generated visual simulation of the proposed structure is submitted as part of the required site plan, and
4. All other applicable requirements set forth in Chapter 19.83, "Wireless Telecommunications Facilities," are satisfied.

SECTION V. This ordinance shall become effective fifteen (15) days after its passage and upon at least one publication of the ordinance or a summary thereof in a newspaper published and having general circulation in Salt Lake County.

APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

SALT LAKE COUNTY COUNCIL

By: \_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Lannie Chapman  
Salt Lake County Clerk

APPROVED AS TO FORM:

\_\_\_\_\_

ORDINANCE HISTORY

Councilmember Bradley voting	_____
Councilmember Bradshaw voting	_____
Councilmember Theodore voting	_____
Councilmember Harrison voting	_____
Councilmember Granato voting	_____
Councilmember Winder Newton voting	_____
Councilmember Alvord voting	_____
Councilmember Stewart voting	_____
Councilmember Stringham voting	_____

Vetoed and dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

By: \_\_\_\_\_  
MAYOR JENNIFER WILSON  
OR DESIGNEE

(Complete as Applicable)

Veto override: Yes \_\_\_ No \_\_\_ Date \_\_\_\_\_  
Ordinance Published in Newspaper: Date \_\_\_\_\_  
Effective Date of Ordinance: \_\_\_\_\_

SUMMARY OF

SALT LAKE COUNTY ORDINANCE NO. \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_, 2024, the County Council of Salt Lake County adopted Ordinance No. \_\_\_\_\_, an ordinance of general revision, amending the following sections of the Salt Lake County Code of Ordinances, 2001: 19.12.020 (permitted uses in the FR zone), 19.12.030(g)(conditional uses in the FR zone), and 19.54.020 (permitted uses in the FA zone) to have distinct regulations in the FR and FA zones with regards to animal uses and their associated impacts on adjoining properties, the environment, and the well-being of animals; and making other related changes.

SALT LAKE COUNTY COUNCIL

By: \_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Lannie Chapman  
Salt Lake County Clerk

APPROVED AS TO FORM:

_____	
Councilmember Bradley voting	_____
Councilmember Bradshaw voting	_____
Councilmember Theodore voting	_____
Councilmember Harrison voting	_____
Councilmember Granato voting	_____
Councilmember Newton voting	_____
Councilmember Alvord voting	_____
Councilmember Stewart voting	_____
Councilmember Stringham voting	_____

A complete copy of Ordinance No. \_\_\_\_\_ is available in the office of the Salt Lake County Clerk, 2001 South State Street, N2-100A, Salt Lake City, Utah.