

Frequently Asked Questions regarding the adoption of the 21A.34.130 Riparian Corridor Overlay District:

1. Why is the City Council considering adopting the ordinance and specifying that they may modify it in the near future?

- This is a complicated issue, and the residents and other members of the public have raised a number of significant points. A double check of the ordinance will allow any oversights to be promptly corrected.
- The City Council will have the opportunity to retain the services of a consultant with experience in riparian corridors who can assist in addressing the issues that have been raised.
- The Council is considering initiating in depth studies of the various stream corridors. These will be administered by Public Utilities. These studies will take approximately one year to complete. Any changes recommended through those studies will be processed through the Planning Commission.

2. May property owners armor stream banks in order to control erosion of property?

Yes, property owners affected by the Riparian Corridor Overlay District may armor stream banks in order to control erosion of property as long as the measures do not affect water temperature, do not block debris or change the stream flow, and do not adversely affect neighboring properties. A permit is required.

3. May property owners affected by the Riparian Corridor Overlay District develop within 0 to 25 feet of the Annual High Water Line *without* a Riparian Protection Permit?

Yes. Without a Riparian Protection Permit, property owners may maintain their property and existing fences and structures such as:

- Manual removal of storm debris, dead vegetation and trash by property owner.
- Pruning or removal of trees along utility easements by the responsible entity.
- Removal of invasive plants.
- Planting of native non-invasive vegetation or other approved groundcover, shrubbery and trees on a list of approved vegetation within Riparian Areas published by Public Utilities and/or the Urban Forester.
- Maintenance of existing fences and structures within the original footprint as long as further armoring of the stream bank is not required and there is no instability due to movement of a steep slope.

4. May property owners affected by the Riparian Corridor Overlay District develop within 0 to 25 feet of the Annual High Water Line *with* a Riparian Protection Permit?

Yes. With a Riparian Protection Permit on projects that do not require the use of heavy equipment, property owners may develop between 0 to 25 feet of the Annual High Water Line (AHWL). Such development may include:

- a. New construction or maintenance of access stairs and/or paths between vertical levels within 0 to 25 feet (Area A), or between Area A and Area B (Area B includes 25 to 50 feet from the AHWL) and no more than one per level in terraced areas.
- b. Open (as opposed to solid masonry or wood) patios and decks on grade and not greater than 150 square feet each and no more than one per level in terraced areas.
- c. Low impact stream crossings.
- d. Open (such as chain link or wrought iron, as opposed to solid masonry or wood) fences at the edge of terraced areas. Any portion of any fence to be installed beyond the AHWL must first be approved by the Public Utilities Director of Designee, pursuant to applicable design standards.
- e. Installation and maintenance of erosion control that is approved, if necessary, by the U.S. Army Corps of Engineers, Salt Lake County Flood Control, the Utah State Engineer and/or other government authorities with jurisdiction. And which erosion controls may include armoring, if
 1. The armoring is necessary to protect the structural integrity of an existing structure on the property or significant loss of property area due to erosion.
 2. The owner has reasonably exhausted less intrusive methods to prevent significant property damage.
 3. The armoring is placed only where necessary to prevent significant property damage in the foreseeable future.
 4. The proposed armoring will not negatively impact other adjacent or downstream properties, and
 5. The armoring is permitted or required by Public Utilities and/or one or more the foregoing government authorities.

5. May property owners affected by the Riparian Corridor Overlay District develop within 25 to 50 feet of the Annual High Water Line *without* a Riparian Protection Permit?

Without a Riparian Protection Permit, property owners may develop between 25 to 50 feet of the Annual High Water Line (AHWL) structures such as:

- a. Activities described in 21A.34.130(C)(1)(a) and (b).
- b. New construction of fencing.
- c. Construction of open patios and decks with footings with a maximum of two feet (2') above grade.
- d. Minimal grading.
- e. Compost from yard debris.
- f. Mechanized removal of fallen or diseased trees.

6. May property owners affected by the Riparian Corridor Overlay District develop within 25 to 50 feet of the Annual High Water Line *with* a Riparian Protection Permit?

Yes. With a Riparian Protection Permit, property owners may develop between 25 to 50 feet of the Annual High Water Line (AHWL) if the structure:

- a. Replaces a pre-existing structure with the same type of structure or a structure of lesser impact as pursuant to the base zoning district.
 - b. No portion of the footprint of the new construction is any nearer to the AHWL than the nearest point of the pre-existing structure to the AHWL.
 - c. Total square footage of the portion of the footprint of the new structure within Areas A and/or B shall not exceed the total square footage of the footprint of the old structure as it was located within Areas A and B.
 - d. New construction does not require stream bank armoring, there is no instability due to movement of a steep slope, or unstable soils or geological activity along a fault has not occurred and caused changes to the ground that are so severe that it will not support the previous structural footprint.
 - e. New structure must comply with the requirements of the base zoning district.
7. May property owners affected by the Riparian Corridor Overlay District develop within 50 to 100 feet of the Annual High Water Line *without* a Riparian Protection Permit?

Yes. All development activities permitted by the base zone are allowed within 50 to 100 feet of the Annual High Water Line *without* a Riparian Protection Permit, as well as all development activities described in 21A.34.130(C)(1)(c) EXCEPT leach fields, storm water retention ponds, detention basins or commercial parking lots.

8. Would the proposed ordinance allow for public access to private property along streambed corridors?

No. The City is considering posting signage at the boundaries of public access points indicating private property is beyond.

9. Would the ordinance affect the ability of property owners adjacent to creeks to own pets or limit the pets in any way?

No.

10. Would the ordinance prevent the walking of dogs in Miller Park?

No.

11. Would the ordinance prevent the refinancing of homes along the streambed corridors?

No. Existing structures would be considered legal complying buildings. For example, existing structures can be rebuilt, with a Riparian Protection Permit, with the same type of structure or a structure of lesser impact with the same or lesser total square footage of the old structure as long as the structure complies with the base zoning regulations.

12. There has been mention of a 170 foot corridor. Is that being considered by the City Council?
No. The Council is considering a tiered program with different restrictions in the 0 to 25 foot (Area A), 25 to 50 foot (Area B) and 50 to 100 foot area (Area C).

13. What area of property affected by the Riparian Corridor Overlay District is covered within Area A, or the No Disturbance Line?

This area covers 0 to 25 feet from the Annual High Water Line.

14. What area of property affected by the Riparian Corridor Overlay District is covered within Area B, or the Structure Limit Line?

This area covers 25 to 50 feet from the Annual High Water Line.

15. What area of property affected by the Riparian Corridor Overlay District is covered within Area C, or the Buffer Transition Line?

This area covers 50 to 100 feet from the Annual High Water Line.

16. Is the City Council Committed to working with State, Federal, County and other agencies to address water quality issues?

Yes.

17. If a Riparian Protection Permit is not granted, does the property owner appeal to the Board of Adjustment?

No. The ordinance contemplates that an appeal would be made to the Public Utilities Advisory Committee.

City Council Motion regarding creation of the Riparian Corridor Overlay Zoning District,
January 15, 2008

“I move that the Council”

1. Continue the Public Hearing to a future Council meeting within 180 days AT WHICH TIME FURTHER REFINEMENTS TO THE ORDINANCE MAY BE MADE;
2. Adopt an INITIAL ordinance that will:
 - a. Establish a Riparian Corridor Overlay District that includes sections from the proposed amendments recommended by the Planning Commission and additional changes identified by the Council. (Salt Lake City Code, Section 21A.34.130)
 - b. Amend the Lowland Conservancy Overlay District (Salt Lake City Code, Section 21A.34.050)
 - c. Amend the section referencing outdoor residential uses, open patios and decks...to add the word permeable (Sec. 21A.34.130.C.1.b.2)

I further move that the Council refine the ordinance by:

1. Establishing a Council subcommittee
2. Retaining the assistance of a consultant
3. Inviting public comment throughout the 180 day period and scheduling the continued hearing date within that 180 day period.
4. Scheduling a consideration date within the 180 day period for refinements to the ordinance.

I further move that the Council adopt the proposed Legislative Intent Statements.

City Council Legislative Intent Statements – Riparian Corridor Overlay Zoning District

It is the City Council's intent with enacting Sec. 21A.34.130 Riparian Corridor Overlay District of the City Zoning Ordinance that:

- A. The City Council appropriate funding for a consultant to:
 - Develop criteria for an exception process in the event a Riparian Protection Permit is denied,
 - Evaluate further refinement of the riparian corridor zoning regulations, and
 - Review the appropriateness of the purpose statement in relation to the ordinance.
 - This study should be completed within approximately 150-days of the adoption of the Riparian Corridor Overlay Zoning District ordinance.
- B. The City Council appropriate funding for stream/riparian corridor studies for Red Butte Creek and Emigration Creek to be followed by Parleys Creek and City Creek. The studies are intended to define a baseline condition of the stream corridors and develop a desired future condition plan. The plan will identify current environmental issues such as erosion, pollution sources, invasive species and other issues that need to be addressed to achieve the desired future condition. The study will include a broad public outreach element in preparing the desired future condition. The plan will be detailed in nature such that specific identifiable projects to restore the stream corridors are presented. Budget estimates for the recommended projects will be developed and provided in the plan. The study effort will be administered by the Department of Public Utilities.
- C. The City investigate and address City contributions to stream bank erosion.
- D. The City Council appropriate funding for an education/stewardship program for property owners affected by the Riparian Corridor Overlay District zoning regulations.
- E. The City investigates options for citywide control of pollutants and runoff from impermeable surfaces as well as materials used for fertilization and snow removal.
- F. The City will work with State of Utah and Salt Lake County to understand the water quality impairments to Emigration Creek water coming into the City and work to develop viable plans to improve the water quality to meet the stream's State of Utah beneficial use classification of Class 2B. The Department of Public Utilities will coordinate the effort.
- G. The City post signage at the boundaries of public access points indicating private property is beyond.
- H. Public Utilities develop best management practices and standards for permitted development with the Riparian Corridor Overlay Zoning District as part of the permit process.
- I. The City evaluate applying the Riparian Corridor Overlay District provisions as part of any future proposal to bring creek corridors to the surface (daylighting of creeks).

SALT LAKE CITY ORDINANCE
No. 3 of 2008

(Enacting 21A.34.130 Riparian Corridor Overlay District (RCO), applying said overlay district to all properties located within one hundred feet (100') of the Annual High Water Level of Non-Ephemeral Above Ground Streambed Corridors, amending the Salt Lake City Zoning Map, and making other related changes)

AN ORDINANCE ENACTING SECTION 21A.34.130, *SALT LAKE CITY CODE*, TO CREATE RIPARIAN CORRIDOR OVERLAY DISTRICT (RCO), APPLYING RCO RIPARIAN CORRIDOR OVERLAY ZONE TO ALL PROPERTIES WITHIN ONE HUNDRED FEET (100') OF THE ANNUAL HIGH WATER LEVEL OF NON-EPHEMERAL ABOVE GROUND STREAMBED CORRIDORS, AMENDING THE SALT LAKE CITY ZONING MAP, AND MAKING OTHER RELATED CHANGES, PURSUANT TO PETITION NO. 400-07-18.

WHEREAS, on July 18, 2007, the Salt Lake City Council passed Ordinance No. 50 of 2007, Enacting Temporary Land Use Regulations for Non-Ephemeral Above Ground Streambed Corridors, which will expire on January 18, 2008;

WHEREAS, the Salt Lake City Council desires to enact land use regulations that will minimize erosion, stabilize banks, protect water quality, preserve fish and wildlife habitat, and preserve aesthetic values of natural watercourses and wetland areas on a permanent basis;

WHEREAS, protection and preservation of streambed corridors within the City promotes the public health, safety and general welfare of present and future City residents; and

WHEREAS, after hearings before the Planning Commission and the Salt Lake City Council, the City Council has determined that the following ordinance is in the best interest of the City.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Section 2.40.110 I of the Salt Lake City Code shall be and hereby is enacted to read as follows:

- I. Hear and decide appeals arising from decisions granting or denying a Riparian Protection Permit.

SECTION 2. Section 2.40.120 of the Salt Lake City Code shall be and hereby is amended to read as follows:

Except for appeals regarding riparian protection permits, all action taken by the committee shall constitute recommendations to the mayor and shall not constitute official action. All action shall be reduced to writing and submitted to the city recorder's office for presentment to the mayor. The city recorder shall present the same to the mayor. The mayor shall have the power to review, ratify, modify or veto any action submitted by the committee. The city recorder shall promptly notify the committee in writing of the action taken by the mayor. No action shall be implemented until the committee is notified in writing that it has been ratified by the mayor, or that the action was modified and adopted by the mayor and in such event it shall be implemented as modified. In the event the mayor shall desire to hold any matter for further study, the chairperson of the committee shall be notified. Action will take effect only upon ratification by the mayor. (Amended during 1/88 supplement: prior code § 49-10-9)

SECTION 3. Enacting RCO Riparian Corridor Overlay District: That Section 21A.34.130 of the *Salt Lake City Code* shall be and hereby is enacted to read as follows:

21A.34.130 RCO Riparian Corridor (RCO) Overlay District:

A. Purpose Statement.

The purpose of the Riparian Corridor Overlay (RCO) is to minimize erosion and stabilize stream banks, improve water quality, preserve fish and wildlife habitat, moderate stream temperatures, reduce potential for flood damage, as well as preserve the natural aesthetic value of streams and wetland areas of the City. This overlay District provides protection for all stream corridors and wetlands east of the Interstate 215 Highway and includes City Creek, Red Butte Creek, Emigration Creek, the Jordan River and Parleys Creek and their tributaries. Many of these streams run through single family residential areas that were already developed on the adoption date of this ordinance. In those areas, the RCO is intended to account for and to achieve a

reasonable balance between the dual natures of the areas--natural streams and residential uses. Canals and irrigation ditches are not included. The Surplus Canal and water courses west of Interstate 215 are protected under Section 21A.34.050 Lowland Conservancy Overlay (LC) District. The requirements of the RCO District shall supplement other applicable codes and regulations, including State and Federal regulations and the Salt Lake City Floodplain Ordinance. The RCO does not relieve the obligation for compliance with all other land use and zoning regulations applicable to a property.

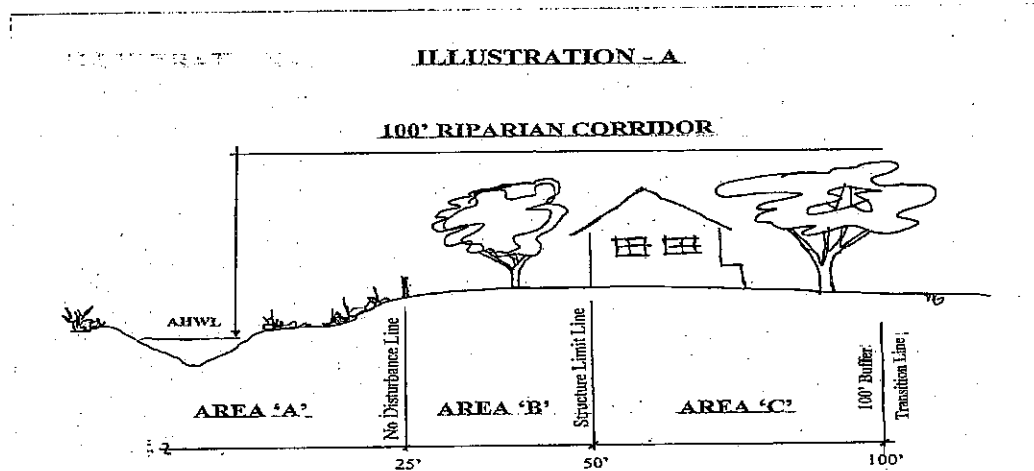
B. Delineations:

Any Boundaries and Delineations required under the RCO shall be prepared by a licensed professional Hydraulic Engineer, Hydrologist, Wetlands Scientist, Fluvial Geomorphologist or other equivalent qualified environmental science professional. All delineations are subject to the approval of the Public Utilities Director.

The Riparian Corridor shall be delineated at the annual high water level on the bank taking into consideration the characteristics of the surrounding area. Where the annual high water level cannot be found, the top of the channel bank may be substituted under the approval of the Salt Lake City Public Utilities Director or his designee. The Army Corps of Engineers must have approved any required wetland delineations prior to submittal to the Public Utilities Director. If a wetland occurs within and extends beyond the 100 feet or the Riparian Corridor, the outermost edge of the wetland will determine the outer edge of the Riparian Corridor.

C. Minimum Setbacks for New Construction, Additions and Accessory Structures.

The following minimum setbacks shall be required within the Riparian Corridor (Illustration A):



1. **Riparian Corridor** is a one hundred foot (100') transition buffer measured from the Annual High Water Level of the adjacent water course and/or wetland. This area may be extended for wetlands as described in 21A.34.130(B). No leach fields, storm water retention ponds, detention

basins or commercial parking lots shall be located within the Riparian Corridor. No person or organization shall engage in any ground-disturbing activity that will remove, fill, dredge, clear, destroy, armor, terrace or otherwise alter this area through manipulation of soil, or other material except as allowed by: (i) this ordinance and, where required by this ordinance, also the Public Utilities Director; or (ii) the U.S. Army Corps of Engineers, Salt Lake County Flood Control, the Utah State Engineer and/or other government authorities where applicable. The following areas are established within the Riparian Corridor Overlay:

a. **Area A** is a No Disturbance Area measured from zero to twenty-five feet (0'-25') from the AHWL. This is the outermost limit that prohibits disturbance. No new construction shall occur closer than twenty-five feet (25') horizontally to the annual high water level, except as permitted by this ordinance. Approved activities within Area A which are allowed without a Riparian Protection Permit include: (1) manual removal of storm debris, dead vegetation and trash by property owner; (2) pruning or removal of trees along utility easements by the responsible entity; (3) removal of invasive plants; (4) planting of native non-invasive vegetation or other approved groundcover, shrubbery and trees on a list of approved vegetation within Riparian Areas published by Public Utilities and/or the Urban Forester; and (5) maintenance of existing fences and structures within the original footprint as long as further armoring of the stream bank is not required, and there is no instability due to movement of a steep slope, or the proposed construction activities within Area A have been approved if required, by the U.S. Army Corps of Engineers under the Clean Water Act or the River and Harbors Act, or by the Utah State Engineer under the Stream Alteration Permit Program.

b. **Outdoor residential uses** in Area A which require a Riparian Protection Permit and do not require the use of heavy equipment are: (1) new construction or maintenance of access stairs and/or paths between vertical levels within Area A, or between Area A and Area B and no more than one per level in terraced areas, and (2) permeable open patios and decks on grade and not greater than 150 square feet each and no more than one per level in terraced areas; (3) low impact stream crossings; (4) open (such as chain link or wrought iron, as opposed to solid masonry or wood) fences. Provided, however, that any portion of any fence to be installed beyond the AHWL must first be approved by the Public Utilities Director or Designee, pursuant to applicable design standards; and (5) installation and maintenance of erosion controls, which must also be approved, if necessary, by the U.S. Army Corps of Engineers, Salt Lake County Flood Control, the Utah State Engineer and/or other government authorities with jurisdiction and which erosion controls may include armoring, if (a) the armoring is necessary to protect the structural integrity of an existing structure on the property or significant loss of property area due to erosion, (b) the owner has reasonably exhausted less intrusive methods to prevent significant property damage, (c) the armoring is placed only where necessary to prevent significant property damage in the foreseeable future, (d) the proposed armoring will not negatively impact other adjacent or downstream properties, and (e) the armoring is permitted or required by Public Utilities and/or one or more the foregoing government authorities.

c. **Area B** is a Structure Limit Area measured from twenty-five to fifty feet (25'-50') from the AHWL. This delineates the limit where any type of construction (landscape walls, additions,

accessory structures or new construction) can occur, except as otherwise permitted by this or other ordinances. Approved activities within Area B which are allowed without a Riparian Protection Permit include: (1) activities described in 21A.34.130(C)(1)(a) and (b); (2) new construction of fencing; (3) construction of open patios and decks with footings with a maximum of two feet (2') above grade; (4) minimal grading; (5) compost from yard debris; and (6) mechanized removal of fallen or diseased trees.

d. **Replacement or rebuilding of a pre-existing structure** in Areas A and /or B requires a Riparian Protection Permit and is allowed, consistent with the continuation of nonconforming uses and noncomplying structures as set forth in Section 21A.38.050, if: (1) it replaces a pre-existing structure with the same type of structure or a structure of lesser impact as pursuant to the base zoning district, (2) no portion of the footprint of the new construction is any nearer to the AHWL than the nearest point of the pre-existing structure to the AHWL, (3) the total square footage of the portion of the footprint of the new structure to be located within Areas A and/or B shall not exceed the total square footage of the footprint of the old structure as it was located within Areas A and B, (4) the new construction does not require further armoring of the stream bank, there is no instability due to movement of a steep slope, or unstable soils or geological activity along a fault has not occurred and caused changes to the ground that are so severe that it will not support the previous structural footprint; and (5) the new structure must comply with the requirements of the base zoning district.

e. **Area C** is a Buffer Transition Area measured from fifty to one-hundred feet (50'-100') from the AHWL. All development activities permitted by the base zone are allowed within Area C, as well as those described in 21A.34.130(C)(1)(c) without a Riparian Protection Permit except leach fields, storm water retention ponds, detention basins or commercial parking lots.

2. Riparian Protection Permit.

This permit is supplemental to the standard construction building permits and associated processes. If a property owner cannot comply with the RCO or a specific activity in this ordinance requires a Riparian Protection Permit, the property owner may submit an application for a Riparian Protection Permit with the Director of Public Utilities (see Section 21A.34.130E). The Director of Public Utilities shall issue a Riparian Protection Permit for the proposed use or activity if it is consistent with this ordinance and provided the following criteria have been satisfied to the satisfaction of the Director of Public Utilities: (a) the applicant submits documentation that the construction associated with the activity will not result in the discharge of sedimentation or soils into any water body or wetlands and any existing down hill storm drains must be protected; (b) the proposed development will result in equal or better protection for the riparian area because the riparian area will be restored, buffered, or enhanced through other special measures; and (c) the proposed activity or use will not authorize alterations to occupy more than fifty percent (50%) of the total area within Area A and B. If an existing legal lot or parcel proposed for development is rendered unbuildable solely by application of the RCO or if a Riparian Protection Permit is denied, it may be appealed to the Public Utilities Advisory Board.

D. Steep Slopes and Soil Stability Standards. As part of a Riparian Protection Permit, the Public Utilities Director can require a geotechnical report and impose greater setbacks for

structures or buildings from the Structure Limit Line to ensure safety. When unstable soils are suspected regardless of the slope, the Public Utilities Director may require a geotechnical report, increase the No Disturbance Line as well as impose greater setbacks for structures or buildings from the Structure Limit Line to ensure safety. Replacement or repair of existing retaining structures requires Riparian Protection Permit. Each proposed project will be reviewed on an individual basis.

E. Riparian Protection Permit Application. In addition to the standard drawings for permit review, an applicant for a Riparian Protection Permit shall submit the following to the Public Utilities Department (and the Urban Forester for plant material), unless the permit is (a) for activities described in Section 21A.34.130(C)(1)(a) or (b) waived by the Director of Public Utilities because of the small size of affected area:

1. Plans shall be at a scale of 1"= 20' minimum. Sections requiring a horizontal and vertical scale shall be equal (example: Horizontal 1"=10', Vertical 1"=10').
2. All site plans shall have existing and proposed grades with two (2) foot contour intervals.
3. Native vegetation should be identified by location, type and size. The proposed removal of invasive vegetation must also be identified.
4. Cross section drawings showing the riparian corridor, building setbacks and location of proposed structures.
5. 100 year flood plain, past flood hazard areas, geological faults, high liquefaction areas and slopes 30% or greater must all be identified.
6. The applicant shall also submit any geotechnical or hydrological reports required as determined by the Public Utilities Department.
7. Habitat of any threatened or endangered species of aquatic and terrestrial flora or fauna shall be identified on the plan.
8. If wetlands exist on the parcel, a wetlands delineation approved by the Army Corp of Engineers.

The Public Utilities Director shall expedite the permit review process if the applicant reasonably demonstrates an imminent danger to individuals or property.

F. Definitions.

1. **Annual High Water Level (AHWL)** - Annual high water level means the highest level water reaches annually, on average on the shore and is identified by: fresh silt or sand deposits, the presence of litter and debris, or other characteristics indicative of high water levels.

2. **Armoring** – A protective covering of a stream’s bed or banks with erosion-resistant material such as rock, concrete or stone filled gabion baskets. Armoring increases the stream flow velocity, which causes further damage on opposite down stream banks. Armoring can increase water temperatures, which negatively affects the stream channel, riparian habitat and water quality.

3. **Stream** – A flowing body of water confined within a defined bed and banks. Streams may have continuous or periodic flow. Streams are important as conduits in the water cycle, instruments in aquifer recharge, and corridors for fish and wildlife migration. Stream is also an umbrella term used in the scientific community for all flowing natural waters, regardless of size (brook, creek, kill, rill, or run). Streams include intermittent or seasonal waterbodies, which exist for long periods, but not all year round. They do not include Ephemeral creeks, streams, rivers, ponds or lakes that only exists for a few days following precipitation or snowmelt.

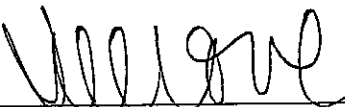
4. **Wetland** –Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

SECTION 4. Application of RCO Riparian Corridor Overlay Zone. The RCO Riparian Corridor Overlay District enacted above shall be and hereby is applied to all properties within one hundred feet (100’) of the Annual High Water Level of Non-Ephemeral Above Ground Streambed Corridors.

SECTION 5. Amendment of Salt Lake City Zoning Map. The Salt Lake City Zoning Map shall be and hereby is amended consistent with the provisions set forth herein.

SECTION 6. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this 15th day of January, 2008.



CHAIRPERSON

ATTEST:

Christina Neefe
CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on 1-16-08.

Mayor's Action: X Approved. Vetoed.

[Signature]
MAYOR

Christina Neefe
CHIEF DEPUTY CITY RECORDER

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date 1-15-08
By [Signature]

(SEAL)



Bill No. 3 of 2008.
Published: 1-19-08

PROPOSED RIPARIAN CORRIDOR OVERLAY ZONING DISTRICT REGULATIONS
SUMMARY

• **CITY CODE, CHAPTER 2.40 – PUBLIC UTILITIES ADVISORY COMMITTEE**

A. Appeals Process from Decisions Granting or Denying a Riparian Protection Permit.

1. Except for appeals regarding riparian protection permits, all action taken by the committee shall constitute recommendations to the mayor and shall not constitute official action.
2. All action shall be reduced to writing and submitted to the city recorder's office for presentment to the mayor. The city recorder shall present the same to the mayor.
3. The mayor shall have the power to review, ratify, modify or veto any action submitted by the committee.
4. The City Recorder shall promptly notify the committee in writing of the action taken by the mayor. No action shall be implemented until the committee is notified in writing that it has been ratified by the mayor, or that the action was modified and adopted by the mayor and in such event it shall be implemented as modified.
5. In the event the mayor shall desire to hold any matter for further study, the chairperson of the committee shall be notified.
6. Action will take effect only upon ratification by the mayor.

• **CITY CODE, CHAPTER 21A. ZONING, SEC. 21A.34.130**

B. Purpose

1. Minimize erosion and stabilize stream banks.
2. Improve water quality.
3. Preserve fish and wildlife habitat.
4. Moderate stream temperatures.
5. Reduce potential for flood damage.
6. Preserve the natural aesthetic values of streams and wetland areas of the City.
7. Provide protection for all stream corridors and wetlands **east of the Interstate 215 Highway and includes City Creek, Red Butte Creek, Emigration Creek, Parleys Creek, the Jordan River and their tributaries.**
8. Canals and irrigation ditches are not included.
9. The **Surplus Canal and water courses west of Interstate 215 are protected under the Lowland Conservancy Overlay (LC) District.**
10. In single family residential areas that were already developed on the adoption date of this ordinance, the RCO is intended to account for and to achieve a reasonable balance between the dual natures of the areas--natural streams and residential uses.
11. Requirements of the Riparian Corridor Overlay District (RCO) supplement other applicable codes and regulations, including State and Federal regulations and the Salt Lake City Floodplain Ordinance.
12. Does not relieve the obligation for compliance with all other land use and zoning regulations applicable to a property.

Delineations

13. Boundaries and delineations required under the RCO shall be prepared by a licensed professional Hydraulic Engineer, Hydrologist, Wetlands Scientist, Fluvial Geomorphologist or equivalent environmental science professionals.
14. All delineations are subject to the approval of the Public Utilities Director.
15. The Riparian Corridor shall be delineated at the annual high water level on the bank taking into consideration the characteristics of the surrounding area.
16. Where the annual high water level cannot be found, the top of the channel bank may be substituted under the approval of the SLC Public Utilities Director.
17. Required wetland delineations require approval from the Army Corps of Engineers prior to submittal to the Public Utilities Director.
18. If a wetland occurs within and extends beyond 100 feet of the Riparian Corridor, the outermost edge of the wetland will determine the outer edge of the Riparian Corridor.

C. Minimum Setbacks for New Construction, Additions and Accessory Structures.

1. Riparian Corridor

- 100 ft. transition buffer measured from the Annual High Water Level (AHWL) of the adjacent water course and/or wetland.
- May be extended for wetlands.
- No leach fields, storm water retention ponds, detention basins or commercial parking lots shall be located within the Riparian Corridor.
- No ground-disturbing activity that will remove, fill, dredge, clear, destroy, armor, terrace or otherwise alter this area through manipulation of soil, or other material except as allowed by: (i) this ordinance and, where required by this ordinance, also the Public Utilities Director; or (ii) the U.S. Army Corps of Engineers, Salt Lake County Flood Control, the Utah State Engineer and/or other government authorities where applicable.
- The following areas are established within the Riparian Corridor Overlay:
 - a. **No Disturbance Line – 0 to 25 ft. from the AHWL, (Area A)**
 - Outermost limit that prohibits disturbance.
 - No new construction shall occur closer than twenty-five feet (25') horizontally to the annual high water level, except as permitted by this ordinance.
 - **Development activities allowed without a Riparian Protection Permit** include:
 1. Manual removal of storm debris, dead vegetation and trash by property owner.
 2. Pruning or removal of trees along utility easements by the responsible entity.
 3. Removal of invasive plants.
 4. Planting of native non-invasive vegetation or other approved groundcover, shrubbery and trees on a list of approved vegetation within Riparian Areas published by Public Utilities and/or the Urban Forester.
 5. Maintenance of existing fences and structures within the original footprint as long as further armoring of the stream bank is not required and there is

no instability due to movement of a steep slope, or the proposed construction activities within Area A have been approved if required, by the U.S. Army Corps of Engineers under the Clean Water Act or the River and Harbors Act, or by the Utah State Engineer under the Stream Alteration Permit Program.

b. Permitted outdoor residential uses in Area A which require a Riparian Protection Permit and do not require the use of heavy equipment

1. New construction or maintenance of access stairs and/or paths between vertical levels within Area A, or between Area A and Area B and no more than one per level in terraced areas.
2. Open (as opposed to solid masonry or wood) permeable patios and decks on grade and not greater than 150 square feet each and no more than one per level in terraced areas.
3. Low impact stream crossings.
4. Open (such as chain link or wrought iron, as opposed to solid masonry or wood) fences at the edge of terraced areas. Any portion of any fence to be installed beyond the AHWL must first be approved by the Public Utilities Director of Designee, pursuant to applicable design standards.
5. Installation and maintenance of erosion control that is approved, if necessary, by the U.S. Army Corps of Engineers, Salt Lake County Flood Control, the Utah State Engineer and/or other government authorities with jurisdiction. And which erosion controls may include armoring, if
 - a. The armoring is necessary to protect the structural integrity of an existing structure on the property or significant loss of property area due to erosion.
 - b. The owner has reasonably exhausted less intrusive methods to prevent significant property damage.
 - c. The armoring is placed only where necessary to prevent significant property damage in the foreseeable future.
 - d. The proposed armoring will not negatively impact other adjacent or downstream properties, and
 - e. The armoring is permitted or required by Public Utilities and/or one or more the foregoing government authorities.

c. Structure Limit Line – 25 to 50 ft. from the AHWL, (Area B).

- Delineates the limit where any type of construction (landscape walls, additions, accessory structures or new construction) can occur.
- **Development activities allowed without a Riparian Protection Permit**
 1. Activities described in 21A.34.130(C)(1)(a) and (b).
 2. New construction of fencing.
 3. Construction of open patios and decks with footings with a maximum of two feet (2') above grade.
 4. Minimal grading.
 5. Compost from yard debris.
 6. Mechanized removal of fallen or diseased trees.

d. Replacement or rebuilding of a pre-existing structure in Area A and /or B

• **Development activities that require a Riparian Protection Permit and allowed if**

1. Replaces a pre-existing structure with the same type of structure or a structure of lesser impact as pursuant to the base zoning district.
2. No portion of the footprint of the new construction is any nearer to the AHWL than the nearest point of the pre-existing structure to the AHWL.
3. Total square footage of the portion of the footprint of the new structure within Areas A and/or B shall not exceed the total square footage of the footprint of the old structure as it was located within Areas A and B.
4. New construction does not require stream bank armoring, there is no instability due to movement of a steep slope, or unstable soils or geological activity along a fault has not occurred and caused changes to the ground that are so severe that it will not support the previous structural footprint.
5. New structure must comply with the requirements of the base zoning district.

e. Buffer Transition Line – 50 to 100 ft. from the AHWL, (Area C)

• **Development activities permitted without a Riparian Protection permit**

1. All development activities permitted by the base zone are allowed within Area C.
2. Development activities described in 21A.34.130(C)(1)(c) (**Structure Limit Line 50 ft. from the AHWL, (Area B)**).
3. EXCEPT leach fields, storm water retention ponds, detention basins or commercial parking lots.

2. Riparian Protection Permit

- a. Supplemental to the standard construction building permits and associated processes.
- b. If a property owner cannot comply with the RCO or a specific activity in this ordinance requires a Riparian Protection Permit, the property owner may submit an application for a Riparian Protection Permit with the Director of Public Utilities (see Section 21A.34.130.E – Riparian Protection Permit Application).
- c. The Director of Public Utilities shall issue a Riparian Protection Permit for the proposed use or activity if it is approved by this ordinance and provided the following criteria have been satisfied:
 1. The applicant submits documentation that the construction associated with the activity will not result in the discharge of sedimentation or soils into any water body or wetlands and any existing down hill storm drains must be protected.
 2. The proposed development will result in equal or better protection for the riparian area because the riparian area will be restored, buffered, or enhanced through other special measures.

3. The proposed activity or use will not authorize alterations to occupy more than fifty percent (50%) of the total area within Area A and B.
4. If an existing legal lot or parcel proposed for development is rendered not buildable solely by application of the RCO or if a Riparian Protection Permit is denied, it may be appealed to the Board of Adjustment.

D. Steep Slopes and Soil Stability Standards

1. As part of a Riparian Protection Permit, the Public Utilities Director can require a geotechnical report and impose greater setbacks for structures or buildings from the Structure Limit Line to ensure safety.
2. When unstable soils are suspected regardless of the slope, the Public Utilities Director may require a geotechnical report, increase the No Disturbance Line as well as impose greater setbacks for structures or buildings from the Structure Limit Line to ensure safety.
3. Replacement or repair of existing retaining structures requires Riparian Protection Permit.
4. Proposed projects will be reviewed on an individual basis.

E. Riparian Protection Permit Application. In addition to the standard drawings for permit review, a Riparian Protection Permit shall submit the following to the Public Utilities Department (and the Urban Forester for plant material), unless the permit is:

- For activities described in Section 21A.34.130(C)(1)(a)(1), (2) or (3), or
- Waived by the Director of Public Utilities because of the small size of affected area:
 1. Plans shall be at a scale of 1"= 20' minimum. Sections requiring a horizontal and vertical scale shall be equal (example: Horizontal 1"=10', Vertical 1"=10').
 2. All site plans shall have existing and proposed grades with two (2) foot contour intervals.
 3. Native vegetation should be identified by location, type and size.
 4. The proposed removal of invasive vegetation must also be identified.
 5. Cross section drawings showing the riparian corridor, building setbacks and location of proposed structures.
 6. 100 year flood plain, past flood hazard areas, geological faults, high liquefaction areas and slopes 30% or greater must all be identified.
 7. The applicant shall also submit any geotechnical or hydrological reports required as determined by the Public Utilities Department.
 8. Habitat of any threatened or endangered species of aquatic and terrestrial flora or fauna shall be identified on the plan.
 9. If wetlands exist on the parcel, a wetlands delineation approved by the Army Corp of Engineers.
- The Public Utilities Director shall expedite the permit review process if the applicant reasonably demonstrates an imminent danger to individuals or property.

Definitions.

1. **Annual High Water Level (AHWL)** - Annual high water level means the highest level water reaches annually, on average on the shore and is identified by: fresh silt or sand deposits, the presence of litter and debris, or other characteristics indicative of high water levels.
2. **Armoring** – A protective covering of a stream’s bed or banks with erosion-resistant material such as rock, concrete or stone filled gabion baskets. Armoring increases the stream flow velocity, which causes further damage on opposite down stream banks. Armoring can increase water temperatures, which affects riparian habitat and water quality.
3. **Stream** – A flowing body of water confined within a defined bed and banks. Streams may have continuous or periodic flow. Streams are important as conduits in the water cycle, instruments in aquifer recharge, and corridors for fish and wildlife migration. Stream is also an umbrella term used in the scientific community for all flowing natural waters, regardless of size (brook, creek, kill, rill, or run). Streams include intermittent or seasonal waterbodies, which exist for long periods, but not all year round. They do not include Ephemeral creeks, streams, rivers, ponds or lakes that only exists for a few days following precipitation or snowmelt.
4. **Wetland** –Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

PROPOSED AMENDMENTS – LOWLAND CONSERVANCY OVERLAY ZONING DISTRICT

- **CITY CODE, CHAPTER 21A. ZONING, SEC. 21A.34.130**
 - A. Places the Jordan River under the new Riparian Corridor Overlay District with the other streams in the City, and removes it from the existing Lowlands Conservancy Overlay District.