



## **Jordan River Watershed Council Meeting**

Thursday, October 5, 2023 | 10:00 AM

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The Jordan River Watershed Council meeting was held at:

Education Center at Conservation Garden Park  
Jordan Valley Water Conservancy District  
8275 South 1300 West  
West Jordan, UT 84088

### **MEETING MINUTES**

Following some technical difficulties, Eric McCulley, Chair, called the meeting to order at 10:21 AM.

#### **1. Welcome and roll call of Watershed Council members and other meeting participants present in person and online**

##### Watershed Council Members

Councilmember Silvia Catten, Millcreek  
Councilmember Don Shelton, South Jordan  
Kim Sorensen, Murray City  
Laura Brief, Vice Chair, Salt Lake City Department of Public Utilities  
Betty Naylor, Naylor Family Farm  
Wendelin Knobloch, Midvale  
Heidi Hoven, Audubon Rockies  
Dina Blaes, Salt Lake County  
Mayor Dirk Burton, West Jordan  
Councilmember Clarissa Williams, South Salt Lake  
Craig Walker, Jordan River Foundation  
Todd Draper, Draper  
Mayor Karen Lang, West Valley City  
Councilmember Stan Porter, North Salt Lake  
Tim Brown, Tracy Aviary  
Councilmember Andy Pierucci, Riverton  
Joel Thompson, South Valley Sewer District  
Shazelle Terry, Jordan Valley Water Conservancy District

##### State & Federal Liaisons

Eric McCulley, Chair, Utah Reclamation, Mitigation & Conservation Commission  
Morgan Faulkner, Utah Division of Forestry, Fire & State Lands

##### Commission Staff

Soren Simonsen, Executive Director/Secretary

Rachel Turk, Communications & Outreach Manager  
Rae Robinson, Vegetation Coordinator, Utah Division of Forestry, Fire & State Lands

#### Other Invited Guests & Visitors

Jennifer Follstad Shah, Professor, University of Utah  
Talon Roberts, Graduate Student, University of Utah  
Representative Gay Lynn Bennion, Utah Legislature  
Steve Van Maren, Sandy resident  
Cindy Kindred, Mighty Penguin Consulting  
Dax Reid, Mighty Penguin Consulting  
Nate Brakey, Office of Congressman Burgess Owens  
Cory Fralick, West Jordan  
Martin Bushman, Attorney General  
Carly Payne, Division of Water Resources  
Calah Worthen, Jacobs Engineering  
Marissa Beckstrom, Tracy Aviary

## **2. Public Comments**

*This is an opportunity for members of the general public to provide comments to the Jordan River Watershed Council. Comments will be limited to two minutes per speaker.*

**Notes:** There were no public comments.

## **3. Presentations & Discussion**

- a) Riparian Corridors Working Group : Representative Gay Lynn Bennion (Utah House - District 41) will share an overview of the Riparian Corridor Working Group she has organized and lead a discussion about policy considerations relating to protection and adaptive management of riparian corridors in cities and counties.
- b) Riparian Ordinance Toolkit : Jennifer Follstad Shah, PhD, Associate Professor of Geography and Environmental & Sustainability Studies at the University of Utah, and a member of the Cottonwood Heights City Planning Commission, will present an overview and lead a discussion about a Riparian Ordinance Toolkit that was researched and prepared by a team of University of Utah students she led earlier this year, and which is being used as the basis for a Riparian Overlay Ordinance currently being considered by Cottonwood Heights City.

**Notes:** Riparian Corridors Working Group. Representative Gay Lynn Bennion introduced herself as the representative for District 41, which includes parts of Cottonwood Heights City and Big and Little Cottonwood Canyons. She serves on the Natural Resources Committee in the Utah Legislature, and is interested in water issues, from the canyons to the Great Salt Lake.

Representative Bennion recently met with a constituent, Jennifer Shah, who serves on the Planning Commission in Cottonwood Heights, and who had been working with a group of students at the University of Utah to prepare a riparian corridors toolkit for local governments. In May, she invited Jennifer and Soren Simonsen, from the Jordan River Commission, to join her for a presentation to the Utah Water Task Force, to discuss an initiative to guide cities and counties to improve protection and conservation of riparian corridors across the state. The Utah Water Task Force recommended the creation of a working group, which now includes around 50 individuals from diverse backgrounds and organizations, that have met every other weeks since June.

This working group helped explore ways the state could address riparian corridor protections, which has produced three recommendations:

- Create a central online repository for model zoning ordinances and other tools for riparian corridor protection
- Expand education and coordination of riparian corridors through organizations like the Utah League of Cities and Town, and Utah Association of Counties
- Draft legislation to address riparian corridors through local government general plans and zoning ordinances

Many communities are growing rapidly, and without some guidance on riparian corridor protection, these important natural resources could be negatively impacted. The draft bill is currently being reviewed by the Utah League of Cities & Towns, and Utah Association of Counties, and will be presented to a legislative commission next week.

Riparian Ordinance Toolkit. Jennifer Shah introduced Talon Roberts, one of the graduate students who helped prepare a Riparian Ordinance Toolkit as an environmental studies student research and development project during the spring term. Talon explained that students saw riparian corridors as an important natural resource that have recently been subject to extreme conditions from drought to heavy runoff. The student group wanted to create a resource to support local communities, and has worked directly with Cottonwood Heights as a case study.

Talon outlines the components of the Toolkit. The first section defines riparian corridors, and outlines their general function, and relationship to different types of surround land uses, from agriculture, to urban development, to parks and natural areas. It describes the benefits of riparian protection areas, which include land use benefits such as flood control, economic benefits such as enhanced property values and improved recreation and tourism opportunities, and numerous environmental benefits, from stormwater management, to water quality and wildlife habitat protection.

Riparian Buffers are a core component of a land use regulation. This includes different regulations for protection of zones in proximity to the riparian corridor. The toolkit identify the key elements of a riparian protection ordinance, and different regulatory agencies from local to state and federal resources. The toolkit included examples of county and city regulations, from large cities like Salt Lake, Lehi and Logan, to smaller communities such as Francis, Ivins, and Park City.

Jennifer Shah shared the story of developing a riparian corridor ordinance, which was just adopted by the City Council in the last month as part of its Sensitive Lands Evaluation & Development (SLEDS) overlay zone. Cottonwood Heights has major riparian corridors, including Big and Little Cottonwood Creeks, as well as smaller riparian corridors, such as Little Willow Creek. In many instances, development occurs right up to the edge of the creek, which in periods of heavy water flows like this past spring, are problematic.

Some of the take aways from the work with students and with the city of Cottonwood Heights, are:

- A toolkit provides a starting point for developing a local code
- Templates exist, and protections can be instituted, even where cities are already built out
- Riparian areas can be measurably enhanced
- Communities benefit in many ways that are valued by residents.

Eric McCulley thanked the presenters and asked that the materials shared in the presentation be made available after the meeting. He asked if there were questions.

Mayor Dirk Burton asked what can and can't happen in protection areas. Jennifer Shah that the regulations vary by zones. Typically in the zones nearest to the water and riparian area, development is limited to things that pervious, and more natural plants. Buffer zones further away may include structures and paving, with limitations on ground coverage. Mayor Burton asked if the ordinances requires changes where something already exists. Jennifer explained that in the Cottonwood Heights example, there are major and minor exceptions that reflect things that already exist and respect property rights, and that implementation may happen over a long period of time.

Councilmember Don Shelton asked if the proposed legislation would require cities to develop riparian ordinances. Representative Bennion explained that the legislation being proposed includes a 5-year time frame to address the general plan element of city policies. She shared an example of Ogden City, which began a major project in 2009 to address riparian corridors through its urban center. This work proved to be valuable to the city in that they did not have any instances of flooding this year despite heavy runoff, and they have developed really valuable recreation opportunities that has spurred community development and revitalization.

Councilmember Shelton asked if the bill would have specific language or terms to be adopted. Representative Bennion responded that the bill as currently drafted includes very broad language that recommends addressing riparian corridors, but the vision and approach would be determined by the city or county. The goal of the bill is not to be prescriptive, but to provide support and that encourages cities and counties to move in the direction of great riparian corridor protection that considers local situations.

Councilmember Shelton asked what sort of resources might be available to support cities if they need to hire a consultant to update their general plan. Representative Bennion indicated that she is currently exploring with the working group the best approach to provide support to implement the recommendations of the bill. The current favored approach is that support most likely come through staffing that can provide expertise and assistance over the 5-year time frame for implementation.

#### **4. Council Business**

- a) Consider adopting meeting minutes for the June 1, 2023, Jordan River Watershed Council meeting.

**Notes:** Chair McCulley noted that the minutes came out just before the meeting this morning, and asked if Council Members were ready to adopt them, or preferred to postpone to a future meeting. He asked if there were any questions.

Councilmember Don Shelton raised a concern about what action was taken to create the Jordan River Watershed Council, and whether the appointment of officers in the last meeting was premature. Specifically, he suggested a legal review may be necessary to determine whether the Commission can function as a Jordan River Watershed Council. Soren Simonsen responded that the certification of a local watershed council is a state function, and that the Jordan River Commission voted on a resolution a year earlier, in June of 2022, to apply for certification as a local council shortly after the Utah Watersheds Council was formed in the spring of 2022. It has been the general consensus of the Governing Board that the Commission function as the Jordan River Watershed Council since watershed councils were first being considered by the legislature several years earlier. The delay in the application for certification was due to the time needed by the state to develop guidelines for establishing local watershed councils before they were ready to accept applications for certification. In April, the Jordan River and Bear River were invited to submit the first applications for local watershed council certifications.

The Jordan River Commission application was based on the prior action taken by the Governing Board, and the application was conditionally certified pending next steps such as preparing bylaws, which are on the agenda for consideration during the Governing Board meeting that will immediately follow this watershed council meeting. Soren also noted that because the Jordan River Watershed Council has been conditionally certified by the state, it is authorized to function as a council, which included the appointment of officers at the last meeting that provides a leadership structure to function as a Council, while continuing toward the full, unconditional certification. Officer appointments are also conditioned on review of our bylaws following consideration by Governing Board. The Utah Watersheds Council will meet next week for consideration of our bylaws, and whether they meet the intent of the Watershed Council Act.

Chair McCulley suggested tabling the adoption of the June meeting minutes until the next Council meeting.

## 5. Information & Announcements

- a) Utah Watersheds Council & Other Local Watershed Councils Updates
- b) Great Salt Lake Basin Integrated Plan Information & Updates
- c) Salt Lake County Public Hearing regarding a Proposed Riparian Corridors & e.Coli TMDL Management Ordinance
- d) Other

**Notes:** Chair McCulley noted that the Utah Watersheds Council will meet next week to consider the full certification of the Jordan River Watershed Council.

Laura Briefer indicated that she and Soren Simonsen are serving on the advisory committee for the Great Salt Lake Integrated Basin Plan, and that the Jordan River Watershed Council will play an important advisory role with the plan. She suggested having a briefing from the Utah Division of Water Resources at the next Watershed Council meeting agenda to give an overview of the plan.

Soren Simonsen noted that Salt Lake County is currently considering an ordinance update related to riparian corridors discussed earlier in the meeting. This ordinance is primarily to address e.Coli impacts, primarily from agricultural sources.

## 6. Adjourn & Reconvene as the Jordan River Commission Governing Board

***Laura Briefer moved to adjourn the meeting. Councilmember Silvia Catten seconded the motion.***

The meeting was adjourned at 11:20 AM.

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*A meeting recording, presentation and handout materials, and meeting minutes will be available following the meeting at <https://www.utah.gov/pmn/sitemap/notice/860681.html>.*

*Meeting Minutes Adopted December 7, 2023.*