

**Mayor**  
Kenneth Romney

**City Engineer/  
Zoning  
Administrator**  
Ben White

**City Recorder**  
Cathy Brightwell

# **WEST BOUNTIFUL PLANNING COMMISSION**

550 North 800 West  
West Bountiful, Utah 84087

Phone (801) 292-4486  
FAX (801) 292-6355

**Chairman**  
Denis Hopkinson

**Commissioners**  
Laura Charchenko  
Mike Cottle  
Alan Malan  
Terry Turner  
Corey Sweat, Alt.

**THE WEST BOUNTIFUL PLANNING COMMISSION WILL  
HOLD A REGULARLY SCHEDULED MEETING AT 7:30 PM  
ON TUESDAY, SEPTEMBER 13, 2016 AT THE CITY OFFICES**

***AGENDA AS FOLLOWS:***

Welcome. Prayer/Thought by invitation

1. Accept Agenda.
2. Public Hearing for Title 16, Subdivisions, Updating Storm Water Requirements, Moving Special Flood Hazard Language, and Other Miscellaneous Changes.
3. Public Hearing for Title 15 - Building & Construction, Incorporating Special Flood Hazard Language from Title 16 - Subdivisions.
4. Public Hearing for Title 13 - Storm Water Utility Changes.
5. Consider Conditional Use for Garner Office Building at 756 W 500 South.
6. Discuss Informal Re-zone Request by Jason Rasmussen for 982 W Porter Lane.
7. Consider Changes to Title 16 - Subdivisions
8. Consider Changes to Title 15 – Building & Construction.
9. Consider Changes to Title 13 – Storm Water Utility Changes.
10. Discuss Title 17, Yard and Fence Requirements for Residential Zones.
11. Staff Report.
  - Discuss Status of P.U.D Changes
12. Consider Approval of August 23, 2016 Meeting Minutes.
13. Adjournment.

*Individuals needing special accommodations including auxiliary communicative aids and services during the meeting should notify Cathy Brightwell at 801-292-4486 twenty-four (24) hours before the meeting.*

*This notice has been sent to the Clipper Publishing Company, and was posted on the State Public Notice website and the City's website on **September 9, 2016**.*

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## **NOTICE OF PUBLIC HEARING**

The West Bountiful Planning Commission will hold a Public Hearing on Tuesday, September 13, 2016 at 7:35 p.m., or as soon thereafter as possible, at 550 North 800 West, West Bountiful, Utah, 84087.

The purpose of the hearing is to receive public comment regarding proposed changes related to Storm Water Regulations in Title 13 – Storm Water Utility Changes, Title 15 Building and Construction, and Title 16 Subdivisions.

A copy of the proposals may be viewed on the City website: [www.wbcity.org](http://www.wbcity.org). All interested parties are invited to participate in the hearing. Written comments may be submitted to the City Offices prior to the meeting.

*Cathy Brightwell*  
*City Recorder*

# MEMORANDUM



**TO:** Planning Commission

**DATE:** September 9, 2016

**FROM:** Ben White

**RE:** **Changes to Title 16 - Subdivisions**

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The changes to our storm water requirements in Title 13 also require some changes to Title 16 to eliminate redundancy and prevent contradicting sections. The attached version reflects the changes that the Planning Commission has discussed in recent meetings.

## 16 Subdivisions

16.04 Introductory Provisions

16.08 Administration And Enforcement

16.12 Design Requirements

16.16 Maps Or Plans

16.20 Improvements

16.24 Variances And Appeals

16.28 Drainage And Subsurface Water Control

16.32 Flood Damage Prevention

### 16.04 Introductory Provisions

16.04.010 Purpose

16.04.020 Definitions

#### 16.4.10 Purpose

The purpose of this title, including any rules, regulations, standards and specifications is:

- A. To promote and protect the public health, safety and general welfare;
- B. To regulate future growth and development within the city in accordance with the general plan and to promote the efficient and orderly growth of the city;
- C. To provide procedures and standards for the physical development of subdivisions of land and construction of buildings and improvements within the city;
- D. To provide for adequate light, air, and privacy; to secure safety from fire, flood and other dangers; and to prevent overcrowding of land and undue congestion of population; and
- E. To provide for harmonious and coordinated development of the city and to assure sites suitable for building purposes and human habitation.

*Adopted by Ord. 374-15 on 11/17/2015*

#### 16.4.20 Definitions

The following words and phrases, as used in this title, shall have the respective meanings set forth hereafter, unless a different meaning clearly appears from the context. Whenever any words or phrases used herein are not defined, but are defined in related sections of the Utah Code or in the zoning ordinances of the city, such definitions are incorporated herein and shall apply as though set forth herein in full.

“**Advisory body**” means a body of selected members that:

1. Provides advice and makes recommendations to another person or entity who makes policy for the benefit of the general public;
2. Is created by and whose duties are provided by statute or by executive order; and
3. Performs its duties only under the supervision of another person or entity as provided by statute.

(Definition derived from Utah Code Ann. § 68-3-12.

“**Affected entity**” means a county, municipality, independent special district, local district, school district, interlocal cooperation entity, specified public utility, a property owner, a property owner’s association, or the Utah Department of Transportation, if:

1. The entity’s services or facilities are likely to require expansion or significant modification because of an intended use of land;
2. The entity has filed with the municipality a copy of the entity’s general or long-range plan; or
3. The entity has filed with the municipality a request for notice during the same calendar year and before

the municipality provides notice to an affected entity in compliance with a requirement imposed under this chapter.

"**Alley**" means a public way which is not intended for general traffic circulation and which generally affords a secondary means of vehicular access to abutting properties.

"**Appeal authority**" means the person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision on a land use application or a variance.

"**Block**" means an area of land within a subdivision entirely bounded by streets (other than alleys), freeways, railroad rights-of-way, natural barriers, or the exterior boundaries of the subdivision, or designated as a block on any recorded subdivision plat.

"**Chief executive officer**" means the:

1. Mayor in municipalities operating under all forms of municipal government except the council-manager form; or
2. City manager in municipalities operating under the council-manager form of municipal government.

"**City engineer**" means any civil engineer duly registered in the state of Utah, appointed by the city council to accomplish the objectives of this title.

"**Collector street**" means a street, existing or proposed, of considerable continuity which serves or is intended to serve as the principal traffic way between large and separated areas or districts and which is the main means of access to the major street system.

"**Constitutional taking**" means a governmental action that results in a taking of private property so that compensation to the owner of the property is required by the:

1. Fifth or Fourteenth Amendment of the Constitution of the United States; or
2. Utah Constitution Article I, Section 22.

"**Cul-de-sac**" means a street which is designed to remain permanently closed at one end, with the closed end terminated by a vehicular turnaround.

"**Culinary water authority**" means the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

"**Exaction**" means a condition, often in the form of impact fees, restrictive covenants or land dedication, imposed at the time of obtaining a building or other development permit used to aid the city in providing public services. Conditional requirements should comply with the standards established in Section 17.44.230 of this code.

"**General plan**" means a document that a municipality adopts that sets forth general guidelines for proposed future development of the land within the municipality.

"**Land use application**" means an application required by a municipality's land use ordinance.

"**Land use authority**" means a person, board, commission, agency, or other body designated by the city council to act upon a land use application.

"**Land use ordinance**" means a planning, zoning, development, or subdivision ordinance of the city, but does not include the general plan. "**Land use permit**" means a permit issued by a land use authority.

"**Legislative body**" means the city council.

"**Lot**" means a parcel or portion of land, established for purposes of sale, lease, finance, division of interest or separate use, or separated from other lands by description on a subdivision map and/or parcel map, and having frontage upon a street.

"**Lot line adjustment**" means the relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of record.

"**Minor street**" means a street, existing or proposed, of limited continuity which serves or is intended to serve the needs of a local area.

"**Minor arterial street**" means a street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated on the master plan as a controlled-access highway, major street, parkway or other equivalent term.

"**Minor collector street**" means a street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.

"**Minor**" or "**small subdivision**" means any real property, including condominiums, planned-unit developments, or re-subdivisions, improved or unimproved, divided into three or fewer lots, all having frontage on an existing dedicated street, either by establishing new lot lines or changing existing lot lines, for the purpose of sale, lease, transfer of title, division of interest, financing or separate use. The minor subdivision shall not require the dedication of any streets or public rights-of-way. Any such division made solely for street widening purposes shall not be considered a minor subdivision.

"**Official map**" means a map drawn by municipal authorities and recorded in a county recorder's office that:

1. Shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;
2. Provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and
3. Has been adopted as an element of the municipality's general plan.

"**Person**" means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity. "**Planning commission**" means the West Bountiful planning commission, unless another planning commission is specifically named.

"**Planning director**" means the director of or consultant to the city planning commission, or any city official or other person appointed by the city council to accomplish the objectives of this title.

"**Plat**" means a map or other geographical representation of lands being laid out and prepared in accordance with Utah Code Ann. § 10- 9a-603.

"**Preliminary design map**" or "**concept plan**" means a map to be submitted to the zoning administrator prior to the filing of a preliminary plat to show the general characteristics of the proposed subdivision.

"**Preliminary plat**" means a plat showing the design of a proposed subdivision and the existing conditions in and around the subdivision. The plat need not be based upon a detailed final survey of the property, except as provided herein. However, the plat shall be graphically accurate to a reasonable tolerance.

"**Property**" means any tract, lot, parcel or several of the same collected together for purposes of subdividing.

“**Public hearing**” means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

"**Public improvement**" means street work, utilities and other facilities proposed or required to be installed within the subdivision for the general use of the subdivision lot owners and for local neighborhood or community needs.

“**Public meeting**” means a meeting that is required to be open to the public under Utah Code Annotated, Title 52, Chapter 4, Open and Public Meetings Act.

“**Public works department**” means the city’s public works department, acting through its authorized representatives. “**Record of survey map**” means a map of a survey of land prepared in accordance with Utah Code Ann. § 17-23-17.

“**Sanitary sewer authority**” means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

“**Special district**” means an entity established under the authority of Utah Code Annotated, Title 17A, Special Districts, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or unit of the state.

“**Specified public utility**” means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined by Utah Code Ann. § 54-2-1.

"**Standards and specifications**" means all the standard specifications and standard detailed drawings prepared by the responsible city departments and the city engineer that have been approved by resolution of the city council.

"**Street**" means a public right-of-way, including a highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other way as located within the city.

"**Subdivider**" means any person owning any tract, lot or parcel of land to be subdivided; a group of two or more persons owning any tract, lot or parcel of land to be subdivided who have given their power of attorney to one of their group or to another person to act on their behalf in planning, negotiating for, in representing or executing the purposes of the subdivision; anyone who causes land to be divided into a subdivision.

"**Subdivision**" means:

1. Any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.
  - a. Subdivision includes:
    - i. the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument; and
    - ii. except as provided in subsection A.2., division of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.
  - b. Subdivision does not include:
    - i. a bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of un-subdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable

- zoning ordinance;
- ii. a recorded agreement between owners of adjoining properties adjusting their mutual boundary if:
  - (1) no new lot is created; and
  - (2) the adjustment does not result in a violation of applicable zoning ordinances; or
- iii. a recorded document, executed by the owner of record:
  - (1) revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property; or
  - (2) joining a subdivided parcel or property to another parcel or property that has not been subdivided, if the joinder does not violate applicable land use ordinances; or
- iv. a recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if:
  - (1) no new dwelling lot or housing unit will result from the adjustment; and
  - (2) the adjustment will not violate any applicable land use ordinance.
- c. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision under this definition as to the un-subdivided parcel of property or subject the un-subdivided parcel to the municipality's subdivision ordinance.
- 2. For the purpose of this chapter, a subdivision of land shall also specifically include:
  - a. The dedication of a street through or adjacent to a tract of land, regardless of area, which may create a division of lots or parcels constituting a subdivision;
  - b. Re-subdivision of land previously divided or platted into lots, sites or parcels; and Condominium projects.

**"Subdivision design"** means the overall layout of the proposed subdivision, including, but not limited to, the arrangement of streets and intersections, the layout and size of lots, the widths and location of easements and rights-of-way for utilities, drainage structures, sewers, the nature and location of public or semi-public facilities, programs for the preservation of natural features, and the installation of public improvements.

**"Unincorporated"** means the area outside of the incorporated area of a city or town.

**"Zoning administrator"** means the building inspector or other person designated by the city council to enforce the regulations of this title.

**"Zoning map"** means a map, adopted as part of a land use ordinance that depicts land use zones, overlays, or districts.

*Adopted by Ord. 374-15 on 11/17/2015*

## **16.8 Administration And Enforcement**

### **16.08.010 Scope Of Compliance Required**

#### **16.08.020 Interpretation**

#### **16.08.030 Administrative Body**

#### **16.08.040 Violations; Penalties**

#### **16.08.050 Fees**

#### **16.08.060 File Of Recorded Subdivisions**

### **16.8.10 Scope Of Compliance Required**

- A. It is unlawful for any person to subdivide any tract or parcel of land which is located wholly or in part in the city except in compliance with this title. No plat of any subdivision shall be recorded until it has been submitted and approved. A plat shall not be approved if such plat is in conflict with any provision or portion of the general plan, master street plan, zoning ordinance, this title, or any other state law or city



ordinance.

- B. Land shall not be transferred, sold, or offered for sale, nor shall a building permit be issued for a structure until a final plat of a subdivision shall have been recorded in accordance with this title and any applicable provisions of state law, and until the improvements required in connection with the subdivision have been guaranteed as provided herein. Building permits shall not be issued without written approval of all public agencies involved. No building depending on public water, sewer, energy facilities, or fire protection shall be permitted to be occupied until such facilities are fully provided and operational.
- C. All lots, plots or tracts of land located within a subdivision shall be subject to this title whether the tract is owned by the subdivider or a subsequent purchaser, transferee, devisee or contract purchaser of the land or any other person.
- D. It is unlawful for any person to receive a building permit on a parcel or tract of land in a subdivision until water and sewer utilities and all underground utilities located under the street surface are installed and all streets in the subdivision are rough graded. It shall be the responsibility of the subdivider to allow no human occupancy until all necessary utilities are installed and basic improvements are adequate to render the subdivision habitable, which improvements shall include paved streets. It is unlawful for any subdivider to sell any portion of an approved subdivision until the prospective buyer or builder has been advised that occupancy will not be permitted until all required improvements are completed.

*Adopted by Ord. 374-15 on 11/17/2015*

#### **16.08.020 Interpretation**

In their interpretation and application, the provisions of this title shall be considered as minimum requirements for the purposes set forth. When the provisions of this title impose greater restrictions than any statute, other regulation, ordinance or covenant, the provisions of this title shall prevail. When the provisions of any statute, other regulation, ordinance or covenant impose greater restrictions than the provisions of this title, the provisions of such statute, other regulation, ordinance or covenant shall prevail.

*Adopted by Ord. 374-15 on 11/17/2015*

#### **16.08.030 Administrative Body**

The city planning commission shall review and make recommendations to the land use authority concerning applications under this title. The city council shall be the land use authority for applications under this title.

*Adopted by Ord. 374-15 on 11/17/2015*

#### **16.08.040 Violations; Penalties**

It shall be a Class C misdemeanor for any person to fail to comply with the provisions of this title. In addition to any criminal prosecution, the city may pursue any other legal remedy to ensure compliance with this title including, but not limited to, injunctive relief.

*Adopted by Ord. 374-15 on 11/17/2015*

#### **16.08.050 Fees**

- A. Subdivision Application Fee. All persons desiring to develop a subdivision within the city shall file an application with the city recorder and pay a fee for a permit to file the application with the planning commission. This fee shall be in an amount established periodically by resolution of the city council. Payment of the surface and subsurface drainage fees described in Section 16.32.150 shall also be made at this time. If the planning commission determines, after consultation with the city engineer, that additional or extraordinary engineering services will be required in checking the preliminary plat and/or in performing necessary field work, the planning commission may require the subdivider to pay, at the time of

the submission of such application or at any time prior to final examination and review of the preliminary plat and subdivision plans, an additional fee sufficient to cover the additional engineering costs anticipated.

No subdivision plans may be considered by the planning commission until a subdivision application fee has been paid.

- B. Plat Filing and Filing Fee. Subdividers shall file with the city recorder at the time of payment of the filing fee, a certified or cashier's check made payable to "The Davis County Recorder" in sufficient amount to cover the recording fees of the final plat. This payment shall be made upon presentation of the preliminary plat for review by the planning commission. No plat shall be recorded unless the subdivider's check is sufficient to cover the cost of recording.
- C. Review and Design Fees. Review and design fees required by the city engineer in the performance of his or her duties shall be determined in an amount necessary to cover the actual cost of checking the final plat including field work. These fees shall be approved by the city council and shall be properly receipted and deposited with the city treasurer, at the time of the submission of the final plat by the subdivider to the planning commission.
- D. Public Improvement Inspection Fee. The subdivider shall remit to the city a public improvement inspection fee equal to three percent (3%) of the improvement bond total.
- E. Water Right Allocation Fee. For the protection of future water rights of the city and to alleviate the necessity of the perpetual conveyance of irrigation water in favor of long-term provision for drainage facilities, any water rights adequate to meet the proposed demand, surface and subsurface water rights and necessary use easements for access will, at the city's option, be transferred to the city at the time of subdivision or development. In exchange, the city will furnish culinary water to residences or other buildings used for human occupancy within the subdivision or development at the city's standard prevailing rate, not to include improvements for such connection. Such improvements will be provided by the subdivider or developer, both on and off-site. If at the time of development, the city determines that there are excess city held water rights available and the developer has not provided adequate water rights, the city, upon written application, may grant a water right allocation equal to 0.45 acre-feet per year per residential dwelling equivalent for domestic use for a fee which shall be established periodically by resolution of the city council.
- F. Time of Fee Payment. The foregoing fees shall be paid at the following times:
  - 1. Subdivision application fee, upon presentation of the preliminary plat for review by the planning commission;
  - 2. Plat filing fees, upon presentation of the final plat for review by the city council;
  - 3. Plan checking fee, upon presentation of the final plat for review by the city council;
  - 4. Public Improvement Inspection fee, upon presentation of the final mylar plat for City signatures; and
  - 5. Water Right Allocation fee, if applicable, upon presentation of the final mylar plat for City signatures.

*Adopted by Ord. 374-15 on 11/17/2015*

### **16.08.060 File Of Recorded Subdivisions**

The city shall maintain a filing system of all subdivisions, which includes copies of all maps, data and official subdivision actions.

*Adopted by Ord. 374-15 on 11/17/2015*

### **16.12 Design Requirements**

16.12.010 General Considerations

16.12.020 Relations To Adjoining Street System

16.12.030 Nonresidential Subdivisions

16.12.040 Street And Alley Widths, Cul-De-Sacs, Basements And Numbers

16.12.050 Blocks

## 16.12.060 Lots

### 16.12.10 General Considerations

- A. The general plan shall guide the use and future development of all land within the corporate boundaries of the city. The size and design of lots, the nature of utilities, the design and improvement of streets, the type and intensity of land use, and the provisions for any facilities in any subdivision shall conform to the land uses shown and the standards established in the general plan, the zoning ordinance, and other applicable ordinances.
- B. Trees, native land cover, natural watercourses, and topography shall be preserved when possible. Subdivisions shall be so designed as to prevent excessive grading and scarring of the landscape in conformance with the zoning ordinance. The design of new subdivisions shall consider, and relate to, existing street widths, alignments and names.
- C. Community facilities, such as parks, recreation areas, and transportation facilities shall be provided in the subdivision in accordance with general plan standards, this title, and other applicable ordinances. In order to facilitate the acquisition of land areas required to implement this policy, the subdivider may be required to dedicate, grant easements over, or otherwise reserve land for schools, parks, playgrounds, public ways, utility easements, and other public purposes.

*Adopted by Ord. 374-15 on 11/17/2015*

### 16.12.20 Relations To Adjoining Street System

- A. Streets in proposed subdivisions shall be arranged so as to continue existing streets in adjoining areas or so as to properly protect those streets when adjoining lands are not subdivided. All such streets shall be planned and built at the same or greater width, unless the city grants a variance to this requirement. Such street arrangements shall be made so as not to cause unnecessary hardship to owners of adjoining property when they seek to provide for access to those lands.
- B. When, in the opinion of the planning commission, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication and/or fully improved as the city council may determine, to the boundary of such property. Half streets along the boundary of land proposed for subdivision will not be permitted. Minor streets shall approach the major collector streets at an angle of not less than eighty (80) degrees.

*Adopted by Ord. 374-15 on 11/17/2015*

### 16.12.30 Nonresidential Subdivisions

- A. The street and lot layout of a nonresidential subdivision shall be appropriate to the land for which the subdivision is proposed, and shall conform to the proposed land use and standards established in the city's master plan, any planned community plans, and the zoning ordinances of the city.
- B. Nonresidential subdivisions shall include industrial and/or commercial tracts.
- C. In addition to the principles and standards in this title which are appropriate to the planning of all subdivisions, the subdivider shall demonstrate to the satisfaction of the planning commission that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed before allowing such subdivisions:
  1. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated;
  2. Street rights-of-way and pavements shall be adequate to accommodate the anticipated type and volume of traffic to be generated;
  3. Special requirements may be imposed by the city with respect to street, curb, gutter and sidewalk design and construction;

4. Special requirements may be imposed by the city with respect to the installation of public utilities, including water, sewer and storm water drainage;
5. Every effort shall be made to protect adjacent residential areas from potential nuisance from the proposed nonresidential subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip or other suitable screening such as berms or walls as required by the planning commission;
6. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas, or connected to streets intended for predominantly residential traffic; and
7. Subdivisions for proposed commercial development shall take into account and specifically designate all areas for vehicular circulation and parking, for pedestrian circulation, and for buffer strips and other landscaping.

*Adopted by Ord. 374-15 on 11/17/2015*

**16.12.40 Street And Alley Widths, Cul-De-Sacs, Basements And Numbers**

- A. The minimum width of proposed streets, measured from lot line to lot line, shall be as shown on the master plan, or if not shown on such plan, shall be:
  1. Minor arterial streets, not less than eighty (80) feet;
  2. Major collector streets, not less than sixty-six (66) feet;
  3. Minor collector streets, not less than sixty (60) feet;
  4. Local service streets or minor streets, not less than fifty (50) feet; and
  5. Alleys, if permitted, not less than twenty (20) feet.
- B. Alleys may be required in the rear of business lots, but will not be allowed in residential blocks except under unusual conditions when such alleys are considered necessary by the planning commission.
- C. Minor terminal streets (cul-de-sacs) shall not be longer than four hundred (400) feet, to the beginning of the turnaround. The length of a cul-de-sac shall be measured from the centerline of the intersecting street along the centerline of the cul-de-sac, to a point at the center of the cul-de-sac. Each cul-de-sac must be terminated by a turnaround of not less than one hundred (100) feet diameter. If surface water drainage is into the turnaround, due to the grade of the street, necessary catch basins and drainage easements shall be provided.
- D. The planning commission may require that easements for drainage through adjoining property be provided by the subdivider, and easements of not less than ten (10) feet in width for water, sewer, drainage, power lines and other utilities shall be provided in the subdivision unless otherwise required by the planning commission.
- E. Proposed streets which are obviously in alignment with other already existing streets shall bear the number of the existing street.

*Adopted by Ord. 374-15 on 11/17/2015*

**16.12.050 Blocks**

The maximum length of blocks generally shall be one thousand two hundred (1,200) feet and the minimum length of blocks shall be five hundred (500) feet. In blocks over eight hundred (800) feet in length there may be required a dedicated walkway through the block at approximately the center of the block. Such a walkway shall be not less than ten (10) feet in width. The width of blocks generally shall be sufficient to allow two tiers of lots. Blocks intended for business or industrial use shall be designated specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

*Adopted by Ord. 374-15 on 11/17/2015*

16.12.60

Lots

- A. The lot arrangement, design and shape will be such that lots will provide satisfactory and desirable sites for buildings, be properly related to topography, and conform to requirements set forth herein.

Lots shall not contain peculiarly shaped elongations which would be unusable for normal purposes solely to provide necessary square footage.

- B. All lots shown on the subdivision plat must conform to the minimum requirements of the zoning ordinance then in effect, if any, for the zone in which the subdivision is located, and to the minimum requirements of the county health department for water supply and sewage disposal. The minimum width for any residential building lot shall be as required by the zoning ordinance then in effect for zoned areas.
- C. Each lot shall abut on a street dedicated for public use by the subdivision plat or an existing public street which is more than twenty-six (26) feet wide, except that when such existing street is less than fifty (50) feet wide or less than the width requirement of the master street plan, additional land shall be dedicated to widen the street for that portion of the street upon which the subdivision has frontage. The amount of land to be dedicated shall be determined by the planning commission as necessary and reasonable to satisfy the requirements of one-half of that required width or fifty (50) feet, whichever is greater.
- D. Flag lots will only be allowed where traditional lot development is not feasible. Such lots shall meet the following criteria:
1. The staff of the lot shall not be less than twenty feet (20') and shall not exceed the design length requirements for a cul-de-sac.
  2. The staff of the lot shall serve one lot only and shall have direct access to a dedicated and improved public street.
  3. The staff of the lot shall be owned, fee simple, as part of the lot.
  4. The staff of the lot shall approach the public street at an angle of not less than eighty degrees (80°).
  5. The staff of the Flag lot cannot extend from intersections, street corners, cul-de-sacs, or dead end streets.
  6. The body of the lot shall meet the lot size and dimensional requirements of the applicable zone. The staff area shall not be used in computing lot size. Proposed buildings shall comply with the minimum setbacks required for the zone. Determinations as to which are the front, side, and rear setbacks shall be made at the time of the subdivision application and shall be designated on the plat.
  7. Flag lot must comply with fire code requirements including access width, driving surface, parking and fire hydrant placement.
  8. Flag lots cannot be used where traditional methods of development could occur.
  9. Subdivisions which contain more than four (4) lots cannot contain a flag lot.
  10. The lot shall be graded so storm water runoff does not negatively impact neighboring properties.
  11. All flag lots shall have the street address displayed on private property in a prominent location where the staff abuts the public street.
  12. A flag lot may not be created which would negatively impact the future continuation of existing stub streets.
  13. Other requirements imposed by the Conditional Use Permit to mitigate the potential negative impacts caused by the proposed use; the Conditional Use Permit and plat review cannot waive requirements 1 through 12 of this Section.
- E. Interior lots having frontage on two streets shall be prohibited except when exceptional circumstances, as determined by the planning commission, would make such lots functionally acceptable. In all instances when such lots are permitted, the subdivider shall record deed restrictions in perpetuity for those lots, limiting access from those lots to one street only so that all lots have access to the same street. Such deed restrictions shall also prohibit construction (except for fencing as allowed under Title 17) within that space adjacent to the street, from which access is prohibited, to a depth of thirty (30) feet.
- F. Corner lots shall have extra width sufficient to account for larger setbacks.
- G. Side lines of lots shall be approximately at right angles, or radial to the street line.
- H. All remnants of lots below minimum size left over after the subdivision of a large tract must be added to

adjacent lots rather than allowed to remain as unusable parcels.

- I. When the land covered by a subdivision includes two or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership before approval of the final plat. Such transfer shall be certified to the planning commission by the city recorder.

*Adopted by Ord. 374-15 on 11/17/2015*

**16.16 Maps Or Plans**

16.16.010 Preliminary Conference And

Concept Plan 16.16.020 Preliminary Plat

16.16.030 Final Plat

16.16.040 Vacating Or Changing A Recorded Subdivision Plat

**16.16.10 Preliminary Conference And Concept Plan**

- A. Purpose. The purpose of the preliminary conference and concept plan is to provide the subdivider with an opportunity, before filing a preliminary plat, to consult with and receive assistance from the city regarding the regulations and design requirements applicable to his or her proposed subdivision.
- B. Prior to filing a preliminary subdivision plat, each person who proposes to subdivide land in the city shall meet with and submit to the zoning administrator three copies of a preliminary design map or concept plan of the proposed subdivision which shall contain such information as is necessary to properly locate the subdivision.

The plan shall include the following information:

1. The proposed name of the subdivision;
  2. A vicinity plan showing significant natural and manmade features on the site and within five hundred (500) feet of any portion of it; the property boundaries of the proposed subdivision; the names of adjacent property owners; topographic contours at no greater interval than five feet; and north arrow;
  3. Proposed lot and street layouts, showing the number, size and design of each lot and the location and width of each street;
  4. Locations of any important reservations or easements;
  5. The general nature and extent of grading;
  6. Descriptions of the type of culinary and irrigation water systems proposed as well as documentation of water rights and secondary water shares;
  7. A description of the size and location of sanitary sewer and storm water drain lines and subsurface drainage;
  8. A description of those portions of the property which are included in the most recent flood insurance rate maps prepared by FEMA;
  9. The total acreage of the entire tract proposed for subdivision;
  10. The ownership of all lands within the proposed subdivision;
  11. The mailing address of each owner of land within the subdivision as well as of those lands contiguous with the subdivision; and
  12. Proposed changes to existing zoning district boundaries or zoning classifications, if any, and/or the necessity of obtaining conditional use permits.
- C. The zoning administrator shall return such plan or map to the subdivider with suggestions within twenty (20) days of receipt. Subdivision information forms shall be furnished to the subdivider at the time of returning the concept plan and map, which form shall be filled out by the subdivider and returned to the planning commission at the time the preliminary plat is submitted.
  - D. A conceptual site plan is not intended to permit actual development of property pursuant to such plan but shall be prepared merely to represent how the property could be developed. Submittal, review, and

approval of an application for a conceptual site plan shall not create any vested rights to development.

*Adopted by Ord. 374-15 on 11/17/2015*

**16.16.20 Preliminary Plat**

- A. Purpose. The purpose of the preliminary plat is to require formal preliminary approval of a subdivision in order to minimize changes and revisions which might otherwise be necessary on the final plat.
- B. Each person who proposes to subdivide land in the city shall prepare a preliminary plat of such proposed subdivision and shall submit three (3) black line prints to the planning commission, two (2) full size copies and one (1) 11x17 inch copy. It shall be the responsibility of the planning commission to determine whether the proposed subdivision complies with all regulations and requirements imposed by this title and the zoning ordinance.
- C. Preliminary Plat Preparation and Required Information. The preliminary plat shall be drawn to a scale not smaller than one hundred (100) feet to the inch and shall include the following information:
  1. The proposed name of the subdivision;
  2. The location of the subdivision as it forms part of a larger tract or parcel, including a sketch of the future street system of the unplatted portion of the property;
  3. A vicinity map of the proposed subdivision, drawn at a scale of five hundred (500) feet to the inch, showing all lots and streets in the project, and all abutting streets, with names of the streets;
  4. The names and addresses of the subdivider, the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided;
  5. A contour map drawn at intervals of at least one foot, showing all topographic features with verification by a qualified engineer or land surveyor;
  6. Certification of the accuracy of the preliminary plat of the subdivision and any traverse to permanent survey monuments by a land surveyor, registered to practice in the state of Utah;
  7. The boundary lines of the tract to be subdivided, with all dimensions shown;
  8. Existing sanitary sewers, storm drains, subdrains, culinary and secondary water supply mains and culverts and other utilities within the tract or within one hundred (100) feet;
  9. The location, widths and other dimensions of proposed streets, alleys, easements, parks and other open spaces and lots showing the size of each lot in square footage and properly labeling spaces to be dedicated to the public;
  10. The location, principal dimension, and names of all existing or recorded streets, alleys and easements, both within the proposed subdivision and within one hundred (100) feet of the boundary, showing whether recorded or claimed by usage; the location and dimensions to the nearest existing bench mark or monument, and section line; the location and principal dimensions of all water courses, public utilities, and other important features and existing structures within the land adjacent to the tract to be subdivided, including railroads, power lines, and exceptional topography;
  11. The existing use or uses of the property and the outline of any existing buildings and their locations in relation to existing or proposed street and lot lines drawn to scale;
  12. The location of existing bridges, culverts, surface or subsurface drainage ways, utilities, buildings or other structures, pumping stations, or appurtenances, within the subdivision or within two hundred (200) feet, and all known wells or springs as well as the location of any one hundred (100) year flood plains as determined by the Federal Emergency Management Agency (FEMA);
  13. Proposed off-site and on-site culinary and secondary water facilities, sanitary sewers, storm drainage facilities, and fire hydrants;
  14. Boundary lines of adjacent tracts of unsubdivided land within one hundred (100) feet of the tract proposed for subdivision, showing ownership and property monuments;
  15. Verification as to the accuracy of the plat by the owner.

Each sheet of the set shall also contain the name of the project, scale (not less than one hundred (100) feet to the inch, except for the vicinity map), sheet number, and north arrow.

D. In addition to the foregoing plat, the subdivider shall provide the following documents:

1. A Hydrology Report in accordance with 16.28.060;
2. A plan for providing street lighting in the subdivision in compliance with the city's design standards;
3. Copies of any agreements with adjacent property owners relevant to the proposed subdivision;
4. A comprehensive geotechnical and soils report prepared by a qualified engineer based upon adequate test borings or excavations in accordance with the city's design standards;
5. A copy of a preliminary title report evidencing satisfactory proof of ownership;
6. Satisfactory evidence that all utilities and services will be available for the subdivision and that the utilities and easements have been reviewed by the utility companies;
7. A Davis County development and construction permit, if the proposed project is located within one hundred (100) feet of a critical flood area as defined by Davis County;
8. Copies of proposed protective covenants in all cases when subsurface drains are to be located within the subdivision;
9. When the subdivider is not an individual corporation or registered partnership, a notarized statement bearing the signatures of all owners of record of the property to be subdivided which designates a single individual who shall act for and on behalf of the group in all appearances before public bodies, agencies or representatives necessary to execute the purpose of subdividing the property; and
10. When a subdivision contains lands which are reserved in private ownership for community use, including common areas, the subdivider shall submit with the preliminary plat a preliminary copy of the proposed articles of incorporation, homeowner's agreements and bylaws of the owner(s) or organization empowered to own, maintain and pay taxes on such lands and common areas.
11. The subdivider shall also comply with all other applicable federal, state and local laws and regulations and shall provide evidence of such compliance if requested by the city.

E. Preliminary Plat Review and Approval by the Planning Commission. Upon receipt of the preliminary plat, the city will distribute copies of the plat to the city engineer and such other governmental departments and agencies for review and comment as appropriate. Within thirty (30) days after the filing of a preliminary plat of a subdivision and any other information required, the planning commission will consider the preliminary plat, or grant approval on conditions stated.

Approval of the preliminary plat by the planning commission shall not constitute final acceptance of the subdivision by the planning commission. The city shall notify the subdivider of the action taken by the planning commission and provide one copy of the preliminary plat and one copy of the planning commission's report signed by the chair of the planning commission. Receipt of this signed copy shall, if the preliminary plat has been approved, be authorization for the subdivider to proceed with the preparation of plans and specifications for the minimum improvements required in this title and with the preparation of the final plat. One copy of the approved preliminary plat shall be retained by the city. If the preliminary plat is not approved, the planning commission will specify in writing any inadequacy in the application including noncompliance with city regulations, questionable or undesirable design and/or engineering, or the need for any additional information.

F. Waiver for Minor or Small Subdivisions. Provided the conditions listed in Utah Code Ann. § 10-9a-605, as amended, are met and the planning commission has recommended for approval the record of survey map, a subdivider may present his or her survey map directly to the city council for final approval of said subdivision. If the survey map meets with the council's approval, the requirement of preparing a final plat for the subdivision may be waived. Upon this waiver, the subdivider may sell land by metes and bounds, without the necessity of recording a plat. In the development of the subdivision, however, the subdivider must provide such public infrastructure improvements and easements as required by the city and must comply with all of the requirements and specifications set forth by the planning commission and city council as the basis for granting subdivision approval.



Following approval by the city council and receipt of all necessary approvals and signatures, city council must submit a certificate of written approval along with the metes and bounds description for the subdivision, as outlined in Utah Code Ann. § 10-9a-605, if a plat is not recorded for such subdivision.

*Adopted by Ord. 374-15 on 11/17/2015*

**16.16.30 Final Plat**

- A. Purpose. The purpose of the final plat is to require formal approval by the planning commission and city council before a subdivision plat is recorded in the office of the Davis County recorder. The final plat and all information and procedures relating to it shall in all respects be in compliance with the provisions of this section. The final plat and construction plans shall conform in all respects to those regulations and requirements specified during the preliminary plat procedure.
- B. Filing Deadline, Application and Fees. Application for final plat approval shall be made within twelve (12) months after approval or conditional approval of the preliminary plat by the planning commission. This time period may be extended one time for up to twelve (12) months for good cause shown if subdivider petitions the planning commission for an extension prior to the expiration date. The subdivider shall file an application for final plat approval with the city on a form prescribed by the city, together with three copies of the proposed final plat and three copies of the construction drawings. At the same time, the subdivider shall pay to the city an application fee as set periodically by the city council.
- C. Preparation and Required Information. The following provisions set forth the manner in which a final plat must be prepared and the information it must contain.
  1. The final plat shall consist of a sheet of approved mylar or comparable material with the outside or trim line dimensions of nineteen (19) inches by thirty (30) inches. The border line of the plat shall be drawn in heavy lines leaving a space of at least one and one-half inches on the left side and at least one-half inch margin on the other sides. The plat shall be drawn so that the top of the drawing faces either north or west, whichever accommodates the drawing best. All lines, dimensions and markings shall be made with approved waterproof black ink. The plat shall be made to a scale large enough to clearly show all details, and in any case not smaller than one hundred (100) feet to the inch, and workmanship on the finished drawing shall be neat, clean cut and readable.
  2. The plat shall show the subdivision name and the general location of the subdivision in bold letters at the top of the sheet.
  3. The plat shall contain a north arrow and scale of the drawing and the date.
  4. The plat shall be signed by all required and authorized parties with appropriate notarial acknowledgements.
  5. An accurate and complete survey to second order accuracy shall be made of the land to be subdivided. A traverse of the exterior boundaries of the tract, and of each block, when computed from field measurements on the ground shall close within a tolerance of one foot to twenty thousand (20,000) feet.
  6. The plat shall show accurately drawn boundaries and shall note the proper bearings and dimensions of all boundary lines of the subdivision. These lines shall be properly tied to public survey monuments and should be slightly heavier than street and lot lines.
  7. The plat shall show all survey and mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including bearing and distance of straight lines, and central angle, radius and arc length of curves. The plat shall also contain such information as may be necessary to determine the location of beginning and ending points of curves. All property corners and monuments within the subdivision shall show the calculated Davis County coordinates. Lot and boundary closure shall be calculated to the nearest one-hundredth of a foot.
  8. All lots, blocks and parcels offered for dedication for any purpose shall be delineated and designated with dimensions, boundaries and courses clearly shown and defined. The square footage of each lot shall also be shown. Parcels offered for dedication other than for streets or easements shall be

clearly designated on the plat. Sufficient linear, angular and curved data shall be shown so as to be able to readily determine the bearing and length of the boundary lines of every block, lot and parcel. No ditto marks shall be used for lot dimensions.

9. The plat shall show the right-of-way lines of each street, and the width of any portion being dedicated as well as the widths of any existing dedications. The widths and locations of adjacent streets and other public properties within fifty (50) feet of the subdivision shall be shown with dotted lines. If any street in the subdivision is a continuation or an approximate continuation of an existing street, the conformity or the amount of nonconformity of such existing streets shall be accurately shown.
10. All lots and blocks are to be numbered consecutively under a definite system approved by the planning commission. Numbering shall continue consecutively throughout the subdivision with no omissions or duplications.
11. All streets, including named streets, within the subdivision shall be numbered in accordance with and in conformity with the adopted street numbering system adopted by the city. Each lot shall show the assigned street addresses, and shall be according to the standard addressing methods approved by the city. In the case of corner lots, an address will be assigned for each part of the lot having street frontage.
12. The side lines of all easements shall be shown by fine dashed lines. The plat shall also show the width of all easements and ties thereto sufficient to definitely locate the same with respect to the subdivision. All easements shall be clearly labeled and identified.
13. The plat shall fully and clearly show all stakes, monuments and other evidence indicating the boundaries of the subdivision as found on the site. Any monument or benchmark that is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider under the direction of the city engineer. The following required monuments shall be shown on the final plat:
  - a. The location of all monuments placed in making the survey, including a statement as to what, if any, points were reset by ties; and
  - b. All right-of-way monuments at angle points and intersections as approved by the city engineer.
14. The final plat shall contain the name of the surveyor, together with the date of the survey, the scale of the map and notations as to the number of sheets comprising the plat. The following certificates, acknowledgements and descriptions shall appear on the title sheet of the final plat and may be combined when appropriate:
  - a. A registered land surveyor's certificate of survey;
  - b. An owner's dedication certificate;
  - c. A notary public's acknowledgement for each signature on the plat;
  - d. That all new subdivision plats submitted for approval in West Bountiful City, tie by metes and bounds description in both the written boundary description and the graphic (drawn) portion of the plat to a section or one-quarter section monument of the Salt Lake Base and Meridian;
  - e. Signature blocks for the planning commission, city engineer, city attorney and city council (which shall consist of a signature line for the mayor and an attestation by the city recorder). A block for the Davis County recorder shall be provided in the lower right corner of the final plat; and
  - f. Such other affidavits, certificates, acknowledgements, endorsements and notarial seals as are required by law, by this title, or by the city attorney.
15. Before recording of the plat, the subdivider shall submit a current title report to be reviewed by the city attorney. A "current title report" is considered to be one which correctly discloses all recorded matters of title regarding the property and which is prepared and dated not more than thirty (30) days before the proposed recordation of the final plat.
16. The owner's dedication certificate, registered land surveyor's certificate of survey, and any other certificates contained on the final plat shall be in the form prescribed by the city's subdivision standards and specifications, a copy of which shall be available for reference at the city offices.
17. When a subdivision contains lands which are reserved in private ownership for community use, including common areas, the subdivider shall submit with the final plat a final copy of the proposed articles of incorporation, homeowner's agreements and bylaws of the owner(s) or organization

empowered to own, maintain and pay taxes on such lands and common areas.

- D. Construction Plans; Preparation and Required Information. The subdivider shall prepare and submit construction plans in accordance with the requirements and standards set forth under public improvements in this title.
- E. Review by the City Engineer. The city engineer will review the final plat and construction plans and determine compliance with the engineering and surveying standards and criteria set forth in this ordinance and all other applicable ordinances of the city and the state of Utah. The public works department will be allowed the right to review the final plat and construction plans to check for accuracy and appropriate connectivity to current city infrastructure. The public works department shall provide written comments to the city engineer and subdivider when deemed necessary and appropriate. The city engineer will complete review of the plat within thirty (30) days after the plat is submitted for review to the engineer. If the final plat complies with the improvement standards and all necessary requirements of this title, the city engineer will sign the plat in the appropriate signature block and forward it to the planning commission. The engineer will not sign the plat unless the survey description is correct and all easements are correctly described and located. If the final plat or the construction plans do not comply with all necessary requirements, the city engineer shall return the plans and plat to the subdivider with comment.
- F. Planning Commission Action. Upon receipt of the comments by the city engineer, the planning commission shall review the plat to determine whether it conforms with the preliminary plat, with all changes requested, and with all requirements imposed as conditions of acceptance. As part of the planning commission's review, the zoning administrator will check the final plat for completeness and compliance with the requirements of this title. If the submitted plat is not acceptable, the planning commission shall notify the subdivider and specify the respects in which it is deficient. If the planning commission determines that the final plat is in conformity with all requirements and the ordinances of the city, it shall recommend the approval of the plat.
- G. Review by the City Attorney. The city attorney shall review the final plat, the signed subdivision improvements agreement, the current title report and the security for insuring completion of the improvements to verify compliance with the city's dedication and bonding requirements. The city attorney may also review public easements, protective covenants and other documents when applicable. Upon approval of the items specified in this section, the city attorney will sign the plat in the appropriate signature block.
- H. Review by the City Council. Within a reasonable time following the approval of the final plat by the planning commission, the final plat shall be submitted to the city council for its review and consideration. The city council shall not be bound by the recommendations of the city staff or the planning commission and may set its own conditions and requirements consistent with this title. The city council may approve the final plat if it determines that the plat is in conformity with the requirements of this title, other applicable ordinances, and any reasonable conditions either recommended by the city's staff and/or planning commission or initiated by the city council; that all fees have been paid as required; and the council is satisfied with the plat as presented. If the city council determines that the final plat is not in conformity with this title or other applicable ordinances, or any reasonable conditions imposed, it may disapprove the final plat. The council shall specify the reasons for such disapproval in writing to the subdivider.
- I. Amended Plat. Within one year after the city council has disapproved any plat, the subdivider may file with the planning commission a plat altered to meet the requirements of the city council. Upon approval and recommendation of the planning commission, this amended plat shall be submitted to the city council for final approval.
- J. Approval. No final plat shall have any force or effect unless the same has been approved by the city council and has been signed by the mayor and city recorder.
- K. Security for Public Improvements.
  - 1. Prior to a final plat's approval by the city council and its recordation with the county recorder, the subdivider shall enter into a bond agreement acceptable to the city as security to insure completion of

all improvements required in the subdivision. The bond agreement shall be in a form approved by the city council and may contain specific provisions approved by the city attorney. The agreement shall include but not be limited to the following requirements:

- a. The subdivider agrees to complete all improvements within a period of time not to exceed eighteen (18) months from the date the agreement is executed.
- b. The improvements will be completed to the satisfaction of the city and in accordance with the city's subdivision standards and specifications (as established by the city engineer and adopted by the city council).
- c. The bond will be equal to one hundred twenty (120) percent of the city engineer's estimated cost of the improvements, including landscaping costs.
- d. The city shall have immediate access to the bond proceeds.
- e. The bond proceeds may be reduced at intervals determined by the city upon the request of the subdivider as improvements are installed. The amount of all such reductions shall be determined by the city. Such requests may be made only once every thirty (30) days and no reduction shall be authorized until such time as the city has inspected the improvements and found them to be in compliance with the city's standards and specifications. All reductions shall be by written authorization of the city engineer and no bond shall be reduced below ten (10) percent of its face value plus the estimated cost of slurry seal either before or after city's final acceptance. After the two-year warranty period, the remaining proceeds plus interest shall be refunded to the subdivider. The amount of this interest will be calculated at a rate equal to that received on the city's other investments in the State Treasurer's Fund and shall be paid on the declining balance of the bond.
- f. If the bond proceeds are inadequate to pay the cost of completing the improvements according to the city's standards and specifications for whatever reason, including previous reductions, the subdivider shall be responsible for the deficiency and no further building permits shall be issued in the subdivision until the improvements are completed; or, with city council approval, a new satisfactory bond has been executed and delivered to the city; or other satisfactory arrangements have been made to insure completion of the remaining improvements. The city's costs of administration and cost of obtaining the bond proceeds, including attorney's fees and court costs, shall be deducted from any bond proceeds.
- g. Upon receipt of the bond proceeds, after expiration of the time period for completion of the improvements, the cost of completion shall include reimbursement to the city for the costs of administration to complete the improvements.
- h. The subdivider agrees to hold the city harmless from any and all liability which may arise as a result of the improvements which are installed until such time as the city certifies the improvements are complete and accepts the improvements at the end of the two-year warranty period.

2. The bond agreement shall be one of the following forms as prescribed by the City:

- a. A cash bond agreement accompanied by a cashier's check payable only to the City; or
- b. An escrow agreement and account with a federally insured bank for one hundred ten percent (110%) of the city engineer's estimated cost of the improvements, together with a ten (10) percent cash bond agreement held only by the City.

L. Payment of Fees. All required and unpaid fees shall be paid by the subdivider to the city by cashier's check prior to approval of the final plat by the city council.

M. Recording of Final Plat. After filing the bond agreement described above, and signing of the plat by the mayor and city recorder, the final plat shall be presented by the city recorder to the Davis County recorder for recordation. The city recorder shall deliver forthwith the recorder's receipt and any change due to the subdivider.

N. Warranty Period. The warranty period referred to above shall commence upon the date that all improvements required by the city to be installed within the subdivision have been completed to the

satisfaction of the city and a final on-site review thereof has been made approving the same. The warranty period shall commence at that date and shall continue for a period of two years thereafter. If any deficiencies are found by the city during the warranty period in materials or workmanship, the subdivider shall promptly resolve such defects or deficiencies and request the city engineer to review once more the improvements. At the end of the two-year warranty period the subdivider shall request the city engineer to make a final warranty period on-site review of all improvements. If the city engineer verifies that the improvements are acceptable, the city engineer shall notify the city administrator who shall refer the matter to the city council. The city council shall then review the matter and upon approval of the same shall release the balance of the security posted by the subdivider under the bond agreement.

- O. Expiration of Final Approval. If the final plat is not recorded within six months from the date of city council approval, such approval shall be null and void. This time period may be extended by the city council for up to an additional six-month period for good cause shown. The subdivider must petition in writing for this extension prior to the expiration of the original six months. No extension will be granted if it is determined that it will be detrimental to the city. If any of the fees charged as a condition of subdivision approval have increased, the city may require that the bond estimate be recalculated and that the subdivider pay any applicable fee increases as a condition of granting an extension.

*Adopted by Ord. 374-15 on 11/17/2015*

#### **16.16.040 Vacating Or Changing A Recorded Subdivision Plat**

A subdivision plat shall only be vacated or changed in accordance with state law as set forth in Section 10-9a-608, Utah Code Annotated, as amended.

*Adopted by Ord. 374-15 on 11/17/2015*

#### **16.20 Improvements**

##### **16.20.010 Parks, School Sites And Other Public Spaces**

##### **16.20.020 Public Improvements**

#### **16.20.10 Parks, School Sites And Other Public Spaces**

- A. In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds and other areas for public use. Any provision for such open spaces should be indicated on the preliminary plat in order that it may be determined by the planning commission when and in what manner such areas will be dedicated to, or acquired by, the appropriate agency.
- B. The planning commission may, in the public interest, require that the subdivider set aside land for parks, playgrounds, schools, churches and other public structures, within the boundaries of a subdivision.
1. Subdividers may not be required to hold land set aside for churches, schools, parks exceeding ten thousand (10,000) square feet, and other public structures for more than one year without payment being made for the same on the basis of land and improvement costs.
  2. Parks and neighborhood playgrounds of less than ten thousand (10,000) square feet, when required, shall be maintained by the neighborhood homeowners' association (HOA).
  3. In subdivisions of less than forty (40) lots, the subdivider may not be required to dedicate more than one twenty-fifth as much land as there is in lots, not streets, for parks or playgrounds without payment.
  4. For subdivisions greater than forty (40) lots, each group of forty (40) lots, or fraction thereof, may require additional dedicated park and playground area at the same ratio as for less than forty (40) lots.

*Adopted by Ord. 374-15 on 11/17/2015*

#### **16.20.20 Public Improvements**

- A. Design Standards. The city engineer shall prepare standards and specifications for design, construction and

on-site review of all public improvements including streets, curbs, gutters, sidewalks, water distribution systems, sewage disposal facilities and storm drainage and flood control facilities. Standards for fire hydrants shall meet the requirements of any federal, state and local governmental entities having jurisdiction over such hydrants.

All construction standards and specifications shall be approved by resolution of the city council before becoming effective. All public improvements shall be installed in accordance with the city's construction standards and specifications, the requirements of the city engineer and public works department, the subdivision improvements agreement between the subdivider and the city, and all other applicable city ordinances and regulations.

The approval of all subdivisions, including minor or small subdivisions, will require the installation of all public improvements including asphalt, curb and gutter, sidewalk, street lights and utilities which are required to complete the standard street design included in the City's design standards regardless of whether the required improvements are on a new or existing street. The city council may waive, modify or delay the construction of all or part of the required public improvements upon making specific findings supporting its decision consistent with the following standards.

1. Curb, gutter and sidewalk improvements in the R-1-10, R-1-22, and A-1 zoning district are eligible for deferred construction under a deferred improvements agreement when the city council finds compelling reasons why the city's interests are better served by deferring the construction.
  2. The city council may waive, modify, or defer the requirement to pipe an open ditch that has been previously designated by the city to remain open upon a finding that the waiver, modification, or deferral is in the public interest. All other open ditches in the subdivision are required to be piped according to the size requirements of the city drainage master plan as a condition of the subdivision approval.
  3. The construction of any public improvements deferred under this section shall be subject to a deferred improvements agreement that allows the City to determine when, if ever, such construction will be required.
- B. Construction Plans. Complete and detailed construction plans and drawings of all improvements shall be prepared in conformance with the design standards of the city. These plans and drawings shall address all proposed street utilities and shall be submitted to the city engineer for review with the final plan. Final approval of the project shall not be granted until these plans have been reviewed and recommended for approval by the city engineer. No construction shall be started until these plans have received final approval of the city and the final plat has been recorded.
- C. Standards for Construction Plans. The city has established standards with respect to construction plans for the purpose of achieving consistency in drawings and uniformity in plan appearance, clarity, size and reproduction. These standards and specifications shall serve as minimum requirements for all aspects of proposed developments and subdivisions.

Three copies of initial construction plans shall be submitted for all proposed subdivisions and developments. Of these copies, one set shall be used by the city engineer and the public works department, one set shall be retained by the city, and one set shall be returned to the subdivider for corrections and revisions consistent with the recommendations of the city and the city engineer. After these corrections and revisions have been made by the subdivider, three revised sets shall be submitted to the city for final review by the city engineer.

All drawings and/or prints shall be clear and legible and conform to good engineering and drafting practice. All drawings shall be twenty-four (24) inches by thirty-six (36) inches (trim line) or twenty-two (22) inches by thirty-four (34) inches (trim line) with a one-half inch border on the top, bottom and right side of the plan and a one and one-half inch border on the left side.

The plans shall include the following, and separate sheets may be used as needed to detail the required information.

1. A north arrow;
2. Stationing and elevations for profiles;
3. U.S.G.S. datum for all elevations;
4. A title block located in the lower right corner of the sheet which shall include:
  - a. Project title (subdivision, etc.),
  - b. Specific type and location of work, and
  - c. Name of engineer or firm preparing drawings with license number and a Utah Engineers stamp imprint;
5. Scale information at 1" = 20' or 1" = 40' horizontally; and 1" = 2' or 1" = 4' vertically;
6. For curb and gutter plans, plan view and profiles for each side of the street including curve data for top of curb elevations but excluding street center line profile data;
7. Size and location of all culinary water lateral mains, meters, valves and hydrants which sizes and locations shall be subject to the specifications of the city engineer;
8. Data regarding types of pipe proposed;
9. Size and location of irrigation lateral mains, valves, fittings and other features of the irrigation system; and
10. Size and location of drains and subdrains to the sewer and storm drain systems as well as for their manhole clean-outs.

D. Preconstruction Meetings. Prior to excavating or starting construction, the subdivider shall arrange a preconstruction meeting with the city engineer and the public works department. The subdivider shall bring to the meeting all contractors responsible for building the improvements associated with the project. The purpose of this meeting shall be to:

1. Verify the recordation of the plat and the final approval of all plans;
2. Determine the construction schedule;
3. Determine the names, addresses and phone numbers of all persons involved in the construction of the project, including contractors and inspectors;
4. Review all plans and any city imposed special conditions or requirements;
  5. Review any bond reduction requests;
  6. Coordinate on-site review and testing times; and
  7. Discuss the city standards and specifications.

E. On-Site Construction Review. All construction requiring the installation of public improvements in a subdivision shall be subject to on-site review by the city engineer or the public works department under direction from the city engineer.

Daily on-site review shall be required on the following types of work:

1. Placement of street surfacing;
2. Placement of concrete for curbs, gutters, sidewalks and other structures; and
3. Placement and testing of drainage and water pipes, valves, hydrants.

Periodic on-site reviews shall be required on the following:

- a. Street grading and placement of gravel base;
- b. Excavations for curbs, gutters and sidewalks; and
- c. Excavations for all structures.

F. Requests for On-Site Review. Requests for on-site review shall be made to the city engineer by the person responsible for project construction. Such requests shall be made at least one working day prior to the commencement of construction.

G. Correcting Defective Work. Periodic on-site reviews shall be made by the city engineer, or public works department under direction of the city engineer, at various phases of construction. Any faulty or defective work shall be corrected by the subdivider or subdivider's contractor within a period of thirty

(30) days from the date of the on-site review wherein the faulty or defective work is noted and written notice is given to the subdivider and/or contractor.

*Adopted by Ord. 374-15 on 11/17/2015*

**16.24 Variances And Appeals**

16.24.010 Appeal Authority

16.24.020 Variances

16.24.030 Appeals

**16.24.10 Appeal Authority**

- A. For purposes of requests for a variance under Section 16.24.020, appeals under Section 16.24.030 or appeals from a fee charged under this title in accordance with Utah Code Ann. § 10-9a-510, as amended, the appeal authority shall be the city council. Notwithstanding the foregoing, in appeals under Section 16.24.030 or from a fee charged under this title, the city council will act as appeal authority concerning any issue on which the city council has not acted as land use authority. To the extent of any issue on which the city council acted as land use authority, any appeal shall be made to district court in the manner provided by law.
- B. The appeal authority shall act in a quasi-judicial manner, shall serve as the final arbiter of issues involving the interpretation or application of land use ordinances under this title, and shall respect the due process rights of each of the participants in the appeal or request for variance. Except as otherwise specifically provided in this chapter, the procedures for appeal, including time for appeal, burden of proof, and standard of review, shall be those set forth in Chapter 17.08.

*Adopted by Ord. 374-15 on 11/17/2015*

**16.24.20 Variances**

- A. Any subdivider desiring a waiver or modification of the requirements of this title as applied to the property to be subdivided may apply to the city council, acting as the appeal authority, for a variance from the terms of this title.
- B. The city council may grant a variance only if:
  - 1. Literal enforcement of the provisions of this title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the city's land use ordinances;
  - 2. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district;
  - 3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district;
  - 4. The variance will not substantially affect the general plan and will not be contrary to the public interest; and
  - 5. The spirit of the land use ordinance is observed and substantial justice is done.
- C. In determining whether or not enforcement of the provisions of this title would cause unreasonable hardship under Subsection B (1), the city council may not find an unreasonable hardship unless the alleged hardship:
  - 1. Is located on or associated with the property for which the variance is sought; and
  - 2. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
- D. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection B(1), the city council may not find an unreasonable hardship if the hardship is self-imposed or economic.



- E. In determining whether or not there are special circumstances attached to the property under Subsection B(2), the city council may find that special circumstances exist only if the special circumstances:
  - 1. Relate to the hardship complained of; and
  - 2. Deprive the property of privileges granted to other properties in the same zone.
- F. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
- G. Variances run with the land.
- H. The city council may not grant a use variance.
- I. In granting a variance, the city council may impose additional requirements on the applicant that will:
  - 1. Mitigate any harmful effects of the variance; or
  - 2. Serve the purpose of the standard or requirement that is waived or modified.
- J. The city council shall issue a written decision, including findings, with respect to the request for variance. Such written decision will be final when issued, and may thereafter be appealed to district court in accordance with applicable law.

*Adopted by Ord. 374-15 on 11/17/2015*

**16.24.030 Appeals**

Any person aggrieved by any decision, determination, or requirement of the planning commission, zoning administrator, or city engineer, under this title, or by a fee charged under this title in accordance with Utah Code Ann. § 10-9a-510, as amended, may appeal such decision, determination, requirement or fee to the city council under this chapter in accordance with the appeal procedures set forth in Chapter 17.08. Any person aggrieved by any decision, determination, or requirement of the city council under this title may appeal such decision to district court in the manner provided by law.

*Adopted by Ord. 374-15 on 11/17/2015*

**16.28 Drainage And Subsurface Water Control**

- 16.28.010 Purpose
- 16.28.020 Applicability
- 16.28.030 Interpretation
- 16.28.040 Conflicts
- 16.28.050 Definitions
- 16.28.060 Hydrology Report
- 16.28.070 Drainage Plan
- 16.28.080 Off-Site Improvements
- 16.28.090 Drainage Onto Other Properties
- 16.28.100 Drainage Of Impervious Surfaces
- 16.28.110 Catch Basins
- 16.28.120 Existing Natural Drainage
- 16.28.130 Drainage Fee
- 16.28.140 Water Rights
- 16.28.150 Development Restrictions
- 16.28.160 Appeals
- 16.28.170 Violations; Penalties

**16.28.010 Purpose**

The purpose of this chapter is to provide for the positive and adequate abatement and handling of all surface and subsurface water, including storm runoff from all new subdivisions and developments in the city, and to impose certain building restrictions to control problems due to subsurface water conditions.

*Adopted by Ord. 374-15 on 11/17/2015*

**16.28.020 Applicability**

The provisions of this chapter shall apply to all subdivisions and developments to be constructed within the city.

*Adopted by Ord. 374-15 on 11/17/2015*

**16.28.030 Interpretation**

In interpreting and applying the provisions of this chapter, the requirements contained herein are declared to be the minimum requirements for the purpose set forth.

*Adopted by Ord. 374-15 on 11/17/2015*

**16.28.040 Conflicts**

This chapter shall not nullify the more restrictive provisions of any private covenants, agreements or other ordinances or laws, but shall prevail over such provisions which are less restrictive.

*Adopted by Ord. 374-15 on 11/17/2015*

**16.28.050 Definitions**

For the purposes of this chapter, the following words shall have the meanings herein prescribed:

"**Catch basin**" means an opening into a storm drain system for the entrance of surface storm runoff.

"**Civil engineer**" means an engineer registered under the provisions of the state of Utah.

"**Developer**" means any person, firm or corporation engaged in creating a development as defined herein.

"**Development**" means any commercial, industrial, residential, public or recreational project and any single lot residential development or any commercial, industrial, residential, public or recreational redevelopment or remodeling which will cause changes in the existing drainage pattern or system.

"**Discharge of drainage**" means the emptying of collected waters from a drainage system into a manmade drainage way or natural channel.

"**Drainage**" means the interception and removal of surface and subsurface water by artificial or natural means. It also refers to the water collected by such interception and removal.

"**Drainage facilities**" means all pipes, catch basins, pumps, manmade drainage ways, natural channels, etc., designed to collect and carry drainage.

~~"**Drainage fee**" means a fee established periodically by resolution of the city council.~~

"**Drainage plan**" means a plan showing all drainage facilities, both on and off-site, designed to carry all surface and subsurface waters from a subdivision or development.

"**Drainage way**" means any natural channel, stream, manmade channel, canal or other such structure designed to carry water flows.

"**Engineer/geologist**" means a person with an accredited degree in geology or geological engineering, with at least five years experience in the field or geological studies relating to hydrological problems.

"**Erosive**" refers directly to the point in time when the stream bed of a natural channel begins to be scoured, worn or deteriorated due to the water flow in said channel.

"**Estuary**," for purposes of this chapter, is defined as Mill Creek, Stone Creek, Barton Creek and such other natural drainage ways or manmade canals and ditches as may be approved periodically by the designated city official.

"**Excavation**" means any disruption of the soil mantle and/or manmade surfacing of the same. Excavations may be either in the nature of a process or a use. Excavations undertaken for the purpose of preparing a site for an ultimate land use or for repairing or constructing urban service facilities are processes, whereas excavations such as gravel pits, quarries or mines are uses which require specific use authorization in the zoning district where located in addition to a conditional use permit if such is required.

"**Existing natural grade**" means the actual elevation of the ground surface before excavation or filling takes place. "**Finished grade**" means the actual elevation of the ground surface after excavation or filling has taken place. "**Flooding**" means an unusual abundance of water which overflows land not normally covered with water.

"**Geologist**" means a person with an accredited degree in the field of geology and at least five years experience with specific application in hydrological studies.

"**Geologist/hydrologist**" means a person with an accredited degree in geology or hydrology with at least five years experience in the field of geohydrology.

"**Grading plan**" means a plan outlining the excavation or fill proposed for the subdivision or development, including a description of the conditions resulting from such excavation or fill.

"**Groundwater**" means water beneath the surface of the ground which is in the saturated zone below the water table.

~~"**Gutter**" means a structure designed as part of a street to convey water drainage.~~

"**Hydrology**" means the study of the processes involved in the transfer of moisture from one body of water to the land and back to another body of water.

"**Hydrology report**" means an analysis of the hydrologic processes involved on a parcel of ground in relation to a subdivision or development.

"**Lot**" means a parcel or portion of land established for purposes of sale, lease, finance, division of interest or separate use, or separated from other lands by description on a subdivision map and/or parcel map, and having frontage upon a street.

"**Manmade drainage way**" means any open or enclosed channel or structure constructed by man for the purpose of conveying drainage water.

"**Natural channels**" means drainage ways which have been created by nature.

"**Off-site improvements**" means any drainage facilities which are necessary for the conveyance of the drainage from the subdivision or development to a major drainage way and which occur on land other than that of the proposed site.

"**One hundred (100) year storm**" means a statistical storm event which has the chance of occurring once in one hundred (100) years, or one percent chance of happening in any given year.

"**Perpetual conveyance of irrigation water**" means the continued flow of irrigation water to the respective users of such water.

"**Standard project flood**" means the flood which could occur from the most severe combination of meteorological conditions characteristic of the area, excluding extremely rare combinations.

"**Storm drain system**" means the system of drainage facilities designed to carry storm water runoff.

"**Storm runoff**" means storm water which drains off surface due to flow exceeding infiltration capacity.

"**Subsurface drain**" means an underground conduit designed to permit infiltration for the purpose of collecting subsurface water.

"**Subsurface water**" means water beneath the surface of the ground.

"**Surface water**" means water which rests on the surface of the ground or is not covered by any earth or rock: for example, rivers, ponds and lakes.

"**Sump condition**" means water restricted to an inlet area because the inlet is located at a low point.

"**Upward leakage**" means vertical seepage in an upward direction through an aquifer caused by hydrostatic pressure.

"**Water rights**" means legal rights to use of water held by individuals and corporations referring directly to parcels of land on which such water is used.

"**Water table**" means the level below which the ground is saturated with water.

"**Wells**" means any pipe, excavation or access below the surface of the ground having been used or currently being used as a source of water.

*Adopted by Ord. 374-15 on 11/17/2015*

#### 16.28.60      Hydrology Report

A hydrology report shall be prepared at the expense of the subdivider or developer by a qualified person or firm in the field of hydrological studies (i.e., civil engineer, engineer/geologist, geologist, hydrologist) in which a minimum of the following shall be done:

- A. Flooding. Analyze the flood or inundation potential of the proposed subdivision or development site. This analysis shall include:
  1. Design calculations in accordance with 13.30.080 and the city's design standards. Runoff calculations should be based on a saturated soil mantle,
  2. A standard analysis of any meandering streams which are either on, near, or pass through the proposed site,
  3. A history of prior flooding,
  4. An evaluation of the effects of short duration, high intensity rainstorms and rapid snow melt on the proposed subdivision or development and downstream properties for ten, twenty-five, and one hundred year storms.
- B. Other Surface Hydrology.
  1. Define the capability of existing natural channels and other manmade drainage ways to accommodate the estimated increase in storm drainage flow due to the proposed subdivision or development;
  2. If a natural stream channel is to be used for the discharge of drainage waters, define at what point

the water flow and velocity is erosive. If the stream channel or banks will erode, specify what measures will be taken to minimize such erosion;

3. Make an estimate or measurement of minimum and maximum flows in manmade and natural drainage ways; and
4. Describe all existing drainage ways, both natural and manmade, including any irrigation, well discharge and subsurface drains which presently are on, near or pass through the proposed site and evaluate how such existing drainage flow patterns will be maintained by the proposed subdivision or development.

C. Subsurface Hydrology.

1. Identify existing or potential subsurface water problems (i.e., flooded basements, ponding, etc.) due to high water table, areas of upward leakage, existing subsurface drains (including locations of any known old, wooded subsurface drains common in the city) and describe how the proposed drainage system will help solve the problems; and
2. Identify any existing or potential wells on the site and describe the steps to be taken to protect such wells from pollution.

D. Geology.

1. Investigate exposed and subsurface earth materials, including elements, geologic composition, limitations and geologic hazards;
2. Specify existing geologic and soil conditions, including physical properties and engineering behavior (i.e., shrink-swell capacity), of unconsolidated geologic formations; and
3. Analyze the impact of any geologic or hydrologic hazards upon present or potential uses.

*Adopted by Ord. 374-15 on 11/17/2015*

**16.28.70 Drainage Plan**

- A. Drainage Delivery. All subdividers and developers shall provide a plan of drainage facilities designed to carry all surface and subsurface waters, which are or could become either a hazard or a public nuisance, to the nearest practicable drainage way as approved by the public works director or city engineer as an acceptable place to deposit such waters.
- B. Design Standards. The plan must specify for approval by the public works director or city engineer all facilities design, pipe sizes, materials and appurtenances.
- C. Time of Submission. The drainage plan shall be submitted along with the preliminary subdivision plat or preliminary site plan for development. This plan will include a computation of the drainage fee as specified in this chapter.
- D. Approval. Final approval of the drainage plan will be given at the time **of the subdivision final plat approval**. No subdivision plat or development plan will receive final approval without acceptance of the drainage plan.

**If the final plat is not recorded within six months from the date of city council approval, the drainage plan approval will be null and void. This time period may be extended by the city council for up to an additional six-month period for good cause shown. The subdivider must petition in writing for this extension prior to the expiration of the original six months. No extension will be granted if it is determined that it will be detrimental to the city. If any of the fees charged as a condition of subdivision approval have increased, the city may require that the bond estimate be recalculated and that the subdivider pay any applicable fee increases as a condition of granting an extension.**

*Adopted by Ord. 374-15 on 11/17/2015*

**16.28.80 Off-Site Improvements**

It is the responsibility of the subdivider or developer to make all off-site improvements necessary to convey drainage for **a 100 year storm event** from the subdivision or development to the accepted and designated

drainage way as specified in Section 16.28.070(A) of this chapter.

- A. Costs. All costs for such improvements shall be paid by the subdivider or developer.
- B. Provision for Further Development. Should it be determined by the designated city official that further development may necessitate larger than normal size drainage facilities, the subdivider or developer shall be required to make such improvements; provided, however, that the cost for such additional improvements will be reimbursed as funds are available through a storm drain impact fee account.
- C. Storm Drain Impact Fee Account. A fund to be known as the storm drain impact fee account shall be established to provide for the upgrading of the city's drainage system. The fund shall consist of the fees collected under Section 16.28.130 of this chapter.

*Adopted by Ord. 374-15 on 11/17/2015*

#### **16.28.090 Drainage Onto Other Properties**

Waters shall not be drained onto other properties not in the same ownership without written permission from the owner of the adjacent property. When a ditch or drainage channel under private ownership is to be used, written permission from either the president of the ditch company when an incorporated ownership, or from all property owners using the ditch must be obtained.

*Adopted by Ord. 374-15 on 11/17/2015*

#### **16.28.100 Drainage Of Impervious Surfaces**

Whenever any surface of a lot, plot, parcel or portion thereof is excavated, filled, graded or hard-surfaced with impervious material (i.e., streets, driveways, sidewalks, parking lots, etc.), adequate surface drainage shall be provided. Such drainage will connect directly into the overall site drainage system for the subdivision or development as approved by the designated city official.

*Adopted by Ord. 374-15 on 11/17/2015*

#### **16.28.110 Catch Basins**

Catch basins shall be placed in the gutter at all sump locations and elsewhere at the direction of the city council. In no case shall surface water be allowed to be carried in a gutter for more than eight hundred (800) feet without the installation of a catch basin or other approved device or as required by the hydrology report for depositing the surface water into an acceptable storm drain system.

*Adopted by Ord. 374-15 on 11/17/2015*

#### **16.28.120 Existing Natural Drainage**

Existing natural surface and subsurface drainage of the ground surrounding the proposed lot or plot shall not be impeded by any off or on-site construction and improvements.

*Adopted by Ord. 374-15 on 11/17/2015*

#### **16.28.130 Drainage Fee**

- A. Intent. For the purpose of upgrading the storm drainage system, a storm drainage impact fee shall be assessed for all new subdivisions and developments in the city. This fee shall be paid at the time of final drainage plan approval and prior to the issuance of any building permits. Approval shall not be given if such fee is not paid.
- B. Determination of Fee. The subdivider or developer, or anyone seeking a building permit, shall pay a fee which shall be determined by a formula that shall be established periodically by resolution of the city council.

Adopted by Ord. 374-15 on 11/17/201

**16.28.140 Water Rights**

~~For the protection of future water rights of the city and to alleviate the necessity of the perpetual conveyance of irrigation water in favor of long term provision for drainage facilities, any water rights adequate to meet the proposed demand, surface and subsurface water rights and necessary use easements for access will, at the city's option, be transferred to the city at the time of subdivision or development. In exchange, the city will furnish culinary water to residences or other buildings used for human occupancy within the subdivision or development at the city's standard prevailing rate, not to include improvements for such connection. Such improvements will be provided by the subdivider or developer, both on and off site. If at the time of development, the city determines that there are excess city held water rights available and the developer has not provided adequate water rights, the city, upon written application, may grant a water right allocation equal to 0.45 acre feet per year per residential dwelling equivalent for domestic use for a fee which shall be established periodically by resolution of the city council.~~

Adopted by Ord. 374-15 on 11/17/2015

**16.28.140 Development Restrictions**

Upon review of the hydrology report and drainage plan, additional restrictions may be placed on the construction of all residential dwellings, buildings, or other edifices within the subdivision or development to include, but not be limited to the following:

- A. No residences, buildings or structures shall be constructed below existing natural grade;
- B. Foundations for any residence, building or structure shall be placed on existing natural grade;
- C. The site shall be filled to finish grade in accordance with a previously submitted and approved grading plan; and/or
- D. All finished floor elevations on buildings constructed shall be at least twelve (12) inches above the curb, or street, or proposed street, level adjacent to the building except when otherwise approved by the city engineer and city council. Below floor or crawl space area shall not exceed 48 inches in height as measured from the bottom of the supporting floor member to the top of the finished ground surface. Below floor or crawl space area shall not exceed 60 inches in height as measured from the bottom of the supporting floor structure to the top of a finish floor where the finish floor is one foot or above the curb or street elevation. Below floor or crawl space area which is located below the street or curb elevation is not considered to be finished floor area and is not approved for domestic use including storage.
- E. No residential development shall be allowed that places streets below elevation 4216.00 or finish floors below 4218.00.
- F. No commercial or industrial development shall be allowed that places the streets below elevation 4216.00 or the finish floor below elevation 4217.00.

Adopted by Ord. 374-15 on 11/17/2015

**16.28.150 Appeals**

- A. Any person, firm or corporation aggrieved by the decision of any authorized official regarding this chapter may appeal such determination to the planning commission by filing a written notice of appeal with the City Recorder within ten (10) calendar days following the authorized official decision.
- B. Any person, firm or corporation aggrieved by any decision of the planning commission regarding this chapter may appeal to the city council by filing a written appeal with the city recorder within ten (10) calendar days of the planning commission's decision. Such appeal will be placed on the city council's meeting agenda, consistent with requirements of the open meeting law.

Adopted by Ord. 374-15 on 11/17/2015

**16.28.160 Violations; Penalties**

- A. Any person, firm or corporation who shall create, or cause to be created, a development as defined herein, or construct a building within the limits of the city, without complying with the provisions of this chapter, or who shall violate any provisions hereof shall be deemed guilty of a Class B misdemeanor. Each day in which any such violation shall continue, or be permitted, shall be deemed a separate offense.
- B. The city shall authorize the necessary public officials and/or officers to investigate and make reports to the planning commission of any such violations. The planning commission, if it finds that such a violation does exist, may recommend that legal action be taken by the city council.

**Moved all of Section 16.32 below to Title 15 Buildings and Construction because this section applies to more than just subdivisions. The bulk of this section relates to FEMA designated areas which include both developed and undeveloped property.**



# MEMORANDUM



**TO:** Planning Commission

**DATE:** August 19, 2016

**FROM:** Ben White

**RE:** **Changes to Title 15 BUILDINGS AND CONSTRUCTION**

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Title 16 includes a chapter regulating land uses within FEMA designated flood plains, 16.32 - Flood Damage Prevention. While this chapter applies to new subdivisions within a flood plain, it also applies to other properties as well. For this reason, staff is suggesting that Title 15 - Buildings and Construction is a more appropriate place for this chapter.

Staff is proposing a couple minor changes to the chapter as well which include:

1. Change the title from “Flood Damage Prevention” to “Flood Damage Prevention in Special Hazard Areas.” The City certainly encourages construction methods that reduce flood damage potential. But it is only in areas identified by FEMA as a high flood risk potential that are subject to the requirements of this chapter. The requested change in the title is to help clarify this point.
2. The definition of “area of special flood hazard” was better clarified to indicate it relates only areas designated by FEMA.
3. The responsibility to process the paper work related to work in flood plains has been changed from the Public Works Director to City Engineer.

## **15 BUILDING AND CONSTRUCTION**

### **15.04 International Codes Adopted**

#### **15.08 Building Permits**

#### **15.12 Movement of Buildings**

#### **15.14 Time of Day Restrictions**

### **15.04 INTERNATIONAL CODE COMMISSION CODES**

#### **15.04.010 Technical Codes Adopted**

#### **15.04.010 Technical Codes Adopted.**

- A. This section is enacted for the purpose of conforming to and supplementing the provisions of Section 58-56-4, Utah Code Annotated, and shall be interpreted to conform to the provisions of that section.
- B. Except when they are in conflict with the provisions of Section 58-56-4, Utah Code Annotated, and the technical codes adopted therein, the following technical codes are adopted by this reference as ordinances of West Bountiful City.
  1. International Building Code. The most recent version of the International Building Code adopted by the State of Utah, together with the most recent version of the International Building Code Standards adopted by the State of Utah, is adopted as the building code of West Bountiful City.
  2. Plumbing Code. The most recent version of the International Plumbing Code adopted by the State of Utah, including all installation standards is adopted as the plumbing code of West Bountiful City.
  3. International Mechanical Code. The most recent version of the International Mechanical Code adopted by the State of Utah is adopted as the mechanical code of West Bountiful City.
  4. National Electrical Code. The most recent version of the National Electrical Code adopted by the State of Utah is adopted as the electrical code of West Bountiful City.
  5. International Energy Conservation Code. The most recent version of the International Energy Conservation Code adopted by the State of Utah is adopted as the energy conservation code for West Bountiful City.
  6. International Property Maintenance Code. The most recent version of the International Property Maintenance Code, as adopted by the State of Utah, for the Abatement of Dangerous Buildings published by the International Conference of Building Officials is adopted as the abatement of dangerous buildings code of West Bountiful City.
  7. International Fire Code. The most recent version of the International Fire Code adopted by the State of Utah, including Appendixes and Standards thereof, adopted by the State of Utah is adopted as the fire code of West Bountiful City.
  8. International Residential Code. The most recent version of the International Residential Code adopted by the State of Utah is adopted as the residential code of West Bountiful City.

- C. The West Bountiful building inspector shall be the principal enforcement officer with respect to each of the technical codes described above, except that the fire marshal of the South Davis Metro Fire District shall be the principal enforcement officer with respect to the International Fire Code.
  - D. It is unlawful to perform any work regulated by the technical codes described above without first obtaining a required permit, including the payment of any required fee.
  - E. The violation of any provision of the technical codes described above shall be unlawful and punishable as a Class B misdemeanor. (Ord. 264-00 (part); Ord. 239-95 (part))
- 

## **15.08 BUILDING PERMITS**

- 15.08.010 Building inspector authorized to enforce regulations.
- 15.08.020 Building permit.
- 15.08.030 Building permit fees.
- 15.08.040 Building, use and occupancy permits to comply with ordinances.
- 15.08.050 Site and off-site improvements may condition building permit approval.
- 15.08.060 Inspection and approval required prior to occupancy.
- 15.08.070 Building permits--Review in flood areas.
- 15.08.080 Subdivision proposals--Review in flood areas.
- 15.08.090 Water and sewer systems.
- 15.08.100 Board of appeals.

### **15.08.010 Building inspector authorized to enforce regulations.**

The building inspector of the City is authorized and responsible to enforce all building regulations which may be adopted by the City Council from time to time.

### **15.08.020 Building permit.**

- A.
  - 1. No building or structure shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the City.
  - 2. Each building permit application shall include a site plan and such other information as may be required by the West Bountiful Municipal Code. (Ord. 330-11)
- B. Any person obtaining a building permit as required by the West Bountiful Municipal Code shall display or cause to be displayed continuously in a conspicuous place on the job site, the building permit application and inspection card affixed to the reverse side thereof, together with the notice furnished by the city, stating in bold letters, "IT IS UNLAWFUL TO OCCUPY THIS BUILDING PRIOR TO FINAL INSPECTION," until the final inspection has been completed and a written final approval is issued by the building inspector covering the premises for which the building permit was issued.

- C. No person shall sell or transfer ownership of a building or structure for which a building permit has been issued to him or her or his or her agent before a final inspection has been made and final approval issued therefore by the building inspector unless he or she shall in writing inform the purchaser or person to whom ownership shall be transferred, whether by deed or pursuant to contract of sale, that such final inspection and final approval are required prior to occupancy or use of such building or structure.
- D. In all zoning districts of the City, the size and shape of the lot or tract, the location of main and accessory buildings on the site and in relation to one another, the traffic circulation features within the site, the height and bulk of buildings, the provision of off street parking space, the provision for driveways for ingress and egress, the provision of other open space on the site, drainage patterns, and the display of signs shall be in accordance with a site plan or plans or subsequent amendment thereof, approved in any case by the land use authority prior to issuance of a building or land-use permit, except that when the application for a building permit involves only a single family residence, the land use authority may reduce the detail required in the site plan. In approving site plans the land use authority may act on a site plan submitted to it or may act on its own initiative in proposing and approving a site plan, including any conditions or requirements designated or specified or in connection therewith. A site plan may include landscaping, fences, and walls designed to further the purposes of the regulations for commercial, manufacturing, trailer, and multiple residential zones, and such features shall be provided and maintained as a condition of the establishment and maintenance of any use to which they are appurtenant. In considering any site plan hereunder the land use authority shall endeavor to assure safety and convenience of traffic movements both within the area covered and in relation among the buildings and uses in the area covered, and satisfactory and harmonious relation between such area and contiguous land and building and adjacent neighborhoods. (Ord. 330-11)
- E. All finished floor elevations on buildings constructed within the city shall be at least twelve (12) inches above the curb, or street, or proposed street, level adjacent to the building except when otherwise approved by the city engineer and city council. Below floor or crawl space area shall not exceed 48 inches in height as measured from the bottom of the supporting floor member to the top of the finished ground surface. Below floor or crawl space area shall not exceed 60 inches in height as measured from the bottom of the supporting floor structure to the top of a finish floor where the finish floor is one foot or above the curb or street elevation. Below floor or crawl space area, which is located below the street or curb elevation is not considered to be finished floor area and is not approved for domestic use including storage.
- F. Reductions to standard setbacks due to fire rating of an accessory structure are subject to a building permit regardless of structure size or use.
- G. A building permit shall *not* be required for the following:
  1. One-story detached accessory buildings used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 200 square feet;
  2. Fences not over 6 feet in height.
  3. Retaining walls not over 4 feet in height measured from the bottom of the footing to the top of the wall;
  4. Platforms as defined by the International Building Code, walks and driveways not more than 30 inches above grade and not over any basement or story below;

5. Painting, papering and similar finish work. (Ord. 330-11)

- H. The City may require the erection of fences as a prerequisite to approval of any project or to the granting of any building permit when it is necessary to protect life or property. Such fences may be of a type and size necessary to accomplish the above stated purpose, as determined by the City consistent with Title 17.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the International Building Code or West Bountiful Municipal Code.

**15.08.030 Building permit fees.**

- A. A fee for each building permit shall be paid to the City according to the schedule established periodically by resolution of the City Council.
- B. The determination of value or valuation hereunder shall be made by the building inspector. The building inspector may use bona fide bid figures from a responsible contractor or may use his or her best judgment as to the total value of all construction work for which the permit was issued, including all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and other permanent work or permanent equipment.
- C. When work for which a permit is required hereunder or by any provisions of the currently adopted International Building Code is started or proceeded with prior to obtaining the permit, the fees specified in the fee schedule as set from time to time by the governing body shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of the code or these ordinances in the execution of the work nor from any other penalties prescribed herein.

In addition to the foregoing an applicant for a building permit shall pay impact, connection and improvement fees as determined periodically by resolution of the City Council. (Ord. 264-00 (part); Ord. 239-95 (part))

**15.08.040 Building permit use and final approval to comply with ordinances.**

Building use and final approval shall not be granted for the construction or alteration of any building or structure, or for the moving or removal of a building onto or from a lot or for the use or occupancy of a building or land if such structure, construction, alteration, moving, use or occupancy would be in violation of any of the provisions of the West Bountiful Municipal Code. Permits issued in violation of any provision hereof, whether intentional or otherwise, shall be null and void.

**15.08.050 Site and off-site improvements may condition building permit approval.**

The installation of curb, gutter, sidewalks, drainage culverts, and covered or fenced irrigation ditches of a type approved by the land use authority may be required on any existing or proposed street adjoining a lot on which a building is to be constructed or remodeled, or on which a new use is to be established. Such curbs, gutters, sidewalks, drainage culverts, and safety features for irrigation ditches and canals may be required as a condition of building permit approval.

**15.08.060 Inspection and approval required prior to occupancy.**

It is unlawful to occupy or put into use, or permit or allow others to occupy or put into use any building or structure requiring a building permit until the building inspector has inspected the same, found compliance with the West Bountiful Municipal Code, including the building code of the city, and issued final approval thereof. (Ord. 263-99 (part))

**15.08.070 Building permits--Review in flood areas.**

The building inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must:

- A. Be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure;
- B. Use construction materials and utility equipment that are resistant to flood damage; and
- C. Use construction methods and practices that will minimize flood damage.

**15.08.080 Subdivision proposals--Review in flood areas.**

The city engineer shall review subdivision proposals and other proposed new developments to assure that:

- A. All such proposals are consistent with the need to minimize flood damage;
- B. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage; and
- C. Adequate drainage is provided so as to reduce exposure to flood hazards.

**15.08.090 Water and sewer systems.**

- A. The city engineer shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.
- B. In all cases when a proposed building or proposed use will involve the use of sewage facilities, and a connection to a public sewer system as defined by Utah State Division of Health is not available, and in all cases when a connection to a public water system approved by the Utah State Division of Health is not available, the sewage disposal system and the domestic water supply shall comply with state and local board of health requirements. Applications for a building permit shall be accompanied by a certificate of feasibility from said board or division of health. The application shall also evidence the physical presence, legal right to and availability of culinary water acceptable to the city and shall show the actual physical presence, legal right and availability of culinary water for the sole use of the proposed building use. (Ord. 330-11)

### **15.08.100 Board of appeals.**

- A. A board of appeals is created for the purpose of passing upon matters pertaining to building construction, to determine the suitability of alternative materials and methods of construction, and to provide for reasonable interpretations of the International Building Code adopted by the City and set forth in Section 113 of Chapter 1 of said Code, and to exercise such other powers as may be delegated to it by the City Council.
  - B. The City Council may appoint a board of appeals by resolution. The board of appeals duly appointed by the City Council shall constitute the City board of appeals and will have full authority to carry out the provision and functions set forth in Section 113 Chapter 1 of the International Building Code and any other functions and responsibilities delegated to it by the City Council. Unless so designated by resolution of the City Council, the board of appeals constituted under this section will not be an “appeal authority” for purposes of Titles 16 and 17 of the West Bountiful Municipal Code.
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## **Chapter 15.12 MOVEMENT OF BUILDINGS**

15.12.010 Movement of buildings into or within the City.

15.12.020 Compliance with zoning ordinance.

15.12.030 Conditional use permit required.

15.12.040 Additional requirements for moving.

15.12.050 Conformity to requirements at new location.

15.12.060 Movement of newly constructed buildings.

15.12.070 Bond or guaranty.

### **15.12.010 Movement of buildings into or within the City.**

No building, or part thereof, may be moved from a lot or location within or without the city to another lot or location within the city except as herein provided.

### **15.12.020 Compliance with zoning ordinance.**

No building or substantial part thereof shall be moved into or relocated within any zone in the city unless it complies or will be made to comply with the types of buildings and uses allowed within such zone.

### **15.12.30 Conditional use permit required.**

No building or substantial part thereof shall be moved into or within the city without applying for and obtaining a conditional use permit as provided in Chapter 17.60.

**15.12.040 Additional requirements for moving.**

No building or substantial part thereof shall be relocated within the city if otherwise allowed, unless all the following additional requirements are fulfilled. Prior to issuance of a permit to move the same:

- A. The building is inspected in its original location by the city engineer or building inspector and found to be structurally safe and sound and in conformity with the requirements of the adopted codes of the City as stated in Chapter 15.04;
- B. The new location within the City is inspected by the building inspector and found to comply with the requirements of these ordinances;
- C. The foundation at the new location is constructed in accordance with the ordinances of the City prior to movement of the building or part thereof to the vicinity of the new location; and
- D. A landscape plan showing proposed landscaping equal to or exceeding in percentage of landscaped area to total lot area the average of lots within three hundred (300) feet is filed with the City, together with an agreement to complete the same within eighteen (18) months from the date of the permit. The right of occupation shall be conditioned upon this agreement.

**15.12.050 Conformity to requirements at new location.**

Before the final approval is issued and before occupancy is allowed, the relocated building shall be made to conform to all requirements of the new location to the same extent as that of new construction on the site.

**15.12.060 Movement of newly constructed buildings.**

Nothing herein shall prevent the movement of newly constructed main or accessory buildings to any location when the same is accomplished in a manner achieving an end result as though the building were constructed in the first instance upon the new location; and when prior to issuance of the permit, the city engineer or building inspector finds that such end result is likely to be achieved.

**15.12.070 Bond or guaranty.**

Prior to issuance of the permit, the building inspector shall require a performance bond in cash or by sureties qualifying as such under the laws of the State of Utah, in the amount as set forth by resolution from time to time by the City Council, or such other amount as the planning commission shall determine reasonable and necessary to guarantee that the building will be completed in accordance with the ordinances of the City within one year. If the building cannot be so completed within one year, the bond shall be applied to the completion of the structure at the option of the City. When completion of the structure to a state of conformity cannot be had by application of the amount of the bond, plus additional sums deposited by the owner within ten (10) days of notice to deposit same or suffer destruction and removal of the building, then the bond shall be applied to the destruction and removal of the structure, at the option of the City.



## **Chapter 15.14 TIME OF DAY RESTRICTIONS**

### 15.14.010 Time of Day Restrictions

#### **15.14.010 Time of Day Restrictions.**

It is an infraction to conduct construction activities or to permit that they be conducted, such that sound, light or other impacts may be noticeable beyond the property line, between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. of the following day, without prior written authorization from the City Council.

Construction activities include, but are not limited to:

- A. Loading Operation: To deliver, pick-up, load, unload, open, close, haul, or otherwise handle dirt, gravel, rocks, or similar building materials; or boxes, crates, containers, garbage containers, or similar objects.
- B. Construction Work: To operate any tools, machinery or equipment used in construction, drilling, repair, alteration or demolition work on buildings, structures or streets, including earthwork.

*Adopted by Ord. 374-15 on 11/17/2015*

**All of Section 16.32 below has been moved to Title 15 because this section applies to more than just subdivisions. The bulk of this section relates to FEMA designated areas which include both developed and undeveloped property.**

## **15.16 Flood Damage Prevention in Special Flood Hazard Areas**

16.32.010 Statement Of Purpose

16.32.020 Methods Of

Reducing Flood Losses

16.32.030 Definitions

16.32.040 Lands To Which This Chapter Applies

16.32.050 Basis For Establishing The Areas Of Special Flood Hazard

16.32.060 Compliance

16.32.070 Abrogation And

Greater Restrictions

16.32.080 Interpretation

16.32.090 Warning And Disclaimer Of Liability

16.32.100 Establishment Of Development Permit

16.32.110 Designation Of The City Engineer

16.32.120 Duties And Responsibilities Of The City Engineer

16.32.130 Variance Procedure

16.32.140 General Standards For Flood Hazard Reduction

16.32.150 Specific Standards For Flood Hazard Reduction

16.32.160 Floodways

#### 16.32.10      **Statement Of Purpose**

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazards assume responsibility for their actions.

*Adopted by Ord. 374-15 on 11/17/2015*

#### 16.32.20      **Methods Of Reducing Flood Losses**

In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

*Adopted by Ord. 374-15 on 11/17/2015*

#### 16.32.30      **Definitions**

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

**"Appeal"** means a request for a review of the public works director's interpretation of any

provision of this chapter or a request for a variance.

**"Area of shallow flooding"** means a designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

**"Area of special flood hazard"** means the land in the floodplain **designated on the FIRM** within a community subject to a one percent or greater chance of flooding in any given year.

**"Base flood"** means the flood having a one-percent chance of being equaled or exceeded in any given year.

**"Development"** means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

**"Flood"** or **"flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

**"Flood insurance rate map (FIRM)"** means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**"Flood insurance study"** means the official report provided by the Federal Emergency Management Agency that included flood profiles, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.

**"Floodway"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**"Lowest floor"** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

**"Manufactured home"** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. This term also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

**"Manufactured home park or subdivision"** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**"New construction"** means structures for which the start of construction commenced on or after the effective date of the ordinance codified in this chapter.

**"Start of construction"** includes substantial improvement, and means the date the building

permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The "actual start" means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

**"Structure"** means a walled and roofed building or manufactured home that is principally above ground.

**"Substantial improvement"** means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty

(50) percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:
  - a. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or
  - b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**"Variance"** means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

*Adopted by Ord. 374-15 on 11/17/2015*

#### **16.32.040 Lands To Which This Chapter Applies**

This chapter shall apply to all areas of special flood hazards within the jurisdiction of West Bountiful.

*Adopted by Ord. 374-15 on 11/17/2015*

#### **16.32.050 Basis For Establishing The Areas Of Special Flood Hazard**

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for the West Bountiful," dated October 6, 1987, with an accompanying Flood Insurance Rate Map (FIRM) is adopted by reference and declared to be a part of this chapter. Updates of these

studies and map, when duly issued by FEMA, are also adopted. The Flood Insurance Study and FIRM shall be on file at the city offices.

*Adopted by Ord. 374-15 on 11/17/2015*

#### **16.32.060 Compliance**

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations.

*Adopted by Ord. 374-15 on 11/17/2015*

#### **16.32.070 Abrogation And Greater Restrictions**

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, when this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

*Adopted by Ord. 374-15 on 11/17/2015*

#### **16.32.80 Interpretation**

In the interpretation and application of this chapter all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the city council; and,
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

*Adopted by Ord. 374-15 on 11/17/2015*

#### **16.32.090 Warning And Disclaimer Of Liability**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of West Bountiful City, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

*Adopted by Ord. 374-15 on 11/17/2015*

#### **16.32.100 Establishment Of Development Permit**

A development permit shall be obtained before construction or development begins within any area of special flood hazard established by the materials identified in Section 16.32.050. Application for a development permit shall be made on forms furnished by the **city engineer** and may include, but not be limited to:

Plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage

facilities; and the location of the foregoing. The following specific information shall be required:

- A. Elevations in relation to mean sea level of the lowest floor (including basement) of all structures;
- B. Elevations in relation to mean sea level to which any structure has been flood proofed;
- C. A certification by a registered professional engineer or architect that the flood-proofing methods for any nonresidential structure meet the flood-proofing criteria in Section 16.32.150(B); and
- D. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

*Adopted by Ord. 374-15 on 11/17/2015*

#### **16.32.110 Designation Of The City Engineer**

The city engineer is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

*Adopted by Ord. 374-15 on 11/17/2015*

#### **16.32.120 Duties And Responsibilities Of The City Engineer**

With respect to this chapter, the duties of the city engineer shall include, but not be limited to the following.

- A. Permit Review. The city engineer shall:
  1. Review all development permits to determine that the permit requirements of this chapter have been satisfied;
  2. Review all development permits to determine that all necessary permits have been obtained from federal, state, or local governmental agencies from which prior approval is required; and
  3. Review all development permits to determine if the proposed development is located in the floodway. If the development is located in the floodway, the public works director shall assure that the encroachment provisions of Section 16.32.160(A) are met.
- B. Review of Other Base Flood Data.

When base flood elevation data has not been provided as part of the materials identified in Section 16.32.050, the city engineer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other source as criteria for requiring the new construction, substantial improvements, or other development in Zone A are administered in accordance with Section 16.32.150.
- C. Acquisition and Maintenance of Information. The city engineer shall:
  1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;
  2. For all new or substantially improved flood-proofed structures:

- a. Verify and record the actual elevation (in relation to mean sea level) to which the structure has been flood-proofed,
- b. Maintain the flood-proofing certifications required in Section 16.32.100(C); and
3. Maintain for public inspection all records pertaining to the provisions of this chapter.

D. Alteration of Watercourses. The **city engineer** shall:

1. Notify adjacent communities, the Denver, Colorado FEMA offices, and the Davis County Flood Control prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency; and
2. Require that the altered or relocated portion of the watercourse be maintained so that the flood-carrying capacity of the watercourse is not diminished.

E. Interpretation of FIRM Boundaries.

The **city engineer** shall interpret, when needed, the exact location of the boundaries of the areas of special flood hazards (for example, when there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 16.32.130.

*Adopted by Ord. 374-15 on 11/17/2015*

**16.32.130**     **Variance Procedure**

A. Appeal Authority.

1. The city council shall hear and decide appeals and requests for variances from the requirements of this chapter.
2. The city council shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the city in the enforcement or administration of this chapter.
3. Those aggrieved by the decision of the city council or any taxpayer, may appeal such decisions to the District Court, as provided in Utah law.
4. In passing upon such applications, the city council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and state law, and:
  - a. The danger that materials may be swept onto other lands to the injury of others;
  - b. The danger to life and property due to flooding or erosion damage;
  - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
  - d. The importance of the services provided by the proposed facility to the community;
  - e. The necessity to the facility of a waterfront location, when applicable;
  - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - g. The compatibility of the proposed use with the existing and anticipated

development;

- h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
  - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets and bridges.
5. Upon consideration of the factors of subsection (A)(4) of this section and the purposes of this chapter, the city council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
  6. The city shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency.

B. Conditions for Variances.

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base level, provided items listed in subsection (A)(4)(a) through (k) of this section have been fully considered. As the lot size increases beyond one-half acre, the technical justifications required for issuing the variance increases.
2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.
3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon:
  - a. A showing of good and sufficient cause;
  - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
  - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in subsection (A)(4) of this section or conflict with existing local laws or ordinances; and



- d. A specific determination that each of the requirements for a variance under state law has been met.
6. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation.

*Adopted by Ord. 374-15 on 11/17/2015*

**16.32.140      General Standards For Flood Hazard Reduction**

In all areas of special flood hazards, the following standards are required:

A. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure and shall be capable of resisting the hydrostatic and hydrodynamic loads.
2. All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and must be capable of resisting hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to, the use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

Specific requirements may include:

- a. Providing over-the-top ties at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring one additional tie per side.
- b. Providing frame ties at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long requiring four additional ties per side;
- c. Ensuring all components of the anchoring system are capable of carrying a force of four thousand eight hundred (4,800) pounds; and
- d. Ensuring any additions to the manufactured home is similarly anchored.

B. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

c. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

d. Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five acres (whichever is less).

*Adopted by Ord. 374-15 on 11/17/2015*

**16.32.150 Specific Standards For Flood Hazard Reduction**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in the materials identified in Section 16.32.050, or Section 16.32.120(B), the following provisions are required:

A. Residential Construction.

1. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation.
2. Within any AO and AH Zone on the FIRM, all new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade. This floor shall be elevated at least as high as the depth number specified in feet on the FIRM (which shall be at least two feet if no depth number is specified).
3. Within zones AO and AH on the FIRM, adequate drainage paths shall be provided around structures on slopes to guide floodwaters around and away from proposed structures.

B. Nonresidential Construction.

1. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- a. Be flood-proofed so that below the base flood elevation the structure is water tight with walls substantially impermeable to the passage of water;
  - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  - c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph. Such certifications shall be provided to the public works director as set forth in Section 16.32.120(C)(2).
2. Within any AO and AH zone on the FIRM, all new construction and substantial improvements of nonresidential structures:
- a. have the lowest floor (including basement) elevated above the highest adjacent grade, at least as high as the depth number specified in feet on the FIRM (which shall be at least two feet if no depth number is specified); or
  - b. together with attendant utility and sanitary facilities, be completely flood-proofed to that level to meet the flood-proofing standard specified in subsection (A)(1) of this section.
3. Within zones AO and AH on the FIRM, adequate drainage paths shall be provided around structures on slopes to guide floodwaters around and away from proposed structures.
- c. Openings in Enclosures Below the Lowest Floor. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
- 1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
  - 2. The bottom of all openings shall be no higher than one foot above grade; and
  - 3. Exterior walls shall be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- d. Manufactured Homes.
- 1. Manufactured homes shall be anchored in accordance with Section 16.32.140(A)(2).
  - 2. All manufactured homes or those to be substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and is securely anchored to an adequately anchored foundation system.

*Adopted by Ord. 374-15 on 11/17/2015*

**16.32.160     Floodways**

Located within areas of special flood hazard established in Section 16.32.050 are areas designated as floodways. Because the floodway is an extremely hazardous area due to the

velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

- A. The city prohibits encroachments (including fill), new construction, substantial improvements, and other development, unless certification by a registered professional engineer or architect is provided demonstrating that the encroachments shall not result in any increase in flood levels during the occurrence of base flood discharge.
- B. With respect to new construction and substantial improvements, the requirements set forth in subsection A of this section are supplemental to all other applicable flood hazard reduction provisions set forth above in Sections 16.32.140 through 16.32.160, inclusive.

*Adopted by Ord. 374-15 on 11/17/2015*

# MEMORANDUM



**TO:** Planning Commission

**DATE:** September 9, 2016

**FROM:** Ben White

**RE:** **Changes to Title 13.30 – Storm Water Utility**

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The City has operated a storm water management program under a state issued permit for the past ten years. The goal of the program is to control, limit and reduce the degradation of receiving waters. Reducing the volume of storm water runoff and the pollutant loading in storm water are considered key factors in achieving this goal. Every couple years the state storm water operating permit is renewed. With each renewal, additional and often times, more stringent requirements are imposed.

This year is a renewal year for the City's storm water permit. One of the new requirements of the renewal was to update city ordinances to memorialize the requirements that are included in the city storm water management plan. While it takes quite a bit of work, it is a good thing. The city's municipal code is the guiding document for what can and cannot be done within the city. It should include the framework of what is allowed and not allowed related to storm water management.

Much of the proposed language is new to our code and is based on the operating permit issued by the Utah Division of Environmental Quality and the City's Storm Water Management Plan.

This version includes comments/changes from legal counsel.

## **Chapter 13.30 Storm Water Management**

### 13.30.010 Purpose

### 13.30.020 Definitions

### 13.30.030 Utility Facilities and Asset Operations and Maintenance

### 13.30.040 Service Fee and Connection Fees Rates

### 13.30.050 Billing for Utility Service

### 13.30.060 Approved Discharge to the Storm Sewer System

### 13.30.070 City Storm Water Management and Permit

### 13.30.080 Storm Water Design Criteria

### 13.30.090 Prohibited Actions

### 13.30.100 Enforcement and Penalties

#### **13.30.010 Purpose**

The purpose of this chapter is to establish policies, rules, and regulations regarding the City's storm drain system and for the control, management, discharge, removal, and prevention of pollutants entering the City's storm drain system. It is further the purpose of this chapter to protect the health, safety and welfare of West Bountiful City, its inhabitants, and the environment by improving the City's storm drain system, managing and controlling storm water run-off, protecting property, and preventing polluted water from entering the City's storm drain system and other receiving waters to the maximum extent practicable as required by Federal and State law.

This chapter is intended to comply with the regulations and requirements of the Utah Pollution Discharge Elimination System (UPDES) program.

#### **13.30.020 Definitions**

For the purpose of this chapter, the following definitions shall apply:

**“BMPs” (Best Management Practices)** include schedules of activities, prohibitions of practices, maintenance procedures, design standards, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly into the waters of the United States. BMPs also include treatment requirements, operating procedures, educational activities, and practices to control site run-off spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

**“Channel”**—A natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

**“Construction Activity”**—Any land disturbance or activities such as clearing, grubbing, grading, excavating, building, and demolition.

**“Contaminant”**— Any physical, chemical, biological, or radiological substance or matter in water that is, could become, or contribute to the degradation of the water’s quality.

**“Conveyance Facilities”**—Any gutter, channel, ditch or pipe for collecting and directing the storm water.

**“Detention”**—The process of collecting water from an area and releasing it at a slower rate than it enters the collection system. The excess of inflow over outflow is temporarily stored in a pond, basin or a vault and is typically released over a few hours or a few days.

**“Discharge”**— The release of storm water or other substance from a conveyance system or storage container.

**“Equivalent Residential Unit” (ERU)** is equal to 4,460 square feet of impervious surface area. This is based on a single-family residential parcel, which has an average of 4,460 square feet of impervious surface.

**“Final Stabilization”** All soil disturbing activities at the site that has been completed, and that a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of seventy percent (70%) of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of sod, riprap, gabions, or geotextiles) have been employed.

**“Hazardous Waste”**— A by-product of society that can pose a substantial or potential hazard to human health or the environment when improperly managed, possesses at least one of four characteristics (flammable, corrosive, reactive, or toxic), or is designated as such by the Environmental Protection Agency.

**“Illegal Discharge”**— Any direct or indirect non-storm water discharge to the storm drain system except discharges from fire fighting activities and other discharges exempted in this chapter.

**“Illicit Connection”**— Any physical connection to a publicly maintained storm drain system allowing discharge of non-storm water which has not been permitted by the public entity responsible for the operation and maintenance of the system.

**“Impervious Surface”**— A parcel’s hard surface area that causes water to run off its surface in quantities or speeds greater than under natural vegetative covered conditions. Examples of impervious surfaces are rooftops, concrete or asphalt paving, walkways, patios, driveways, parking lots, storage areas and compacted gravel surfaces.

**“Low Impact Development” (LID)**— LID practices seek to utilize pervious areas for storm water treatment and to infiltrate storm water runoff from impervious surfaces or semi-impervious surfaces to the maximum extent practical to provide treatment for both water quality and quantity. Examples of

LID practices include rainwater harvesting, vegetated swales, pervious pavements, groundwater infiltration and other design measures that reduce storm water runoff and improve water quality.

**“Notice of Violation” (NOV)**—Whenever the City finds that a person is not in compliance with this chapter, the City may give the person a written NOV, which may order compliance. Requirements in this notice are at the discretion of the City Engineer and Storm Water Official, and may include monitoring, payment to cover costs relating to the non-compliance, and/or the implementation of BMPs.

**“NPDES” (National Pollutant Discharge Elimination System)**—EPA's program to control the discharge of pollutants into waters of the United States, as defined by 40 CFR § 122.2.

**“Pollutant”**— Generally, any substance introduced into the environment that adversely affects the usefulness of a resource. Pollutants may include paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; sand, dirt, refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coli form and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

**“Receiving Waters”**—Bodies of water or surface water systems receiving water from upstream constructed or natural systems.

**“Run-Off”**— That part of precipitation, snow melt, or irrigation water that runs off the land into streams or other surface water. Run-off can carry pollutants from the air and land into the receiving waters.

**“Single-Family Residential Parcel”**— Any parcel of land containing a single-family dwelling unit.

**“Storm Drain”**— A closed conduit for conducting storm water that has been collected by inlets or other means.

**“Storm Drain System or Storm Sewer System”**— The City’s storm drain system comprised of storm and subsurface water facilities, improvements, streets, gutters, drains, swales, detention basins, or property for purposes of managing and controlling storm or subsurface water.

**“Storm Water”**— Water produced by storms, surface drainage, snow and ice melt, and other water handled by or introduced into the storm sewer system.

**“Storm Sewer Utility” or “Utility”**— The utility created by ordinance to operate, maintain, and improve the storm sewer facilities and programs of West Bountiful City.

**“Storm Water Management Plan”**—The drawings and other documents that comprise the information and specifications for the programs, drainage systems, structures, BMPs, concepts, and techniques intended to maintain or restore quality and quantity of storm water runoff to pre-development levels using LID and other BMPs.

**“Storm Water Official”**— A City employee or employees designated to administer and enforce this chapter.

**“Storm Water Pollution Prevention Plan” (SWPPP)**— A document which describes the BMPs and activities to be implemented by a person or entity to identify sources of pollution or



contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems, and/or receiving waters.

**“Structural BMPs”**— Devices that are constructed to control storm water runoff.

**“Utah Pollutant Discharge Elimination System” (UPDES)**— The provisions of the Federal Clean Water Act (33 U.S.C. § 1251 *et seq.*), administered by the State of Utah, Division of Water Quality, through either a general permit or a co-permit.

**“UPDES Permit”**— An authorization, license, or equivalent control document issued by the State of Utah to implement the requirements of the NPDES and UPDES program.

**“Waters of the United States”**— Surface watercourses and water bodies as defined in 40 CFR §122.2, including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may carry water only during rains and storms and may not carry storm water at all times and seasons.

### **13.30.030 Utility Facilities and Asset Operations and Maintenance**

The Utility shall operate, maintain, and improve all facilities that comprise and make up the storm sewer system beginning at a point where the storm water enters the storm sewer system and ending at a point where the storm water exits to a County-owned channel or facility, or where the storm water exits to water of the State of Utah or waters of the United States. The Utility does not maintain government owned streets, pipes, channels, facilities operated by the County, State of Utah or other governmental agencies.

### **13.30.040 Service Fee Rates**

#### A. Services Fees

Monthly storm sewer service fees for residential and commercial developments shall be set from time to time by resolution of the City Council.

1. The fee shall be imposed on each developed parcel of real property within the City, with the exception of public school parcels, public and quasi-public buildings, and government-owned streets. Industries and applications that have a qualifying Phase I NPDES discharge permit may be eligible for a rate reduction.
2. Single-family residential parcels shall each be considered one ERU regardless of the development zone designation or the amount of impervious surface.
3. The ERU for other land uses shall be computed by dividing the total square footage of impervious surface by the residential ERU of 4,460, rounded to the nearest whole number.

#### B. Mitigation Credit

Credit for on-site or on-parcel mitigation shall be as follows:

1. Non-residential parcels that provide on-site storm water mitigating features that control the peak discharge rate shall be eligible for a service fee credit.
2. The credit shall be based on the formula  $P = 70 + 30 ( Q_r / Q_p )$ , where P is the percentage applied to the ERU assessment, 70 is the percentage representing the fixed Utility operations and maintenance fee, 30 is the percentage representing capital improvements,  $Q_r$  is the

- allowable release rate from a 100-year storm event,  $Q_p$  is the peak discharge rate without restriction from a 100-year storm event. The credit percentage may be adjusted from time to time as determined by the City Engineer.
3. Credit may be given for participation in a regional mitigation improvement based on the same percentage presented in Subsection B.2, above.

### **13.30.050 Billing for Utility Service**

Service fees shall be paid as provided in Chapter 13.04.090 of the City Code.

### **13.30.060 Approved Discharge to the Storm Sewer System**

The only substance that may be discharged into the City's storm sewer system is storm water from surface drainage, subsurface drainage, groundwater, roof drainage, and non-polluted cooling water. Such water may be discharged only into systems with adequate capacity to accommodate such water as determined by the City Engineer. Such water shall comply with quality standards of this chapter.

### **13.30.070 City Storm Water Management and Permit**

#### A. Storm Water Permit

Except as otherwise exempted under Section 13.30.070.B., any person or entity proposing to disturb one (1) acre or more of ground in connection with any development, land disturbance, or construction activity within the City or any person or entity proposing to disturb less than one (1) acre of ground which is part of a larger common plan of development that disturbs one (1) acre or more of ground shall be required to obtain a Storm Water Permit from the City. Such permit must be obtained prior to or in conjunction with the issuance of any permit or approval for demolition, excavation, land disturbance, building, site plan, land use or subdivision or any development or construction activity within the City.

#### B. Exemptions

A Storm Water Permit is not required for the following activities:

1. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources; or
2. Existing nursery and agricultural operations legally conducted as a permitted main or accessory use.
3. A development, land disturbance or construction activity which disturbs less than one (1) acre. However, such activity remains subject to the requirements outlined in this chapter, the applicable BMPs, and the City's Storm Water Management Plan.

#### C. Storm Water Pollution Prevention Plan

A City Storm Water Pollution Prevention Plan (City SWPPP) shall be required with all permit applications. The applicant shall include in the City SWPPP sufficient information, such as maps, hydrologic calculations, soil reports, erosion and sediment control plans, to evaluate the environmental characteristics of the project site, the potential impacts, both present and future, on

the water resources of all proposed development of the site, and the effectiveness and acceptability of the structural and/or non-structural BMPs proposed for managing storm water generated at the site. The City SWPPP shall include a landscaping plan indentifying the proposed long-term storm water BMPs. The intent of the City SWPPP review is to determine the type of storm water BMPs necessary for the proposed project and to ensure adequate planning for the operation, management, and maintenance of the BMPs.

1. For development, redevelopment or construction activities occurring on a previously developed site, an applicant shall be required to include within the City SWPPP BMPs for controlling existing storm water run-off discharges from the site in accordance with the standards of this chapter to the maximum extent practicable.
2. For developments, projects or construction activities involving a residential, commercial or industrial subdivision, the applicant shall be required to include with the City SWPPP individual lot development standards and recommended BMPs for home or building construction activities within the subdivision.
3. For developments, projects or construction activities requiring a State UPDES Permit and SWPPP, applicants may submit the SWPPP submitted to the State for purposes of the City SWPPP; provided, the City reserves the right to require additional information or conditions in accordance with the provisions of this chapter.
4. For individual lot developments, projects or construction activities within a subdivision previously approved under the terms and conditions of this chapter, including issuance of a City Storm Water Permit and City SWPPP, the applicant may submit the City SWPPP submitted for the previously approved subdivision; provided, the City reserves the right to require additional information or conditions in accordance with the provisions of this chapter.
5. The Storm Water Official may waive any City SWPPP requirements set forth herein in conjunction with the issuance of a Storm Water Permit for any building permit or individual lot development or construction activity which is not subject to the Federal EPA requirements to obtain a City Storm Water Permit. In determining whether to grant a waiver of any of the City SWPPP requirements, the Storm Water Official shall consider the following with respect to the property and circumstances associated with the same: topography, vegetation, wetlands, steep slopes, sensitive areas, high water table, proximity to water channels, creeks, well or riparian areas, and existing construction and infrastructure.

#### D. Permit Review and Approval

##### 1. City Storm Water Permit Application

An application for a Storm Water Permit shall be submitted to the Storm Water Official. All applications for a Storm Water Permit shall contain the following information and/or documents:

- i. The name, address and contact information of the owner of the site, the developer of the site, contractors working at the site, and any consulting firm retained by the applicant with respect to the site;
- ii. The proposed starting date and estimated completion date for the proposed work and/or construction activity;
- iii. A City Storm Water Pollution Prevention Plan for the subject property and the proposed construction activities, prepared in accordance with the requirements of this chapter;

- iv. A copy of any UPDES Permit issued by the State and a copy of the Storm Water Pollution Prevention Plan submitted in conjunction with the UPDES Permit for the subject property and the proposed construction activities, as applicable;
- v. The required storm water pollution prevention review and application fee as set forth in the City's fee schedule.

## 2. Permit Review and Approval

The City shall review all Storm Water Permit applications and City SWPPPs for compliance with the provisions of this chapter. In the event the Storm Water Permit application or City SWPPP as submitted is deemed inadequate or fails to meet the requirements of this chapter, the City may require additional information or impose additional conditions and requirements on the proposed construction activities to the extent necessary to bring the application and/or plan into compliance with the terms and purposes of this chapter. Failure to comply with the terms and conditions of this chapter shall be grounds for denial of the Storm Water Permit for any development, land use, subdivision or land disturbance permit or approval. No construction activity, land use or land disturbance activity shall occur on the subject property until a Storm Water Permit is approved.

## 3. Access and Inspection.

The applicant grants the city access to the property as a condition of the city accepting the Storm Water Permit application for the purpose of confirming the information included in the application, inspecting pre-construction BMPs, and conducting construction and post-construction inspections.

### E. Bond

The applicant shall provide a bond in the amount deemed sufficient by the City to cover costs and required performance under the terms and conditions of an approved Storm Water Permit, including compliance with the terms and conditions of this chapter.

### F. Permit Not Transferrable or Assignable

Storm Water Permits shall not be transferable or assignable and work shall not be performed in any place other than that specified in the permit. Nothing contained herein shall prevent a permittee from subcontracting the work to be performed under a permit; provided, however, that the holder of the permit shall be and remain responsible for the performance of the work, and for all bonding, insurance and other requirements of this chapter.

### G. Permit Kept On-Site

The approved Storm Water Permit, SWPPP, and all related documents and plans shall be kept on-site at the project.

### H Inspections

Field inspections may occur during and post-construction to verify BMPs are properly constructed and maintained. Field inspections for compliance with this chapter and any permits issued hereunder may be conducted by the Storm Water Official, the City Building Inspector, or other designated agents of the City.

I. As-Built Plans

In addition to complying with all other legal requirements, all permittees subject to the terms and conditions of this chapter are required to submit actual as-built plans for all permanent storm water BMPs and facilities after final construction is completed. As-built plans must show the final design specifications for all storm water BMP facilities. If the permanent BMPs are different from the BMPs approved as part of a permit, the as-built design must be certified by a licensed professional engineer. A final inspection by the Storm Water Official is required before release of any bond can occur.

J. Notice of Termination (NOT)

1. Operators wishing to terminate coverage under the City Storm Water Permit must submit a notice of termination (NOT) to the City Storm Water Official.
2. A permittee may not submit a NOT without final stabilization unless another party, as approved by the City, has agreed to assume responsibility for final stabilization of the site. Appropriate enforcement action may be taken for permit violations where a permittee submits a NOT but the permittee has not transferred operational control to another permittee or the site has not undergone final stabilization.

**13.30.080 Storm Water Design Criteria**

A. Site Design

Storm water BMPs for a site shall be chosen based on the physical conditions of the site. Among the factors that should be considered are:

1. Topography;
2. Maximum drainage area;
3. Depth to water table;
4. Removal of suspended sediment;
5. Soils;
6. Slopes;
7. Pass through storm water flow rate; and
8. Location in relation to environmentally sensitive features.

B. Conveyance Facilities

All storm water BMPs shall be designed to convey storm water to allow for the maximum removal of pollutants and reduction in flow velocities. This shall include, but is not limited to:

1. Maximizing of flow paths from inflow points to outflow points;
2. Protection of inlet and outfall structures.
3. Elimination of erosive flow velocities; and
4. Providing of under drain systems, where applicable.

Infrastructure Sizing. Underground storm drain pipes shall be sized to accommodate the following runoff flow rates:

1. Typical storm drains shall be designed for a 25-year storm event.
2. Storm drains in streets where storm water collects in a low point eight (8") inches deep or more (sag location) shall be designed for a 50-year storm event.
3. Storm water detention facilities will be designed to accommodate runoff from a 100-year, 3-hour storm event using the City-adopted unit hydrograph.
4. The overall storm drain system design must adequately convey the runoff from a 100-year storm event into the detention area.

#### C. Hydrology Methodology

Hydrologic design calculations for the post-development condition shall be submitted as part of any land disturbance application. Calculations are to be based on the Short Duration Storm Intensity rates adopted by the City together with a modified Farmer-Fletcher unit hydrograph. The calculations should be based on one of the following:

1. Rational Method;
2. National Resources Conservation Service (NRCS or SCS) method; or
3. Other methodology approved by the City Engineer.

#### D. Long-Term Storm Water Development Requirements

1. All site designs shall establish storm water BMPs to control the peak flow rates of storm water discharge associated with specified design storms and reduce the generation of storm water. These practices should seek to utilize pervious areas for storm water treatment and to infiltrate storm water run-off from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.
2. No storm water run-off generated from new development shall be discharged directly into a jurisdictional wetland or local water body without adequate treatment. All site designs shall establish storm water BMPs to minimize, to the maximum extent practicable, sediment, debris and all other pollutants from entering the storm drain system during all phases of construction. The owner, developer, contractor and their authorized agents shall be jointly and severally responsible for the removal of all construction debris, dirt, trash, rock, sediment, and sand that may accumulate in the storm drain system and storm water appurtenances as a result of site development.
3. All site designs shall establish storm water BMPs to minimize soil erosion to the maximum extent practicable. Any earth disturbance shall be conducted in such a manner so as to effectively reduce accelerated soil erosion and resulting sedimentation. All earth disturbances shall be designed, constructed, and completed so as to minimize the time in which any area of any disturbed land is exposed (that is, without soil erosion control). Soil erosion control measures for all slopes, channels, ditches, or any disturbed land area shall be completed within fourteen (14) calendar days after final grading, or final earth disturbance, has been completed. All temporary soil erosion control measures shall be maintained until permanent soil erosion control measures are implemented.

4. Storm water designs shall contain provisions to retain storm water run-off from the ninetieth (90<sup>th</sup>) percentile as measured at the Salt Lake International Airport or six tenths (0.6") of an inch of rainwater as required by the City's NPDES permit.
5. Storm water designs shall contain provisions to detain storm water run-off from the 100-year, 3-hour storm event with an allowable release rate of 0.2 cubic feet per second (CFS) per acre. This design requirement is to be incorporated with the requirement to retain the 90<sup>th</sup> percentile storm event.
6. Low Impact Development (LID). The City encourages the use of Low Impact Development (LID) practices such as rainwater harvesting, permeable pavements and grass swales. If an LID approach is not utilized, the applicant must submit a written explanation and the rationale for any alternative controls selected.

#### E. Post Construction

Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall be re-vegetated according to a schedule approved by the City Engineer. The following criteria shall apply to re-vegetation efforts:

1. Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety percent (90%) of the seeded area.
2. Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until plantings are established and are capable of controlling erosion.
3. Any area of re-vegetation must exhibit survival of a minimum of seventy-five percent (75%) of the cover crop throughout the full year immediately following re-vegetation. Re-vegetation must be repeated in successive years until the minimum seventy-five percent (75%) survival rate for one (1) year is achieved.

#### F. Maintenance Agreements

The Property Owner to be served by an on-site storm water management facility must execute a maintenance agreement for the storm water facility and record the agreement in the office of the Davis County Recorder. The maintenance agreement shall include the following provisions.

1. Owner Responsibility. The Agreement shall identify the property owner upon whose property the facility is located as the responsible party for the maintenance and repair of the storm water facility.
2. Owner Inspections. The property owner or qualified designee shall complete annual inspections for the purpose of documenting maintenance and repair needs and ensure compliance with the purpose and requirements of this chapter. The property owner will arrange for this inspection to be conducted by a qualified person as defined by the Utah Division of Water Quality, who will submit a sealed report of the inspection to the City Engineer.

If the responsible party fails or refuses to meet the requirements of the maintenance agreement, the City, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing the necessary inspection and/or work to place the facility in proper working condition. In the event that the storm water management facility becomes a danger to public safety or public health, the city shall notify the party responsible for maintenance of the storm water facility in writing. Upon receipt of that notice, the responsible party shall have thirty (30) days to complete the maintenance and repair of the facility in an approved manner. The City may further assess the owner(s) of the facility for the cost of repair work and penalties as provided in this chapter.

#### G. Existing Land and Development

Existing developed properties which are proposed for redevelopment shall evaluate the impacts to storm water quantity and quality and comply with storm water design standards the same as new developments. The City encourages the use of Low Impact Development (LID) practices such as rainwater harvesting, grass swales and storm detention. If an LID approach is not utilized, the applicant must submit a written explanation and the rationale for any alternative controls selected. Cost or self-imposed land constraints are not acceptable rationales for approval of alternative designs.

#### H. Waivers

Every applicant shall provide for post construction stormwater management as required by this chapter, unless a written request to waive this requirement is filed and approved. Requests to waive the stormwater management plan requirements shall be submitted to the City Engineer for approval.

The minimum requirements for stormwater management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:

1. It is demonstrated that the proposed development will not impair attainment of the objectives of this chapter.
2. Alternative minimum requirements for on-site management of storm water discharges have been established in a storm water management plan that has been approved by the City Engineer.
3. Provisions are made to manage stormwater by an off-site facility. The off-site facility must be in place and designed to provide the level of storm water control that is equal to or greater than that which would be afforded by on-site practices. Further, the facility must be operated and maintained by an entity, acceptable to the City, that is legally obligated to continue the operation and maintenance of the facility.

In order to receive a waiver, the applicant must demonstrate to the satisfaction of the City Engineer that the waiver will not lead to any of the following conditions downstream:

1. Deterioration of existing culverts, bridges, dams, or other structures;
2. Degradation of biological functions or habitat;
3. Accelerated stream bank or streambed erosion or siltation;
4. Increased threat of flood damage to public health, life, or property.



No land disturbance permit shall be issued where a waiver has been requested until the waiver is granted. If no waiver is granted, the plans must be resubmitted with a Stormwater Management Plan.

### **13.30.090 Prohibited Actions**

#### **A. Violations to This Chapter**

It is unlawful for any person or entity to violate or cause to be violated any of the provisions of this chapter.

#### **B. Dumping**

It is unlawful for any person or entity to place or dump or allow to be placed or dumped into any detention basin, storm drain, curb, gutter, drain inlet, or other storm drainage structure that conveys storm water and/or non-storm water, any type of deleterious product, including, but not limited to, debris, dirt, sand, petroleum product, chemical, paint, pesticide, herbicide, heavy metal, acid or base product, solid or liquid waste product, hazardous waste product, and/or human or animal waste.

#### **C. Damage to Facilities**

It is unlawful for any person or entity to place or cause to be placed in the easement, channel, bed or bank of any stream, or other natural drain or within or upon any storm drain, flood control channel, reservoir, detention basin, debris basin, spreading ground or other property over which the City has an interest, matter of any kind that may operate to impede, retard or change the normal direction of the flow of flood, storm or other waters, or that may catch or collect debris carried by such waters, or that may be carried downstream by such waters to the damage and detriment of adjacent private or public property, or that may degrade the quality of the water, without first obtaining a written permit for such placement from the City.

#### **D. Tracking Mud or Material on Public Street**

It is unlawful for any person or entity to track or drop mud, stones, dirt, concrete, gravel, sediment or other similar materials onto public streets by construction or delivery vehicles. It shall be the duty of the driver of a vehicle who unlawfully drops or deposits mud, stones, concrete, gravel, sediment or other similar materials or permits the load or any portion thereof to be dropped or deposited upon any public street to immediately remove the same or cause the same to be removed.

It shall be the duty of the driver of any vehicle to clean the tires and vehicle undercarriage of dirt or debris before the vehicle enters onto a paved public street. Developers, builders and any responsible person shall provide for the cleaning of all construction vehicles on site before the vehicles leave the site. Developers, builders and responsible persons shall be required to bond for protection measure and potential cleanup costs as determined by the Storm Water Official or City Engineer in connection with any City approvals or permits issued for land disturbance or construction activity.

In the event construction traffic causes debris to be dropped or deposited onto public streets in violation of this chapter, developers, builders and any responsible person shall also be responsible

and liable for cleaning the public streets. The City will inspect curbs, gutters and streets adjacent to construction projects for compliance with the provisions of this section.

#### E Concrete Wash Out

It is unlawful for any person or entity to wash out a concrete truck, including windows, tires and the truck exterior, at any construction site other than in pre-approved designated areas or to discharge waste concrete or concrete truck rinse water except into pre-approved discharge facilities. Dumping of excess concrete at any construction site shall not be allowed. It shall be the duty of the driver of the concrete vehicle to wash out his or her concrete truck in pre-approved designated areas.

The driver of the vehicle shall be responsible for cleaning up any concrete or debris deposited on any site in violation of this chapter. Developers, builders and any responsible person shall provide a pre-approved designated area for the cleaning of concrete trucks. Developers, builders and any responsible person shall be required to bond for protection measure and potential cleanup costs as determined by the Storm Water Official or City Engineer in connection with any City approvals or permits issued for land disturbance or construction activity. In the event a concrete truck is washed out or excess concrete is deposited on any site, the developers, builders and any responsible person shall be responsible for cleaning up the illegally deposited concrete from the site. The City will inspect projects for compliance with the provisions of this section.

#### F. Stockpiling Materials

It is unlawful for any person or entity to stockpile construction or yard improvement materials or debris in the street, gutter or in any drainage channel (natural or man-made). This includes, but is not limited to, ramps being constructed for temporary access across the existing curb and gutter, stockpiling of topsoil or other fill material, stockpiling of sand, gravel, landscape rock, bark, mulch or any other material that may be considered a source of pollution in the storm drain system. Materials stored on a pallet, in a self-contained storage unit, or by other acceptable means may be pre-approved by the Storm Water Official.

#### G. Chemical Storage and Use

It is unlawful for any person or entity to use or store chemicals in a manner that causes pollution to the City's storm drain system.

#### H. Dust Control

Dust control measures shall be implemented on all construction sites where there will be soil disturbances or heavy construction activity, such as clearing, excavation, demolition, or excessive vehicle traffic. Dust control measures include, but are not limited to mulch, sprinkling, vegetative cover, windbreaks, stone, and spray on chemical soil treatments.

#### I. Obstructions.

1. It is unlawful for any person or entity to obstruct or contribute to the obstruction of the flow of storm water run-off or non-storm water run-off into any detention basin, storm drain, curb and gutter, drain inlet, or other associated structural controls that convey storm water and/or non-storm water run-off, unless the obstruction is authorized in writing by the City.

2. It is unlawful for any person or entity to cause any obstruction that inhibits the normal flow of storm water and/or non-storm water run-off in any curb and gutter, unless the obstruction is associated with a street and/or storm drainage improvement project and is authorized in writing by the City and granted with the issuance of a permit signed by an authorized agent of the City.
3. It is unlawful for any person or entity to cover any drain inlet for any reason or purpose, unless the obstruction is authorized in writing by the City; provided, however, that a drainage system inlet may be temporarily obstructed in emergency situations in order to prevent contaminants from entering the storm drain system.
4. Subsections 1 and 2 of this section shall not apply during clean-up periods established by the City, provided the materials are placed according to any directions from the City and do not obstruct drain inlets.

#### J. Illicit Discharges

1. No person or entity shall discharge or cause to be discharged into the City's storm drain system or watercourses any materials, including pollutants or waters containing any pollutants, that cause or contribute to a violation of applicable water quality standards.
2. The commencement, conduct or continuance of any illicit discharge to the City's storm drain system is prohibited except as described as follows:
  - i. Water line flushing or other potable water sources;
  - ii. Landscape irrigation or lawn watering;
  - iii. Approved diverted stream flows;
  - iv. Ground water infiltration to storm drains;
  - v. Uncontaminated pumped ground water;
  - vi. Air conditioning condensation;
  - vii. Natural riparian habitat or wetland flows;
  - viii. Fire fighting activities;
  - ix. Swimming pools (only if de-chlorinated in accordance with Federal regulations to less than 0.4 PPM chlorine);
  - x. Springs; or
  - xi. Discharges specified in writing by the Storm Water Official as being necessary to protect public health and safety.
3. The prohibitions set forth in this Section shall not apply to any non-storm water discharge permitted under a UPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that the City has granted written approval for any discharge to the storm drain system.
4. The prohibitions set forth in this chapter expressly include, without limitation, connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. The prohibition also expressly includes, without limitation, connections of sanitary sewer lines to the storm drain system.
5. No person or entity shall install drainage outlets into curbsides unless approved by the City Engineer or Storm Water Official. Approval shall be granted in limited circumstances and must be based on a showing of good cause.

#### K. Residential Drainage Restrictions

No person or entity shall connect roof drains to the subsurface drainage system. Run-off from roof drains should be directed to a lawn or a flower bed.

### **13.30.100 Enforcement and Penalties**

#### **A. Notice of Violation (NOV)**

Whenever the Storm Water Official or City Engineer finds that any permittee or any other person discharging storm water has violated or is violating this chapter or a permit or order issued hereunder, the Storm Water Official or the City Engineer may serve upon the responsible party a written NOV.

The responsible party must submit a plan for the satisfactory correction of the violation and prevention of future violations within the time frame specified in the NOV, not to exceed ten (10) days. The plan shall include any specific required actions and shall be submitted to the City Engineer. Submission of the plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the NOV.

#### **B. Consent Orders**

The Storm Water Official and City Engineer are empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the person to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as other orders in this chapter.

#### **C. Stop Work Order**

When the Storm Water Official or City Engineer finds that any person has violated or continues to violate this chapter or any permit or order issued hereunder, the City may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

1. Comply forthwith; or
2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting or terminating all operations.

#### **D. Penalties**

Any person who violates any provision of this chapter, who violates the provisions of any permit issued pursuant to this chapter, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action from the City, shall be guilty of a Class C Misdemeanor. Each day of violation shall constitute a separate violation.

In addition to any criminal penalties, each violation may also subject the violator to civil penalties of not less than fifty dollars (\$50.00) and not more than one thousand dollars (\$1,000.00) per day for each day of violation.

Measuring Civil Penalties. The following factors may be considered in assessing a civil penalty:

1. The harm done to the public or the environment;
2. Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
3. The economic benefit gained by the violator;
4. The amount of effort put forth by the violator to remedy the violation;
5. Any unusual or extraordinary enforcement costs incurred by the City; and
6. The amount of penalty established by ordinance or resolution for specific categories of violations;

#### E. Damages

In addition to the civil penalty above, the City may recover:

1. All damages proximately caused by the violator to the City, which may include any reasonable expenses incurred in investigating violations of and enforcing compliance with this chapter.
2. The costs of the City's maintenance of storm water facilities when the user of such facilities fails to maintain them as required by this chapter.

#### F. Legal Action

The City may bring legal action, including to enjoin the continuing violation of this chapter, and the existence of any other remedy, at law or equity, shall be no defense to any such action. The City is entitled to recover its attorney's fees incurred in enforcing the provisions of this chapter.

#### G. Remedies Cumulative

The remedies set forth in this chapter shall be cumulative, and not exclusive.

#### H. Civil Fine Pass-Through Recovery

In the event a non-residential user discharges water into the storm sewer system that causes the City to violate any conditions of its state or federal storm water discharge obligations and the City is fined by the State of Utah or EPA for such violation, then such non-residential user shall be fully liable for the total amount of the fines and civil penalties assessed against the city, together with all administrative costs incurred, including attorney's fees.

#### I. Conflicting Standards

Whenever there is a conflict between any standard contained in this chapter, the BMP Manual, or any other applicable regulation or permit requirement, the strictest standard shall prevail.

#### J. Appeals

Except as otherwise specifically provided herein, any person aggrieved by a final decision of the public works director, Storm Water Official or City Engineer interpreting or administering the provisions of this chapter may appeal such decision to the City Council in accordance with Chapter 2.64 of the Municipal Code.

DRAFT

# MEMORANDUM



**TO:** Planning Commission

**DATE:** September 8, 2016

**FROM:** Ben White

**RE:** Site Plan Review 756 West 500 South

---

Mr. Scott Garner owns the Overnite Office building on 500 South just east of the railroad tracks. He recently acquired the properties east and west of him from UDOT. He is proposing a new office building on the east side of the existing building.

In accordance with municipal code section 17.32.050 and 17.32.080 (see below), requests to modify the side and rear setbacks, and the landscape plan review are the responsibility of the Planning Commission.

## ***17.32.050 Yard regulations.***

### ***The following regulations apply in the C-G general commercial district:***

- A. Front Yard. The minimum front yard setback for all structures shall be twenty-five (25) feet;*
- B. Side Yard. The minimum side yard setback for all structures in a CG zone shall be ten (10) feet except when the planning commission determines a zero to ten (10) foot lot line is desirable or appropriate, whereupon the request will become a conditional use and shall require approval of the planning commission. Where the parcel abuts any residential zone or predominantly residential area, a side yard of at least thirty (30) feet shall be provided on that side adjacent to a residential zone/area. The side yard requirement adjacent to a residential zone may be modified if approved by the planning commission. On corner lots the side yard which faces the street shall not be less than twenty (20) feet for all structures.*
- C. Rear Yard. The minimum rear yard setback for all structures in a CG zone shall be twenty (20) feet, except when the planning commission determines a zero to twenty (20) foot lot line is desirable or appropriate, thereupon the request will become a conditional use and shall require approval of the planning commission. Where the parcel abuts a residential zone or predominantly residential area, a rear yard of thirty (30) feet shall be provided. The rear yard requirement adjacent to a residential zone/area may be modified if approved by the planning commission. (Amended 9/6/94; prior code § 9-11-5)*

### ***17.32.080 Development standards.***

- A. Site Plan. A site plan for all phases of the proposed development shall be presented for review and approval, as provided in the land development code.*
- B. Landscaping. No less than fifteen (15) percent of the total lot area shall be landscaped. A landscaping plan shall be approved by the planning commission as a part of the site plan review. Required side and rear yard areas may be used for driveways or parking; provided, that trees and shrubs of sufficient size and quantity to assure a visual screen from abutting residential properties are installed. All landscaping shall be adequately irrigated and maintained. The planning commission may require a performance bond or cash deposit, in an amount estimated by the planning commission as equivalent to the cost of the required landscaping, to assure installation of required landscaping within six months of approval date. A building permit shall not be granted until receipt of such bond or deposit.*

### **Reduced Setbacks**

Mr. Garner is requesting a three foot (3') side yard setback from the east property line and a one foot (1') set back from the north, rear property line. The proposed building design is CMU (masonry block). There are no windows proposed on the east side of the building which is proposed to be 3' from the property line. Incidentally, the Bountiful Collision building has been constructed with a zero side yard setback. So if the Planning Commission approves the proposal, there will only be 3' between the buildings.

There are second story windows on the north building elevation where the proposed setback is 1'. There are no buildings currently north of the proposed building.

### **Landscape Review**

It is the Planning Commission's responsibility to determine if the minimum requirements of 17.32.080 have been met.

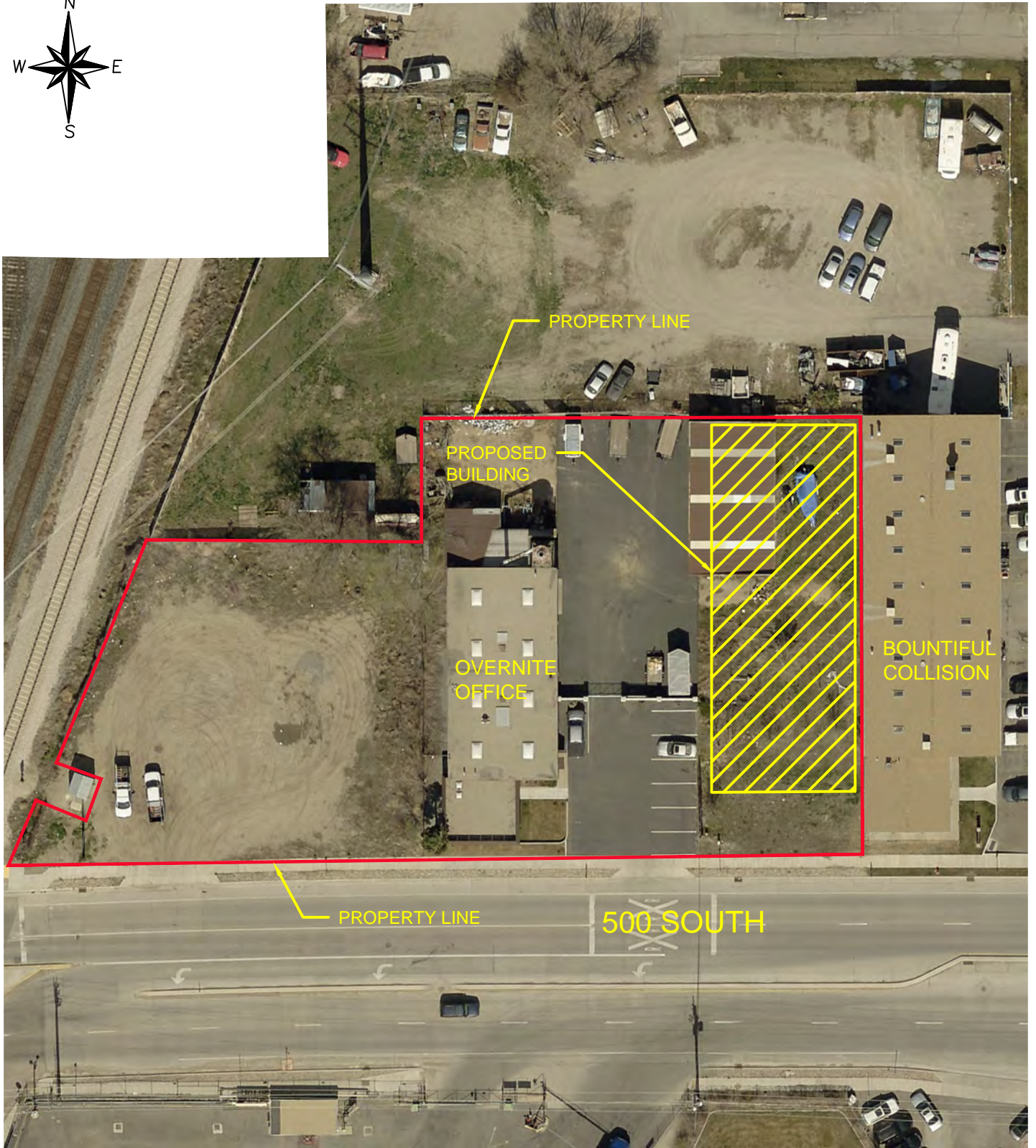
### **Possible Motions**

A motion to approve the Site Plan should include specific conditional use requirements, as well as specific approval of a 1ft....3ft...5ft...or whatever setback you believe to be appropriate. Other requirements or rational could also be stated in the motion, such as it is approved based on the schematic building and landscaping plans that have been submitted. A motion should also include approval of the landscape plan or any required changes.

The Planning Commission is not obligated to approve reduced setbacks. A motion to table for more information or to deny the reduced setback request is also within your authority.



# GARNER OFFICE BUILDING



# MEMORANDUM



**TO:** Planning Commission

**DATE:** September 9, 2016

**FROM:** Ben White

**RE:** Rezone Consideration for 982 West Porter Lane

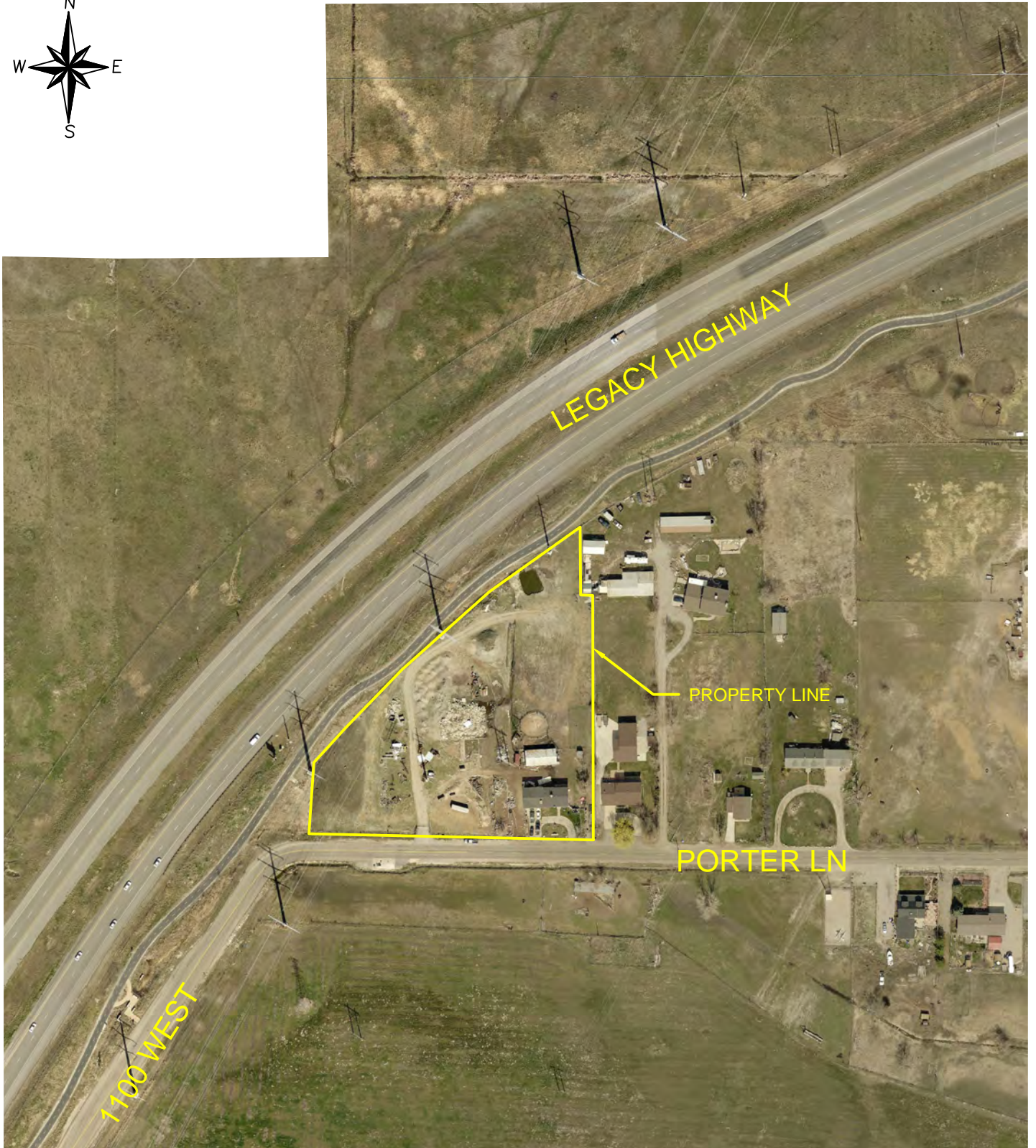
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Jason Rasmussen intends to purchase the Ryver property located 982 W Porter Lane. Due to the location, condition and power line restrictions on the property, he would like to construct storage units. Mr. Rasmussen is aware that the current zoning does not permit that use.

The City's L-I zone is the only zone the City has that would allow for storage units.

Mr. Rasmussen is asking if the City would consider amending the current zoning ordinance or create a new zone which would allow for the construction of storage units.

# RYVER PROPERTY



# MEMORANDUM



**TO:** Planning Commission

**DATE:** August 19, 2016

**FROM:** Ben White

**RE:** Yard Setbacks

---

As staff mentioned in previous meetings, there are some discrepancies between the “yards and setbacks” definitions in Title 17, the setbacks included in each zoning section and in city practices. In short, the two inconsistent items relate to fences and setbacks for corner properties.

The attached draft is based on discussion at the August 9, 2016 meeting. While it is a “clean” version with no edit marks, the changed language has been highlighted.

**17.04.030 Definitions**

Lot Line, Front. “**Front lot line**” means for an interior lot, the lot line adjoining the street; for a corner lot or through lot, the front lot line is that lot line with street frontage with closest access to the front entry to the house or structure.

Lot Line, Rear. “**Rear lot line**” means, ordinarily, that line of a lot which is opposite and most distant from the front lot line. In the case of a triangular or gore-shaped lot, a line ten (10) feet in length within the parcel parallel to and at a maximum distance from the front lot line. In cases where this designation is ambiguous, the zoning administrator shall designate the rear lot line.

Lot Line, Side. “**Side lot line**” means any lot boundary line that is not a front or rear lot line. However, this does not apply to any yard fronting on a street, which is by definition a front lot line or a street side lot line.

Lot Line, Street Side. “**Street side lot line**” means the lot line adjoining a street on a corner lot that is not designated as the front lot line.

“**Yard**” means a required open space on a lot, other than a court, unoccupied and unobstructed from the ground upward, except as permitted elsewhere in this title.

Yard, Front. “**Front yard**” means a space on the same lot with a building, between the front line of the building and the front lot line, and extending across the full width of the lot. The “depth” of the front yard is the minimum distance between the front lot line and the front line of the building.

Yard, Rear. “**Rear yard**” means a space on the same lot with a building, between the rear line of the building and the rear lot line, and extending the full width of the lot. The “depth” of the rear yard is the minimum distance between the rear lot line and the rear line of the building.

Yard, Side. “**Side yard**” means a space on the same lot with a building, between the side line of the building and the side lot line and extending from the front yard to the rear yard. The “width” of the side yard shall be the minimum distance between the side lot line and the side line of the building.

Yard, Street Side. “**Street side yard**” means the space on the same lot with a building between the side line of the building facing the street not designated as the front lot line and extending from the front yard to the rear yard. The “width” of the street side yard is the minimum distance between the street side lot line and the building.

**17.xx.050 Yard regulations.**

The following yard regulations apply in the residential district “R-1-10, R-1-22, A-1”:

- A. Setbacks for structures and accessory buildings will be measured from the property line to the nearest foundation or column. For main structures, a maximum two foot cantilever that does not extend to the ground, such as a bay window or chimney, is allowed in the setback area.

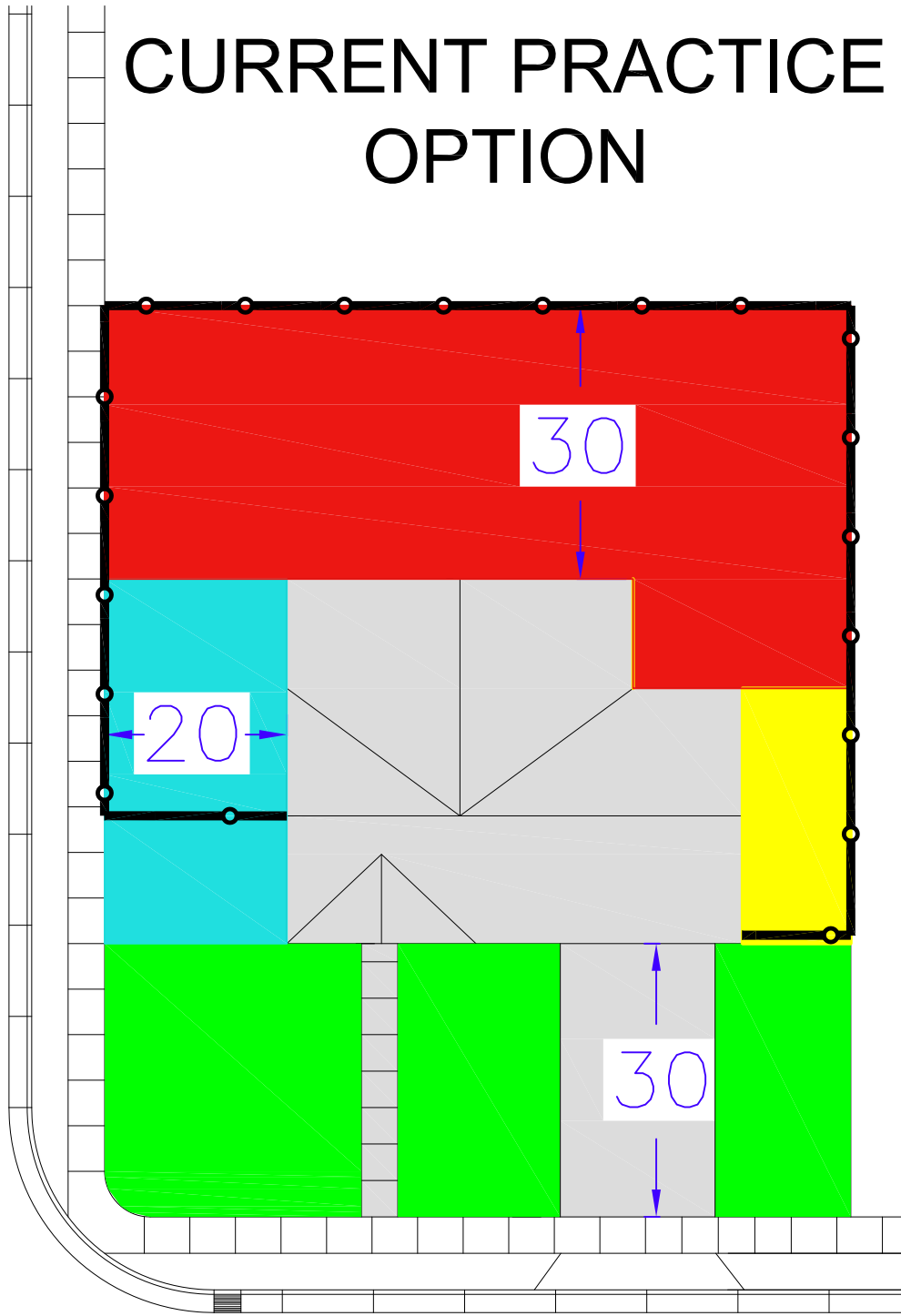
1. **Front yard.** The minimum front yard setback for all structures shall be thirty (30) feet.
2. **Side yard.**
  - a. The minimum side yard setback for all main structures shall be ten (10) feet for any one side, with a combined total of twenty-four (24) feet for both sides.
  - b. On corner lots, the **street** side yard **setback for all structures** shall be not less than twenty (20) feet.
  - c. The minimum side yard setback for accessory structures shall be six (6) feet, or three (3) feet if built to fire code standards, unless otherwise approved as a conditional use by the planning commission.
3. **Rear yard.**
  - a. The minimum rear yard setback for all main structures shall be thirty (30) feet.
  - c. A deck may encroach into a rear yard setback only with a conditional use permit meeting the following criteria:
    - i. The entire deck is at least twenty (20) feet from the rear property line;
    - ii. The deck does not encroach more than 200 square feet into the setback;
    - iii. The floor of the deck is no higher than the highest finished floor of the main structure;
    - iv. The portion of the deck that extends into the rear yard setback cannot be covered;
    - v. The railing cannot be more than forty-eight (48) inches high and must be less than twenty-five (25%) non-transparent; and
    - vi. The deck satisfies other conditions required by the planning commission.

#### **17.xx.100 Fence requirements.**

- A. Fences, walls and hedges may not exceed six feet in height within any required rear yard or interior side yard. Notwithstanding the foregoing, the planning commission may approve the erection of a fence to a height greater than six feet within any required rear yard or interior side yard upon a showing that the increased height is reasonably necessary to protect the property from an adjacent incompatible land use.
- B. Notwithstanding any other provision of this Title, no fence, wall, or hedge may exceed four (4) feet in height within any front yard setback; and, no fence, wall, or hedge may exceed two (2) feet in height within three (3) feet of any street **right of way or** sidewalk (whichever is closer to the primary building on the lot).
- C. For the purpose of this section, single shrub planting shall not constitute a hedge if the closest distance between the foliage of any two plants is remains at (5) feet.
- D. When a fence, wall or hedge is located along a property line separating two lots and there is a difference in the grade of the properties on the two sides of the property line, the fence, wall or hedge may be erected or allowed to the maximum height permitted as measured from the higher grade.
- E. Clear view of intersecting streets.

# CURRENT PRACTICE OPTION

STREET



STREET

1 **West Bountiful City** **PENDING** **August 23, 2016**  
2 **Planning Commission**

3 **Posting of Agenda** - The agenda for this meeting was posted on the State of Utah Public Notice  
4 website and the West Bountiful City website, and sent to Clipper Publishing Company on  
5 August 19, 2016 per state statutory requirement.

6 **Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday,**  
7 **August 23, 2016, at West Bountiful City Hall, Davis County, Utah.**

8

9 **Those in Attendance:**

10

11 **MEMBERS PRESENT:** Chairman Denis Hopkinson, Terry Turner,  
12 Alan Malan, Mike Cottle, Laura Charchenko, Corey Sweat (Alternate).

13

14 **MEMBERS/STAFF EXCUSED:** **Andy Williams (Councilmember)**

15

16 **STAFF PRESENT:** Ben White (City Engineer), Cathy Brightwell  
17 (Deputy Recorder) and Debbie McKean (Secretary).

18

19 **VISITORS:** April Lewis

20

21 The Planning Commission Meeting was called to order at 7:30 p.m. by Chairman Hopkinson.  
22 Corey Sweat offered a thought from George Washington.

23 **I. Accept Agenda**

24 Chairman Hopkinson reviewed the agenda. Laura Charchenko moved to accept the agenda as  
25 presented. Alan Malan seconded the motion. Voting was unanimous in favor among members  
26 present.

27 **Business Discussed:**

28 **II. Consider Conditional Use Permit for Miss April's Preschool at 729 West 2300 North**

29 Included in the Commissioner's packet was a memorandum dated August 19, 2016 from Cathy  
30 Brightwell regarding a Conditional Use Permit for Home Occupation- Miss April's Preschool, a  
31 conditional use permit application and Home Occupation Business License Application with a  
32 site plan and signatures of property owners within a 300 foot radius of the exterior boundaries of  
33 the intended business location (non-opposing) from April Lewis 729 West 2300 North, West  
34 Bountiful, UT.



35 Memorandum included information from April Lewis desiring to apply for a Conditional Use  
36 Permit application and a Home Occupation Business License for Miss April's Preschool. The  
37 Preschool will be held Tuesday and Thursday mornings from 9:30 to 11:30 and run concurrently  
38 with the Davis County School schedule. Enrollment will be a maximum of 8 children with  
39 traffic consisting of parent(s) dropping off and picking up their children during those hours only.  
40 Parents will be required to walk children to and from the preschool held in her basement if  
41 parking is not available in her driveway or directly in front of her home.

42 Utah Department of Health does not require a license when care is provided for less than 4 hours  
43 per day. SDFA is scheduled to conduct a fire inspection on April 23, 2016.

44 Staff confirmed that Miss April's Preschool meets the requirements of the West Bountiful  
45 Municipal Code, Chapter 5.28 Home Occupation and Chapter 17.60 Conditional Uses and  
46 recommends approval of the Conditional Use Permit.

47 Cathy Brightwell introduced the applicant and reviewed the information in the memorandum for  
48 the Commissioners.

49 April Lewis was invited to take the stand for questions from the Commissioners. Alan Malan  
50 asked if the yard was fenced in and Ms. Lewis answered to the affirmative. Alan Malan made a  
51 correction to the memorandum regarding the zoning for this business.

52 ***ACTION TAKEN:***

53 ***Mike Cottle moved to approve the Conditional Use Permit for Home Occupation for***  
54 ***Miss April's Preschool for April Lewis at 729 West 2300 North with the following***  
55 ***affirmative finding: that the proposed use is desirable to provide a service that will***  
56 ***contribute to the general well-being of the neighborhoods and community, will not be***  
57 ***detrimental to the health, safety, or general welfare of persons residing in the vicinity,***  
58 ***or injurious to property in the vicinity, shall not inordinately impact the streets in the***  
59 ***area and will comply with the regulations specified in the R-1-10 zoning ordinance.***  
60 ***The permit will be issued with the following conditions: Fire Marshall Inspection***  
61 ***passes (done); parents will be told to park in the driveway or immediately in front of the***  
62 ***home or walk their child to the door to and from the home; no external signage will be***  
63 ***used for the preschool; a person who is not a resident of the dwelling shall not be***  
64 ***employed to work on the premises; and applicant must provide a Criminal History***  
65 ***Report from the Bureau of Criminal Investigation (done). Alan Malan seconded the***  
66 ***motion and voting was unanimous in favor.***

67

68 **III. Discuss and Set Public Hearing for Title 13 - Storm Water Utility Changes.**

69 Commissioner's packets included a memorandum dated August 19, 2016 from Ben White  
70 regarding Changes to Title 13.30- Storm Water Utility and a draft of Chapter 13.30.

71

72 Chairman Hopkinson introduced the draft for Title 13 as being mostly new language. Ben White  
73 explained that we are taking what we have been doing and putting it into our City Code which is

74 a good thing. He pointed out the last section of this document contains the penalties which will  
75 be decided by the City Council and added that the fee structure needs to be decided as well. A  
76 public hearing will be held to get input on our storm management plan.

77

78 **Questions and Comments from the Commissioners:**

79

80 **Chairman Hopkinson** referred to Section 13.30.010 paragraph 2 and asked by whose authority  
81 we are bound to this regulation? Ben White answered that it is a State regulation passed down  
82 from the feds but he is not certain about the specific Federal regulation attached to it. It was  
83 decided to modify the paragraph by removing the reference to the National Pollution Discharge  
84 Elimination System.

85 Chairman Hopkinson commented that the definitions seem to be good but asked if the list could  
86 be thinned out. Mr. White will go through the definitions and try to make a shorter list

87 Denis Hopkinson inquired about how fees and rates would be decided. Mr. White briefly  
88 explained the fee structure is laid out in the City's Consolidated Fee Schedule and that there is  
89 not currently a fee associated with a storm water permit but the city council could decide to  
90 impose one at a future time. Currently, the only fees associated with storm water and grading are  
91 included with building permits or subdivision approvals. Mr. Hopkinson suggested making the  
92 language more clear regarding the fee structure.

93 Regarding 13.30.070 A. - Mr. Hopkinson has some issues regarding this section. He feels the  
94 permit should cover any mitigation of storm water. Mr. White noted that any impact that will  
95 disturb vegetation of more than an acre will require a permit. He is not sure that will be part of  
96 the building permit or not. This issue will be discussed with Council to see how they want it  
97 structured.

98 Page 14 G. Chairman Hopkinson asked Mr. White to explain this section. Mr. White explained  
99 that if someone wants to redevelop their property they must comply with the storm drain  
100 requirements. This applies to both personal property as well as business. Chairman Hopkinson  
101 was concerned with the cost that could be incurred with this requirement.

102 Page 16. E. Concrete Wash Out- Mr. White explained this process and requirement and the  
103 difference between larger contractors and smaller contractors and legalities.

104 **Corey Sweat** commented on 13.30.070. He is concerned about duplicating permits and fees.  
105 Mr. White pointed out that this Section points back to our storm water management plan.  
106 Reports, inspections, etc. have to be done and fees may need to be charged to cover these  
107 expenses. The State is not funding these mandates and the cities have to find ways to pay for  
108 these required regulations.

109 Some discussion took place regarding this issue and how fees are currently being charged for  
110 inspections and such. Mr. Sweat understands the need to cover costs but feels we should not  
111 duplicate fees and only implement one if necessary. Mr. White pointed out that this section is  
112 talking about a permit and no fee has been determined at this time. City Council will discuss this  
113 matter to determine if fees are necessary.

114 **Mike Cottle** asked if the audit conducted several years ago created this mandate. Mr. White  
115 answered no, and explained that this was already in the making. We already have a storm water  
116 management program and the State storm water permit update that requires the updated storm  
117 water ordinance is a scheduled permit renewal. Nate Buzbee, in public works, is our storm water  
118 official who oversees the inspections and ordinance compliance. He has attended various  
119 trainings and has been certified to do the job. Ben White will complete the paperwork.

120 **Terry Turner** asked if it is possible to modify the regulations to let the city choose when to  
121 apply or impact the citizens with these mandates. Mr. White explained that the State permit  
122 requires certain storm water management control measures, but there is language in the  
123 ordinance and the management plan that allows the city some flexibility if there is a better way  
124 to achieve the same goal or if something, for instance, storm water detention in a high ground  
125 water environment, is not possible.

126 Mr. Turner asked who will audit these regulations. Mr. White replied that it will be handled by  
127 the State. Mr. Turner asked who wrote this document. Mr. White replied that the language for  
128 this management plan was written by him with help from other cities ordinances.

129 Terry Turner inquired if there will there be any new city positions needed to manage this  
130 regulation. Mr. White explained we already have expanded our Public Works department from 3  
131 to 6 employees over the past few years and no additional employees are needed at this time to  
132 handle the management of this mandate.

133 In regards to Section 13.30.070 C. on page 9, Mr. Turner asked if this increases the City's  
134 liability. Mr. White responded that it does not. He noted that dust control is already required of  
135 every construction project but now it is now a part of the documented plan.

136 Mr. Turner asked when these regulations were drafted. Mr. White answered they were started  
137 1½ years ago, became effective March 1, 2016 and will run through March 2021.

138 **Laura Charchenko** had no additional questions and thanked Mr. White for putting all this  
139 together.

140 **Alan Malan** asked how many pages the permit will be for an average builder when compared to  
141 the size of our permit with the State. Mr. White explained while the State permit is lengthy, that  
142 will not be the case with the average builder; it will only be a page or two, or may be combined  
143 with the existing building permit.

144

145 Chairman Hopkinson asked staff to draft new language incorporating this discussion and get it  
146 out to Commissioners for review before the next meeting so it can be reviewed, and comments  
147 can be accepted, etc. before the public hearing at the next meeting.

148

#### 149 **IV. Discuss and Set Public Hearing for Title 15- Building & Construction, Incorporating** 150 **Special Flood Hazard Language from Title 16 – Subdivisions.**

151 Ben White explained that the new Section 15.16 – Flood Damage Prevention in Special Flood  
152 Hazard Areas, was moved from Title 16 – Subdivisions, Section 16.32 because it applies to more  
153 than just subdivisions and it is a better fit. The bulk of this section relates to FEMA designated  
154 areas which include both developed and undeveloped properties. He noted that the other change

155 is to make the city engineer, rather than public works director, responsible to administer and  
 156 implement Building and Construction for the City.

157 There were no comments or questions from the Commission.

158

159 **V. Discuss and Set Public Hearing for Title 16, Subdivisions, Updating Storm Water**  
 160 **Requirements, Moving Special Flood Hazard Language, and Other Miscellaneous**  
 161 **Changes.**

162 Commissioner's packets included a memorandum dated August 19, 2016 from Ben White in  
 163 regards to changes to our storm drain requirements in Title 13 that are also needing to be  
 164 changed in Title 16 to eliminate redundancy, contradicting sections, and other proposed minor  
 165 clarifications/changes that include:

- 166 • 16.8.50 E - water right requirement is being relocated from the drainage section  
 167 (16.28.140) and included in the "Fee" section.
- 168 • 16.16.20D 91) - requirement for storm water design information is being directed to other  
 169 sections of the code where those requirements are detailed as well as the city's design  
 170 standards. The design standards have been adopted by a resolution of the city council.
- 171 • 16.16.20D (2) - The lighting plan requirement is being clarified that it is to comply with  
 172 the city's design standards. Our City does have a design standard for street lights  
 173 currently. It will need to be developed and adopted by the city council.
- 174 • 16.16.20.D (4) - A design standard for geotechnical reports needs to be developed.
- 175 • 16.28.60 A - The requirement for the hydrology report is referenced back to the storm  
 176 water ordinance instead of having redundant or contradictory requirements listed here.
- 177 • 16.28.80 - The phrase "for a 100 year storm event" was added to clarify the developer's  
 178 responsibility.
- 179 • 16.32 - has been moved to Title 15 and the proposed changes to this section are listed in  
 180 the Title 15 discussion.

181 There was discussion regarding the hydrology report required in Section 16.28.60 and the desire  
 182 to refer back to specific standards in Title 13.

183 There were no additional comments from the Commissioners.

184

185 ***ACTION TAKEN:***

186 ***Laura Charchenko moved to hold a public hearing on Tuesday, September 13 at 7:35 pm or as***  
 187 ***soon thereafter as time permits regarding proposed additions and language changes to Title 13***  
 188 ***Storm Water Utility Changes, Title 15 Building and Construction, and Title 16 Subdivisions***  
 189 ***discussed above. Additional changes from this meeting will be incorporated and distributed by***  
 190 ***staff so that all Commissioners can sign off on them before the public hearing. Alan Malan***  
 191 ***seconded the motion and voting was unanimous in favor.***

192

193 **VI. Discuss and Set Public Hearing for Title 17, Yard and Fence Requirements for**  
194 **Residential Zones.**

195 Included in the Commissioner's packet was a memorandum from Ben White dated August 19,  
196 2016 regarding Yard Setbacks and a copy of 17.04 with suggested language changes. The  
197 memorandum included the following information:

- 198 • There are some discrepancies between the "yards and setbacks" definitions in Title 17,  
199 the setbacks included in each zoning section and in city practices. Two inconsistent  
200 items relate to fences and setbacks for corner properties.
- 201 • The copy attached of Title 17 is a clean version with no edit marks but has highlighted  
202 areas that include language changes.

203 Ben White pointed out the changes made to the last document from our prior meeting.

204 Alan Malan inquired about 17.XX.100.B. He said he understands that language but would like to  
205 see it clarified. He suggested that the sentence be made into two sentences so to maintain clarity  
206 and understanding.

207 Chairman Hopkinson is concerned about the Fence requirements section and pointed out that we  
208 have multitudes of properties that already do not comply with this language. We need to address  
209 open space/agriculture areas versus subdivision property. If this language is put into place, new  
210 property owners will be affected. Mr. White pointed out that properties prior to this ordinance  
211 change would not be required to abide by this new language.

212 Mr. Chairman wants language put into place that will mitigate those concerns with larger  
213 properties and animals. Mr. White pointed out that this ordinance is not pressing and we can  
214 take time to think these things out before drafting final language.

215 Mr. Hopkinson asked if we should be placing restrictions on property owners on these issues.  
216 Some discussion took place regarding this idea. Mr. White feels we do have a right to make  
217 regulations for the health, safety and welfare of our citizens.

218 Chairman Hopkinson stressed the importance of studying what we put into place because it is  
219 what we will have to live with in the future. Trying to make new regulations is a difficult thing  
220 when we have so many that are out of compliance with the new language we are trying to put  
221 into place.

222 Corey Sweat feels that by making the changes Alan Malan suggested in 17.xx.100 B. that makes  
223 a difference. In observing fences already in place, 85 % of those in place are not in compliance  
224 with the suggested language changes to this Title.

225 Mr. Sweat pointed out that in his opinion corner lots with fences in place currently do not pose a  
226 safety hazard. We cannot and should not legislate all things. He feels for the most part we need  
227 to protect the citizen's rights and leave common sense to take care of safety issues.

228 Mike Cottle concurs with Mr. Sweat but feels we do need to consider safety when making laws  
229 and ordinances.

230 Terry Turner does not feel we need to be heavy handed in regulations but do need to protect the  
231 public where applicable. Common sense needs to prevail.

232 Laura Charchenko feels that we need corner lot fence regulations but not necessarily regulate all  
233 property owners' fence heights.

234 Alan Malan feels the front yard fencing should not be opaque in nature. He agrees with  
235 Chairman Hopkinson to some extent.

236 Chairman Hopkinson suggested that we include definitions to clarify our standards and  
237 regulations for fencing or is it possible to come up with language that includes all those different  
238 uses? Mr. White commented that this could become a bit complicated to do for all instances in  
239 our City.

240 Chairman Hopkinson wants to allow property owners' individuality to come out and gave  
241 various examples of how that needs to take place. He wants to take the time necessary to create  
242 a document that will not be regretted.

243 Further discussion will take place in the upcoming meetings before language is put into place or  
244 a public hearing is scheduled.

245

## 246 **VII. Staff Report**

### 247 **Ben White:**

248 • **Layton city has introduced a new bus that looks like a trolley and runs from**  
249 **Layton front runner station to the Mall, Convention Center, Hospital and to**  
250 **the Clearfield station. It is funded by various businesses and is free to the**  
251 **public; has included Prop 1 money.**

252 • **City has received a new set of plans from Ovation Homes with some changes**  
253 **to the development agreement. We are reviewing the changes; some have to**  
254 **do with retention water.**

255 • **City council is still looking at the PUD ordinance; it is not ready to come to**  
256 **planning commission. Chairman Hopkinson would like PUD language to**  
257 **come before them on the next agenda. He requested a point by point**  
258 **discussion sheet of items that need to be discussed. This will allow the**  
259 **Commission to have the opportunity to discuss their ideas while the City**  
260 **Council discusses theirs.**

261 • **Asphalt may be down on Pages Lane by the end of the week. Denis**  
262 **Hopkinson reported some soft spots along that road that need to be**  
263 **addressed. Ben White explained that it may be a slow process until**  
264 **completion.**

265 • **400 North construction in Bountiful is back in progress after a short work**  
266 **stop.**

267 • **Our 500 South water project will be starting in a few weeks.**

### 268 **Cathy Brightwell reported:**

269 • **An application was received for amusement devices at the theatre. Our city code**  
270 **regulates amusement devices quite strictly, including the need for conditional use**  
271 **permits. She explained a few of the regulations. Chief Hixson has been contacted by**  
272 **the State with concerns about machines that are close to gambling machines. Staff**  
273 **and Legal are going to work to see what is necessary to regulate and what is not. .**

- 274 • **Land Use Training 101- This Saturday. If interested Cathy will register you to**
- 275 **attend.**

276

277 **VIII. Approval of Minutes of dated August 9, 2016**

278

279 **ACTION TAKEN:**

280 **Alan Malan moved to approve of the minutes dated as presented. Laura Charchenko**

281 **seconded the motion and voting was unanimous in favor among those members present.**

282

283 **IX. Adjournment**

284

285 **ACTION TAKEN:**

286 **Laura Charchenko moved to adjourn the regular session of the Planning Commission**

287 **meeting. Alan Malan seconded the motion. Voting was unanimous in favor. The meeting**

288 **adjourned 9:55 p.m.**

289

290 .....

291

292 The foregoing was approved by the West Bountiful City Planning Commission on September 13, 2014, by

293 unanimous vote of all members present.

294 \_\_\_\_\_

295 Cathy Brightwell – City Recorder