

Mayor
Kenneth Romney

**City Engineer/
Zoning
Administrator**
Ben White

City Recorder
Cathy Brightwell

WEST BOUNTIFUL PLANNING COMMISSION

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Chairman
Denis Hopkinson

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

**THE WEST BOUNTIFUL PLANNING COMMISSION WILL HOLD ITS
REGULARLY SCHEDULED MEETING AT 7:30 PM ON TUESDAY,
JULY 26, 2016 AT THE CITY OFFICES AT 550 NORTH 800 WEST**

AGENDA AS FOLLOWS:

Welcome. Prayer/Thought by invitation

1. Accept Agenda.
2. Discuss Proposed Storm Water Ordinance.
3. Discuss Yard and Fence Requirements for Residential Zones.
4. Staff Report.
5. Consider Approval of July 12, 2016 Meeting Minutes.
6. 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 **July 22, 2016.***

Chapter 13.30 Storm Sewer Utility

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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 Title is intended to comply with all regulations and requirements of the National Pollution Discharge Elimination System ("NPDES") and Utah Pollution Discharge Elimination System ("UPDES") programs. In the absence of a duly appointed Storm Water Official, the Public Works Director or his or her agent shall act in place of the Official.

13.30.020 Definitions

For the purpose of this chapter, the following terms, phrases and words shall mean:

"BMPs" (Best Management Practices) Includes 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.

“Catch Basin” A basin combined with a storm drain inlet used to trap solids.

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

“City” West Bountiful City

“City Approvals” Any permit or approval required by the City prior to any construction activity, including, but not limited to, site preparation, grading, excavation or construction.

“Clean Water Act” The Federal Water Pollution Control Act (33 U.S.C. § 1251 *et seq.*), and any subsequent amendments thereto.

“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 System” Any gutter, channel, ditch or pipe for collecting and directing the storm water.

“County” Davis County

“Council” West Bountiful City Council

“Culvert” A covered channel or large diameter pipe that directs water flow below the ground surface.

“Customer” Any individual; public or private corporation and its officers; partnerships; associations; firm; trustee; executor of an estate; the State of Utah or its departments; institutions; bureaus; agencies; county; city; political subdivision; or any other governmental or legal entity recognized by law.

“Debris” Dirt, rock, sand, tree, grass clippings, or other rubbish, litter, etc.

“Degradation” (Biological or Chemical) The breakdown of chemical compounds into simpler substances, usually less harmful than the original compound, as with the degradation of a persistent pesticide. (Geological) Wearing down by erosion. (Water) The lowering of the water quality of a watercourse by an increase in the amount of pollutant(s).

“Design Storm Event” A hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a storm water facility.

“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 or a vault and is typically released over a few hours or a few days.

“Detention Basin” A depression, designed with an inlet and outlet that regulates water flow and allows debris to settle out, that is capable of detaining storm water run-off until it can be released downstream.

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

“Drainage” The collection, conveyance, containment, and/or discharge of surface and storm water run-off.

“Drain Inlet” A point of entry into a detention basin, storm drain, or other inlet used to trap surface water.

“Entity” Any corporation, partnership, limited liability company, organization, association, trust, governmental agency, or any other legal entity

“Equivalent Residential Unit” (ERU) Is equal to 4460 square feet of impervious surface area. This is based on a single-family residential parcel, which has an average of 4460 square feet of impervious surface.

“Erosion” The wearing away of land surface by wind or water. Erosion occurs naturally from weather or run-off but can be intensified by land-clearing practices related to farming, residential or industrial development, road building, or timber-cutting.

“Fill” A deposit of earth material placed by artificial means.

“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.

“General Permit” A permit issued under the NPDES or UPDES program to cover a class or category of storm water discharges.

“Grading” The cutting and/or filling of the land surface to a desired slope or elevation.

“Hazardous Waste” By-products of society that can pose a substantial or potential hazard to human health or the environment when improperly managed, or possesses at least one of four characteristics (flammable, corrosive, reactive, or toxic), or appears on special EPA lists.

“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 Title.

“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. Some examples of impervious surfaces are rooftops, concrete or asphalt paving, walkways, patios, driveways, parking lots, storage areas and compacted gravel surfaces.

“Individual Permit” A permit issued under the NPDES or UPDES program for a specific facility, whereby the unique characteristics of that facility may be addressed through the imposition of special conditions or requirements.

“Infiltration” The downward movement of water from the surface to the subsoil. The infiltration capacity is expressed in terms of inches/hour.

“Inlet” An entrance into a ditch, storm sewer, or other waterway.

“Land Disturbing Activity” Any activity on real property that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, and excavation.

“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.

“Maintenance” Any activity that is necessary to keep a storm water facility in good working order so as to function as designed. Maintenance shall also include the correction of any problem on the property site that may directly impair the functions of the storm water facility.

“Maintenance Agreement” A document recorded with the Davis County Recorder that acts as a property deed restriction, and which provides for long-term maintenance of a storm water management facility or storm water BMP.

“Municipal Separate Storm Sewer System” (MS4) A municipally owned and operated storm water collection system that may consist of any or all of the following: curb, gutter, drainage swales, piping, ditches, canals, detention basins, inlet boxes, or any other system used to convey storm water that discharges into canals, ditches, streams, rivers, or lakes not owned and operated by that municipality.

“Mulch” A natural or artificial layer of plant residue or other materials covering the land surface which conserves moisture, holds soil in place, aids in establishing plant cover, and minimizes soil temperature fluctuations.

“Non-Point Source” Pollution caused by diffuse sources (not a single location such as a pipe) such as agricultural or urban run-off.

“Nonstructural Practices” A preventative action to protect receiving water quality that does not require construction. Nonstructural BMPs rely predominantly on behavioral changes in order to be effective. Major categories of nonstructural BMPs include education, recycling, maintenance practices and source controls.

“Notice of Violation” (NOV) Whenever the City finds that a Person is in non-compliance with this ordinance, he/she will be ordered to comply by giving written NOV to the responsible Person. 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 to waters of the United States.

“NPDES Permit” An authorization, or license, or equivalent control document issued by EPA or an approved state agency to implement the requirements of the NPDES program.

“Off-site” Any area lying upstream of the site that drains onto the site, any area lying downstream of the site to which the site drains, and any area that is not on-site of the project.

“On-site” The entire property that includes the proposed development.

“Outfall” The point, location, or structure where wastewater or drainage discharges from a sewer pipe, storm water pipe, ditch, or other conveyance to a receiving body of water.

“Peak Flow” The maximum instantaneous rate of flow of water at a particular point resulting from a storm event.

“Person” Any individual, corporation, partnership, limited liability company, organization, association, trust, governmental agency, or any other legal entity

“Point Source” Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

“Pollutant” Generally, any substance introduced into the environment that adversely affects the usefulness of a resource. Pollutants may include, but are not limited to: 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.

“Parcel” The smallest, separately segregated unity of land having an owner. A parcel has boundaries and surface area and is documented with a property identification number by the County.

“Developed Parcel” Any parcel whose surface has been altered by grading, filling or construction of any improvement.

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

“Retention” The process of collecting and holding surface and storm water runoff with no surface or piped outflow.

“Riparian” A relatively narrow strip of land that borders a stream or river.

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

“Sediment” Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface or within any part of the storm drainage system.

“Sedimentation” Soil particles suspended in storm water that can or have settled in stream beds and which disrupt the natural flow of the stream or otherwise disrupt the intended storm drain system function.

“Sensitive Lands” Any land area whose destruction or disturbance could affect the health, safety or welfare of city residents or personal property including wetlands, slopes of 30% grade or greater, geologic faults, unstable soils, and other unique features on land as designated by the City Engineer.

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

“Soils Report” Study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by a qualified soils engineer, licensed in the State of Utah, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees who do so.

“Source Control” A practice or structural measure to prevent pollutants from entering storm water run-off or other environmental media.

“Stabilization” Providing adequate measures, vegetative and/or structural, that will prevent erosion.

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

“Storm Drain System” The City's storm drain system comprised of storm and subsurface water facilities, improvements, streets, gutters, drains, swales, detention basins, property, or other interests therein made, constructed or acquired by the City for purposes of managing and controlling storm or subsurface water.

“Storm Sewer” or “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 System” All man-made storm drainage facilities and conveyances, and natural drainage channels owned and maintained by the City that store, convey, control, treat and/or collect storm water.

“Storm Sewer Facility” Any facility, improvement, development, or property made for controlling storm water quantity and quality.

“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 designated to administer and enforce this Ordinance.

“Storm Water Pollution Prevention Plan” (SWPPP) A document which describes the BMPs and activities to be implemented by a person or business 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.

“Structural Practices” Constructed facilities or measures to help protect receiving water quality and control storm water quantity. Examples include storage, vegetation, infiltration and filtration.

“Sump” A formalized underground structure surrounded by drain rock, which acts as a detention basin to allow the slow release of water into the surrounding sub-soil. Sumps generally receive storm water runoff from paved areas such as streets, parking lots, building roofs, etc.

“Surface Water” Includes waters upon the surface of the earth created naturally or artificially including, but not limited to, streams, ditches, lakes, reservoirs, ponds, sloughs, canals or other bodies of water.

“Swale” An elongated depression in the land surface that is, at least seasonally wet, is usually heavily vegetated, and is normally without flowing water. Swales direct storm water flows into primary drainage channels and allow some of the storm water to infiltrate into the ground surface.

“Undeveloped Parcel” Any parcel that has not been altered by grading, filling, or construction

“Utah Pollutant Discharge Elimination System” (UPDES) The provisions of the Federal Clean Water Act, administered by the State of Utah, Division of Water Quality through either a General Permit or a Co-Permit.

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

“Waters of the State” Surface waters and ground waters within the boundaries of the State of Utah and subject to its jurisdiction.

“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 only carry water during rains and storms and may not carry storm water at and during 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 of the city 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. 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 and Connection Fees Rates.

Service fees for residential and commercial developments shall be established by resolution from time to time by the City Council.

- A. The fee shall be imposed on each developed parcel of real property within the City.
 - a. Exceptions – Public School parcels, Public and Quasi public buildings, governmentally-owned streets; industries and applications that have a qualifying Phase I NPDES discharge permit may be eligible for a rate reduction.
- B. Single Family Residential parcels shall each be considered one ERU regardless of the development zone designation or the amount of impervious surface.
- C. The ERU for other parcels shall be computed by dividing the total square footage of impervious surface by the residential ERU of 4460, rounded to the nearest whole number.

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

- A. Non-residential parcels which provide on-site storm water mitigating features which control either the peak discharge rate or the daily load of pollutant discharge or both shall be eligible for a service fee credit.
- B. 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 improvement costs, Q_r is the restricted storm water discharge rate from a 10 year storm event, Q_p is the peak discharge rate without restriction from a 10 year storm event. The credit percentage may be adjusted from time to time as determined by the City Engineer.
- C. Credit may be given for participation in a regional mitigation improvement based on the same percentage presented in paragraph (2) above.

13.30.050 Billing for utility service

The fee shall be paid as defined in Chapter 13.04.090 of the City Code.

13.30.060 Approved discharge to the storm sewer system

The only substance which may be discharged to 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 is required to be obtained prior to or in conjunction with the issuance of any demolition, excavation, land disturbance, building, site plan, land use or subdivision permit or approval or any development or construction activity within the City. A Storm Water Permit shall also be required for any building permit for a structure requiring earth moving.

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 is exempt from obtaining a formal storm water permit from the City. However, the land disturbance activities remain 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 and shall include sufficient information (e.g., maps, hydrologic calculations, soil reports, erosion and sediment control plan, etc.) to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the structural and/or non-structural BMPs proposed for managing storm water generated at the project site. The City SWPPP shall include a landscaping plan identifying the long term storm water BMPs. The intent of the City SWPPP is to determine the type of storm water BMPs necessary for the proposed project and to ensure adequate planning for the short term and long-term operation, management, and maintenance of storm water run-off from the development.

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 projects, developments and 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 (i.e. disturbs one (1) acre or more of ground in connection with any development, land disturbance, or construction activity within the City or disturbs 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). 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 for the owner of the site, the developer of the site, contractors working at the site, and any consulting firm retained by the applicant;
- 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, as more particularly described in Section 13.30.080, for the subject property and the proposed construction activities to be prepared and implemented in accordance with the terms and conditions of this Title;
- iv. A copy of the 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 Storm Water Official and/or City Engineer shall review all Storm Water Permit applications and City SWPPP for compliance with the terms and conditions of this chapter. In the event the Storm Water Permit application or City SWPPP as submitted is deemed inadequate or fails to meet the terms and requirements of this chapter, the Storm Water Official and/or City Engineer 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 and/or 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 by the Storm Water Official and/or City Engineer.

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 inspect pre-construction BMPs, ability to conduct inspection during construction and post-construction inspections.

E. Bond

A bond in the amount deemed sufficient by the City to cover costs and required performance under the terms and conditions of this chapter regarding storm water pollution prevention, including, but not limited to, compliance with the terms and conditions of this Chapter, the Storm Water Pollution Prevention Plan, and any additional conditions required by the Storm Water Official or City Engineer as provided herein.

F. Permit Not Transferrable or Assignable

Storm Water Permits shall not be transferable or assignable and work shall not be performed under a permit 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 under the permit, and for all bonding, insurance and other requirements of this chapter. Subcontractors shall be appropriately licensed, insured and bonded.

G. Permit Kept On-Site

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 built and properly designed and to ensure BMPs are properly maintained. Field inspections for compliance with this chapter and any permits issued hereunder shall be conducted by the Storm Water Official, the City Building Inspector and/or other designated agent of the City.

I. As-Built Plans

In addition to all other Ordinance requirements, all permittees subject to the terms and conditions of this chapter are required to submit actual as-built plans for any and 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 than what was 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 and/or City Engineer 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. All permittees must submit a NOT within thirty (30) days after completion of their construction activities and final stabilization of their portion of the site, or another operator taking over all of their responsibilities at the site. A permittee cannot submit a NOT without final stabilization unless another party 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:

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 residential storm drains shall be designed for a 25 year storm event.
2. Streets where storm water collects in a low spot 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. 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
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/or their authorized agents shall be 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, to the maximum extent practicable, soil erosion. 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 in such a manner so that the exposed area of any disturbed land shall be limited to the shortest possible period of time. 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 runoff from the ninetieth (90th) 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 runoff 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 90th 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 cannot be utilized, the applicant must submit an explanation why and the rationale for the chosen alternative controls.

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 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 outlined 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 cannot be utilized, the applicant must submit an explanation why this approach cannot be utilized and the rationale for the chosen alternative controls. Cost or self imposed land constraints may not be acceptable rationale to obtain approval for alternate design criteria.

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 can be 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 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 shall be 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 the 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. Curbs, gutters and streets adjacent to construction projects will be inspected by the City for compliance with the provisions herein.

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 the 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 also be responsible and liable for cleaning up the illegally deposited concrete from the site. Projects will be inspected by the City for compliance with the provisions herein.

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, wind breaks, 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 (a) and (b) 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, but not limited to, 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 an NPDES 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 written approval has been granted for any discharge to the storm drain system by the City.
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 such person a written NOV.

A plan for the satisfactory correction and prevention of future violations is to be submitted within the time frame, not to exceed ten (10) days. The plan also shall include any specific required actions and shall be submitted to the City Engineer. Submission of this 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. Conflicting Standards

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

E. 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 by 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. In assessing a civil penalty, the City may consider:

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;
6. The amount of penalty established by ordinance or resolution for specific categories of violations; and
7. Any equities of the situation which outweigh the benefit or imposing any penalty or damage assessment.

F. Recovery of 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 investigation violations of and enforcing compliance with this chapter, or any other actual damages caused by the violation.
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.

G. Legal Action

The city may bring legal action 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 actions. The city is entitled to recover its attorney's fees incurred in enforcing the conditions of this chapter.

H. Remedies Cumulative

The remedies set forth in this chapter shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one or more of the remedies set forth herein has been sought or granted.

I. Civil Fine Pass-Through Recovery

In the event that a non-domestic user discharges water into the MS4 which 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 violations, then such non-domestic 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.

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 by filing a written Notice of Appeal with the City Recorder within fifteen (15) days from the date of the decision being appealed and stating the specific grounds for the appeal.

DRAFT

MEMORANDUM



TO: Planning Commission

DATE: July 22, 2016

FROM: Ben White

RE: Yard Setbacks

As staff mentioned in a previous meeting, there are some discrepancies between the “yards and setbacks” definitions in Title 17, the setbacks included in each zoning section and in city practices. Before language to correct the language is brought forward, staff would like to review the current language and practices with the Planning Commission.

In short, the two inconsistent items relate to fences and setbacks for corner properties.

17.20.050 Yard regulations.

The following yard regulations apply in the residential districts:

- 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 shall be not less than twenty (20) feet for all structures.
 - 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.
 - b. The minimum rear 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.
 - 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.

17.20.100 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 setback; and, within three (3) feet of any street line or inside of sidewalk (whichever is closer to the primary building on the lot), no fence, wall, or hedge may exceed two (2) feet in height. (Ord. 328-11)

- E. Clear view of intersecting streets.

In all districts which require a Front Yard, no obstruction to view in excess of two feet in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points forty (40) feet from the intersection of the street lines, except pedestal type identification signs and pumps at a gasoline service station, and a reasonable number of trees pruned so as to permit unobstructed vision to automobile drivers.

1 **West Bountiful City**
2 **Planning Commission**

PENDING

July 12, 2016

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 July 8,
5 2016 per state statutory requirement.

6 **Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, July**
7 **12, 2016, at West Bountiful City Hall, Davis County, Utah.**

8

9 **Those in Attendance:**

10

11 **MEMBERS PRESENT:** Mike Cottle, Alan Malan, Corey Sweat and
12 Councilmember Andy Williams. Chairman Denis Hopkinson joined the meeting
13 at 8:45 pm.

14

15 **MEMBERS/STAFF EXCUSED:** Vice Chairman Terry Turner and Laura
16 Charchenko.

17

18 **STAFF PRESENT:** Ben White (City Engineer), Cathy Brightwell (City
19 Recorder) and Debbie McKean (Secretary)

20

21 **VISITORS: Ryan Olsen, Breanne Olsen**

22 The Planning Commission Meeting was called to order at 7:30 p.m. by Commissioner Corey
23 Sweat. Mike Cottle offered a prayer. (Chairman Hopkinson was held up at the airport and will
24 join soon)

25 **I. Accept Agenda**

26 Commissioner Sweat reviewed the agenda.

27 **ACTION TAKEN:**

28 **Mike Cottle moved to accept the agenda as presented. Alan Malan seconded the motion**
29 **and voting was unanimous in favor among members.**

30 **Business Discussed:**

31 **II. Consider Conditional Use Application From Breanne Olsen for a Home Salon at**
32 **733 North 900 West**

33

34 Included in the Commissioner's Packets was a memorandum from Cathy Brightwell dated July
35 8, 2016 regarding a conditional use permit for a home occupation permit for Bre's Villa Salon at
36 733 N 900 West, a Conditional Use Application and a notice of intent to do business from
37 neighbors.

38 The memorandum included the following information:

- 39 • Information regarding the filing of an application from Breanne Olsen for a home
40 occupation permit at her home 733 North 900 West for a Salon. She plans to have
41 appointments on Tuesdays and Wednesday between 9 am and 7pm.
- 42 • Neighbors have been noticed and signatures obtained.
- 43 • Construction of a 12'x20' salon will be in the corner of her garage. (See site plan)
- 44 • One shampoo wash sink, two light stations, and two exits will be included. A bathroom
45 is onsite in her home.
- 46 • There will be adequate off street parking to accommodate her business and customers
47 will enter her business through the garage.
- 48 • Staff believes that the application meets the requirements of Chapter 5.28.040 Home
49 Occupation Ordinance and Chapter 17.60- Conditional Uses.

50 Bre Olsen took the stand by invitation. She stated she desired to have a salon at her resident
51 property as proposed

52 There were no questions from the Commissioners.

53 Staff informed the Commission that they have received a copy of her state license and the permit
54 for building the salon in her garage is pending.

55 **ACTION TAKEN:**

56 *Mike Cottle moved to accept the Conditional Use Permit for Bre's Villa Salon at 733*
57 *North 900 West with the following conditions Clients will park in the driveway or directly in*
58 *front of the home, no external signage will be allowed, a non resident of the dwelling shall not*
59 *be employed to work in the salon, a copy of Ms. Olsen's state cosmetology license will be*
60 *provided to staff and a fire marshal inspection report must be provided to staff before issuing a*
61 *permit. Commission considered the following affirmative findings were met to comply with the*
62 *issuance of the Conditional Use Permit: The proposed use is desirable to provide a service that*
63 *will contribute to the general well-being of the neighborhood and community, use will not be*
64 *detrimental to the health, safety, or general welfare of persons residing in the vicinity, or*
65 *injurious to property in the vicinity, use shall not inordinately impact the utilities or streets in*
66 *the area and the proposed use will comply with the regulations specified in the R-1-10 zoning*
67 *ordinance. Alan Malan seconded the motion and voting was unanimous in favor among those*
68 *members present.*

69

70 III. Discuss Request for Annexation on 1450 West

71
72 Included in the Commissioner's packets was a site plan showing possible annexation at 1450
73 West.

74
75 Ben White informed the commissioners that land has been purchased and an annexation
76 application may be filed. Ben White explained the process as being very drawn out. First
77 application is received and then many notices are sent to various individuals and to the County.
78 He stated that it could take up to six months for the full process to take place. A public hearing
79 needs to be held as well. Some discussion took place regarding the process.

80 IV. Discuss Draft Storm Water Requirements

81
82 Included in the Commissioner's packets was a Storm Water Management Plan (SWMP) Permit
83 No. UTR090053 and a copy of the State of Utah Department of Environmental Quality Division
84 of Water Quality.

85 Ben White stated that it is mandatory for our City to create a plan in these regards or they will be
86 fined accordingly. **Every city** must comply. This Management Plan will go before the Council.
87 An ordinance is needed to support the items in the plan. The ordinance will be quite large
88 compared to the current language. It is up to the City to fund the storm water program.

89 Chairman Hopkinson asked the Commissioners if they were able to review the document in its
90 entirety. Some discussion took place regarding all the red tape that may/could go with this
91 creating this document.

92 Chairman Hopkinson wants to make sure that this is legal and binding and would like to know
93 why we are being mandated to adhere to these regulations instead of the County. Ben White
94 explained how we are responsible for our storm drainage system. The County is responsible for
95 the pass-through channels. Mr. White informed the Commission that due diligence has been
96 done and the City has been audited by the State and provided a list of things that we have to be in
97 compliance with or we will be heavily fined.

98
99 Further discussion took place regarding this requirement. We must comply with Storm Water
100 Permit. Chairman Hopkinson feels this will be very burdensome on a city our size. He would
101 like to know if the enforcement is the same for various size entities. Mr. White stated that all
102 cities regarding their size are required to comply with the conditions of this permit and all
103 requirements are the same. Ben White pointed out that there have been many discussions on this
104 topic for over a year. Mr. White informed the Commissioners that this has been very difficult for
105 every municipality to accept these demanding expectations and requirement.

106
107 Mr. White is in the process of drafting the ordinance for review and discussion.
108
109

110 V. Staff Report

111 **Ben White reported:**

- 112 • Crack Sealing and seal coating are being done around the city in various places. This
- 113 process will help preserve the newer blacktop and the older roads will be left to be
- 114 included in a restructure as planned.
- 115 • Pages Lane has gotten the first bit of curb today. He is hoping Pages will be paved by
- 116 July 26th or there about. There will be a fabric overlay done. There will still be sidewalk
- 117 and other construction issues to work on. Hopefully by the end of August all work will
- 118 be done.
- 119 • UDOT will be coming across 400 North shortly after the completion of Pages Lane.

120 **Cathy Brightwell reported:**

- 121 • We now have our panic buttons activated here in the Chambers.
- 122 • Updated phone lists have been created for your use but not for public disclosure.

123

124 **VI. Approval of Minutes of June 14, 2016.**

125

126 **ACTION TAKEN:**

127 *Alan Malan moved to approve the minutes dated June 14, 2016 as presented. Chairman*

128 *Hopkinson seconded the motion and voting was unanimous in favor among those members*

129 *present.*

130

131 **Assignments Given by Chairman Hopkinson**

132

133 **VII. Adjournment**

134

135 **ACTION TAKEN:**

136 *Alan Malan moved to adjourn the regular session of the Planning Commission meeting.*

137 *Chairman Hopkinson seconded the motion. Voting was unanimous in favor. The meeting*

138 *adjourned at 8:22 p.m.*

139

140

141 The foregoing was approved by the West Bountiful City Planning Commission on July 26, 2016, by

142 unanimous vote of all members present.

143

144 _____

145 Cathy Brightwell – City Recorder