

No Plat with this
copy

TC - Final
July 8, 2021

Title Report ✓

Application for Project Review
Garden City, Utah

This application must be accompanied with the necessary and appropriate materials, as stated on the project checklist, before it will be accepted for processing. The date upon which the project will appear on an agenda is determined by the notification schedule required by the State of Utah. The project will be scheduled for the next meeting for which a legal notice has not yet been prepared, after an application is accepted as complete by the Town Staff.

Type of Application (check all that apply):

- ☐ Annexation
- ☐ Appeal
- ☐ Conditional Use Permit
- ☐ Condominium/Townhouse
- ☐ Encumbrance
- ☐ Extension of Time
- ☐ Lot Split/Lot Line Adjustment
- ☐ PUD Conceptual
- ☐ PUD Phase Approval/Preliminary or Final
- ☐ PRUD Conceptual
- ☐ PRUD Phase Approval/Preliminary or Final
- ☒ Subdivision Final
- ☐ Vacation of Subdivision
- ☐ Variance
- ☐ Water Transfer
- ☐ Zone Change
- ☐ Other Land Use Permit _____

Ordinance Reference:

11A-301
11B-400
11C-500
11E-524 or 11E-525
Subdivision 11E-503/PUD or PRUD
11F-107-A-2
11E-506
11C-1950, 11E-100, and 11F-100
11C-1950, 11E-100, and 11F-100
11C-1950, 11E-100, and 11F-100
11C-1950, 11E-100, and 11F-100
11E-100
11E-523
11B-308
13A-1300

Project Name: Hawk Rock

Current Zone: Hillside Estates Proposed Zone: Hillside Estates

Property Address: TBD

Parcel # 41-32-000-0003 + 41-29-000-0033

Contact Person: Teri Eynon Phone #: 208-847-5263

E-mail address: teribearlake@gmail.com + nmecham@bearlake.com

Mailing Address: PO Box 87 Garden City, UT 84028

Applicant (if different): Norm Mecham Phone #: 435-757-6278

Mailing Address: PO Box 361 Garden City, UT 84028

Property Owner of Record (if different): Blue Water Resort Phone #: 435-757-6278

LLC

Mailing Address: PO Box 361 Garden City, UT 84028

Project Start date: 2021 Completion date: 2023

Describe the proposed project as it should be presented to the hearing body and in the public notices.

Residential Building lots, about 1 acre in size
along Persimmon Drive + Paradise Pkwy

Lot Size in acres or square feet: 86-1.28 Number of dwellings or lots: 22

Non-residential building size: NA

I certify that the information contained in this application and supporting materials is correct and accurate.

Jeri Eynon
Signature of Applicant

I certify that I am the Owner of Record of the subject property and that I consent to the submittal of this application. Owner of Record MUST sign the application prior to submitting to Garden City.

[Signature]
Signature of Owner of Record

Signature of Owner of Record

Email Form

Signature of Owner of Record

Office Use Only

Date Received: 6-14-21

Fee: 720.00

By: Shundahai Holdings



THE
LANGDON
GROUP



GATEWAY
MAPPING
INC.

J-U-B FAMILY OF COMPANIES

MEMORANDUM

DATE: June 25, 2021
TO: Town of Garden City Planning Commission
CC: Riley Argyle
FROM: Quinn Dance, E.I.T., Zan Murray, S.E.
SUBJECT: Hawk Rock Final Plat Review

Final plat comments found below are based on the plat received from the Town dated June 2021. Comments below are based on Chapter 11E-500 of the most recent municipal code. Additional review of construction drawings has been completed on a separate review memo.

Final Plat

Content

1. Boundary/Parcel lines are being verified and any modifications for closure or corrections will be provided.
2. Provide addressing based on Rich County Addressing.
3. Include fire hydrants on the final plat.
4. Include additional information related to drainage easements. This could include specific callouts and dimensioning. Also show proposed drainage ponds on the final plat.

Certifications

1. Bear Lake Special Service District should refer to the sanitary sewer system.
2. CC&Rs are not referenced within the owner's certificate.
3. Transfer required water to the Town prior to final plat approval. Estimated water quantity required is 18.88 Acre-Feet (AF).
4. Provide the official agency use area in the lower right-hand corner. Possibly relocate the roadway section.

Lot Requirements

1. Show building envelopes within lots that overlay steep slopes, existing natural drainage, or other applicable references within 11E-509.B.
2. Increase the curve radii to 25' on corner lots.
3. Provide a note that no frontage/access will be allowed onto Paradise Parkway. Applicable to Lots 1, 3 and 4.

Utilities

1. Burying the 3-Phase power creates some irregular lot configurations. Has Rocky Mountain Power been contacted on this alignment and easement width?

Street Improvements

1. Update cross section on final plat to reflect Hawk Rock cross sections. Refers to adjacent subdivision.

Drainage

1. Drainage design still being reviewed. Refer to construction drawing review for additional information.

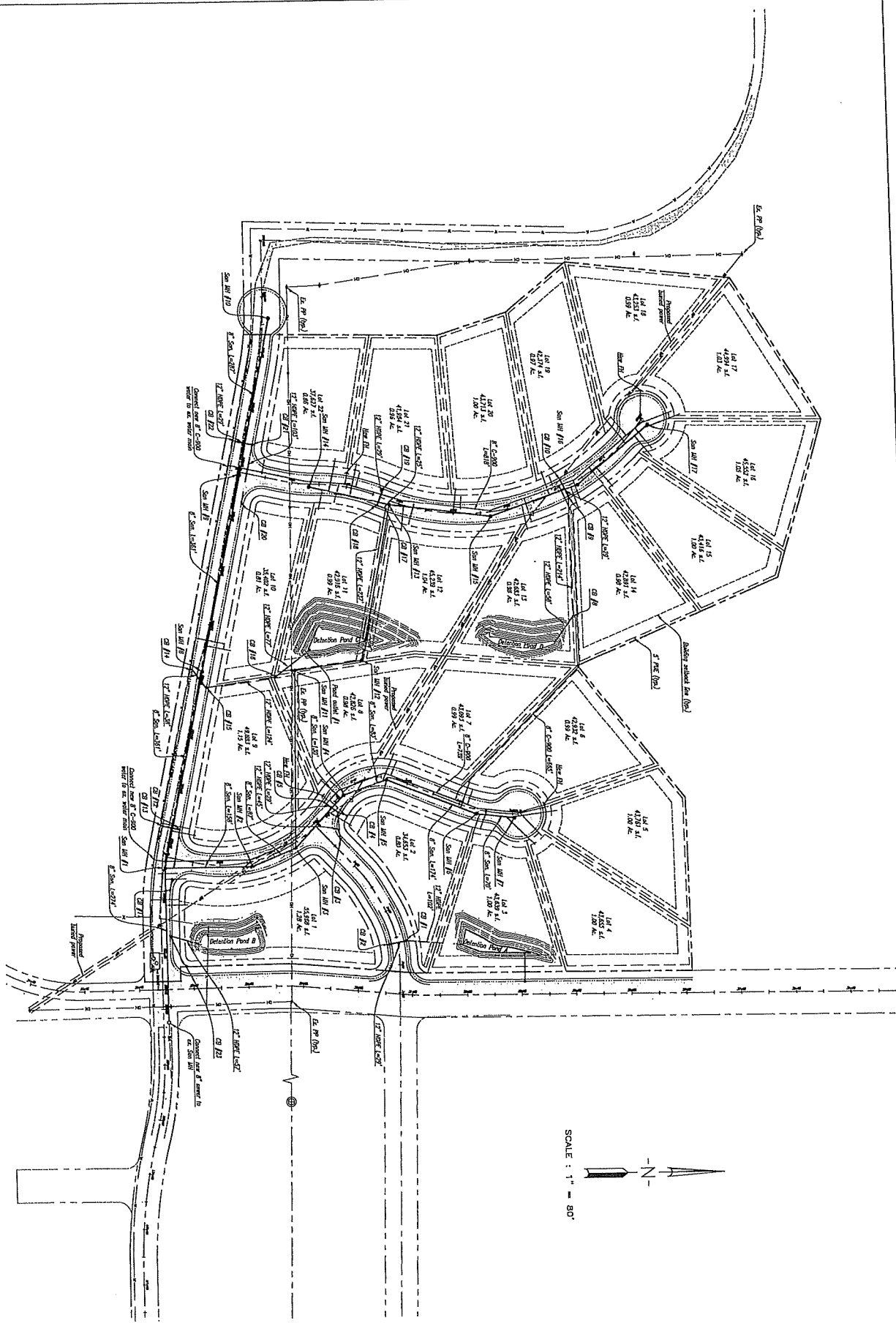
Fire Protection

1. Confirm that the plat has been reviewed by the local fire official. Has firewise landscaping been considered in the CC&Rs?

Miscellaneous

1. Development agreement is referenced in the plat notes. We have not received a development agreement for review. Please provide.

We appreciate your cooperation on these matters and feel free to reach out with any questions or concerns.



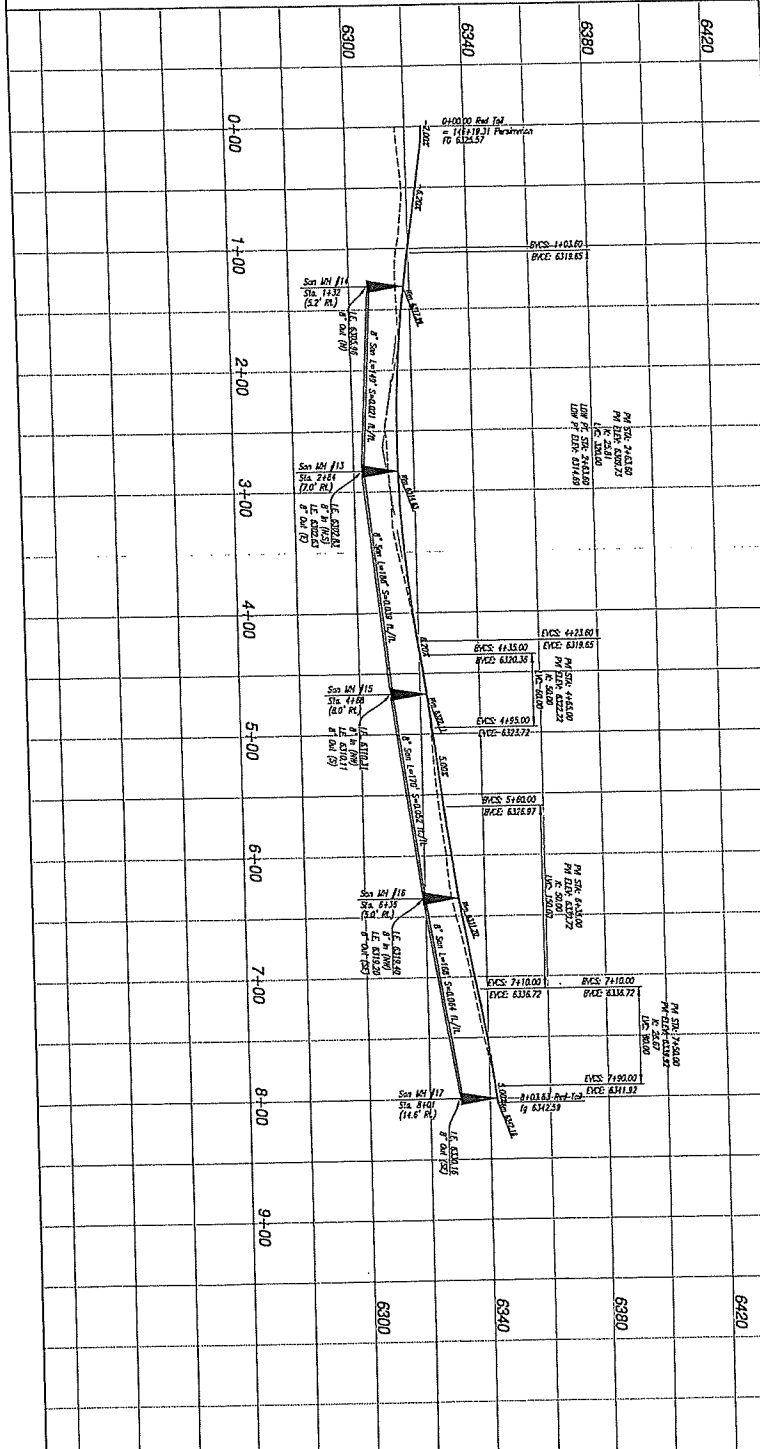
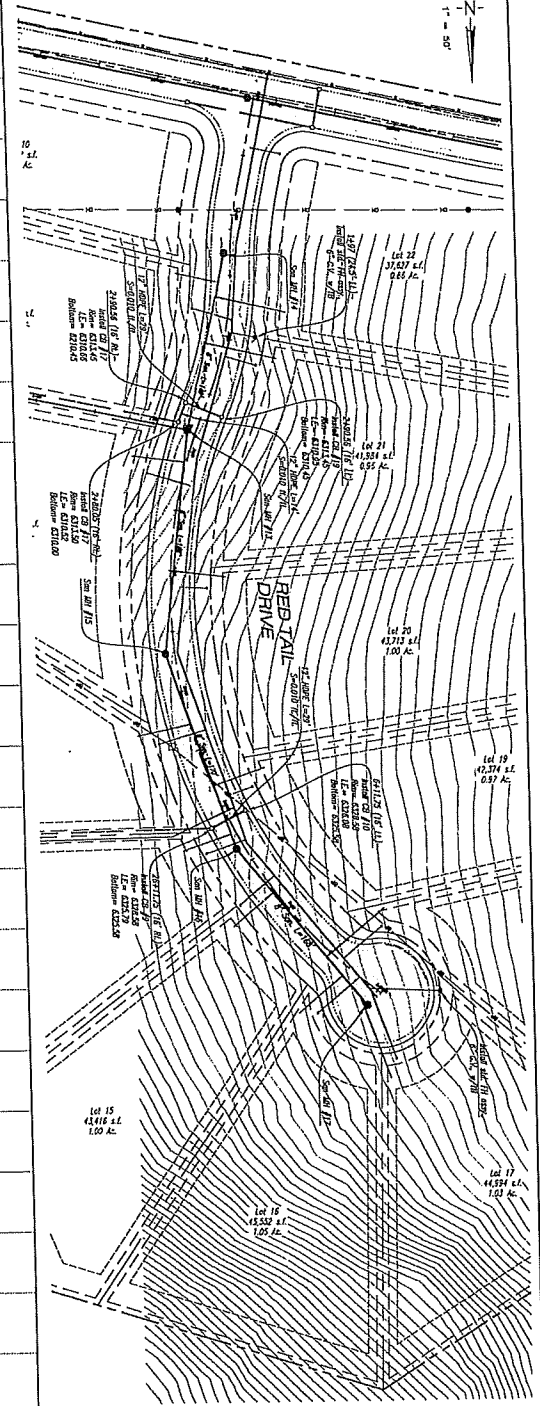
Turner Design Engineering, Inc.
 CIVIL ENGINEERING & LAND PLANNING
 48 SOUTH 410 WEST PROVIDENCE, UT. 84332
 (435) 895-8245



OVERALL UTILITIES
HAWK ROCK
 GARDEN CITY, UTAH

Revisions		Job Number
	June 21, 2021	20-019
	Rev	
	No. Scale	
	Scale	
	By	
	Checked by	
	Drawn by	
	Sheet	2 of 13

SCALE: 1" = 50'

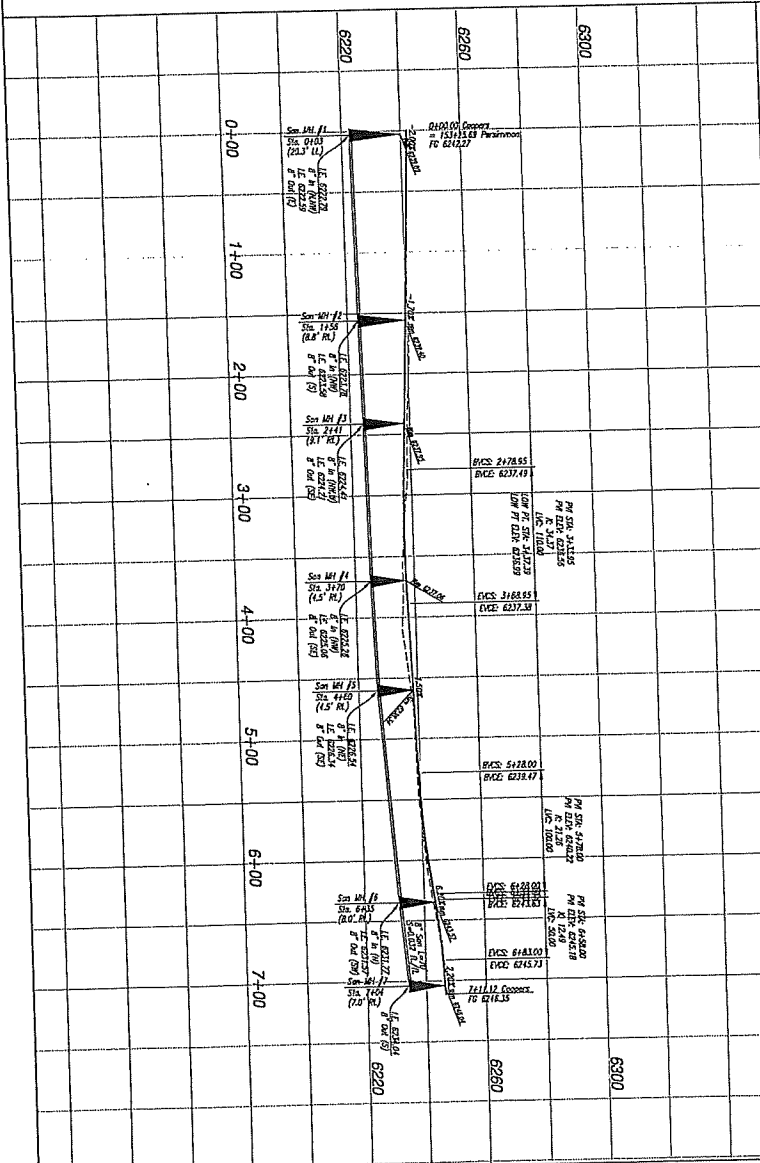
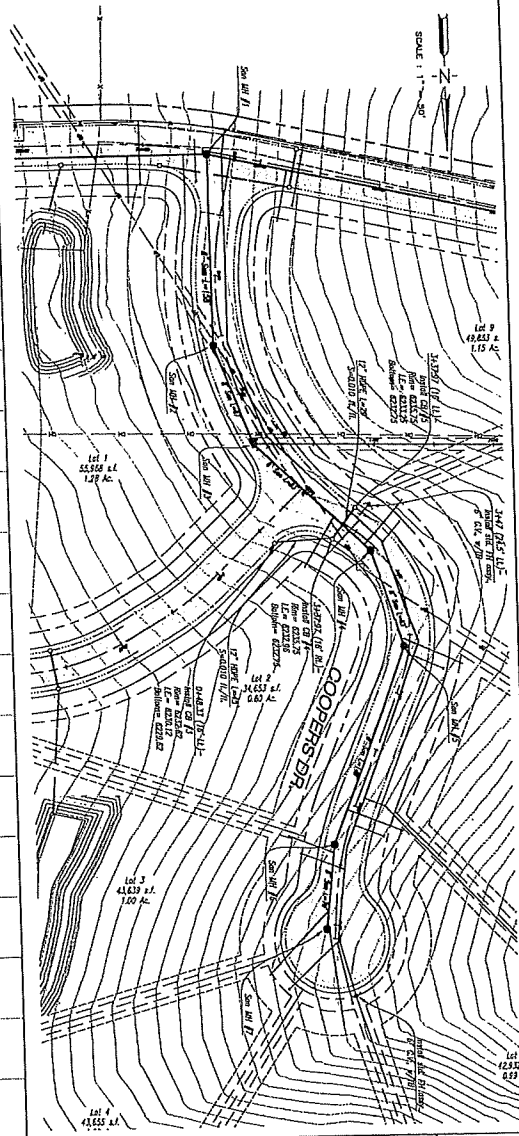


Turner Design Engineering, Inc.
 CIVIL ENGINEERING & LAND PLANNING
 48 SOUTH 410 WEST PROVIDENCE, UTAH 84332
 (435) 685-8245



RED TAIL DRIVE
HAWK ROCK
 GARDEN CITY, UTAH

Revisions	Job Number
	20-019
	Sheet
	4 of 13
	Drawn by
	Checked by
	Date
	Scale
	1" = 50'
	June 21, 2021



Turner Design Engineering, Inc.

CIVIL ENGINEERING & LAND PLANNING
48 SOUTH 410 WEST PROVIDENCE, UTAH 84332
(435) 896-8245



COOPERS DRIVE

HAWK ROCK

GARDEN CITY,

UTAH

Revisions

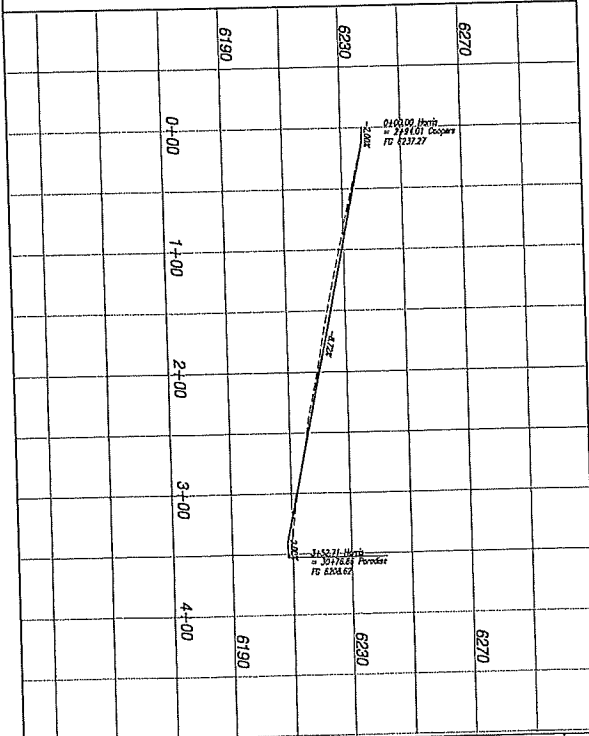
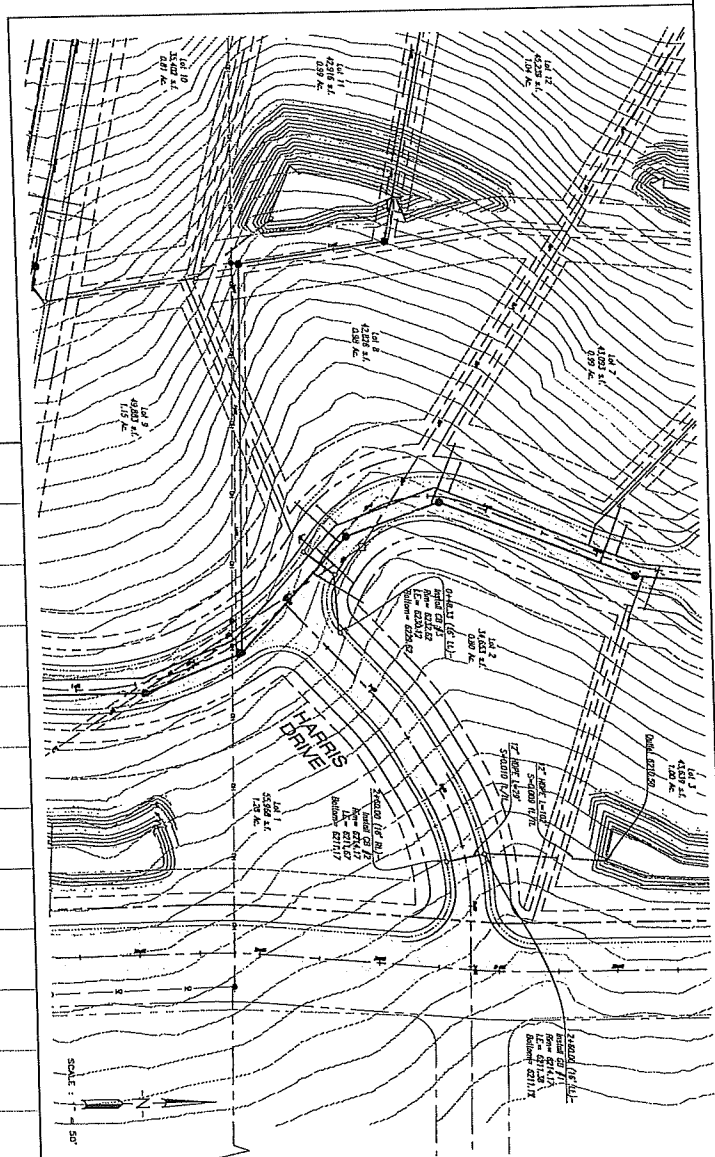
June 6, 2021
Scale
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Drawn By
Checked By
Reviewed By

Job Number

20-019

Sheet

5 of 13

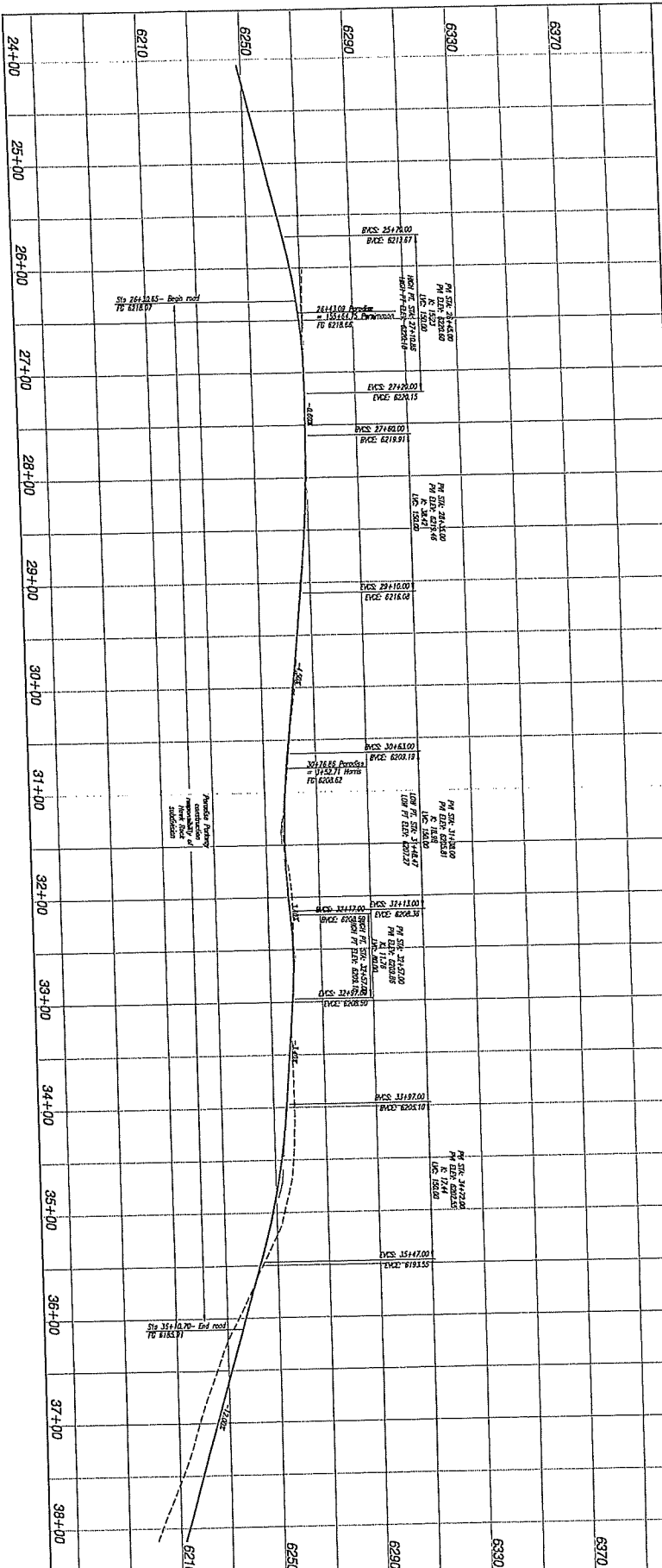
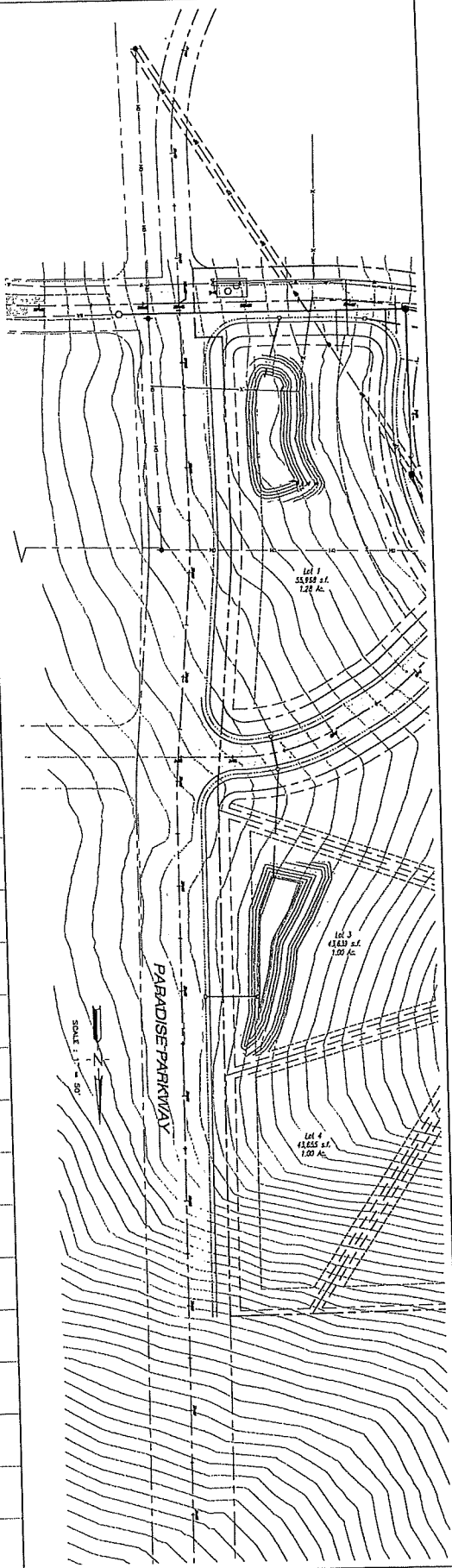


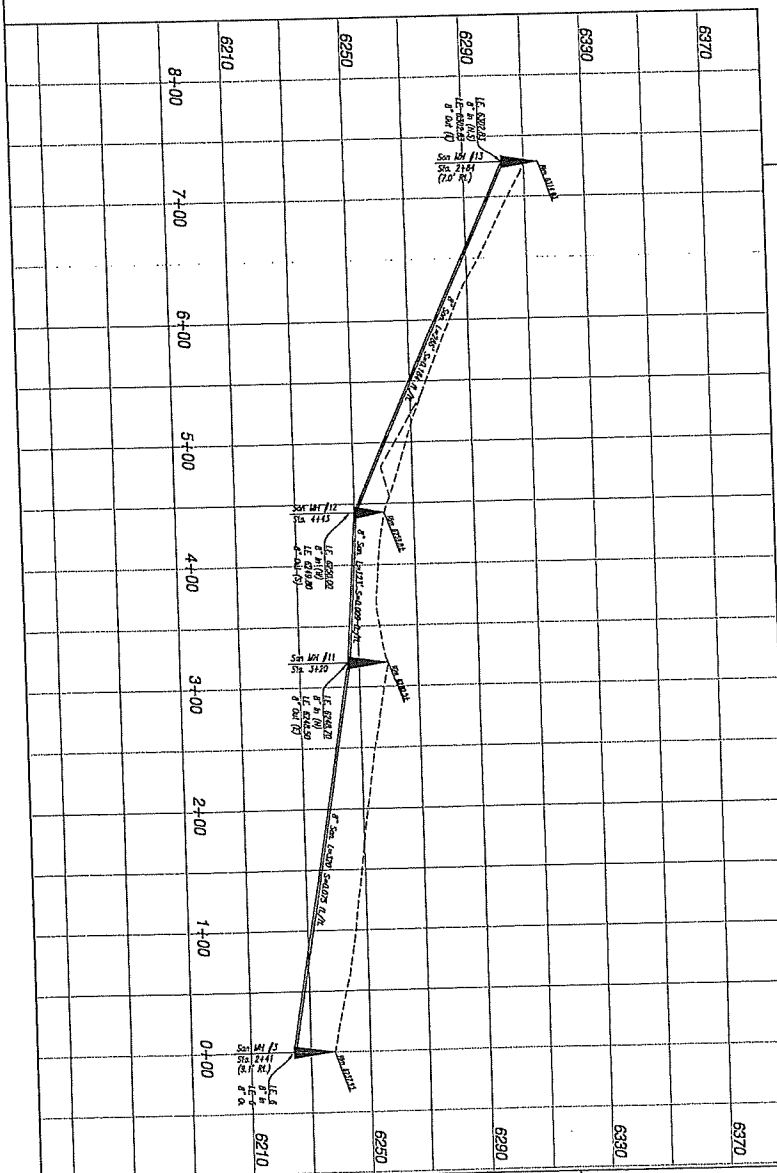
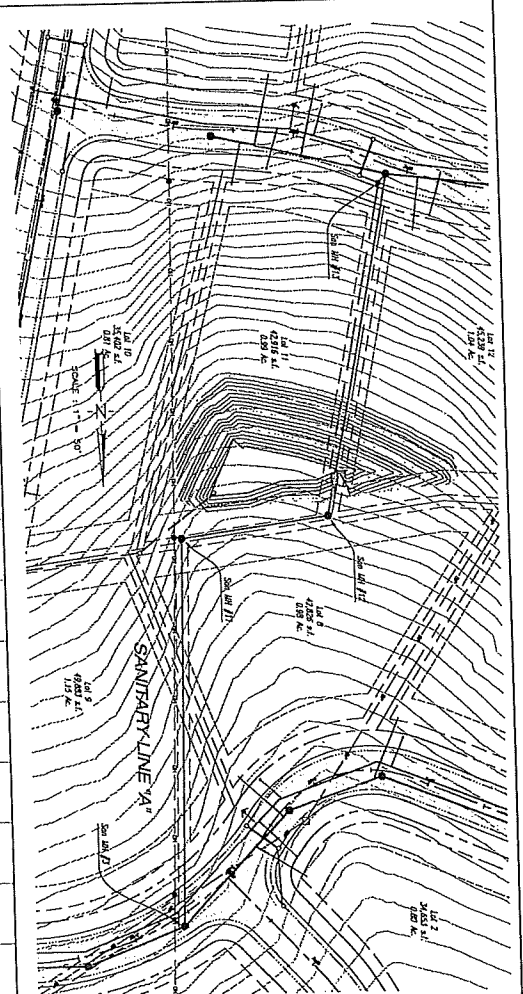
Turner Design Engineering, Inc.
 CIVIL ENGINEERING & LAND PLANNING
 48 SOUTH 410 WEST PROVIDENCE, UTAH 84332
 (435) 695-8245



HARRIS DRIVE
HAWK ROCK
 GARDEN CITY, UTAH

Revisions	Job Number
June 21, 2021	20-019
1" = 50'	Sheet
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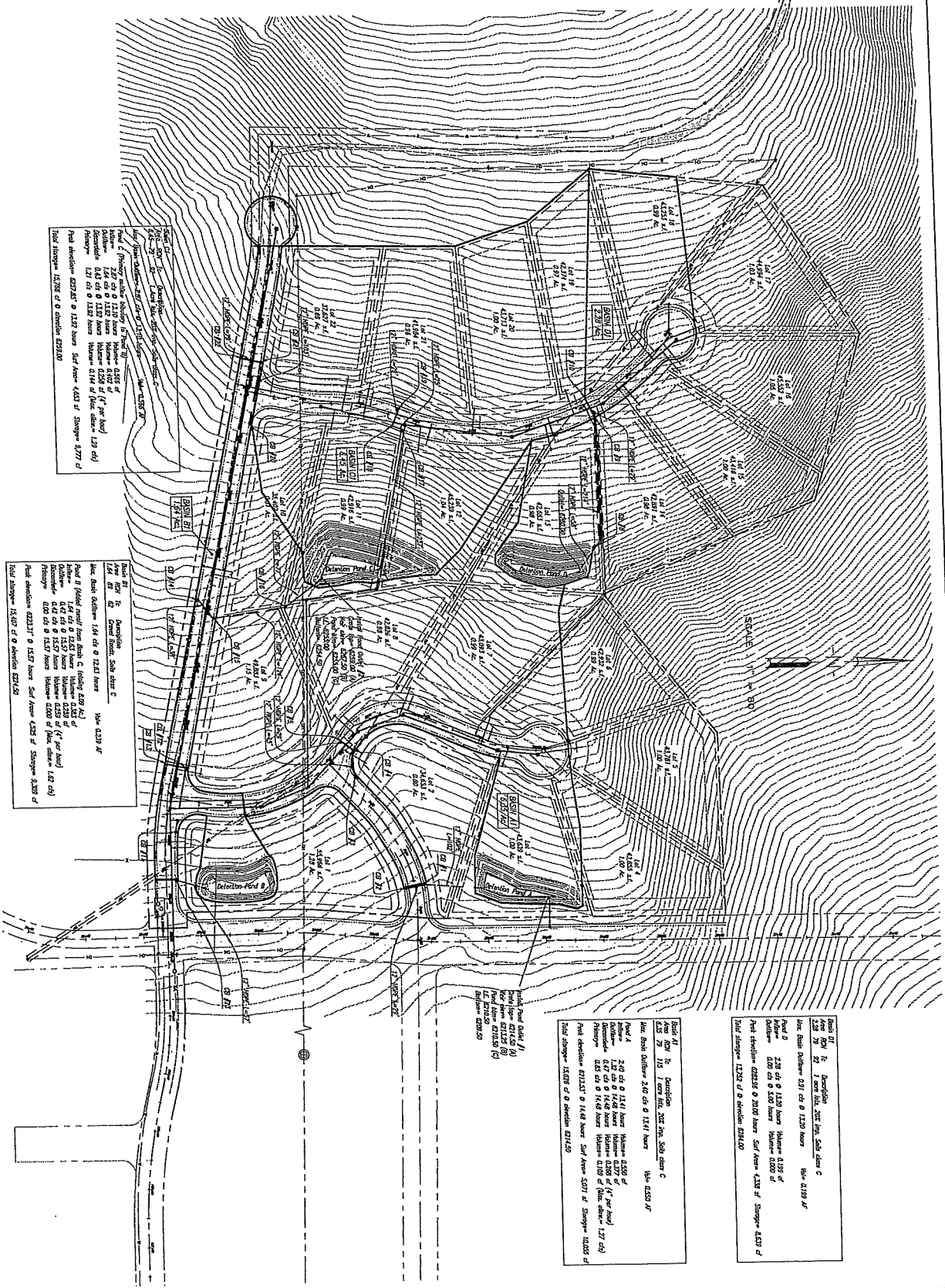


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 (435) 685-8245



SANITARY LINE "A"
HAWK ROCK
 GARDEN CITY, UTAH

Revisions	June 24, 2021	Job Number
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	Designed By	8 of 13
	Checked By	



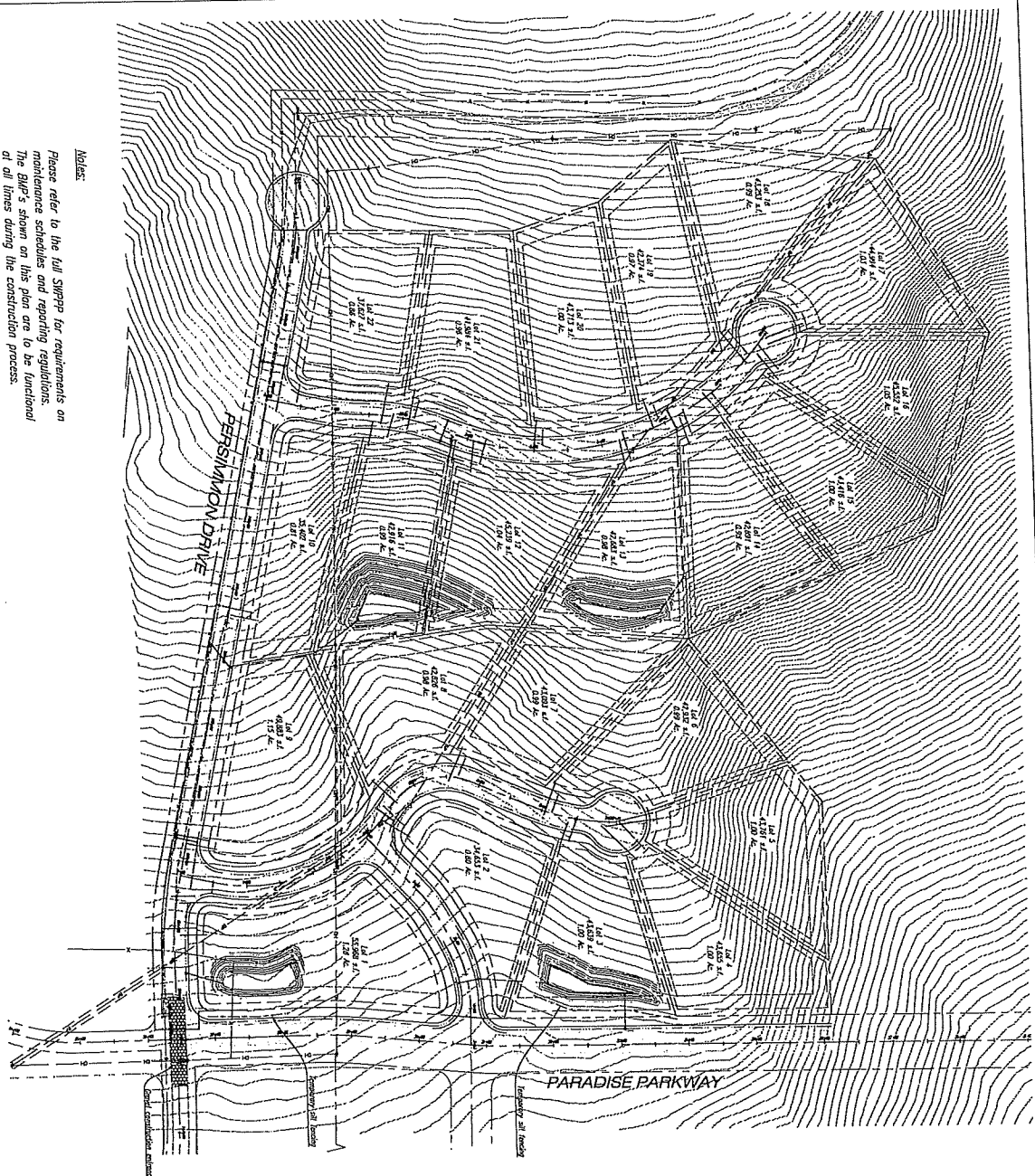
Point 1: 1.04 cu ft @ 11.52 hours Volume: 4,555 of
 Detention: 1.04 cu ft @ 11.52 hours Volume: 4,555 of
 Storage: 1.04 cu ft @ 11.52 hours Volume: 4,555 of
 Point elevation: 4225.17' @ 11.52 hours Surf Area: 4,555 sq ft Storage: 4,555 cu ft
 Total Storage: 15,165 cu ft @ 11.52 hours

Point 2: 1.04 cu ft @ 11.52 hours Volume: 4,555 of
 Detention: 1.04 cu ft @ 11.52 hours Volume: 4,555 of
 Storage: 1.04 cu ft @ 11.52 hours Volume: 4,555 of
 Point elevation: 4225.17' @ 11.52 hours Surf Area: 4,555 sq ft Storage: 4,555 cu ft
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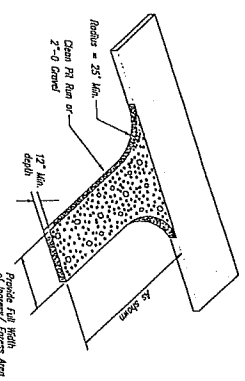
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 Detention: 1.04 cu ft @ 11.52 hours Volume: 4,555 of
 Storage: 1.04 cu ft @ 11.52 hours Volume: 4,555 of
 Point elevation: 4225.17' @ 11.52 hours Surf Area: 4,555 sq ft Storage: 4,555 cu ft
 Total Storage: 15,165 cu ft @ 11.52 hours

Point 4: 1.04 cu ft @ 11.52 hours Volume: 4,555 of
 Detention: 1.04 cu ft @ 11.52 hours Volume: 4,555 of
 Storage: 1.04 cu ft @ 11.52 hours Volume: 4,555 of
 Point elevation: 4225.17' @ 11.52 hours Surf Area: 4,555 sq ft Storage: 4,555 cu ft
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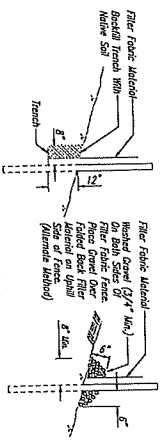
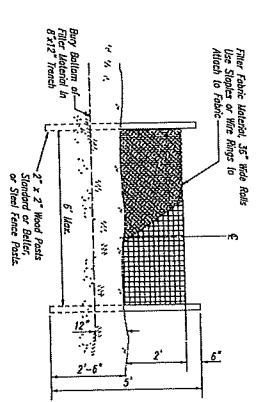




Notes:
 Please refer to the full SWPPP for requirements on maintenance schedules and reporting regulations. The SWPPP shown on this plan are to be functional at all times during the construction process.

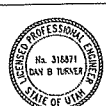


GRAVEL CONSTRUCTION ENTRANCE
 NO SCALE



NOTE: Prefabricated Filter Fabric Material (Extra Strength Filter Fabric) may be used with 2' x 4' dimensions. If fabric can be divided if this material is used.

TEMPORARY SILT FENCE
 NO SCALE



Revisions		Job Number
		20-019
		Sheet
		10 of 13
June 26, 2021	SW	1" = 80'
Drawn by	D.E.	Designed by
Scale	1:1	Scale

Re-Zone PC July 7, 2021
TC July 8, 2021

Application for Project Review Garden City, Utah

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- ☐ PRUD Phase Approval/Preliminary or Final
- ☐ Subdivision
- ☐ Vacation of Subdivision
- ☐ Variance
- ☐ Water Transfer
- ☒ Zone Change
- ☐ AEG Meeting, (Affected Entity Group):
- ☐ Other Land Use Permit _____

Ordinance Reference:

11A-301
11B-400
11C-500
11E-524 or 11E-525
Subdivision 11E-503/PUD or PRUD
11F-107-A-2
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11C-1950, 11E-100, and 11F-100
11C-1950, 11E-100, and 11F-100
11E-100
11E-523
11B-308
13A-1300

Project Name: BLUE VISTA HILLS PUD Current Zone: C3 Proposed Zone: RR/PLA

Property Address: 140 SOUTH 640 WEST, GARDEN CITY, UT 84028

Parcel # 41 - 20 - 000 - 0056 0057 0066

Contact Person: E. HAL CHRISTENSEN Phone #: 801-458-9647

E-mail address: ehchristensen@terrexengcon.com

Mailing Address: P.O. BOX 13059 OGDEN, UT 84412

Applicant (if different): NA Phone #: NA

Mailing Address: NA

Property Owner of Record (if different): IRA EXPRESS, INC./JEFF WHITE Phone #: 435-760-3707

Mailing Address: _____

Project Start date: SEPT. 2021 Completion date: SEPT 2035

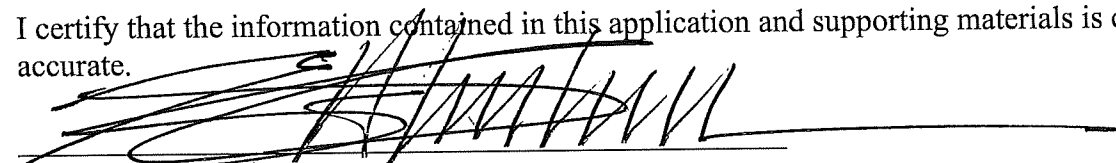
Describe the proposed project as it should be presented to the hearing body and in the public notices.

Blue Vista Hills is a significant Commercial and Residential Townhouse land development project. The development is projected to place 10 commercial business building lots and 276 townhouses on the local Garden City real estate market. The commercial development is expected to attract a multi-storied hotel with 100 to 200 rooms, a retail sales strip mall, fast-food restaurants, a specialty restaurant, a storage facility for recreational vehicles, a generic retail sales store, possible municipal or community services building, etc. The townhouses are proposed to be upscale two to three story residential construction with 1,800 sf to 2,400 sf in active living area with double car garages in addition to roof balconies with open-unobstructed views of Bear Lake. The townhouse will be marketed as full-time family residences, long-term lease and short-term rental units.

Lot Size in acres or square feet: VARIES Number of dwellings or lots: 276 TOWNHOUSES

Non-residential building size: VARIES

I certify that the information contained in this application and supporting materials is correct and accurate.


Signature of Applicant

I certify that I am the Owner of Record of the subject property and that I consent to the submittal of this application. **Owner of Record MUST sign the application prior to submitting to Garden City.**

Signature of Owner of Record

Signature of Owner of Record

Email Form

Signature of Owner of Record

Office Use Only

Date Received: 6-23-21

Fee: 1000.00

By: Terrex Eng.

Mailing Address: _____

Project Start date: SEPT. 2021 Completion date: SEPT 2035

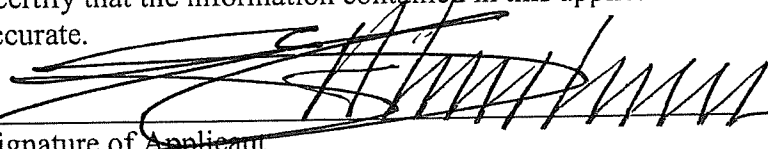
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Signature of Owner of Record

Signature of Owner of Record


Signature of Owner of Record

Email Form

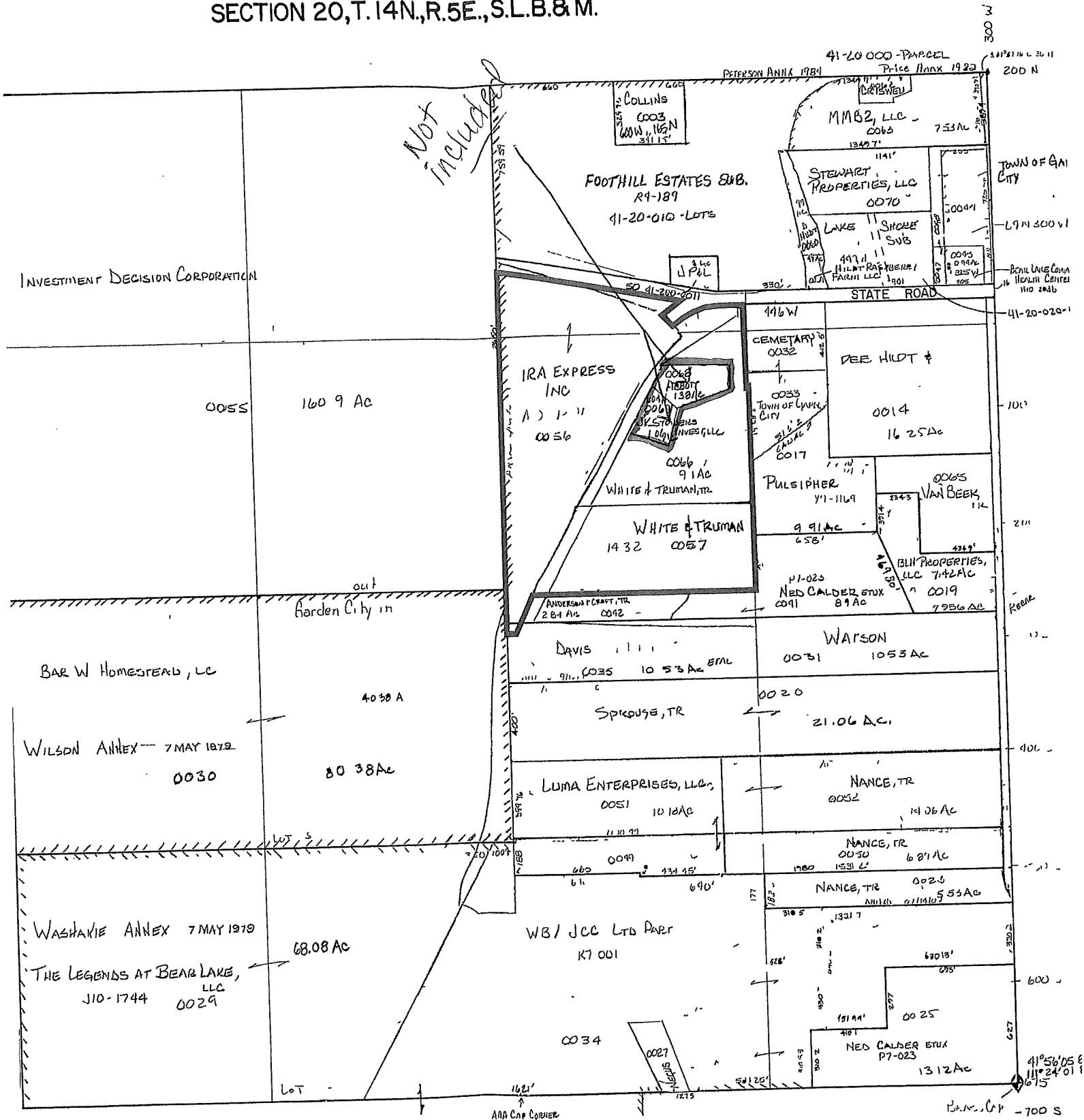
Office Use Only

Date Received: 6-23-21

Fee: \$1000.00

By: Terrex

RICH COUNTY SECTION 20, T.14N., R.5E., S.L.B. & M.



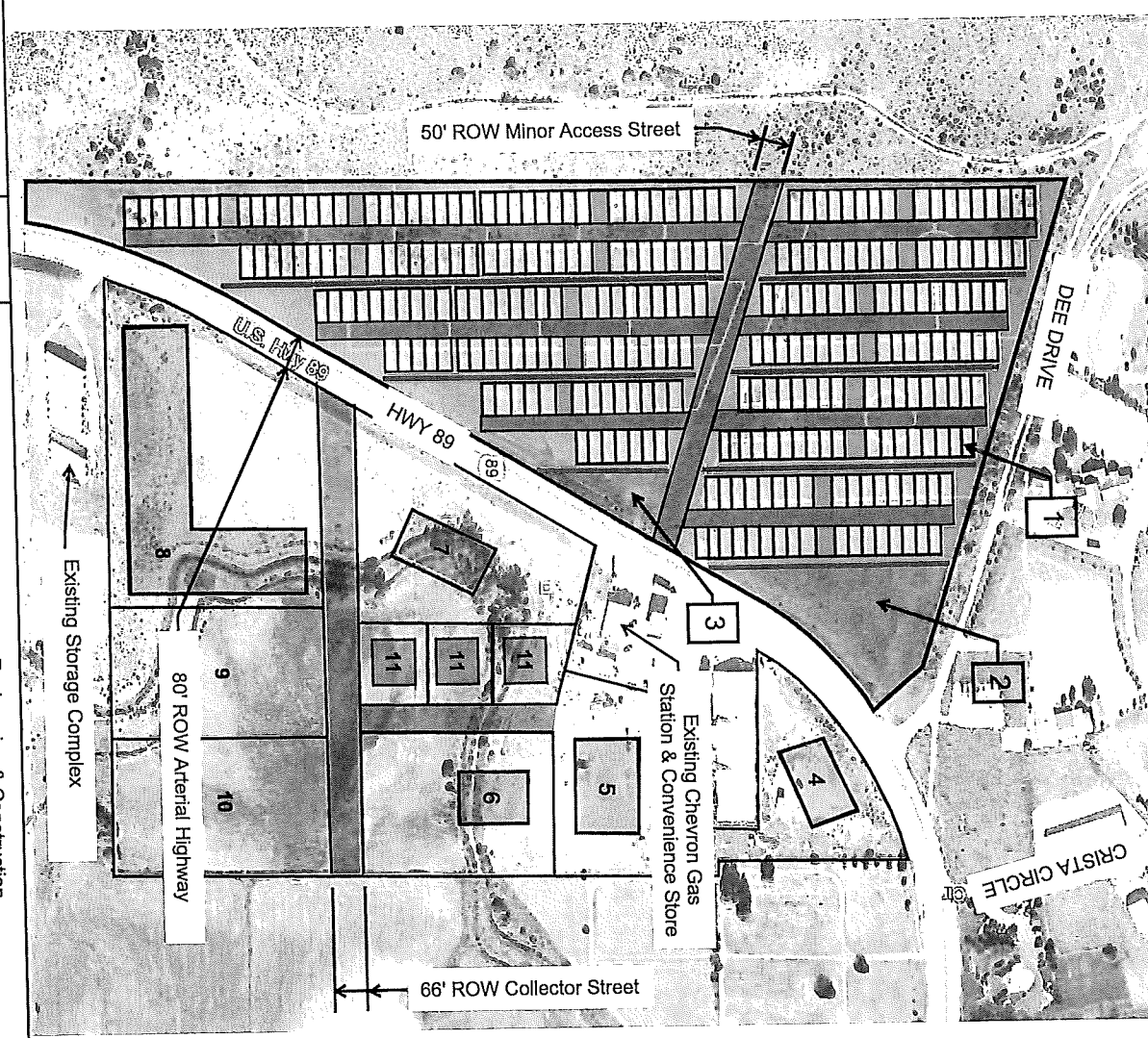
REVISIONS		

THIS PLAT IS MADE SOLELY FOR THE PURPOSE OF ASSISTING IN LOCATING THE LAND AND THE RECORDED ASSUMES NO LIABILITY FOR VARIATIONS IF ANY WITH AN ACTUAL SURVEY

Section 20 T 14N R 5E		book
drawn by GP	date OCT 1978	scale 1" =



Development Note: All Building Setbacks to be Established by Fire Code per Garden City Municipal Code 11C-1953A



Development Construction/Facility Index

1. Townhouse Multiplex Building (276 Total No. Units)
2. Community Guest Parking Lot
3. Solid Refuse Storage
4. Retail Sales Building
5. Potential Community Medical Facility
6. Upscale Specialty Restaurant
7. Hotel
8. Strip Mall
9. Recreational Vehicle Storage
10. Potential Municipal Shop/Office Building
11. Potential Fast Food Restaurant Building Pads

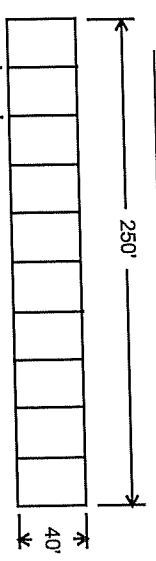
Townhouse Development Acres

Area Component	Acres
Townhouse Multiplex Building Footprint	11.85
Complex Landscaping	7.20
Subdivision Access Streets	3.61
Auxiliary Parking lot	1.34
Average Total	24.00

Legend

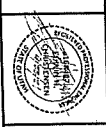
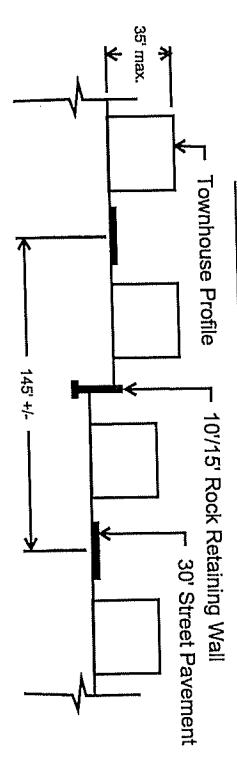
- Retaining Wall
- Townhouse Open Areas
- Pavement
- Proposed Commercial Building Footprint
- Proposed Townhouse Footprint

10-Plex Townhouse Building Footprint (NTS)



Typ. of 10 Townhouse Units

Typical Townhouse Street Section (NTS)



Terrex Engineering & Construction
 Water | Wastewater | Drainage Engineering & Civil-Site Construction
 Cell: (801) 458-9647 | Office: 272 East 3000 North, North Ogden, UT | Website: terrexengcon.com

Blue Vista Hills
 Proposed Residential Townhouse & Commercial Development
 Conceptual Site PUD Development Plan

ORDINANCE #21-20

AN ORDINANCE TO UPDATE RECREATIONAL VEHICLES AND CAMPING ON LOTS
WITH HOMES, CABINS, OR BUSINESSES

WHEREAS, the Town of Garden City is a town duly incorporated under the general law of the State of Utah; and

WHEREAS, the Garden City Town Council is the governing body for the Town of Garden City and must administer the Garden City Municipal Code; and

WHEREAS, The Garden City Town Council is authorized to govern the health, safety and wellness of the citizens and visitors of the Town of Garden City.

NOW, THEREFORE, BE IT ORDAINED BY THE GARDEN CITY PLANNING COMMISSION AND TOWN COUNCIL THAT ORDINANCE #11C-805-A RECREATIONAL VEHICLES AND CAMPING ON LOTS WITH HOMES, CABINS, OR BUSINESSES BE UPDATED AS FOLLOWS:

11C-805 Recreational Vehicles and Camping on Lots with Homes, Cabins, or Businesses.

- A. Occupation of ONE recreational vehicle not belonging to the property owner by a guest of a property owner on ~~his~~ **their** home site or business location shall be permitted for no more than 10 consecutive days. At the end of 10 days the recreational vehicle must be moved offsite for a period of 2 weeks (14 days) before returning to the site.

PASSED AND ADOPTED by the Garden City Council, Garden City, UT this 10th day of June, 2021.

APPROVED:

Attest:

Mike Leonhardt, Mayor

Kathy Hislop, Town Clerk

Voting:

	Aye	Nye
Argyle	_____	_____
Hansen	_____	_____
Parry	_____	_____
Pope	_____	_____
Leonhardt, Mayor	_____	_____

ORDINANCE #21-22

AN ORDINANCE CHANGING COMMERCIAL SETBACKS

WHEREAS, THE Town of Garden City is a town duly incorporated under the general law of the State of Utah; and

WHEREAS, the Garden City Town Council is the governing body for the Town of Garden City and must administer the Garden City Municipal Code; and

WHEREAS, The Garden City Town Council is authorized to govern the health, safety and wellness of the citizens and visitors of the Town of Garden City.

NOW THEREFORE, be it ordained by the Garden City Town Council and the Planning Commission that Ordinances #11C-500 be changed as follows:

CHAPTER 11C-1500 C Commercial Zone

Area		Minimum Setbacks (in feet)		
District	Area in Square Feet	Front (Side facing road)	Side	Rear
C1	Minimum of 6000 ft.	20 Feet, if allows foot traffic to exit path of travel	Ten (10) Feet if next to residential, 0 between commercial buildings.	Ten (10) Feet
C2	Minimum of 6000 ft.	20 Feet, if allows foot traffic to exit path of travel	Ten (10) Feet if next to residential, 0 between commercial buildings	Ten (10) Feet
C3	Minimum of 6000 ft.	20 Feet, if allows foot traffic to exit path of travel (unless being used for residential purpose; if being used for a residential purpose, it must meet appropriate setbacks for a single family residential zone-R1)	Ten (10) Feet if next to residential, 0 between commercial buildings	Ten (10) Feet
C4	Minimum of 6000 ft.	20 Feet, if allows foot traffic to exit path of travel	Ten (10) Feet if next to residential, 0 between commercial buildings	Ten (10) Feet

Lots under 7500 sq. ft. cannot be split

11C-1501 Purpose. To provide areas for community retail and service activities in locations convenient to serve the residents and is compatible to the tourism industry and to protect surrounding residential property.

11C-1502 C1 Zone.

A. Permitted Uses.

1. Stores, shops, and offices supplying commodities or performing services such as banks, business offices, and other financial institutions, hair salons, barbers, medical and dental offices, art galleries and similar enterprises provided that all uses can be conducted within the buildings.
2. Accessory buildings and uses customarily incidental to the above that are not required to be in another zone.
3. Bowling alley, dance hall, roller-skating rink, theatres, arcades, pool halls and miniature golf course.
4. Hotels and Motels
5. Restaurants and Fast Food Establishments
6. Department Stores
7. A single-family residence and/or employee housing as long as construction is integrated into the commercial structure and is 50% or less of the total square footage and must be located either above or behind the commercial space.

B. Conditional Uses.

1. Automobile Dealers
2. Gas Stations with Convenience Stores
3. Farmer's and Artisan's Market
4. RV Park
5. Stand Alone Accessory Building

C. Non-Listed Uses see Ordinance #11C-1005.

11C-1503 C2 Zone.

A. Permitted Uses.

1. Commercial parking lots
2. Carpenter shops, electrical, plumbing, heating and air conditioning shops, printing and publishing or lithographic shops, provided all uses shall be within an enclosed building
3. Commercial landscaping buildings
4. Storage sheds
5. Construction/labor/service showrooms, provided all uses shall be within an enclosed building
6. Small scale manufacturing provided all uses shall be within an enclosed building.
7. Lumber yard, provided all uses shall be within an enclosed building.
8. A single-family residence and/or employee housing as long as construction is integrated into the commercial structure and is 50% or less

of the total square footage and must be located either above or behind the commercial space.

B. Conditional Uses.

1. Automobile service stations for garages for repair of vehicles
2. Farmer's & Artisan's Market
3. RV Park
4. Stand Alone Accessory Building

C. Non-Listed Uses see Ordinance #11C-105

11C-1504 C3 Zone.

A. Permitted Uses.

1. All uses for C1 Commercial Zone may be applied to C3 Commercial Zone.
2. None of the uses for the C2 Commercial Zone may be applied to C3 Commercial Zone.
3. Owners of C3 Zone properties may choose to use them for either single-family residence or multiple family residences as long as construction complies with the setbacks and guidelines of the respective type of residency.
 - a. When C3 Zone property is used for the establishment of a business next to a residence, the business owner will be required to install a fence up to 8 feet between the two properties to provide for privacy.
 - b. When C3 Zone property is used for establishment of a residence next to an established business, the homeowner will be required to install a fence, up to eight feet (8'), between the two properties for privacy.

B. Conditional Uses.

1. Farmer's & Artisan's Market
2. RV Park
3. Church
4. Storage Sheds (Can be no closer than 300' to Hwy 89, SR30 or 300 West)
5. Stand Alone Accessory Building

C. Non-Listed Uses see Ordinance #11C-1005.

11C – 1505 C4 Zone.

A. Permitted Uses.

1. Stores, shops, and offices supplying commodities or performing Services such as banks, business offices, and other financial Institutions, hair salons, barbers, medical and dental offices, art galleries

And similar enterprises provided that all uses can be conducted within the buildings.

2. Accessory buildings and uses customarily incidental to the above that are not required to be in another zone.
3. Bowling alley, dance hall, roller-skating rink, theatres, arcades, and pool halls.
4. Hotels and Motels
5. Restaurants and Fast Food Establishments
6. Department Stores
7.
 - a. When C3 Zone property is used for the establishment of a business next to a residence, the business owner will be required to install a fence up to 8 feet between the two properties to provide for privacy.
 - b. When C3 Zone property is used for establishment of a residence next to an established business, the homeowner will be required to install a fence, up to eight feet (8'), between the two properties for privacy.

Owners of C4 Zone properties may choose to use them for either single family residence or multiple family residences as long as construction complies with the setbacks and guidelines of the respective type of residency.

B. Conditional Uses.

1. Automobile Dealers
2. Gas Stations with Convenience Stores
3. Farmer's and Artisan's Market
4. RV Park
5. Sexually Oriented Business
6. Kennels
7. Stand Alone Accessory Building

C. Non-Listed Uses see Ordinance #11C-1005.

11C-1506 Height Regulations. No building shall be erected to a height greater than thirty-five (35) feet.

11C-1507 Area, Width, and Setback Regulations. See above table.

11C-1508 Landscaping and Front Elevations. For the beautification of Garden City, it is required that a landscaping plan, for the entire 10-foot front setback in C2 and 20-foot setback in C1 and C3 zone, be submitted and approved by the Planning Commission along with the front elevations of all buildings.

11C-1509 Architectural Standards. To ensure that Garden City continues to be aesthetically pleasing, all commercial buildings and any structure along Paradise Parkway within the commercial zones will be required to meet certain architectural standards. All commercial buildings and any structure along Paradise Parkway within the commercial zones, shall have an

outer appearance that is consistent with surrounding structures. All commercial buildings and any structure along Paradise Parkway shall have 3 exterior walls (one of which must face the street) that are made of wood, glass, stone, brick, or stucco. To maintain a consistent aesthetically pleasing look in the town, the street facing exterior wall shall have a minimum of 25% stone or brick. Other materials for exterior walls or 25% decorative exterior may be approved by the Planning Commission. All materials are to have an earth tone color in nature and appearance, per palette as set by resolution. Architecture elevations must be reviewed and approved by the Planning Commission.

PASSED AND ADOPTED by the Garden City Town Council, Garden City, UT this 10th day of June, 2021.

APPROVED:

ATTEST:

Mike Leonhardt, Mayor

Kathy Hislop, Town Clerk

Voting:	Aye	Nay
Argyle	_____	_____
Hansen	_____	_____
Parry	_____	_____
Pope	_____	_____
Leonhardt, Mayor	_____	_____

ORDINANCE #21-23

AN ORDINANCE ADDING THE DRINKING WATER SOURCE PROTECTION WITH PURPOSE, DEFINITIONS, AND ENFORCEMENT

WHEREAS, the Town of Garden City is a town duly incorporated under the general law of the State of Utah; and

WHEREAS, the Garden City Town Council is the governing body for the Town of Garden City and must administer the Garden City Municipal Code; and

WHEREAS, The Garden City Planning Commission and Town Council are authorized to govern the health, safety and wellness of the citizens and visitors of the Town of Garden City; and

WHEREAS, The Garden City Planning Commission and Town Council intends to implement a program to protect, preserve and maintain existing and potential public drinking water sources in order to safeguard the public health, safety and welfare of city residents and visitors; and

NOW, THEREFORE, BE IT ORDAINED BY THE GARDEN CITY TOWN COUNCIL THAT ORDINANCE #13A-1400, DRINKING WATER SOURCE PROTECTION BE ADDED AS FOLLOWS:

13A-1400 DRINKING WATER SOURCE PROTECTION

13A-1401 Title, Applicability and Authority

- A. Title: This chapter shall be known as the DRINKING WATER SOURCE PROTECTION. The provisions of this chapter shall be effective within the area which affects the aquifers and shall set prohibitions and restrictions to prevent contamination of the public drinking water supply in the city as a result of hazardous and toxic substances entering the ground water. This chapter shall be liberally construed to effect the purposes set forth herein.
- B. Applicability: It shall be the responsibility of any person owning real property and/or owning or operating a business within the jurisdiction of the city to conform and comply with the applicable provisions contained in this chapter. Ignorance of this provision shall not excuse any violations of the provisions of this chapter.
- C. Authority: The city has the authority to adopt this chapter to facilitate compliance with drinking water source protection regulations pursuant to the land use and development act, Utah Code § 10-9-102, the Utah administrative code, section 8309-113, and other such authorities and provisions as in the statutory and common law of the state, including, but not limited to, Utah Code § 10-8-15 granting extraterritorial jurisdiction to cities to protect water sources.

13A-1402 Purpose and Intent

- A. The purpose of this chapter is to protect, preserve and maintain existing and potential public drinking water sources in order to safeguard the public health, safety and welfare of city residents and visitors. The intent of this chapter is to establish and designate drinking water source protection zones and ground water recharge areas for all sources of public drinking water within and outside of city boundaries and jurisdiction. This shall be accomplished by the designation and regulation of property uses and conditions that may be maintained within such zones or areas. Unless otherwise specified, the provisions of this chapter apply to new development and/or improvements to existing facilities, and/or handling, movement and storage of potentially hazardous materials.
- B. The degree of protection afforded by this chapter is considered adequate for regulatory purposes. This chapter does not ensure that public drinking water sources will not be subject to accidental or intentional contamination, nor does it create liability on the part of the city, or an officer or employee thereof, for any damages to the public water supplies from reliance on this chapter, nor any administrative order lawfully made thereunder.
- C. A notice to cease or an exemption issued under this chapter shall not relieve the owner of the obligation to comply with any other applicable federal, state, regional or local regulation, rule, ordinance or requirement, nor shall said notice or exemption relieve any owner of any liability for violation of such regulations, rules, ordinances or requirements.

13A-1403 Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be defined as follows:

Potential Contamination Source: means any facility or site which employs an activity or procedure which may potentially contaminate ground water. A pollution source is also a potential contamination source.

Extremely Hazardous Substances: means those substances which are identified in the Sec. 302(EHS) column of the "Title III List of Lists: Consolidated List of Chemicals Subject to the Emergency Planning and Community Right-to-Know Act (EPCRA) and Section 112(R) of the Clean Air Act, As Amended," (550B98017). A copy of this document may be obtained from: NCEPI, PO Box 42419, Cincinnati, OH 45202. Online ordering is also available at <http://www.epa.gov/ncepihom/orderpub.html>.

Wellhead: The upper terminus of a well, including adapters, ports, seals, valves, and other attachments.

Source Protection Zones: The wellhead protection areas are surface and subsurface areas surrounding public water supply wells or well fields where the quantity or quality of

groundwater moving toward such wells or well fields may be affected by land use activity. Such activity may result in a reduction of recharge or may lead to introduction of contaminants to groundwater used for public supply.

Zone 1: Area within a 100-foot radius of the well.

Zone 2: Area within the 250-day ground water time of travel (TOT) that creates the zone of influence of the well.

Zone 3: Area within the 3-year ground water TOT that creates the zone of influence of the well.

Zone 4: Area within the 15-year ground water TOT that creates the zone of influence of the well.

Well: Any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is for the location, testing, acquisition, use, for extracting water from, or for the artificial recharge of subsurface fluids, and where the depth is greater than the diameter or width. For the purpose of this regulation this definition does not include geotechnical test; soil, telephone, and construction piling borings; fence posts, test pits, or horizontal closed loop heat pump circulation systems constructed within twenty (20) feet of the ground surface.

Animal Feeding Operation: means a lot or facility where the following conditions are met: animals have been or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing

13A-1404 Prohibitions with Protection Zones

A. Zones 1 and 2:

1. Sanitary sewer lines within 50 feet of a wellhead or spring collection area;
2. Underground storage tanks;
3. Stormwater infiltration structures, including Class V injection wells;
4. Geothermal wells;
5. Application of fertilizers, herbicides or pesticides without following standard best management practices for application;
6. Sanitary landfills; and
7. Any uncontrolled pollution source as defined herein or in R309-600 of the Utah Administrative Code.

B. Zones 1, 2 and 3:

1. Confined Animal Feeding Operations (CAFOs) over any portion of the lot or facility. No animal feeding operations for more than ten (10) large animals, or for the disposal of any animal waste. No Slaughterhouse, petting zoo, or riding stable will be permitted.

C. All Zones:

1. Surface use, storage or dumping of hazardous waste or material, expressly including industrial or commercial uses of agricultural pesticides (except when such pesticides are used in farming applications within strict compliance of the manufacturer's recommendations of use, subject to approval and/or inspections by local officials).
2. Hazardous waste or material disposal.
3. Sanitary Landfills.
4. Septic tanks/drain field systems in zones 2, 3, and 4 on property within three hundred feet (300') of the city's sewer lines. Septic tanks on property farther than three hundred feet (300') from a city line may be considered by the city council upon review and recommendations of competent and appropriate water quality professionals retained by Garden City. The goal of the recommendations would be to include appropriate measures to adequately safeguard the Garden City drinking water.

D. All properties located within Zone 2 (250-day zone of influence) of a culinary well must prevent the spill of extremely hazardous substances and are responsible for immediate remediation if a spill occurs. Any hazardous material with a capacity of 5 gallons or more must be stored in product-tight containers. Secondary containment is required for hazardous materials stored in Zone 2 in areas with exposed soils, have floor drains, or are located outside of a building or exposed to precipitation.

E. No High-Risk activities shall be conducted in Zone 2 such as machine shops, fuel distribution, beauty parlors, landfills, printing shops, etc. without approved best management practices and standard operating procedures in place.

1333A-1405 Enforcement; Violations; Penalty

Inspections: The department shall be granted the right, under this chapter, to enforce the provisions of this chapter for the city. An authorized officer of the city or the Bear River health department has the right to conduct inspections of facilities to determine compliance with this chapter. The authorized officer or the Bear River health department shall inform the department and other city entities, as deemed appropriate, of the results of the inspection and whether violations were noted. The authorized officer of the city and/or Bear River health department shall enforce the provisions of this chapter. Noncompliance with the provisions of this chapter is a violation. If the facility is not complying with the requirements of this chapter, penalties (e.g., citations of noncompliance, orders to cease operations or administrative penalties) may be assessed. This chapter regulates businesses within the protection zones.

A. Violations; Notice:

1. Whenever it is determined that there is a violation of this chapter or the regulations promulgated pursuant hereto, the notice of violation shall:
 - a. Be in writing;
 - b. Be dated and signed by the authorized city agent that made the inspection or determined the violation;
 - c. Specify the violation or violations;
 - d. Provide a specific date that the violations will be corrected by;
 - e. State that if the violation is not corrected by a specific date a hearing may be required before the department.
2. If a potential contaminant source (PCS) is out of compliance with the provisions of the chapter but does not pose an immediate threat to public health, then a written warning of violation may be issued within thirty (30) days. The person has the opportunity to show a good faith effort to correct an unintentional violation within a reasonable amount of time. A cease and desist order shall be issued by the department if the PCS is found not to employ BMPs and there is an immediate threat to public health and safety or if the violation is not corrected within the time frame specified in a written warning previously issued to the PCS. In the event that the PCS fails to comply with a cease and desist order within the specified time period, the department has the authority to file a request for the department to initiate proceedings for issuance of penalties and other relief as necessary.
3. Any PCS or person found in violation of any provisions of this chapter will be served with a written notice stating the nature of the violation and providing a reasonable time frame for compliance. Violations of the provisions of this chapter constitute a misdemeanor, punishable as provided by law. In the event of a spill, leak or discharge of a regulated substance which may pose a real and present danger of contaminating surface or ground water which would normally enter the public water supply, the department has the authority under this chapter to cause cessation of said activity or use of regulated substance, require administrative controls to mitigate said danger and/or cause the provision of pollution control and abatement activities.

PASSED AND ADOPTED by the Garden City Council, Garden City, UT this ~~8th~~ day of April, 2021.

APPROVED:

Attest:

Mike Leonhardt, Mayor

Kathy Hislop, Town Clerk

Voting:

	Aye	Nye
Argyle	___	___
Hansen	___	___
Parry	___	___
Pope	___	___
Leonhardt, Mayor	___	___