SARATOGA SPRINGS

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1. 2020-03-12 Pc Agenda.

   Documents:

   2020-03-12 PC AGENDA AMENDED.PDF

2. 2020-03-12 Pc Packet.

   Documents:

   2020-03-12 PC PACKET.PDF

AGENDA – Planning Commission Meeting - Amended

Planning Commissioner Troy Cunningham, Vice Chair
Planning Commissioner Bryce Anderson
Planning Commissioner Audrey Barton
Planning Commissioner Ken Kilgore
Planning Commissioner Reed Ryan
Planning Commissioner Josh Wagstaff

CITY OF SARATOGA SPRINGS
Thursday, March 12, 2020 @ 6:00 pm
City of Saratoga Springs Council Chambers
1307 North Commerce Drive, Suite 200, Saratoga Springs, UT 84045

1. Pledge of Allegiance.
2. Roll Call.
3. Public Input: Time has been set aside for any person to express ideas, concerns, comments, questions, or issues that are not listed as a public hearing on the agenda. Comments are limited to three minutes.
4. Election of Planning Commission Chair to fill vacancy.
5. Continued Item: Public Hearing – Code Amendment for Title 18.06 – Storm Water Regulations, City initiated.
6. Public Hearing: General Plan Amendment and Rezone from Agriculture to Regional Commercial and Office Warehouse for the Farley Property located East of Redwood Rd. and Harvest Blvd. Dustin Kuttler, applicant.
7. Public Hearing: Code amendment for Title 19.10, Hillside Development, City Initiated.
8. Approval of Minutes: February 27, 2020
9. Reports of Action.
10. Commission Comments.
11. Director's Report.
12. Possible motion to enter into closed session for the purchase, exchange, or lease of property; pending or reasonably imminent litigation; the character, professional competence, or the physical or mental health of an individual; or the deployment of security personnel, devices, or systems.
13. Adjourn.

PLEASE NOTE: The order of items may be subject to change with the order of the planning commission chair. One or more members of the Commission may participate electronically via video or telephonic conferencing in this meeting.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City Recorder at 801.766.9793 at least one day prior to the meeting.

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Planning Commission Staff Report

Author: Jeremy D. Lapin, Public Works Director
Subject: Update to Storm Water Regulations
Date: March 12, 2020
Type of Item: Code Amendment
Description: Updates to Title 18.04 – Storm Water Regulations

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A. Topic:

This item is for the approval of an Ordinance amending Title 18.06 Storm Water Regulations.

B. Background:

In accordance with the City's Storm Water Management Program (SWMP), the City is required to regulate on-site storm water management facilities. These are private facilities that manage storm water (inlet boxes, pipes, basins, etc.) such as are found on commercial properties. Storm water from these properties discharge into the City storm sewer system and as such, any pollutants not properly managed on-site, become the responsibility of the City. The goal is to ensure the preservation and protection of the community's receiving waters – Utah Lake and the Jordan River. City Code already requires that all new developments prepare a plan identifying how storm water runoff and the associated pollutants will be managed (Section 18.06.04(6)) as well as a requirement to record an inspection and maintenance agreement (Section 18.06.04(9)) on the property. This is to ensure that the property owner is using best practices in the maintenance of the on-site system and in the day-to-day activities to ensure pollution discharge to the City's system is minimized. Typical pollutants can include fertilizer, grass clippings, salt, sediment, and oil.

C. Analysis:

The proposed updates to the Code will help provide an enforcement mechanism to ensure businesses within the City are following proper procedures to minimize the discharge of pollutants to the City's Storm Sewer system. This would encompass only those property owners that have an on-site storm water system and would not include home occupations.

The proposed amendment also provides a provision wherein an owner could elect to pay the City to perform the required annual inspections. This fee would be added to the City's consolidated fee schedule and would provide a convenient service for those businesses who need it.

Another benefit is the City would be able to work with those businesses who do not currently have a management plan or agreement to make sure they too follow proper procedures in their day-to-day activities. This would help to minimize the discharge of pollutants from their properties and ensure best practices are being followed through annual inspections.

D. Recommendation

I recommend that the Planning Commission hold a public hearing and recommend approval to the City Council for the updates to the Title 18.06 - Storm Water Regulations to ensure compliance with all State (UPDES) and Federal (NPDES) regulations.

Chapter 18.06. Storm Water Regulations.

Sections:

18.06.01. Definitions.
18.06.02. General Provisions.
18.06.03. Storm Water Permits.
18.06.04. Stormwater System Design and Management Standards.
18.06.05. Post Construction.
18.06.06. Waivers.
18.06.07. Existing Locations and Developments.
18.06.08. Illicit Discharges.
18.06.09. Inspections.
18.06.10. Enforcement.
18.06.11. Penalties.

18.06.01. Definitions.

For the purpose of this Chapter, the following definitions shall apply. The rules of statutory construction in § 1.02.11 shall apply.

1. "**As built plans**" or "**Record drawings**" or "**Just as-built**" means a set of drawings submitted by a contractor or engineer upon completion of a project or a particular job. This set of drawings reflects all specification and work drawing changes made during the construction process, and show the exact dimensions, geometry, and location of all elements of the work completed under the contract.

~~2.~~ "**Best management practices**" or "**BMPs**" are physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water, have been approved by the City, and have been incorporated by reference into this ordinance as if fully set out herein.

2.

~~3.~~ **"Channel"** means a natural or artificial watercourse that conducts flowing water continuously or periodically.

3.

~~4.~~ "**City**" means the City of Saratoga Springs, its employees and assignees.

4.

5. **"Community Water"** means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of American Fork City.

~~5.~~6. "**Contaminant**" means any physical, chemical, biological, foreign, or radiological substance or matter in water.

7. "**Design storm event**" means a storm event of a given frequency interval and duration.

~~6.~~8. **"Detention Basin"** means a temporary storage facility for excess storm runoff, designed with an inlet and outlet, for the purpose of (1) attenuating and detaining excess storm runoff, and (2) regulating the flow of such excess storm runoff so as to reduce stormwater-related damage downstream, and (3) enhancing the water quality of such excess storm runoff by providing filtration, sedimentation, and oil-removing apparatus.

~~7.~~9. "**Discharge**" means any solid or liquid matter that is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means into the municipal separate storm sewer system. This includes all entries of matter that are direct or indirect.

~~8.~~10. "**Erosion**" means the removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by anthropogenic activities or effects.

~~9.~~11. "**Erosion and sediment control plan**" means a plan that is designed to minimize erosion and sediment runoff at a site during construction activities.

~~10.~~12. "**Hot spot**" means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

~~11.~~13. "**Illicit connections**" means any of the following:

a. Any drain or conveyance whether on the surface or subsurface, which allows contaminated or illicit discharge to enter the storm drain system.
b. Any drain or conveyance connected to or discharging into the storm drain system which has not been approved in writing by the City.

~~12.~~14. "**Illicit discharge**" means any discharge to the municipal separate storm sewer system (MS4) that is not composed entirely of storm water or that is being discharged without a City-approved treatment methodology.

~~13.~~15. "**Irrigation Ditches**" means ditches used by irrigation shareowners having a right of water passageway by right-of-way, easement, or prescription. Irrigation ditches can also include those facilities which function as a combined storm water and irrigation conveyance intended at times as a storm water routing and disposal system.

~~14.~~1. ~~**"Storm Water Permit"** means the City Storm Water Permit as adopted by the City.~~

~~15.~~16. "**Land-disturbing activity**" means any activity on property that results in a change in the existing soil cover (both vegetative and non-vegetative) or the existing soil topography. Land-disturbing activities may include development, re-development, demolition, construction, reconstruction, clearing, grading, filling, excavation, grubbing, and paving.

~~16.~~17. "**Maintenance**" means any activity that is necessary to keep a stormwater facility in good working order so as to function as designed including but not limited to complete reconstruction of a stormwater facility if reconstruction is needed in order to restore the facility to its original operational design parameters and the correction of any problem on the site property that may directly impair the functions of the stormwater facility.

~~17.~~18. "**Maintenance ~~agreement~~Agreement**" means a Long-Term Storm Water Management Agreement "LTSWMA" document recorded in the land records that acts as a property deed restriction and provides for long-term maintenance of stormwater management practices.

~~18.~~19. "**Municipal separate storm sewer/stormwater system**" or "**MS4**" means the conveyances owned or operated by the City of Saratoga Springs for the collection and transportation of stormwater, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains.

~~19.~~20. "**National Pollutant Discharge Elimination System Permit**" or "**NPDES permit**" means a permit issued pursuant to 33 U.S.C. §1342.

~~20.~~21. "**Notice of Violation"** or "**(N.O.V.)"** occurs whenever the City ~~Engineer~~ finds that a person is in non-compliance with this ordinance; the City ~~Engineer~~ will order compliance by written notice of violation to the responsible person. Requirements in this Notice are at the discretion of the Engineer, and may include monitoring, payment to cover costs relating to the non-compliance, and the implementation of BMP.

~~21.~~22. "**Off-site facility**" means a structural BMP located outside the subject property boundary described in the permit application for land development activity which is intended to form an integral part of the storm drain system for a given parcel.

23. "**On-site facility**" means a structural BMP located within the subject property boundary described in the permit application for land development activity.
~~22.~~

24. "**On-site storm water management facility**" means any feature or facility located within the subject property boundary that collects, conveys, discharges, cleans, detains, retains, and/or infiltrates storm water prior to its discharge into either the MS4, community water, or infiltration into the ground.

~~23.~~25. "**Peak flow**" means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.

~~24.~~26. "**Runoff**" means the portion of the precipitation on a drainage area that is discharged from the area. This can include water produced by storms, surface drainage, snow and ice melt, and other water handled by the storm sewer drainage system.

~~25.~~27. "**Saratoga Springs City Storm Water Management Program**" means those certain manuals, ordinances, practices, and policies set in place by the City of Saratoga Springs to regulate, permit, manage, and otherwise oversee the discharge of storm water within the corporate boundaries and influence area of the City. This includes both those

manuals and practices which are in place at the time of the passage of this ordinance and those which will yet be put in place or adopted in this or future actions.

~~26.~~28. "**Sediment**" means 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 either above or below sea level.

~~27.~~29. "**Sedimentation**" means the process of depositing sediment in any stormwater.

~~28.~~30. "**Soils Report**" means a 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, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees.

~~29.~~31. "**Stabilization**" means providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.

~~30.~~32. "**Stormwater**" means precipitation such as rain, hail, stormwater runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration, and drainage.

~~31.~~33. "**Storm Water Design Standards and Regulations**" means the current City of Saratoga Springs storm water standards and regulations as adopted by the City.

~~32.~~34. "**Storm Water Master Plan**" means the current City of Saratoga Springs Storm Water Master Plan, Capital Facilities Plan, and Impact Fee Facilities Plan as adopted by the City.

35. "**Stormwater management**" means all programs designed to maintain quality and quantity of stormwater runoff to pre-development levels.

~~33.~~36. "**Stormwater Management Plan**" means a long term storm water management plan that evaluates 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 measures and BMP's proposed for managing storm water generated at the project site

37. "**Stormwater management facilities system**" means the drainage structures, conduits, ditches, combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated or disposed of.
~~34.~~
38. "**Storm Water Permit**" means the City Storm Water Permit as adopted by the City.

~~35.~~39. "**Storm Water General Permit for Construction Activities"** means a permit required by the Utah Department of Environmental Quality, Division of Water Quality.

~~36.~~40. "**Stormwater pollution prevention plan**" or "**SWPPP**" means Storm Water Pollution Prevention Plan. This is the set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures,

BMPs, concepts, and techniques intended to maintain or restore quality and quantity of stormwater runoff to pre-development levels during and after construction.

~~37.~~41. "**Stormwater runoff**" means flow on the surface of the ground, resulting from precipitation.

~~38.~~42. "**Structural BMPs**" means devices that are constructed to provide control of stormwater runoff.

~~39.~~43. "**Surface water**" includes all waters upon the surface of the earth, whether bounded naturally or artificially. This includes rivers, creeks, streams, canals, lakes, ponds, wetlands, reservoirs, and other water courses.

~~40.~~44. "**SWMP**" is an acronym for Storm Water Management Program. A Technical Report including a copy of the Land Disturbance Permit, Notice of Intent (NOI) (if applicable), Storm Water Pollution Prevention Plan (for during construction and post construction), storm water pollution prevention BMPs, spill prevention and countermeasure information, inspection records, and signed and dated Certification Statement from the Site Operator and the responsible person preparing the report.

~~41.~~45. "**SWPPP Manager**" means the individual who will be the contractor's and owner's representative in the field who supervises the implementation of the SWPPP and compliance with the Storm Water Permit.

~~42.~~46. "**Watercourse**" means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water and may include lakes, rivers, creeks, streams, canals, ponds, and wetlands.

~~43.~~47. "**Watershed**" means all the land area that contributes runoff to a particular point along a waterway.

~~44.~~48. "**UPDES**" is an acronym for the Utah Pollution Discharge Elimination System.

(Ord. 15-1)

18.06.02. General Provisions.

1. **Purpose.** It is the purpose of this chapter to:
    a. Protect, maintain, and enhance the environment of the City of Saratoga Springs ("the City").
    b. Establish responsibilities for controlling and managing storm water runoff.
    c. Protect the public health, safety, and general welfare of the citizens of the City by controlling discharges of pollutants to the City's stormwater system and to maintain and improve the quality of the receiving waters into which the stormwater outfalls flow, including, without limitation, lakes, rivers, creeks, streams, canals, ponds, wetlands, and groundwater of the city.
    d. Enable the City to comply with state and federal laws and regulations.

e. Allow the City to exercise the powers granted by the Utah Code and Constitution to:
   i. Exercise general regulation over the planning, location, construction, and operation and maintenance of stormwater facilities in the City, whether or not owned and operated by the City;
   ii. Adopt any rules and regulations deemed necessary to accomplish the purposes of this Chapter, including the adoption of a system of fees for services and permits;
   iii. Establish standards to regulate the quantity of stormwater discharged and to regulate stormwater contaminants as may be necessary to protect water quality;
   iv. Review and approve plans, plats, and permits for stormwater management in proposed developments;
   v. Issue permits for stormwater discharges, or for the construction of, alteration of, extension of, encroachment on, or repair of stormwater facilities;
   vi. Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the permit;
   vii. Regulate and prohibit discharges into stormwater facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated; and
   viii. Expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of stormwater contamination, whether public or private.

2. The City Engineer shall administer the provisions of this Chapter. Nothing in this Chapter shall relieve any person from responsibility for damage to other persons or property or impose upon the City and its officers, agents or employees any liability for damage to other persons or property.

~~2.~~
(Ord. 15-1)

18.06.03. Storm Water Permits.

1. **When required**:
   a. Every person will be required to obtain a Storm Water Permit from the City ~~Engineer~~ in the following cases:
      i. Land disturbing activity that disturbs one or more acres of land;
      ii. Land disturbing activity of less than one acre of land if such activity is part of a larger common plan of development that affects one or more acres of land;
      iii. Land disturbing activity of less than one acre of land if the City Engineer determines such activity poses a unique threat to water or public health or safety;
      iv. The creation and use of borrow pits or those excavation sites used to generate fill or decorative material for an off-site location;
      v. Development of a single family home;

vi. Modifications of sensitive areas or areas designated as sensitive lands;
vii. Processing of earthen materials such as top soil and gravel screening;
viii. Construction of parking lots;
ix. Creation of an impervious area 0.1 acres/4,356 square feet or greater constructed with compacted gravel, asphalt, concrete, or equivalent;
x. Creation or alteration of storm drains works or systems;
xi. Excavation or disturbance of more than 1,000 cubic yards of material in any nonagricultural earth moving activity; and
xii. Any other condition that poses a unique threat to water or public health or safety and meeting the purposes in Section 18.06.01 or the intent of the regulations in this Chapter.

2. **Exemptions.**
   a. The following activities are exempt from the permit requirement:
      i. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources including activities required to promote public safety, repairs to water lines and/ or other city infrastructure repairs.
      ii. Existing nursery and agricultural operations conducted as a predominant land use.
      iii. Any agricultural activity that is consistent with an approved farm conservation plan or a management plan prepared or approved by the appropriate federal, state, or city agency.
      iv. Additions or modifications to existing single family structures.
      v. Landscape modifications resulting in disturbances below the limits identified in Section 13.94.030(A).
      vi. Excavation activities necessary for public purposes approved through the city approval process.

~~2.~~3. **Building permit.** No building permit shall be issued until the applicant has obtained a Storm Water Permit where the same is required by this ordinance.

~~3. **Exemptions.** The following activities are exempt from the permit requirement:~~
   ~~a. Any emergency activity of a municipal, state, or federal agency that is immediately necessary for the protection of life, property, or natural resources.~~
   ~~b. Existing nursery and agricultural operations conducted as a permitted main or accessory use so long as compliant with city, state, and federal law.~~
   ~~c. Any agricultural activity that is consistent with an approved farm conservation plan or a management plan prepared or approved by the appropriate City, federal, or state Agency.~~
   ~~d. Additions or modifications to existing single-family structures.~~

4. **Application for a Storm Water Permit.**
   a. Each application shall include the following:
      i. Name of applicant;
      ii. Address of applicant;
      iii. Name, address, and phone number of the owner of the property of record in the office of the county assessor;

iv. Address and legal description of subject property including the tax identification number and parcel number;
v. Name, address, and telephone number of the contractor and any subcontractor who will perform the land disturbing activity and who shall implement the erosion and sediment control plan;
vi. Designation of a SWPPP manager who will be the contractor's and owner's representative in the field who supervises the implementation of the SWPPP and compliance with the Storm Water Permit; and
vii. A statement indicating the nature, extent, and purpose of the land disturbing activity, including:
    1. the size of the area for which the permit shall be applicable,
    2. a schedule for the starting and completion dates of the land disturbing activity, and
    3. other pertinent information.

b. The applicant shall obtain from any other state or federal agency any other appropriate environmental permits that pertain to the property and submit such permits with the application for a Storm Water Permit. However, the inclusion of those permits in the application shall not foreclose the City Engineer from imposing additional development requirements and conditions consistent with this ordinance on the development of property covered by those permits. Failure of the applicant to obtain the necessary permits may be the basis for denial of issuance of a Storm Water Permit.

c. Each application shall be accompanied by:
    i. A SWPPP meeting the requirements of Stormwater General Permit for Construction Activities Permit No. UTRC00000. A model has been prepared for use by those preparing a SWPPP. A SWPPP must use this model template to ensure that a plan has been prepared in compliance with the State permit.
        1. The SWPPP template and the template guidelines can be found at the following link: http://www.waterquality.utah.gov/UPDES/docs/2012/04Apr/Const_SW_swppp_template.doc.
    ii. A Notice Of Intent (NOI) from the State of Utah, Department of Environmental Quality, Division of Water Quality ("DWQ"), for Storm Water Discharges Associated with Construction Activity Under the UPDES General Permit No. UTRC00000. An NOI can be submitted on-line at the web site for the Utah DWQ storm water data base. The NOI must be signed by the owner and contractor.
        1. This template can be found at the following link: http://www.waterquality.utah.gov/UPDES/stormwatercon.htm.
    iii. A Storm Water Management Plan meeting the Requirements of Section 18.06.04(6).
    iv. A Sediment and Erosion Control Plan meeting the Requirements of Section 18.06.04(7).
    v. An engineer's estimate for performance guarantee purposes inclusive of all costs associated with plan implementation, management, site stabilization, and clean up.

vi. Payment for the Storm Water Permit and other applicable fees and bonds as found in the City's Consolidated Fee Schedule.

5. **Review and approval of application.**
   a. The City Engineer will review each application for a Storm Water Permit to determine its conformance with the provisions of this Chapter. Within 15 days after receiving an application, the City Engineer shall provide one of the following responses in writing:
      i. Approval of the permit application;
      ii. Approval of the permit application, subject to conditions as may be necessary to substantially meet the objectives and requirements of this Chapter; or
      iii. Denial of the permit application, including the reason for the denial.
   b. If the City Engineer has granted conditional approval of the permit, the applicant shall submit a revised plan that conforms to the conditions established by the City Engineer. However, the applicant may be allowed to proceed with his land disturbing activity so long as it conforms to conditions established by the City Engineer.
   c. No construction may begin until the Storm Water Permit has been approved and all outstanding fees paid in full.

6. **Permit duration.**
   a. Every Storm Water Permit shall expire and become null and void if :
      i. Substantial work authorized by such permit has not commenced within 180 calendar days of issuance, is not complete within 18 months from the date of the commencement of construction, or work is suspended or abandoned for a period of 180 days or longer;
      ii. The applicant is not authorized to discharge storm water under the UPDES program; or
      iii. It is determined that the applicant is not an authorized representative of the owner and/or contractor.
   b. The Storm Water Permit shall remain in effect until all of the following items have been completed:
      i. Submission of as built plans;
      ii. Written certification by a registered professional engineer licensed to practice in the State of Utah that the structural BMP's have been installed in accordance with the approved plan and other applicable provisions of this ordinance;
      iii. Submission of a signed Notice of Termination of the UPDES Permit;
      iv. Installation and acceptance by City of all permanent or long term BMP's;
      v. Completion of final inspection punch list items; and
      vi. Removal of all temporary control measures.

7. **Notice of construction.**
   a. The applicant must notify the Public Works Department within ten working days in advance of the commencement of construction with a land disturbance permit.

8. **Requirements during construction.**
   a. **Noticing.**
      i. The applicant must install and maintain a notice board at a publicly accessible location near the active part of the project. The notice board must be protected from the weather, and located where the City Inspector can read it easily without obstructing construction activities. The notice board shall include, at a minimum, the following information:
         1. Project name;
         2. Copy of any NOIs in effect;
         3. Name and phone number of the SWPPP Manager;
         4. SWPPP plan and report;
         5. Saratoga Springs Storm Water Permit.
   b. **SWPPP Manager.** The SWPPP Manager shall:
      i. Implement and maintain the SWPPP, Storm Water Management Plan, and Sediment and Erosion control plan;
      ii. Ensure that subcontractors and utility companies understand and comply with the SWPPP, Storm Water Management Plan, and Sediment and Erosion Control Plan, and avoid disturbing installed BMP's;
      iii. Update the SWPPP and maintain the official updated SWPPP at the construction site; and
      iv. Shall take immediate suitable action to preclude erosion and pollution if storm water discharges threaten water quality.
   c. **Inspections.**
      i. Regular inspections of the stormwater management system construction shall be conducted by the party responsible for the work and reviewed by the City Inspector.
      ii. The property owner shall allow access to the City Engineer or a representative to inspect storm water control measures that discharge to the MS4. The inspection shall review the control measures in place, the maintenance plan, and the need for additional measures to completely address the erosion and sediment control for the project.
      iii. All inspections shall be documented and written reports prepared that contain the following information:
         1. The date and location of the inspection;
         2. Whether construction is in compliance with the approved stormwater management plan;
         3. Variations from the approved construction specifications;
         4. Any violations that exist.
   d. **BMPs Maintenance.**
      i. BMP's that have been damaged or undercut shall be repaired or replaced.
      ii. If maintenance or modifications to existing BMP's are necessary following a storm or inspection, complete required maintenance or modifications as soon as possible and before the next storm event whenever practicable.
         1. Applicant shall maintain BMP's so they properly perform their function.
         2. Applicant shall also remove accumulated sediment and debris before the BMP loses fifty percent (50%) of its storage capacity.

3. Additionally, the applicant must clean the silt fence before it loses thirty percent (30%) of its storage capacity.
4. Applicant shall maintain temporary and permanent erosion and sediment control measures in effective operating condition and coordinate BMPs with subcontractors and utility companies doing Work in the Project area.

9. **Performance bonds.**
   a. The City Engineer shall:
      i. Require the submittal of a performance security or performance guarantee bond prior to issuance of a permit in order to ensure that the SWPPP are implemented by the permit holder as required by the approved stormwater pollution prevention plan.
         1. The amount of the performance security or performance bond shall be the total estimated construction cost of the structural BMPs approved under the permit plus any reasonably foreseeable additional related costs.
         2. The performance security shall contain forfeiture provisions for failure to complete work specified in the SWPPP.
         3. The applicant shall provide an itemized engineer's construction cost estimate complete with unit prices which shall be subject to acceptance, amendment, or rejection by the City Engineer.
         4. Alternatively, the City Engineer shall have the right to calculate the cost of construction estimates and revise the opinion of probable cost accordingly.
   b. The performance security or performance guarantee bond shall be released in full only upon submission of:
      i. as built plans;
      ii. a written certification by a registered professional engineer licensed to practice in the State of Utah that all BMPs have been followed in accordance with the approved plan and other applicable provisions of this ordinance;
      iii. a signed Notice of Termination of the Construction General Permit;
      iv. completion of final inspection punch list items; and
      v. removal of all temporary control measures.
   c. The City Engineer or a representative will make a final inspection of the structural BMPs to ensure that they are in compliance with the approved plan and the provisions of this ordinance. Provisions for a partial pro-rata release of the performance security or performance guarantee bond based on the completion of various development stages can be made at the discretion of the City Engineer or representative.

(Ord. 15-1)

18.06.04. Stormwater System Design and Management Standards.

1. **Irrigation ditches.**

a. Property owners are responsible for the protection of irrigation canals per the relevant sections of this ordinance.
b. Discharges into private canals require written approval from the ditch owners. The design shall comply with the terms of approvals and the City's Storm Water Design Standards and Regulations.
c. Piping of irrigation ditches and modification to diversion structures require documented approval from canal owners or representative. Design and coordination requirements shall comply with the City's Storm Water Design Standards and Regulations.

2. **Drainage channels, waterways, and sensitive areas.**
    a. Property owners shall not alter or restrict natural channels and waterways without proper Federal, State and City permits.
    b. Modifications of sensitive areas are subject to and governed by the Land Development Code (Title 19). These actions will require a Storm Water Permit and approval from all other governing agencies.
    c. Property owners proposing to redirect runoff, surface, and/or pipe flow to properties or facilities outside Saratoga Springs boundaries must provide written approval from the state, county or municipality, or their agents.
    d. Property owners are responsible for the protection of natural and artificial channels located within their property per the relevant sections of this ordinance.
    e. Discharges or modifications to the channels require written approval from the canal owners and applicable governing agencies.

3. **Stormwater design and BMP manuals.**
    a. **Adoption.** The City adopts as its stormwater design and BMP manuals the following publications, which are incorporated by reference in this ordinance as is fully set out herein:
        i. The City of Saratoga Springs Standard Technical Specifications and Drawings.
        ii. The City of Saratoga Springs Storm Water Master Plan.
        iii. The City of Saratoga Springs Storm Water Capital Facilities Plan.
        iv. The City of Saratoga Springs Storm Drainage Systems Design and Management Manual.
        v. Guidance Document for Stormwater Management (Salt Lake County Public Works Department).
            1. The document can be found at the following link: http://slco.org/pweng/stormwater/html/guide.html.
        vi. Other guidance documents required by or included in the Saratoga Springs Storm Water Management Program.
    b. These manuals include a list of acceptable BMPs and include specific design performance criteria and operation and maintenance requirements for each stormwater practice. The manuals may be updated and expanded from time to time, at the discretion of the City Council, upon the recommendation of the City Engineer, based on improvements in engineering, science, monitory and local maintenance experience.

4. **General performance criteria for stormwater management.** Unless granted a waiver or an exemption from the City Engineer, the following post construction performance criteria shall be addressed for stormwater management at all sites:
    a. A Utah registered professional engineer must design the storm drain systems (Public and Private) within City boundaries and directly supervise all discharges into a City storm drain system. The design shall carry the seal of the supervising professional engineer.
    b. All site designs shall control the peak flow rates of stormwater discharge associated with design storms specified in this ordinance or in the BMP manual and reduce the generation of post construction stormwater runoff to pre-construction levels or 100-yr historical flow rates. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.
    c. To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the BMP manual.
    d. Stormwater discharges to critical areas with sensitive resources (e.g., cold water fisheries, swimming beaches, recharge areas, water supply reservoirs, etc.) may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.
    e. Stormwater discharges from "hot spots" may require the application of specific structural BMPs and pollution prevention practices.
    f. Prior to or during the site design process, applicants for Storm Water Permits shall consult with the City Engineer to determine if they are subject to additional stormwater design requirements.
    g. Calculations for determining allowable peak flows and runoff volumes as found in the BMP manual shall be used for sizing all stormwater facilities.

5. **Minimum control requirements.**
    a. Storm water discharge during all construction activities shall comply with the terms of the Storm Water Permit, Saratoga Springs Standard Technical Specifications and Drawings, or requirements set forth by the most recent edition of the International Building Code, and the State of Utah UPDES requirements.
    b. Stormwater designs, installations, operations, and maintenance shall meet the multi-stage storm frequency storage and runoff volume requirements as identified in the BMP manual, along with the operation, installation, and maintenance standards in the BMP manual unless the City Engineer has granted the applicant a full or partial waiver for a particular BMP pursuant to section 6 of this ordinance.
    c. Runoff rates from one lot/parcel to another may not exceed pre-existing conditions and may not increase in such a manner that may unreasonably or unnecessarily cause more harm or damage than formerly existed in the predevelopment condition.
    d. If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the City Engineer may impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.
    e. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day by machine, broom, or shovel to the satisfaction of the

City Engineer or representative. Failure to remove the sediment, soil, or debris shall be deemed a violation of this ordinance.

6. **Stormwater Management ~~plan~~ Plan requirements**. Property owners are responsible to manage or ensure management of storm water runoff and sediment, whether in conduit systems or on the surface, that traverse through or originate on their property. This responsibility may extend to the defining of agreements, easements, and other appropriate measures to address storm water management. In order to manage storm water, the property owner must develop a stormwater management plan and implement the plan. The stormwater management plan shall include sufficient information to allow the City Engineer to evaluate: the environmental and historical 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 measures proposed for managing stormwater generated at the project site. To accomplish this goal the stormwater management plan shall include the following:
    a. **~~Project~~ Site Description.** Brief description of the ~~intended project~~subject property and a description and map of its on-site storm water management facilities.~~ and proposed land-disturbing activity including number of units, structures to be constructed, and the required infrastructure.~~
    b. **Topographic Base Map.** A 1" = 500" topographic base map of the site that extends a minimum of 1000 feet beyond the limits of the proposed development and indicates:
        i. Existing surface water drainage including streams, ponds, culverts, ditches, sink holes, and wetlands. It must also include the type, size, elevation, etc., of the nearest upstream and downstream drainage structures, slopes, and drainage arrows;
        ii. Current land use including all existing structures, locations of utilities, and locations of roads, and easements; ~~and~~
        iii. All other existing significant natural and artificial features.
        iv. When deemed necessary by the City Engineer, the Topographic Base Map and Survey shall conform to the minimum levels established by the American Land and Title Association (ALTA Survey).
    c. Proposed land use with tabulation of the percentage of surface area to be adapted to various uses, drainage patterns, locations of utilities, roads and easements, and the limits of clearing and grading;
    d. Proposed structural BMPs;
    e. A written description of the site plan and justification of proposed changes. Natural conditions may also be required.
    f. **Calculations.** Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storm events specified in the BMP manual. These calculations must show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this ordinance and the guidelines of the BMP manual. Such calculations shall include:
        i. A description of the design storm event frequency, duration, and intensity where applicable;
        ii. Time of concentration;

iii. Soil curve numbers or runoff coefficients including assumed soil moisture conditions;
iv. Peak runoff rates and total runoff volumes for each watershed area;
v. Infiltration rates, where applicable, verified by percolation test or by geological test;
vi. Culvert, stormwater sewer, ditch and/or other stormwater conveyance capacities;
vii. Flow velocities;
viii. Data on the increase in rate and volume of runoff for the design storm events referenced in the BMP manual; and
ix. Documentation of sources for all computation methods and field test results.

g. **Soils Information.** If a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure. In all cases where subsurface infiltration is a component of the storm water management plan a site specific percolation test shall be submitted based upon field observations and testing at the location of the infiltration facility.

~~h. **Work Sequence**. The projected sequence of work represented by the grading, drainage, and sedimentation and erosion control plans as related to other major items of construction, beginning with the initiation of excavation. This also includes the construction of any sediment basins or retention facilities or any other structural BMP's.~~

~~i.~~h. ~~**Installation,**~~ **Maintenance, and Repair Plan**: The design and planning of all stormwater management facilities shall include detailed ~~installation,~~ maintenance and repair procedures to ensure their continued performance. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment, skills, and training necessary for such maintenance. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan. A permanent elevation benchmark shall be identified in the plans to assist in the periodic inspection of the facility.

~~j.~~i. **Landscaping Plan**. The applicant must present a detailed plan for management of vegetation at the site after construction is finished. This will include who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved (If required by the BMP). Where it is required by the BMP, this plan must be prepared by a registered landscape architect licensed in the State of Utah.

7. **Sediment and Erosion Control Plan requirements**. The applicant must prepare a sediment and erosion control plan for all construction activities that accurately illustrates the measures that are to be taken to control storm water pollution problems. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage. This plan shall be signed and sealed by a registered professional engineer licensed in the state of Utah. The plan shall also

conform to the requirements found in the BMP manual, and shall include, at a minimum, the following:

a. A topographic map with contour intervals of two (2) feet or less showing present conditions and proposed contours resulting from land disturbing activity.
b. All existing drainage ways, including intermittent and wet-weather. This must also include any designated floodways or flood plains.
c. Stands of existing trees as they are to be preserved upon project completion, specifying their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed, and proposed planted trees. Tree protection measures must be identified, and the diameter of the area involved must also be identified on the plan and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist. Complete landscape plans may be submitted separately. The plan must include the sequence of implementation for tree protection measures.
d. Approximate limits of proposed clearing, grading, and filling.
e. Approximate flows of existing storm water leaving any portion of the site.
f. A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.
g. Location, size, and layout of proposed stormwater and sedimentation control improvements.
h. Proposed drainage network.
i. Proposed sizing for storm sewer piping, dewatering facilities, or other waterways.
j. Approximate flows leaving site after construction and incorporating water run-off mitigation measures. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfalls from the development. This includes: when water is concentrated, what is the capacity of waterways, if any, accepting storm water offsite; and what measures, including infiltration, sheeting into buffers, etc., are going to be used to prevent the scouring and/or sedimentation of waterways and drainage areas off-site, etc.
k. The projected sequence of work represented by the grading, drainage, and sedimentation and erosion control plans as related to other major items of construction, beginning with the initiation of excavation and including the construction of any sediment basins or retention facilities or any other structural BMPs.
l. Specific remediation measures to prevent erosion and sedimentation run-off. Plans shall include detailed drawings of all control measures used. Stabilization measures including vegetation and non-vegetation measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.
m. Specific details for the construction of rock pads, wash down pads, and settling basins for controlling erosion; road access points; and eliminating or keeping soil, sediment, and debris on streets and public ways at a level acceptable to the City Engineer.
n. Proposed structures. Location (to the extent possible) and identification of any proposed additional buildings, structures or development on the site.

o. A description of on-site measures to be taken to recharge surface water into the ground water system through infiltration.
p. Future phasing plans and impervious areas if applicable.

8. **Maintenance Easements**. The applicant must ensure access to the site for the purpose of inspection and repair by securing all the maintenance easements needed. These easements must be binding on the current property owner and all subsequent owners of the property and must be properly recorded in the Office of the Utah County Recorder.

9. **Maintenance Agreement**. The owner of property to be served by an on-site stormwater management facility must execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owner and all subsequent property owners. The maintenance agreement shall:
   a. Assign responsibility for the maintenance and repair of the stormwater facility to the owner of the property upon which the facility is located and be recorded as such on the plat for the property by appropriate notation.
   b. Provide for an annual inspection by the property owner or qualified designee for the purpose of documenting maintenance and repair needs and ensure compliance with the purpose and requirements of this ordinance. This inspection shall be conducted by a qualified person as defined by the Utah Division of Water Quality, and such qualified person will submit a sealed report of the inspection to the City Engineer or representative.
   c. It shall grant permission to the City to enter the property at reasonable times and to inspect the stormwater facility to ensure that it is being properly maintained.
   d. Provide that the minimum maintenance and repair needs include, but are not limited to: the removal of silt, litter, and other debris; the cutting of grass; grass cuttings and vegetation removal; and the replacement of landscape vegetation. This applies to all detention and retention basins, as well as inlets and drainage pipes and any other stormwater facilities as required by the property owner by the City. It shall also provide that the property owner shall be responsible for additional maintenance and repair needs consistent with the needs and standards outlined in the BMP manual.
   e. Provide that maintenance needs must be addressed in a timely manner, on a schedule to be determined by the City Engineer.
   f. Provide that if the property is not maintained or repaired within the prescribed schedule, the ~~City Engineer~~Public Works Department shall perform the maintenance and repair at the property owner's expense. The maintenance agreement shall also provide that the ~~City Engineer's~~Public Works Departments cost of performing the maintenance shall be a lien against the property.

10. **Dedication**. The municipality shall have the discretion to accept the dedication of any existing or future stormwater management facility, provided such facility meets the requirements of this ordinance, and includes adequate and perpetual access and sufficient areas, by easement or otherwise, for inspection and regular maintenance. Any stormwater facility accepted by the municipality must also meet the municipality's construction standards and any other standards and specifications that apply to the particular stormwater facility in question.

(Ord. 15-1)

18.06.05. Post Construction.

1. **As-built plans**. All applicants are required to submit as built plans for any structures located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be sealed by a registered professional engineer licensed to practice in Utah. A final inspection by the City Inspector is required before any performance security or performance bond will be released. The City Inspector shall have the discretion to adopt provisions for a partial pro-rata release of the performance security or performance guarantee bond on the completion of various stages of development. ~~When applicable~~, ~~certificates~~ Certificates of occupancy ("occupation permits") shall not be granted until corrections to all BMP's have been made and accepted by the City Inspector.

2. **Landscaping and stabilization requirements**. Any area of land from which the natural vegetative cover has been either partially or wholly cleared shall be revegetated according to a schedule approved by the City Engineer. The following criteria shall apply to revegetation efforts:
    a. 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 seventy (70%) of the seeded area.
        i. Any area of revegetation must exhibit a minimum of seventy percent (70%) density of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy percent (70%) density for one (1) year is achieved.
    b. 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 the plantings are established and are capable of controlling erosion.
    c. In addition to the above requirements, a landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.

3. **Inspection of stormwater management facilities.** Periodic inspections of facilities shall be performed by the property owner or qualified designee for the purpose of documenting maintenance and repair needs and ensure compliance with the purpose and requirements of this ordinance. This inspection shall be conducted by a qualified person as defined by the Utah Division of Water Quality, and such qualified person will submit a sealed report of the inspection to the ~~City Engineer or representative~~Public Works Department.

4. **Records of installation and maintenance activities.** Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation of the stormwater facility, and of all maintenance and repairs to the facility, and shall retain the records for at least 5 years. These records shall be made available to the City Engineer during inspection of the facility and at other reasonable times upon request.

5. **Failure to meet or maintain design or maintenance standards.** If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater facilities under this ordinance, the ~~City Engineer~~Public Works Department, after reasonable notice to the responsible party, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the ~~City Engineer~~Public Works Department shall notify in writing the responsible party for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible person shall have 15 days to effect maintenance and repair of the facility in an approved manner.
    a. In the event that corrective action is not undertaken within that time, the ~~City Engineer~~Public Works Department may take necessary corrective action. The cost of any action ~~by the City Engineer~~ under this section shall be charged to the responsible party.

18.06.06. Waivers.

1. **General.** Every applicant shall provide for post construction stormwater management as required by this ordinance, unless a written request is filed to waive this requirement. Requests to waive the stormwater management plan requirements shall be submitted to the City Engineer for review, processing, and approval or forwarding to City Council where deemed appropriate by City Engineer

2. **Conditions for waiver.** 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:
    a. It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this ordinance.
    b. Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the City Engineer.
    c. 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 stormwater 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.

3. **Downstream damage prohibited.** 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:
    a. Deterioration of existing culverts, bridges, dams, and other structures;
    b. Degradation of biological functions or habitat;
    c. Accelerated stream bank or streambed erosion or siltation;
    d. Increased threat of flood damage to public health, life or property.

4. **Storm Water Permit not to be issued where waiver requested.** No Storm Water Permit shall be issued where a waiver has been requested until the waiver is granted. If no waiver is granted, the application for a Storm Water Permit must be resubmitted.

(Ord. 15-1)

18.06.07. Existing Locations and Developments.

1. **Requirements for all existing locations and developments.** The following requirements shall apply to all locations and development at which land disturbing activities have occurred previous to the enactment of this ordinance:
    a. Denuded areas must be vegetated or covered under the standards and guidelines specified in the BMP manual and on a schedule acceptable to the City Engineer.
    b. Cut and Fill slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.
    c. Drainage ways shall be properly covered in vegetation or secured with rip-rap, channel lining, etc., to prevent erosion.
    d. Trash, junk, rubbish, etc. shall be cleared from drainage ways.
    e. Stormwater runoff shall be controlled to the extent reasonable to prevent pollution of local waters.

2. **Requirements for existing problem locations.** The ~~City Engineer~~Public Works Department shall notify the owners of existing locations and developments of the specific drainage, erosion, or sediment problem affecting such locations and developments, and the specific actions required to correct those problems. The notice may be in writing and will also specify a reasonable time for compliance. If not already existing, corrective actions may include a requirement to prepare and implementation a LTSWMP and LTSWMA per the provisions of this chapter

3. **Inspection of existing facilities.** The ~~City Enginee~~public works department ~~r~~ may, to the extent authorized by state and federal law, establish inspection programs to verify that all stormwater management facilities, including those built before as well as after the adoption of this ordinance, are functioning within design limits. These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of the municipality's NPDES/UPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws.
    a. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs.

4. **Business License**. Upon application for a business license, and upon annual business license renewal, the owners of property served by an on-site storm water management facility shall ensure the property is covered by a Long Term Storm Water Management

Plan and a Long-term Stormwater Management Agreement compliant with the provisions of this chapter. Upon annual business license renewal the on-site storm water management facility shall be inspected by a registered storm water inspector in the state of Utah for compliance with the LTSWP and LTSWMA who will submit a sealed report of the inspection to the city public works department.

a. A property owner may elect to have ~~the City Engineer shall~~the City's Public Works department perform the annual inspection. Each application for an inspection shall be accompanied by payment for the inspection and other storm water management fees, as adopted by resolution and found in the city fee schedule.
b. Any maintenance needs identified in the inspection report must be addressed in a timely manner, on a schedule to be determined by the Public Works Department. If the property is not maintained or repaired within the prescribed schedule, the public works department shall perform the maintenance and repair at its expense, and bill the same to the property owner. If not paid within 30 days, the cost of performing the maintenance may be filed as a lien against the property.

~~4. inspect proposed occupation site for compliance with provisions of this ordinance. The City Engineer may also conduct a review or inspection of storm water compliance upon annual business license renewal application~~

(Ord. 15-1)

18.06.08. Illicit Discharges.

1. **Scope.** This section shall apply to all water generated on developed or undeveloped land entering the municipality's separate storm sewer system.

2. **Prohibition of illicit discharges.** No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of stormwater. The commencement, conduct or continuance of any non-stormwater discharge to the municipal separate storm sewer system is prohibited except as described as follows:
   a. Uncontaminated discharges from the following sources:
      i. Water line flushing or other potable water sources;
      ii. Landscape irrigation or lawn watering with potable water or pressurized irrigation;
      iii. Diverted stream flows;
      iv. Rising ground water;
      v. Groundwater infiltration to storm drains;
      vi. Uncontaminated pumped groundwater;
      vii. Discharges from potable water sources;
      viii. Foundation or footing drains;
      ix. Crawl space pumps;
      x. Lawn watering runoff;
      xi. Individual residential car washing;
      xii. Air conditioning condensation;

xiii. Irrigation water;
xiv. Springs;
xv. Natural riparian habitat or wet-land flows;
xvi. Swimming pools (if dechlorinated to less than one PPM chlorine);
xvii. Water reservoir discharges (if dechlorinated to less than one PPM chlorine);
xviii. Residual street wash water;
xix. Firefighting activities; and
xx. Any other uncontaminated water source.

b. Discharges specified in writing by the City Engineer as being necessary to protect public health and safety.
c. Dye testing is an allowable discharge if the City Engineer has so specified in writing.
d. The prohibition shall not apply to any non-storm water discharge permitted under an UPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the State of Utah Division of Water Quality, 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.

3. Prohibition of illicit connections.

a. The construction, use, maintenance or continued existence of illicit connections to the separate municipal storm sewer system is prohibited.
b. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

4. **Reduction of stormwater pollutants by the use of best management practices.** Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMP's necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed in compliance with the provisions of this section.

5. **Notification of spills.** Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into stormwater, the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release.

a. **Hazardous Materials.** In the event of such a release of hazardous materials the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services.
b. **Non-hazardous Materials.** In the event of a release of non-hazardous materials, the person shall notify the ~~City Engineer~~Public Works Department in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the

~~City Engineer~~Public Works Department within three (3) business days of the telephone notice.

c. **Written Records of Illicit Discharges.** If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least 5 years.

(Ord. 15-1)

18.06.09. Inspection.

1. **Purpose.** To be in accordance with the General Permit for Discharges for Small Municipal Separate Storm Sewer Systems (MS4), Permit No. UTR090000, the City will conduct inspections to monitor all storm water controls and BMPs as well as all discharges to the City's Storm Sewer System and to natural water bodies including lakes, rivers, stream and canals.

2. **Scope.** Inspections relating to the MS4 Permit include but are not limited to illicit discharges, construction activities and post construction operation and maintenance of stormwater controls, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs either publicly or privately owned.

3. **Access.**
   a. **Visual Inspections.** Visual inspections of discharges to natural water bodies, spills, stormwater related controls on private property within the City limits of Saratoga Springs are permitted by the ~~City Engineer~~ Public Works Department at any time.
   b. **Other Inspections.** When a visual inspection is not adequate to determine the extent of discharges to natural water bodies, spills, or determine the status of stormwater related controls on private property, the City will give 24 hours' notice of the inspection to take place and the extent of the inspection. Equipment and manpower necessary to perform the inspection will be allowed to access and work as necessary to determine the state of the situation.
   c. **Emergency Inspections.** During times of emergency including discharges to natural water bodies, spills or potential damage to life or property, the City may access the location of concern as necessary and with the equipment required to determine the status of the situation. Reasonable attempts to contact the property owner prior to the inspection will be made prior to accessing private property.

4. **Follow-up Inspections.** During initial or routine inspections if problems are identified which require corrective actions then a follow-up inspection will be scheduled.

(Ord. 15-1)

18.06.10. Enforcement.

1. **Enforcement authority.** The City Engineer or his representatives shall have the authority to issue notices of violation, stop work orders, and citations, and to impose the civil penalties provided in this section.
    a. With the issuance of a Storm water permit, the City shall be permitted to enter and inspect, including testing and investigation, facilities subject to this ordinance at all reasonable times and as often as necessary to determine compliance. Failure to comply with the terms of this ordinance may result in punitive actions by the City, by the Utah County Health Department, or by other means identified in permits or terms set forth in development applications.

2. **Violation Procedure.**
    a. **Written Notice**. Whenever the City finds that any permittee or any other person discharging stormwater has violated or is violating this ordinance or a permit or order issued hereunder, the City may serve upon such person written notice of the violation. Within ten (10) days of this notice, the permittee or other person in violation will submit to the City Engineer an explanation of the violation and a plan for the satisfactory correction and prevention of such violations. This plan will include specific actions that will be taken in order to come into compliance with this ordinance. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.
    b. **Consent Orders**. The City Engineer is 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 the time period specified by the order. Consent orders shall have the same force and effect as the compliance orders issued pursuant to §18.06.10(2)(d).
    c. **Show Cause Hearing**. The City Engineer may order any person who violates this ordinance or permit or order issued hereunder, to show cause for why a proposed enforcement action should not be taken. Notice shall be served on the violator specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing.
    d. **Compliance Order**. When the City Engineer finds that any person has violated or continues to violate this ordinance or a permit or order issued thereunder, the City Engineer may issue a compliance order to the violator. This order will direct that, following a specific time period, adequate structures, or devices be installed or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practices.
        i. **Cease and Desist Orders**. When the City Engineer finds that any person has violated or continues to violate this ordinance or any permit or order issued hereunder, the City Engineer 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 operations and terminating the discharge.

3. **Conflicting standards.** Whenever there is a conflict between any standard contained in this ordinance and in the BMP manual adopted by the municipality under this ordinance, the strictest standard shall prevail.

4. **Violations.** Any person who shall commit any act declared unlawful under this ordinance, who violates any provision of this ordinance, who violates the provisions of any permit issued pursuant to this ordinance, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the City SD Representative, shall be guilty of a Class C Misdemeanor.

(Ord. 15-1)

18.06.11. Penalties.

1. Any person found violating the provisions of this ordinance may be assessed a fine of not less than fifty dollars ($50.00) and not more than five thousand dollars ($5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation. The City may also issue a criminal citation pursuant to Utah law or City ordinances.

2. **Measuring Civil Penalties.** In assessing a civil penalty, the City Engineer may consider:
   a. The harm done to the public health or the environment;
   b. Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
   c. The economic benefit gained by the violator;
   d. The amount of effort put forth by the violator to remedy this violation;
   e. Any unusual or extraordinary enforcement costs incurred by the municipality;
   f. The amount of penalty established by ordinance or resolution for specific categories of violations; and
   g. Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

3. **Recovery of Damages and Costs**. In addition to the civil penalty in subsection (2) above, the municipality may recover:
   a. all damages proximately caused by the violator to the municipality, including any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this ordinance, or any other actual damages caused by the violation; and
   b. the costs of the municipality's maintenance of stormwater facilities when the user of such facilities fails to maintain them as required by this ordinance.

4. **Other remedies.** The municipality may bring legal action to enjoin the continuing violation of this ordinance, and the existence of any other remedy, at law or equity, shall be no defense to any such actions. In addition to the penalties established in this ordinance,

the City may refuse to renew business licenses or other permits while such a violation continues.

5. **Remedies cumulative.** The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one (1) or more of the remedies set forth herein has been sought or granted.

(Ord. 15-1)

SARATOGA SPRINGS
Life's just better here

PLANNING COMMISSION
Staff Report

Farley Property General Plan Amendment, Rezone, Concept Plan
March 12, 2020
Public Hearing

Report Date:	March 6, 2020
Applicant:	Dustin Kuttler
Owner:	Korby & Cherylin Siggord Family Trust
Location:	Eastside of Redwood Road and Harvest Hills Blvd
Major Street Access:	Eastside of Redwood Road and Harvest Hills Blvd
Parcel Number(s) & Size:	58:023:0116/6.54 acres and 58:023:0114/ 11.75 acres
Land Use Designation:	Office and Regional Commercial
Parcel Zoning:	Agriculture
Adjacent Zoning:	R1-10 PUD, R1-10, PC, Agriculture
Current Use of Parcels:	Vacant
Adjacent Uses:	Vacant, office warehouse, mixed use, single-family, commercial
Type of Action:	Legislative
Land Use Authority:	City Council
Future Routing:	City Council
Planner:	Gina Grandpre, Planner II

A. Executive Summary:

The applicant requests the City amend the General Plan land use map from Regional Commercial and Office to Office Warehouse and Regional Commercial; and rezone property from Agricultural to Regional Commercial (RC) and Office Warehouse (OW), generally east of Redwood Road across from Harvest Hills Blvd as shown on Exhibit 1. The applicant also requests non-binding feedback on the proposed Farley Property concept development. This request affects approximately 18.3 acres or 797,198 square feet.

Recommendation:

Staff recommends the Planning Commission conduct a public hearing on the proposed General Plan amendment and rezone, take public comment, review and discuss the proposal, and choose

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801-766-9793 x107 • 801-766-9794 fax

from the options in Section H of this report. Options include recommendation of approval with or without modification, recommendation of denial, or continuation.

B. Background: The subject property is unplatted, undeveloped. The applicant's objective is to amend the General Plan land use map, rezone the property, and then develop the property into three lots, proposing office warehouse buildings on the rear lot, leaving the remaining two lots along Redwood Road available for future commercial development. Due to the Master Trails Plan, which requires a trail along Redwood Road and the Utah Lake Distributing Canal, the property will require a development agreement with the City to be signed prior to scheduling this application for a decision by the City Council.

C. Specific Requests:

- General Plan. The first request is to amend ~6.29 acres of the General Plan land use map from Office to Regional Commercial. Also, ~3.29 acres of the land use map will change from Regional Commercial to Office Warehouse. The remaining portion of the subject property (~3.86 acres) will remain Regional Commercial. If approved, these changes would then allow the requested zoning to be consistent with the general plan.

- Rezone. The applicant requests a rezone of the aforementioned ~3.29 acres from Agriculture to Office Warehouse and the ~10.15 acres from Agriculture to Regional Commercial.

The Office Warehouse zone is requested for office warehouse type development. The Regional Commercial zone is then located along Redwood Road, this would allow for future regional commercial type development.

- Concept Plan. The applicant requests non-binding feedback on the proposed concept plan.

D. Process:

Rezone and General Plan Amendment

The table in Section 19.13.04 outlines the process requirements of a Rezone and General Plan Amendment. A public hearing is required with the Planning Commission who then make a recommendation to the City Council. The City Council shall then either approve, continue, or deny the request at a public meeting.

Concept Plan

Section 19.17.02 states "Petitions for changes to the City's Zoning Map for all land use zones shall be accompanied by an application for Concept Plan Review or Master Development Agreement approval pursuant to Chapter 19.13 of this Code."

Per Chapter 19.13 of the City Code, the process for a Concept Plan includes an informal review of the Concept Plan by both the Planning Commission and the City Council. The review shall be for comment only, no public hearing is required and no recommendation or action made.

The table in Section 19.13.04 has since been amended and a concept plan is not mandatory.

E. **Community Review:** This item was noticed in the *Daily Herald* as a Planning Commission public hearing and a mailed notice sent to all property owners within 300 feet. As of the date of this report, no contact has been received by the City regarding the proposal. The notice has also been posted in the City building, www.saratogspringscity.com, and www.utah.gov/pmn/index.html.

F. **General Plan:** The land use designation of the parcels is Regional Commercial and Office, the request is to change a portion to Office Warehouse and leave the remaining as Regional Commercial. The applicant's request to change the zone from Agriculture to Regional Commercial and Office Warehouse is consistent with the requested land uses of Office Warehouse and the existing Regional Commercial designation.

The General Plan defines Office Warehouse as:

> *The Office Warehouse designation accommodates uses that permit a blend of warehousing and offices uses within a campus-like setting. This category allows for a mix of flex, high-tech space, and production uses. Generally, it is accessed off collector streets near highways; it should be convenient to transit access when feasible.*

The General Plan defines Regional Commercial as:

> *These areas generally should include variety of retail users including big box retail configured in developments that provide excellent vehicular access to and from major transportation facilities. They should include special urban improvements to make rich and enjoyable public spaces. To promote foot traffic, these areas should be compact and include a safe pedestrian environment and access to a multi-modal transportation network.*

Staff conclusion: ***complies****. The requested zones comply with the requested land use designations. The Regional Commercial zone will not be adjacent to existing residential but will be adjacent to the major transportation corridor of Redwood Road. The less intense zones of Office Warehouse will be behind the Regional Commercial zone and separated by a proposed local street connection that leads to Redwood Road.*

G. **Code Criteria:**

Rezones and General Plan amendments are legislative decisions. Therefore, the City Council has significant discretion when making a decision on such requests. Because of this legislative discretion, the Code criteria below are guidelines and are not binding.

Rezone and General Plan Amendment:

Section 19.13.04 requires the Planning Commission to hold a public hearing and make a recommendation to the City Council regarding rezones and General Plan amendments.

Staff finding: ***complies****. A Planning Commission public hearing is scheduled on March 12, 2020.*

19.17.03. Planning Commission and City Council Review.

1. The Planning Commission reviews the petition and makes a recommendation to the City Council within 30 days of the receipt of the petition. **Staff finding: consistent.**

Petition also included a concept plan that required a review process longer than 30 days.

2. The Planning Commission shall recommend adoption of proposed amendments only when it finds the proposed amendment furthers the purpose of the Saratoga Springs Land Use Element of the General Plan and this Title. **Staff finding: consistent.**

The Land Use Plan identifies desired land uses for all areas within the City of Saratoga Springs and provides a framework to guide future planning for the community – where people live, work, play, and shop. It supports a variety of land uses that can continue to make Saratoga Springs an attractive place to live and work, while preserving Saratoga Springs' small-town charm. Stable and peaceful single-family neighborhoods are the "building block" of the community, with a mix of smaller and denser residential units in appropriate locations to help diversify the housing stock. Employment areas accommodate a diverse array of businesses and support well-paying jobs.

3. The Planning Commission shall provide the notice and hold a public hearing as required by Utah Code. For an application which concerns a specific parcel of property, the City shall provide the notice required by Chapter 19.13 regarding a public hearing. **Staff finding: consistent.**

All required notices in compliance with State and local laws have been sent or posted informing the public of the Planning Commission public hearing.

19.17.04. Gradual Transition of Uses and Density.

It is the policy of the City Council, through exercising its zoning authority, to: (a) transition high intensity uses to help prevent the impacts of high density uses on low density areas; and (b) to limit inconsistent uses being located on adjacent parcels. The City Council may implement this policy using its zoning powers. Through amendments to the General Plan and the Zoning Map, the City Council intends to apply the following guidelines to implement this policy:

1. Residential lots, parcels, plats, or developments should not increase by more than 20% of density as compared to adjacent lots, zones, parcels, plats, or developments to enable a gradual change of density and uses. To appropriately transition, new lots should be equal to or larger than immediately adjacent existing platted lots.

2. Exceptions

a. The City should avoid allowing high intensity uses (e.g., commercial, industrial, multi-family structures, etc.) adjacent to lower intensity uses (e.g., single family, low density residential, etc.), however may allow these uses to be located adjacent to each other if appropriate transitions and buffers are in place. Appropriate buffers and transitions

include a combination of roadways, landscaping, building orientation and facades, increased setbacks, open spaces, parks, and trails.

3. Despite these guidelines, the City Council recognizes that it will become necessary to allow high intensity next to low intensity uses in order to allow for the implementation of multiple zones in the City. The City Council should use their best efforts to limit inconsistent uses and zones being located on adjacent parcels and to mitigate inconsistent uses and zones through transitions and buffers.

Staff finding: consistent. *The requested zones are adjacent to similar zoning and locked in on the eastside by a canal.*

19.17.05. Consideration of General Plan, Ordinance, or Zoning Map Amendment.

The Planning Commission and City Council shall consider, but not be bound by, the following criteria when deciding whether to recommend or grant a General Plan, ordinance, or zoning map amendment:

1. The proposed change will conform to the Land Use Element and other provisions of the General Plan. **Staff finding: consistent, if approved.**

The changes proposed are compatible with the surrounding land uses.

2. The proposed change will not decrease or otherwise adversely affect the health, safety, convenience, morals, or general welfare of the public. **Staff finding: complies.**

No adverse consequences are anticipated by the changing of the land use designations and zones. Commercial is considered under the current General Plan land use map. The proposed land uses and zoning are not adjacent to residential development. The proposed changes will allow for additional commercial and office warehouse developments in a location where such uses already exist. Once these sites they will contribute to the commercial tax base within the City.

3. The proposed change will more fully carry out the general purposes and intent of this Title and any other ordinance of the City. **Staff finding: complies.**

The purpose of Title 19 is to preserve and promote the health, safety, morals, convenience, order, fiscal welfare, and the general welfare of the City, its present and future inhabitants, and the public generally. The proposed development complies with Title 19.

4. In balancing the interest of the petitioner with the interest of the public, community interests will be better served by making the proposed change. **Staff finding: complies.**

The proposal of the applicant in regards to the Regional Commercial use and Office Warehouse use creates an opportunity for additional office warehouse and commercial zoning in

the City in a location that is adjacent to such uses/zoning. The proposed zones are separated from the Harvest Hills Development by Redwood Road.

5. Any other reason that, subject to legislative discretion of the City Council, could advance the general welfare.

Concept Plan Review

Section 19.17.02 states "Petitions for changes to the City's Zoning Map for all land use zones shall be accompanied by an application for Concept Plan Review or Master Development Agreement approval pursuant to Chapter 19.13 of this Code." However, the table in Section 19.13.04 has since been amended and indicates that a concept plan is not mandatory.

Per Chapter 19.13 of the City Code, the process for a Concept Plan includes an informal review of the Concept Plan by both the Planning Commission and the City Council. The reviews shall be for comment only, no public hearing is required and no recommendation or action made.

The proposed concept plan contains several redline corrections. Instead of resubmitting a concept plan multiple times, staff will provide the applicant a first review and allow the applicant the choice of moving on in the development process or resubmitting until the applicant is comfortable with the level of corrections needed. The concept plan initially submitted by the applicant included the proposal of storage units on the rear of the proposed lot 3. The application was submitted prior to the code amendments that were approved on March 3, 2020 which require a half mile separation between storage units. The applicant was asked by staff to resubmit the concept plan with a different proposed use compliant with the new ordinance. One thorough review has been made of the concept plan and rezone, whereas, the second draft of the proposed concept plan has had a preliminary review, other than the change of use, the resubmitted concept plan meets the requirements of the new ordinance. Each reviewed concept plan is contained in Exhibit 2.

The primary objective of a land use map and rezone request is to determine if the proposed changes are desired and needed. Multiple site plans could be developed in any zone. What the applicant submits at the time of GPA/rezone is just a concept. A concept implies there could be changes. The concept plan should be for informational purposes and not be the sole reason to approve or deny the request because other development concepts that meet the underlying zoning can be considered in the future.

The Planning Review Checklist has been provided which identifies areas the concept plan is deficient regarding Code requirements, attached as Exhibit 3.

H. Recommendation and Alternatives:

Staff recommends the Planning Commission conduct a public hearing, take public input, discuss the application, provide feedback on the concept plan and choose from the following options.

Option 1 –positive recommendation

I move to forward to the City Council a **positive** recommendation regarding Farley Property General Plan land use map amendment and rezone generally located on the Eastside of Redwood Road and Harvest Hills Blvd as outlined in Exhibit 1 with the findings and conditions in the staff report dated March 12, 2020:

Findings

1. The General Plan amendment will not result in a decrease in public health, safety, and welfare as outlined in the findings for approval in Section G of this report, which section is hereby incorporated by reference herein.
2. The Rezone is consistent with Chapter 19.17 of the Code, as articulated in the findings for approval in Section G of this report, which section is incorporated by reference herein.

Conditions

1. A development agreement that addresses the required trails on the property in accordance to the City's Master Trails Plan shall be required to be signed prior to scheduling this application with the City Council.
2. The Farley Property General Plan land use map amendment and rezone is recommended as shown in the attachment to the Staff report in Exhibit 1.
3. All requirements of the City Engineer shall be met.
4. All requirements of the Fire Marshal shall be met.
5. All other Code requirements shall be met.
6. Any other conditions or changes as articulated by the Planning Commission.

Alternative 1 – Continuance

The Planning Commission may also choose to continue the item. "I move to **continue** the Farley Property General Plan land use map amendment and rezone to another meeting on [DATE], with direction to the applicant and Staff on information and/or changes needed to render a decision, as follows:

1. _____
2. _____

Alternative 2 – Negative Recommendation

The Planning Commission may also choose to forward a negative recommendation to the City Council regarding the application. "I move to forward a negative recommendation to the City Council regarding the Farley Property General Plan land use map amendment and rezone with the findings below:

1. The Farley Property General Plan land use map amendment and rezone is not consistent with the General Plan, as articulated by the Planning Commission: _____, and/or,
2. The Farley Property General Plan land use map amendment and rezone is not consistent with Chapter 19.17 or [XX.XX] of the Code, as articulated by the Planning Commission: _____.

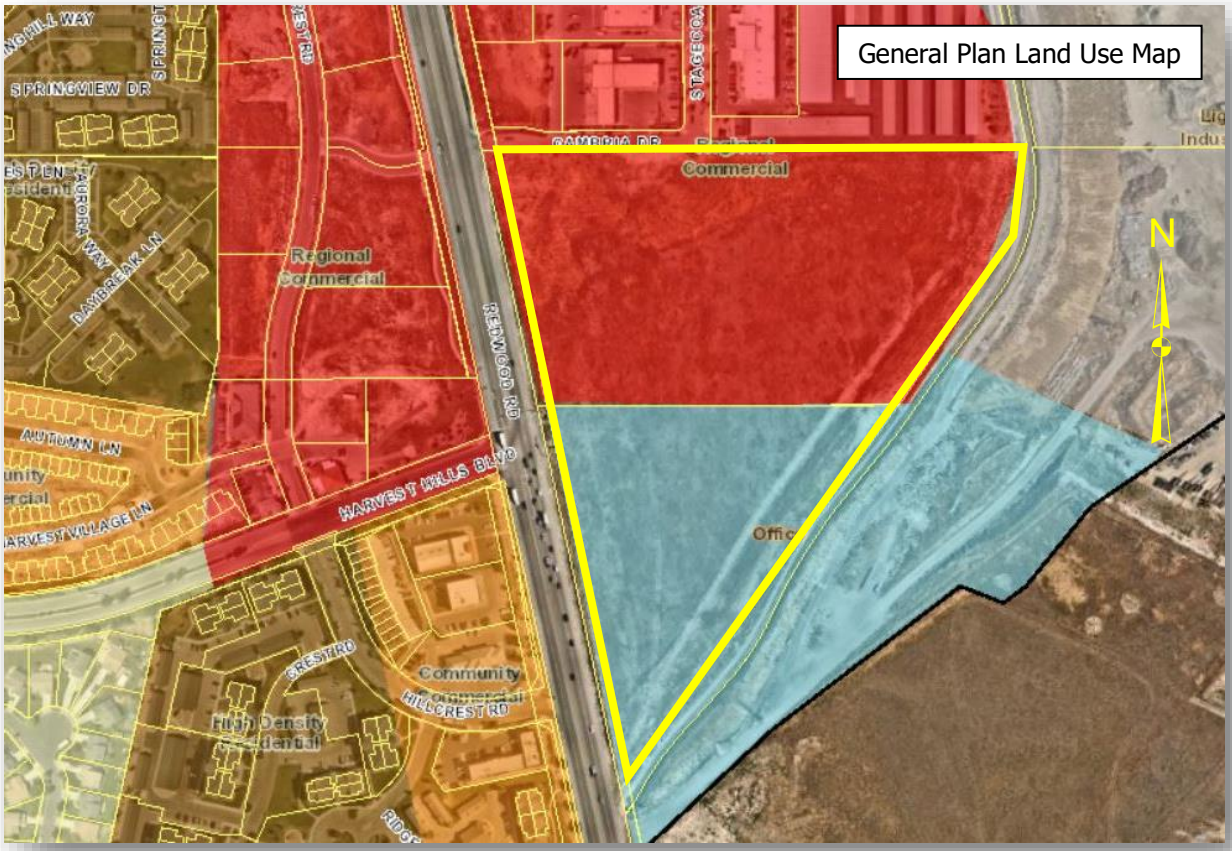
Comments on Concept Plan:

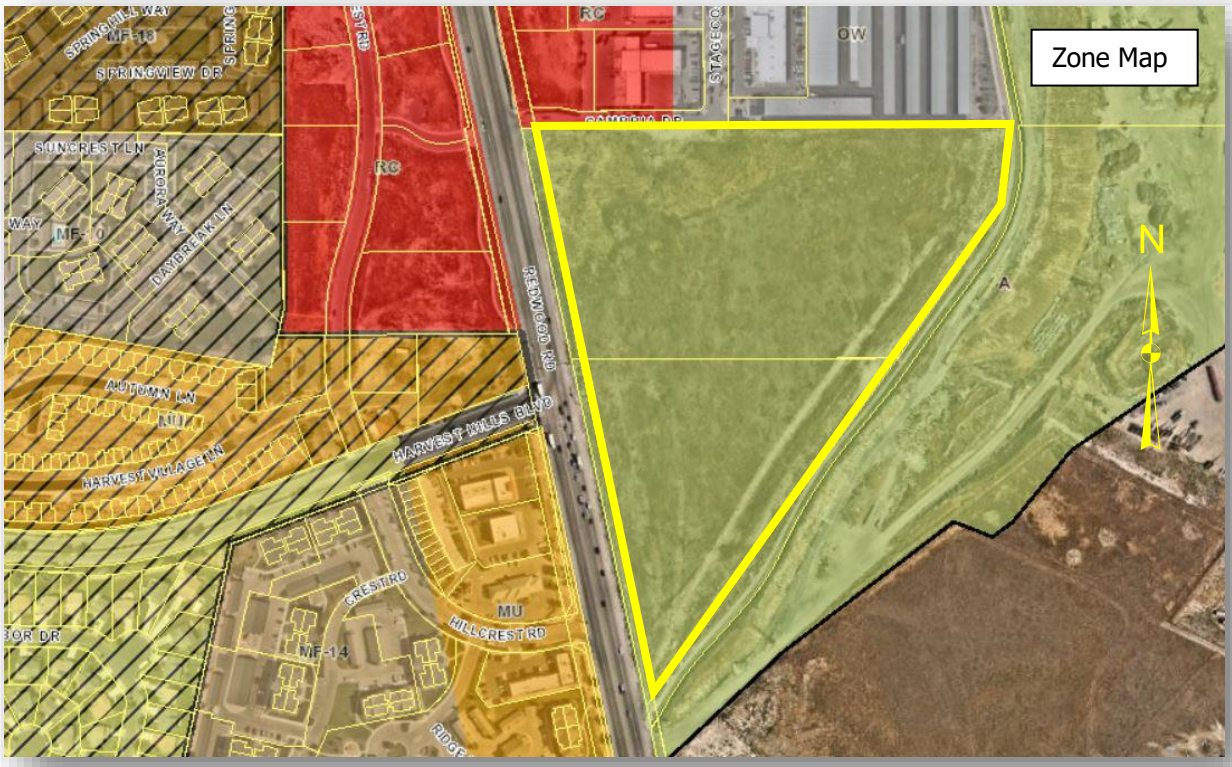
1. All requirements of the City Engineer shall be met.
2. Additional items will require further review at the subdivision/site plan review level.
3. The plans shall comply with all Code requirements.
4. Any comments providing direction from the Planning Commission: _____.

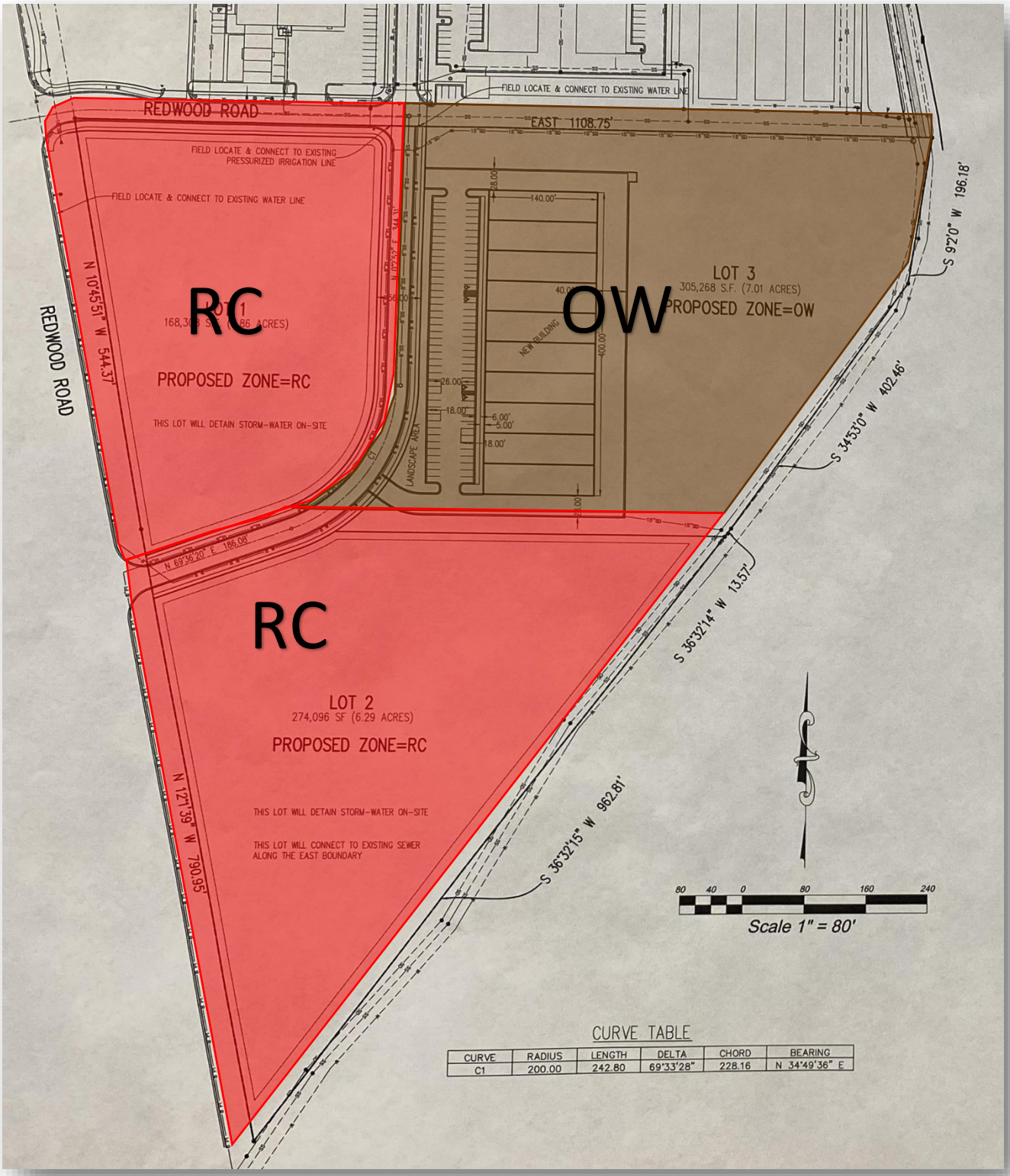
J. Exhibits:

1. Proposed General Plan land use map and zone change
2. Concept plans
3. Planning review checklist

Exhibit 1


General Plan Land Use Map
Commercial
Regional Commercial
Office
Community Commercial
High Density Residential
REDWOOD RD
HARVEST HILLS BLVD
CRESTRD
HILLCREST RD
SPRINGVIEW DR
AURORA WAY
DAYBREAK LN
AUTUMN LN
HARVEST VILLAGE LN
N

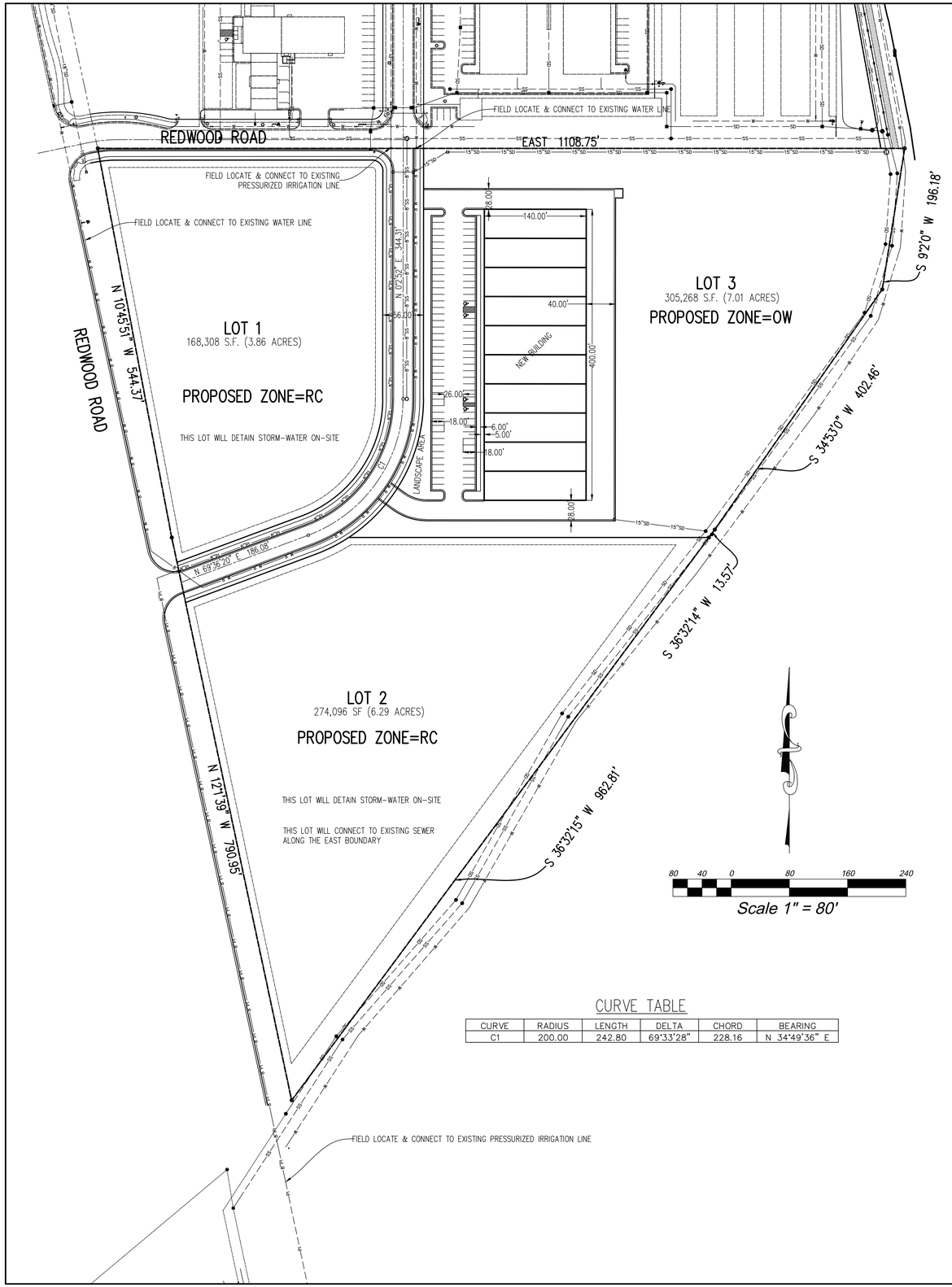

Zone Map
RC
OW
MF-13
MF-14
MU
SPRINGVIEW DR
SUNCREST LN
AURORA WAY
DAYBREAK LN
AUTUMN LN
HARVEST VILLAGE LN
REDWOOD RD
HARVEST HILLS BLVD
CRESTRD
HILLCREST RD
N

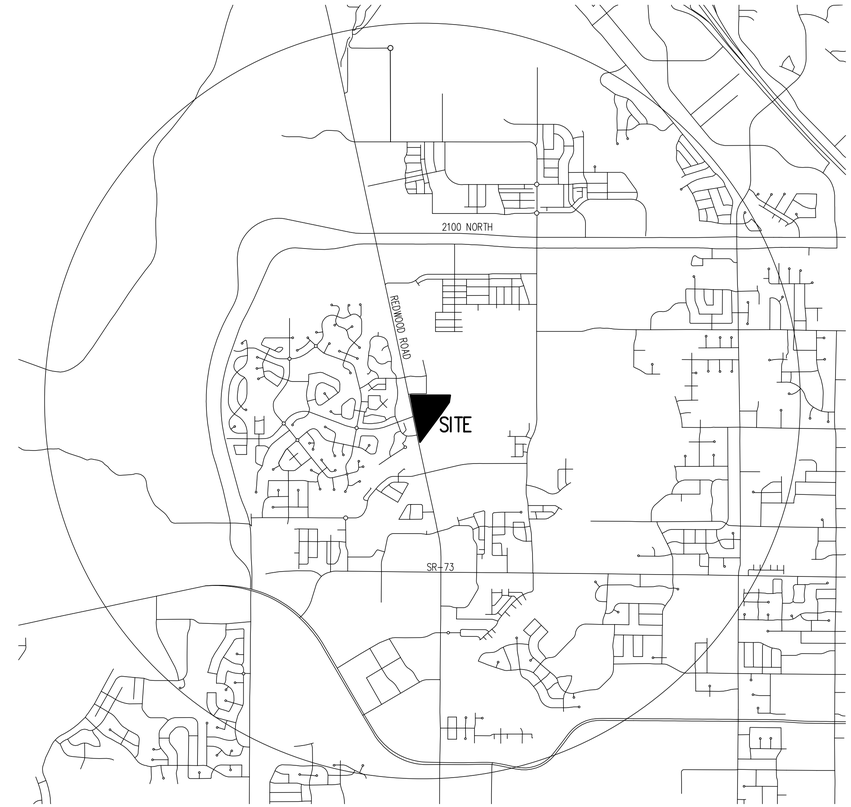


CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	CHORD	BEARING
C1	200.00	242.80	69°33'28"	228.16	N 34°49'36" E

Exhibit 2: (Final Concept Plan)





TRANSPORTATION 2-MILE RADIUS VICINITY MAP

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	CHORD	BEARING
C1	200.00	242.80	69°33'28"	228.16	N 34°49'36" E

LEGAL DESCRIPTION:

COMMENCING AT A POINT LOCATED SOUTH 1731.66 FEET AND EAST 1794.05 FEET FROM THE NORTHWEST CORNER OF SEC. 11, T5S, R1W, SLB&M;

THENCE EAST, A DISTANCE OF 1,108.75 FEET; THENCE SOUTH 09°02'00" WEST, A DISTANCE OF 196.18 FEET; THENCE SOUTH 34°53'00" WEST, A DISTANCE OF 402.46 FEET; THENCE SOUTH 36°32'14" WEST, A DISTANCE OF 13.57 FEET; THENCE SOUTH 36°32'15" WEST, A DISTANCE OF 962.81 FEET; THENCE NORTH 12°01'39" WEST, A DISTANCE OF 790.95 FEET; THENCE NORTH 10°45'51" WEST, A DISTANCE OF 544.37 FEET TO THE POINT OF BEGINNING.

CONTAINING 797,198 SQUARE FEET OR 18.3011 ACRES, MORE OR LESS.

DATA TABLE

TOTAL AREA:	18.3011 ACRES (797,198 S.F.)
TOTAL LOTS:	4
LOT 2 BUILDING AREA:	56,000 S.F.
LOT 3 BUILDING AREA:	63,996 S.F.
LOT 2 PARKING STALLS:	83
LOT 2 ADA PARKING:	4
LOT 3 PARKING STALLS:	4
LOT 3 ADA PARKING:	1
LOT 2 LANDSCAPE AREA:	29,739 S.F. (20.7%)
LOT 3 LANDSCAPE AREA:	35,452 S.F. (21.9%)
NET DENSITY:	0.21 LOTS/ACRE

ALL LAND IN THE PROPERTY IS BUILDABLE SUBJECT TO BUILDING SETBACKS AND EASEMENTS.

REVISIONS

Rev.	Date	Description

Developer: Ryan Litke
90 East Main #2
Lehi, UT 84043
801-787-4998

EXCEL ENGINEERING
David W. Peterson, P.E., License #270393
12 West 100 North, Suite 201, American Fork, UT 84003
P: (801) 756-4504; david@excelcivil.com

FARLEY PROPERTY

SARATOGA SPRINGS UTAH

Drawn by: D.W.P.
Designed by: D.W.P.
Checked by: D.W.P.

CONCEPT PLAN

Scale: 1"=80'
Date: 03/05/20
C1

Exhibit 2: (First Concept Plan with redlines)

(TYP) **We suggest 1 regional pond instead of a pond per lot. It appears from the concept plan that Lot 1 will have it's own detention basin which will then cascade into the lower detention pond in Lot 3. When detention basins cascade into another detention basin then a hydrograph based model (SSA model) is required per City standard 00500/2.2/E/5/a/v and standard 00500/2.2/E/5/b
Also, address in the drainage report if the sd treatment device for the bottom pond (Lot 3) will be sized for the other upstream Lots or if other lots will have their own sd treatment device.

Change the name of this proposed street.

southerly row line is at 29.5' offset from existing centerline per standard drawing ST-8 then 5' sidewalk, 8' parkstrip, 2' curb and gutter, the remaining to tie in will be the local road pavement section.

This existing East/West drinking water line is 10"

curb return radius at TBC shall be 40' on arterial intersections

See page 3. Show and label existing zone 1 and zone 2 water mains in Redwood Rd in prelim plat application.

Storm drain inlet spacing is 400' max in public roads. Provide additional storm drain inlets

(TYP) fire hydrants are required min every 300' in commercial areas.

See comments on next page

**per standard drawing ST-12 this line is 90' offset from the SR-68 centerline. This line will be the easterly boundary of the 30ft landscape buffer as shown on standard drawing ST-12. The 30ft landscape buffer (approx green hatch) shall be noted on the future plat as a City Utility and Access Easement.

on Prelim plans show the SR-68 centerline and bearing (coordinate with UDOT Region 3 right-of-way divsion for any right-of-way plans)

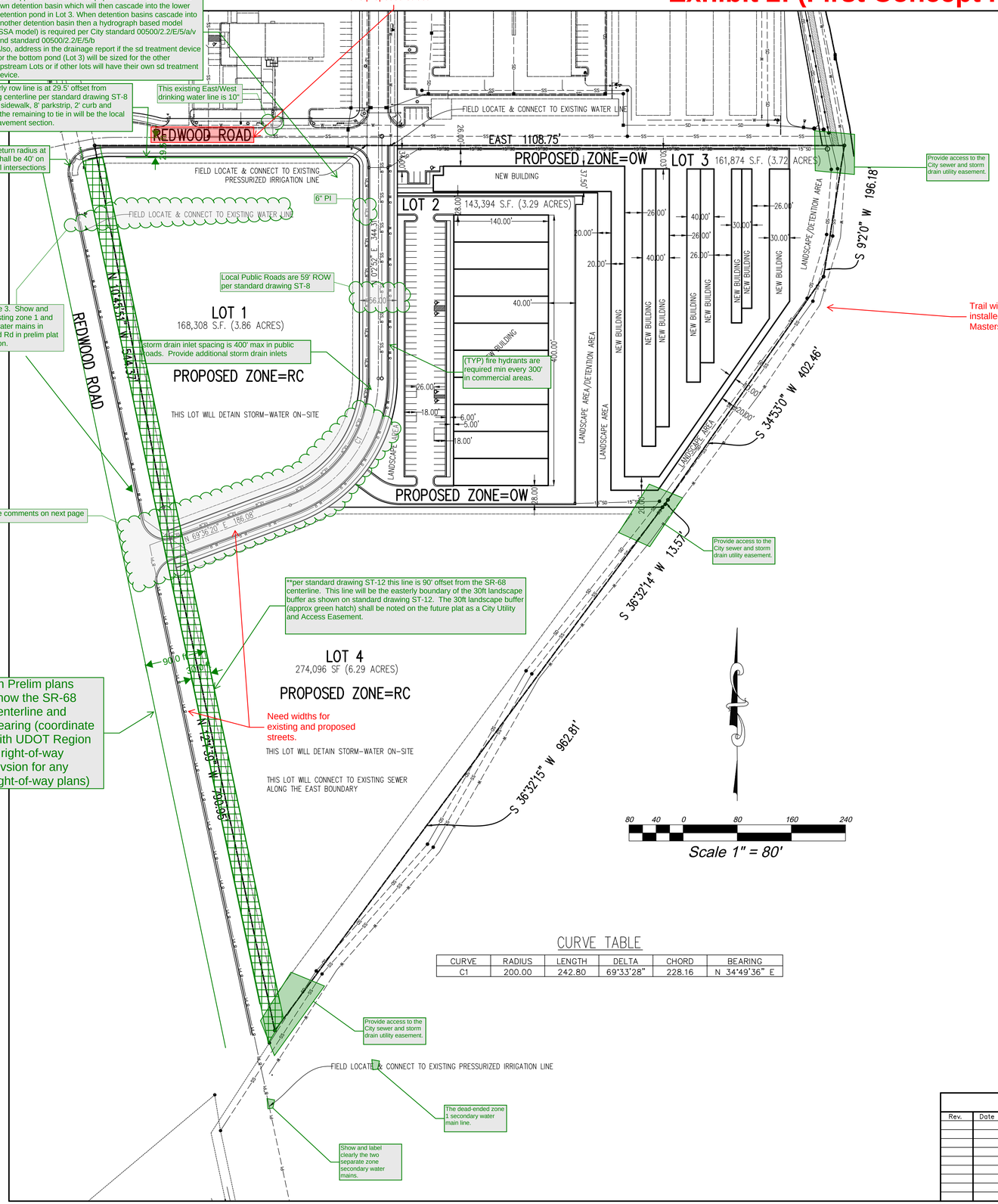
Need widths for existing and proposed streets.

Provide access to the City sewer and storm drain utility easement.

Trail will need to be installed per the City's Masters Trail Plan.

The dead-ended zone 1 secondary water main line.

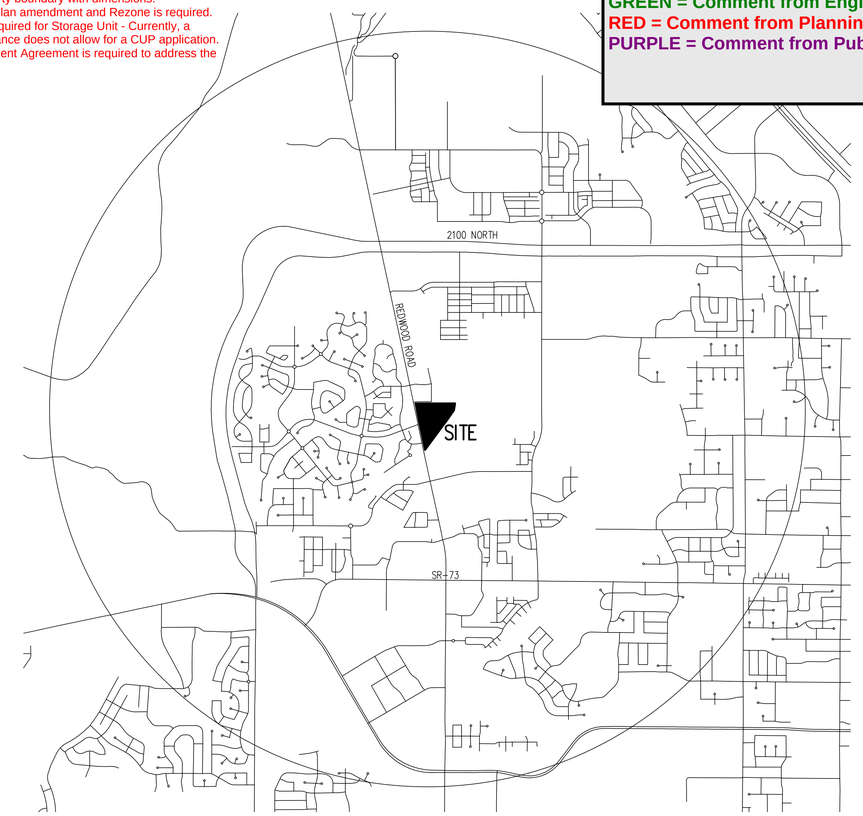
Show and label clearly the two separate zone secondary water mains.



1. Need widths of existing and proposed streets.
2. Need property boundary with dimensions.
3. A General Plan amendment and Rezone is required.
4. A CUP is required for Storage Unit - Currently, a pending ordinance does not allow for a CUP application.
5. A Development Agreement is required to address the trail.

REDLINE LEGEND

GREEN = Comment from Engineering Dept 1/22/2020
RED = Comment from Planning Dept
PURPLE = Comment from Public Works Dept



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Rev.	Date	Description

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90 East Main #2
Lehi, UT 84043
801-787-4998

EXCEL ENGINEERING
David W. Peterson, P.E., License #270393
12 West 100 North, Suite 201, American Fork, UT 84003
P: (801) 756-4504; david@excelcivil.com

FARLEY PROPERTY

SARATOGA SPRINGS UTAH

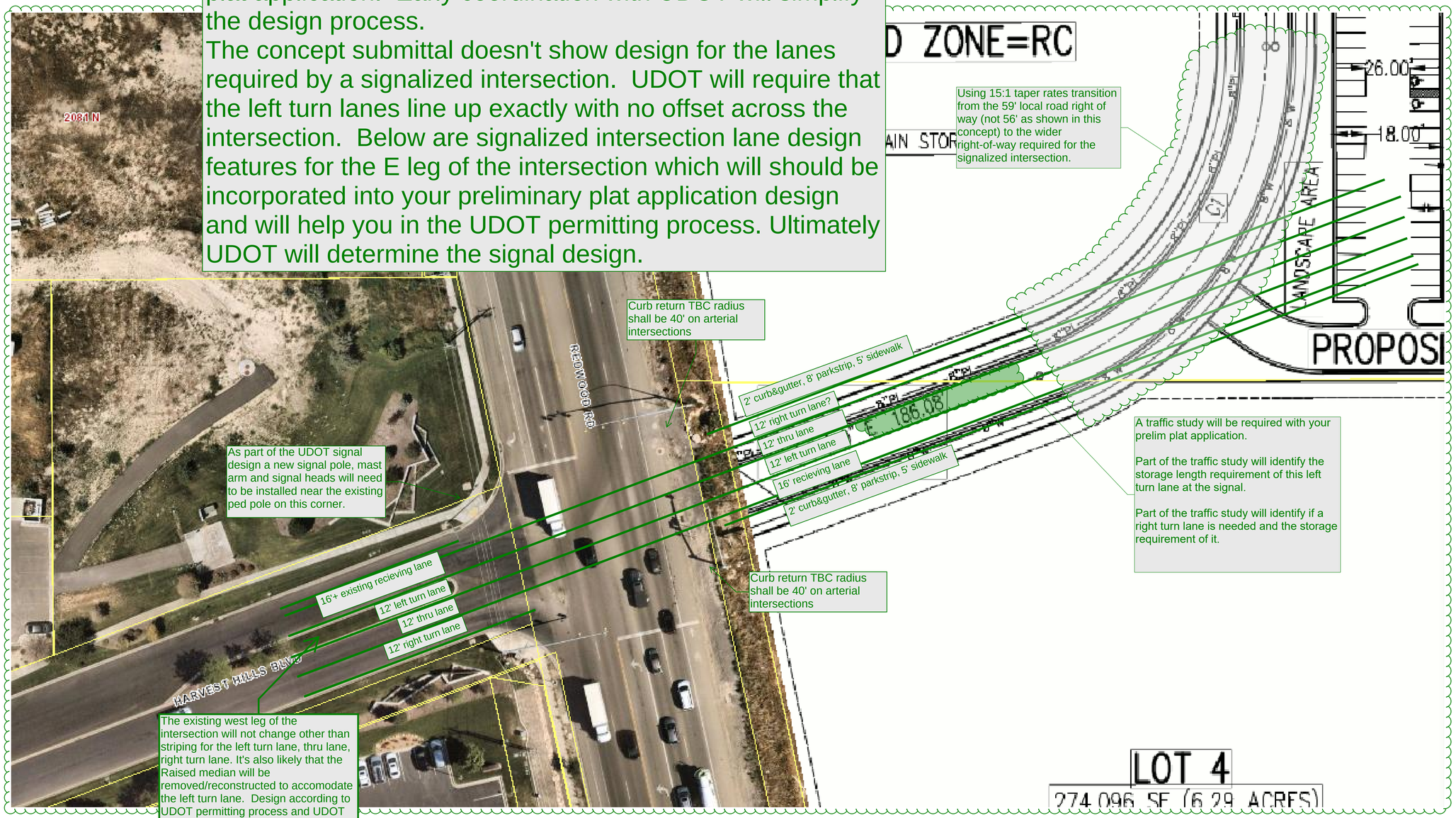
Drawn by: D.W.P.
Designed by: D.W.P.
Checked by: D.W.P.

CONCEPT PLAN

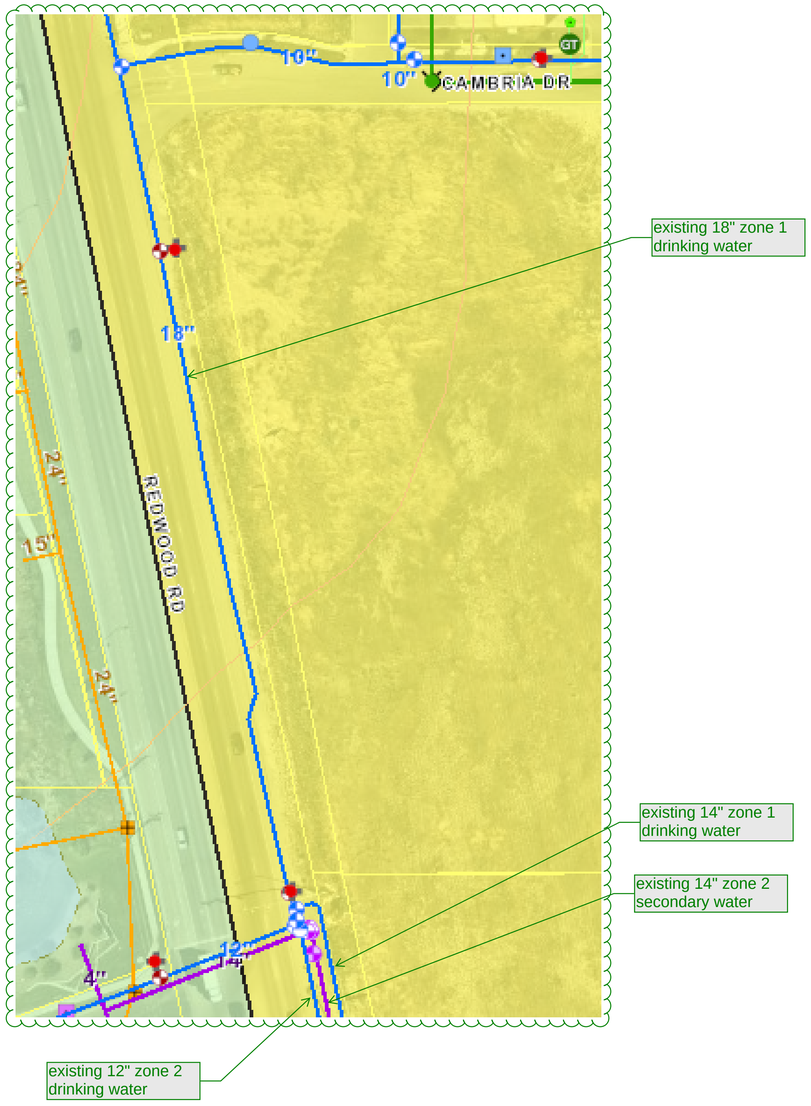
Scale: 1"=80'
Date: 12/17/19
C1

The proposed developement ties into a UDOT signalized intersection. A UDOT access permit and right-of-way encroachment permit will be required with the preliminary plat application. Early coordination with UDOT will simplify the design process.

The concept submittal doesn't show design for the lanes required by a signalized intersection. UDOT will require that the left turn lanes line up exactly with no offset across the intersection. Below are signalized intersection lane design features for the E leg of the intersection which will should be incorporated into your preliminary plat application design and will help you in the UDOT permitting process. Ultimately UDOT will determine the signal design.



The existing west leg of the intersection will not change other than striping for the left turn lane, thru lane, right turn lane. It's also likely that the Raised median will be removed/reconstructed to accomodate the left turn lane. Design according to UDOT permitting process and UDOT signal design. It's likely this raised median will be removed for the left turn lane.


10"
10"
CAMBRIA DR
18"
24"
15'
24"
REDWOOD RD
12"
4"
existing 18" zone 1 drinking water
existing 14" zone 1 drinking water
existing 14" zone 2 secondary water
existing 12" zone 2 drinking water

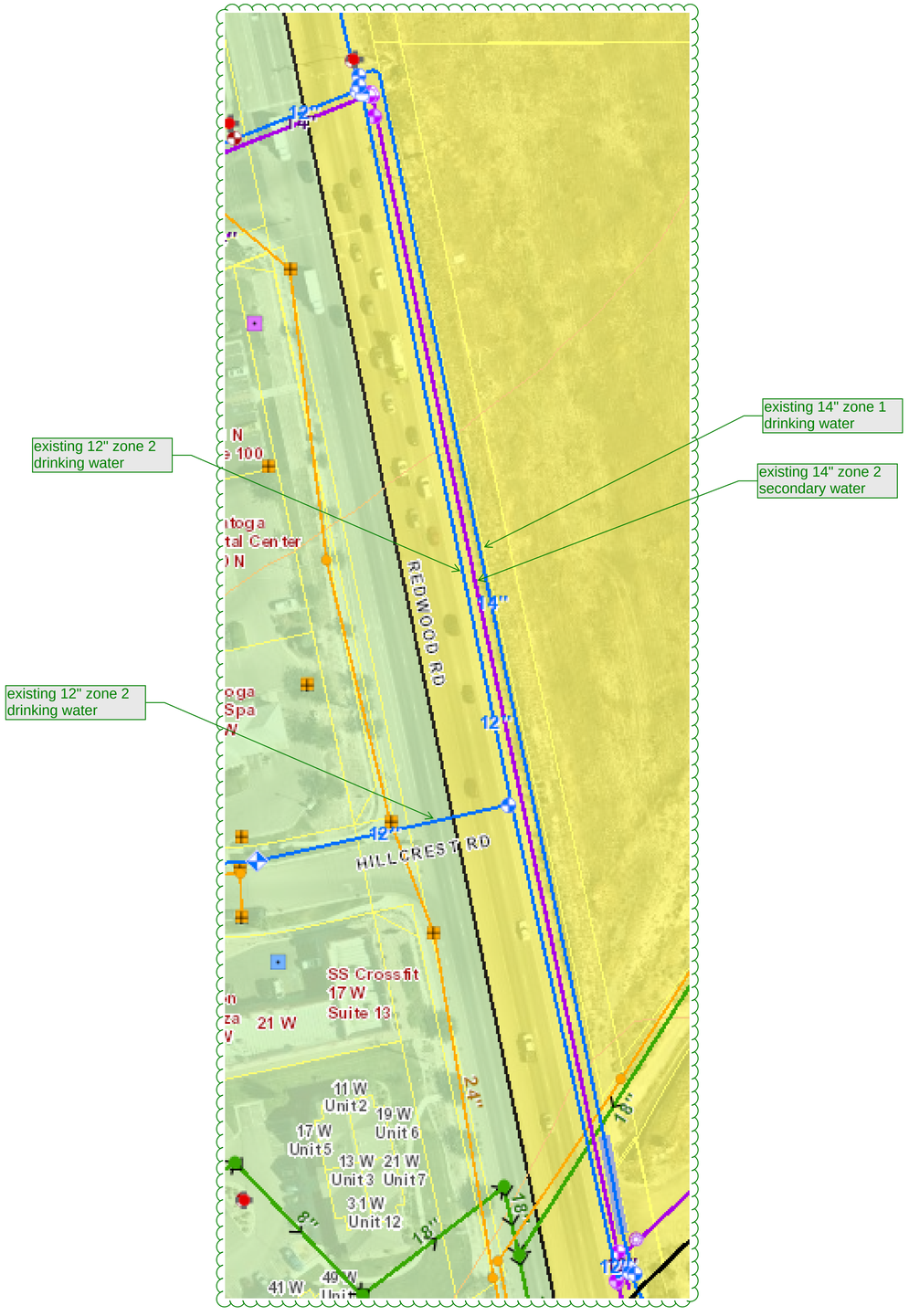

12"
existing 12" zone 2 drinking water
existing 14" zone 1 drinking water
existing 14" zone 2 secondary water
REDWOOD RD
14"
12"
existing 12" zone 2 drinking water
12"
HILLCREST RD
SS Crossfit
17 W
Suite 13
21 W
24"
18"
11 W
Unit 2
19 W
Unit 6
17 W
Unit 5
13 W
Unit 3
21 W
Unit 7
3 1 W
Unit 12
8"
18"
18"
12"
41 W

Exhibit 3: Planning Review Checklist

SARATOGA SPRINGS PLANNING

APPLICATION REVIEW CHECKLIST

Application Information

Date Received:	1/8/2020
Date of Review:	**1/27/2020**
Project Name:	Farley Property
Project Request / Type:	Concept Plan
Meeting Type:	N/A
Applicant:	Dustin Kuttler
Owner:	Farley Property LLC
Location:	Redwood Road & Harvest Hill Blvd
Major Street Access:	Redwood Road
Parcel Number(s) and size:	58:023:0116/6.54 acres and 58:023:0114/ 11.75 acres
Land Use Designation:	Office and Regional Commercial
Parcel Zoning:	Agriculture
Adjacent Zoning:	Zone
Current Use:	Vacant land
Adjacent Uses:	Regional Commercial, Community Commercial and Light Industrial
Previous Meetings:	N/A
Previous Approvals:	N/A
Type of Action:	N/A
Land Use Authority:	City Council
Future Routing:	PC & CC
Planner:	Gina Grandpre, Planner II

Section 19.13 – Application Submittal

- Application Complete: **Yes.**
- Rezone Required: **Yes.**
- General Plan Amendment required: **Yes.**
- Additional Related Application(s) required: **Yes.**

Section 19.13.04 – Process

- DRC: 01/27/20
- Neighborhood Meeting: N/A
- PC: TBD
- CC: TBD

General Review

Building Department

- Setback detail
- Lot numbering – per phase (i.e. Phase 1: 100, 101, 102. Phase 2: 200, 201, 202, etc.)
- True buildable space on lots (provide footprint layout for odd shaped lots)
- Lot slope and need for cuts and fills

Fire Department

- Residential:
    - Fire flows shall be met for this development and future development in the area.
    - Hydrants shall not exceed 500' spacing in R3-6 and lower areas.
    - Higher than R3-6, hydrants shall not exceed 300' spacing.
    - All three story structures above grade shall be fire sprinkled and meet NFPA 13 requirements where required.
    - All access roads shall support 26' of un-obstructed drive isle with parking on the streets.
    - The 59' road cross-section shall be used if applicable. If the streets are not able to support such movement, fire lane signage shall be posted by the developer.
    - All cul-de-sacs shall meet our current standard and shall have hydrants in them. All cul-de-sacs shall be a minimum of 96’ in diameter from curb face to curb face and have a hydrant located within the cul-de-sac.
    - Third party review required for sprinkler systems
    - Dimension street and cul-de-sac widths on plat
    - Turnarounds on cul-de-sacs and dead-ends more than 150’ in length
- Commercial:
    - Fire flows shall meet existing needs as well as future development in the area.
    - Hydrant spacing shall not exceed 300’.
    - Buildings shall be fire sprinkled and meet NFPA 13 requirements and all applicable IFC 2015 edition requirements and appendices.
    - Alarm system and notification systems shall all be tied together with the fire sprinkler system and monitored 24/7, 365 by a third party monitoring company.
    - This same system and / or monitoring company shall also be able to notify UVSSD 911 dispatch center 24/7 365.
    - All sprinkler plans and alarm plans shall be third party reviewed by PCI in Centerville, Utah, Attn: Bob Goodloe.

GIS / Addressing

- comments

Additional Recommendations:

- Please see Redlines on Concept Review.

Code Review

- 19.04, Land Use Zones
    - Zone: Agriculture
    - Use: Regional Commercial and Office
- Lot Size Reductions: None
- Footprint Development: None
- Open Space and Landscaping Requirements: Yes

- Setback Exceptions: None
- Footprint Development: None
- Residential Above Commercial: None

19.05 Supplemental Regulations		
Regulation	**Compliance**	**Findings**
Flood Plain: Buildings intended for human occupancy shall be constructed at least one foot above the base flood elevation.	**N/A.**	
Water & Sewage: Each lot shall be connected to City water and sewer.	**Complies.**	*The proposed concept plan is able to connect to city water and sewer.*
Transportation Master Plan: Lots shall not interfere with the Transportation Master Plan.	**Complies.**	*The proposed concept plan meets the Transportation Master Plan.*
Property Access - All lots shall abut a dedicated public or private road.	**Complies.**	*The proposed concept plan meets this criteria.*

Subdivision Layout		
Layout: The subdivision layout should be generally consistent with the City's adopted Land Use Element of the General Plan, and shall conform to any land use ordinance, any capital facilities plan, any impact fee facilities plan, and the transportation master plan.	**Complies.**	*The proposed concept plan meets this criteria.*
Block Length: The maximum length of blocks shall be 1,000'. In blocks over 800' in length, a dedicated public walkway through the block at approximately the center of the block will be required.	**Complies.**	*The proposed concept plan meets this criteria.*
Such a walkway shall not be less than 15' in width unless otherwise approved by the City in accordance with other applicable standards approved by the City Council.	**Complies.**	*The proposed concept plan meets this criteria.*
Connectivity: The City shall require the use of connecting streets, pedestrian walkways, trails, and other methods for providing logical connections and linkages between neighborhoods.	**Can Comply.**	*A paved trail is required at the rear of lot 3, along with a development agreement.*
Mailboxes: Group mailboxes shall be accessed only from a local street, and shall not be placed on a collector or arterial street, unless a bulbout is provided with space for a minimum of three vehicles to park outside the lane of travel and shoulder.	**Complies.**	
Private Roads: Private roads may be constructed as approved as part of the Preliminary Plat approval and so long as such roads meet the same standards identified in the Saratoga Springs Standard Street Improvement Details.	**N/A.**	
Access: Where the vehicular access into a subdivision intersects an arterial road as defined in the Transportation Master Plan, driveways shall not be placed on the intersecting road within 100' of the arterial connection.	**Complies.**	
Two separate means of vehicular access onto a collector or arterial road shall be required when the total number of equivalent residential units (including adjacent developments and neighborhoods) served by a single means of access will exceed fifty. **Access Exception:** Where no point of second access is available within 500' and where all units are provided with an approved sprinkler system, a second access shall not be required until the number of units reaches double the above limits.	**Complies.**	
Where two means of access are required, the points of access shall be placed a minimum of 500' apart, measured along the center of the driving lane from center of right-of-way to center of right-of-way.	**Complies.**	

Shared Driveways: Shared driveways shall be a minimum of 26' in width and shall direct all runoff to a public or private drainage system. All dwellings on shared driveways shall provide enclosed garages or other covered parking. Shared driveways accessing more than four dwellings shall also provide a minimum of 25' of parking space between the garage and shared driveway. Shared driveways with four or fewer dwellings, if not providing a minimum of 20' of parking space, shall install a remote garage door opener prior to issuance of Certificate of Occupancy. All requirements of the Fire Code shall also be met.	**N/A.**	
Lot Design		
All subdivisions shall result in the creation of lots that are developable and capable of being built upon.	**Complies.**	
All lots or parcels created by the subdivision shall have frontage on a street or road that meets the City's ordinances, regulations, and standards for public roads.	**Complies.**	*Concept plan has proposed collector.*
Flag lots may be approved with less frontage when the Planning Commission determines that the creation of such a lot would result in an improved design or better physical layout for the lot based on the following criteria: i. For subdivisions with 20 or less lots: no more than 10% (rounding down) of the total lots are allowed to be flag lots; ii. For subdivisions with 50 or less lots: no more than 7.5% (rounding down) of the total lots are allowed to be flag lots; and iii. For subdivision with more than 50 lots: no more than 5% (rounding down) of the total lots are allowed to be flag lots.	**N/A.**	
Land dedicated as public roads and rights-of-way shall be separate and distinct from land included in lots adjacent to public roads and rights-of-way.	**Complies.**	
Side property lines shall be at approximately right angles to the street line or radial to the street line.	**Complies.**	
Corner lots for residential use shall be 10% larger than the required minimum lot.	**Complies.**	
No lot shall be created that is divided by a municipal or county boundary line.	**Complies.**	
Remnants of property shall not be left in the subdivision that do not conform to lot requirements or are not required or suitable for common open space, private utilities, public purposes, or other purpose approved by the City Council.	**Complies.**	
Double access lots are not permitted with the exception of corner lots.	**Complies.**	
Driveways for residential lots or parcels shall not be allowed to have access on major arterials. **Exception:** Exceptions may be made for large lots (at least 1 acre in size) or for lots where the home is set back over 150' from the arterial roadway. Approval by UDOT may be required.	**Complies.**	
All subdivisions along arterial roadways shall conform to the City's requirements and adopted street cross-section including pedestrian walkways, park strips, landscaping, and fencing.	**Complies.**	

19.13 Process	
Regulation	**Findings**
Neighborhood Meeting.	*N/A*
Notice/Land Use Authority.	*TBD*
Master Development Agreement.	*Yes*

Phasing Improvements.	*TBD*
Payment of Lieu of Open Space.	*N/A*

Fiscal Impact	
Regulation	**Findings**
Is there any City maintained open space?	*N/A*
What is the anticipated cost to the City?	*None*
When will City maintenance begin?	*N/A*

MINUTES – Planning Commission

Thursday, February 27, 2020
City of Saratoga Springs City Offices
1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

PLANNING COMMISSION MEETING MINUTES - Draft

Call to Order - 6:00 p.m. by Vice Chair Troy Cunningham

Present:

Commission Members: Bryce Anderson, Audrey Barton, Troy Cunningham, Ken Kilgore, Josh Wagstaff. Staff:; Mark Christensen, City Manager; David Johnson, Economic Dev. Director; Rachel Day, Planner I; Conrad Hafen, Assistant City Attorney; Gordon Miner, City Engineer; Nicolette Fike, Deputy Recorder. Others:

Excused: Planning Director Dave Stroud, Bryan Chapman, Reed Ryan

1. **Pledge of Allegiance -** led by Troy Cunningham

2. **Roll Call** – A quorum was present

3. **Public Input**

Public Input Open by Vice Chair Troy Cunningham. Receiving no public comments, the Public Input was Closed by Vice Chair Troy Cunningham .

4. **Public Hearing: General Plan Amendment from Institutional (I) to Neighborhood Commercial (NC) and Rezone from Low Density Residential (R1-10) to Neighborhood Commercial (NC) for Ring Road, City initiated.**

Planner I Rachel Day presented the item. The City seeks to amend the General Plan land use map from Institutional to Neighborhood Commercial and rezone property from R1-10 to Neighborhood Commercial at Ring Road.

Public Hearing Open by Vice Chair Troy Cunningham

Tim Wright was interested generally in what would be happening in this area. He commented further that he felt our City should have a recreation center and he thought this would be a good area.

Gary LeCheminant wanted to know what would be coming in here, noting he had been told that no drive-thrus would be allowed and nothing larger than 15000 sq. ft. in Neighborhood Commercial. He asked if there were other areas zoned Neighborhood Commercial in the city and how the impacts have been.

Public Hearing Closed by Vice Chair Troy Cunningham

City Manager Mark Christensen responded to public comment. He noted the area was originally zoned Regional Commercial. In order for the Church to build they requested it to be zoned Neighborhood Commercial. He explained that Neighborhood Commercial is a less intense use than Regional Commercial. There are no current applicants for that area, however; the property owners have an interest in making it a small business hub area with Maverick already there. City Manager Mark Christensen explained that as the City center grew more north it made sense to move the City offices north as well. The City is exploring options for a recreation center, probably in the City campus area of Patriot Park. The City has contemplated an exchange of land here with the Jacob's family to consolidate the properties and provide and preserve land for the Foothill Corridor, which is important in this area. He advised that they don't usually see a drop in property values associated with Neighborhood Commercial.

Planner I Rachel Day responded that Neighborhood Commercial will help serve more daily needs that serve the community. She added that the max height allowed in Neighborhood Commercial is 35 ft. which is the same as residential.

Economic Development Director David Johnson noted uses which would not be allowed such as tire stores and big box stores.

Commissioner Kilgore

- Shared concern about access to this area, he felt there could be a better traffic pattern. City Manager Mark Christensen advised the area had been studied with UDOT and they felt this would be sufficient.

Commissioner Cunningham
- Felt that Neighborhood Commercial was a good buffer to Regional Commercial along the main road rather than the residential next to the busier corridor.
- Neighborhood Commercial would give an opportunity to get services rather than going all the way into town.

Motion made by Commissioner Anderson to forward to the City Council a positive recommendation regarding the Ring Road General Plan land use map amendment and rezone generally at Ring Road and Redwood Road as outlined in Exhibit 1 with the findings and conditions in the staff report dated February 20, 2020. Seconded by Commissioner Wagstaff. Aye: Bryce Anderson, Audrey Barton, Troy Cunningham, Ken Kilgore, Josh Wagstaff. Motion passed 5 - 0.

5. **Public Hearing: Code Amendments, Title 19, Conditional Use Permits.**
Planner I Rachel Day presented the item and reviewed the staff recommendations.

Public Hearing Open by Vice Chair Troy Cunningham
Krisel Travis, D.R. Horton, asked for clarification under Office Warehouse and suggested uses which may need to be allowed or clarified such as: Arts and crafts, they envision something like an ETSY-type use; There seems to be a conflict with retail sales and retail; Floral sales is another use they see in the market that might come in Office Warehouse; Catering or culinary preparation may be in Office Warehouse; Hardware/Home improvement retail, things that are not big box like Home Depot but small like a Dal-Tile or cabinet hardware. Are those under contractor sales or home improvement type uses; Medical healthcare such as tattoo removal or a medical spa, may not need a license but fall under that type of category. She felt Storage units may need a better definition, what if it's indoor storage or stacked vehicles indoors. Obviously you can't cover every use, are there openings to ask for other uses.

Gordon Jacobsen, Colliers Real Estate, encourages them to keep some flexibility in the uses, more specifically in the Office Warehouse, to have the ability to present a use that might fall through the cracks. Office Warehouse can attract quite a bit of quasi-retail and would like the opportunity to bring those users to the city.
Public Hearing Closed by Vice Chair Troy Cunningham

Economic Development Director David Johnson responded to public comment that most of what Krisel Travis recommended he is comfortable with. He agrees that a lot of Office Warehouse can be small or up and coming businesses. He felt Planning Commission could move forward and direct staff to look at those recommendations. The immediate need is to take care of the uses that are eliminated from the table and other recommendations
Planner I Rachel Day noted this is just the first round of changes. This will probably come back with another round of changes.

Commissioner Kilgore
- Felt getting rid of the conditional uses helps to be more flexible. He recommends that they encourage Staff to look at suggested uses.

Commissioner Wagstaff
- Noted hotels excluded in Mixed Use and Mixed Waterfront zones, do we want to include Residential Rural as well? Economic Development Director David Johnson noted that they may need to go back to that in the next round. That scenario may be something along the lines of distance from building to building.

Commissioner Barton
- Asked if 300' from residential to hotels was the standard in other cities, noting she doesn't see many near residential. Economic Development Director David Johnson responded that was typical in comparable cities. Planner I Rachel Day advised that a lot of it is where the demand is, where transportation corridors meet up. That is not usually where homes are. They don't want to go too great a distance which may allow another building between a hotel and residential. And they don't want to prevent hotels completely from the city either. City Manager Mark Christensen advised that we need to look at what Saratoga Springs will become, the population of something like Sandy City is what we will ultimately be. We are growing very fast and we try to look at other cities that were where we are now a few years ago for growth curves.

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Redwood Road will always be a major corridor and Mountain View Corridor will also be a large parallel corridor, those will draw hotels.

- Commissioner Barton noted she is not against a hotel but is concerned with proximity to residential. She noted many hotels are only 10 minutes away, but she recognizes the growth. City Manager Mark Christensen advised that we do need to look at that buffer for future planning. Part of the vision for the community is to play on our recreation and lake and amenities our residents like and not allowing hotels defeats the purpose of utilizing that outdoor space. Planning Commission could recommend another buffer length if they feel it's appropriate. Economic Development Director David Johnson noted we see the north junction developing and they are seeing questions from developers and we want to make a balanced recommendation that looks at the whole of the City. He noted that hotels do seem to cluster near the transportation corridors.

Commissioner Anderson

- Asked what the thought behind the buffer between storage units was. Economic Development Director David Johnson responded with an example of Check City, you don't usually want too many in one location. We don't want all of our Office Warehouse being taken up by storage units. It's another look at the balance of what goes into the whole city. Planner I Rachel Day added that the half mile would keep current storage units in compliance. It could be regulated in other ways but the distance gives a for-sure regulation and prevents a cluster.
- He asked if some of the things like the in home storage B&B's affect businesses like this. City Manager Mark Christensen noted that trends are moving to things like Uber disrupting Taxi's and B&B's disrupting hotels. The State Legislature seems to be saying we don't want you to go too far in limiting these disruptive uses.
- Asked if the distance, with a long city, was prohibitive to businesses coming. Economic Development Director David Johnson advised that it is not necessarily prohibitive. Many times developers look at things like per population in a specific radius but it's hard to do that in Saratoga which is long and he advises them of that.

Commissioner Kilgore

- Wondered how the zoning would work with the half mile standard. He is in favor of the buffer but noted the zones would have to be spread out. Economic Development Director David Johnson advised that is the balance we are trying to have.
- On Drive-thrus he asked if 3 is the minimum stacking for all then why are we singling out banks when there would also be pharmacy's and dry cleaners for example. Planner I Rachel Day noted they had looked at a lot of other cities in drive-thrus and it seemed to be 3 was the normal. It has to do with how long they are at a window as well. With banks its 3 per lane, which is why they are singled out.
- Commented on Cemeteries being crossed out. Planner I Rachel Day will check on that, they may have missed putting it in the table.
- Asked when a use is removed how do they know the parking for it? Planner I Rachel Day responded you would go to the definitions, e.g. hair salon is included in Personal Services.

Commissioner Wagstaff

- Received confirmation that any conditional uses already in place that are removed from the table, would be grandfathered in. Planner I Rachel Day said they would be non-conforming.
- Noted that with the riding arenas, two of three riding arenas and equestrian centers in the City are in Residential. Rural. It makes sense since they already exist in those zones that they be allowed in those zones as permitted. Economic Development Director David Johnson responded that one of those is by a development agreement, not a conditional use permit. One is already non-conforming.

Commissioner Barton

- Commenting on Storage Units, if it stays the same they are all going to be in the north area. But with the half mile then it will help spread them out a little. Commissioner Kilgore noted that businesses tend to cluster but you wouldn't want all the tire stores for instance in the same area. Storage units would also be spread out to reach more residents. It's nice to have them closer to your home.
- She asked if it was allowed to run a business out of a storage unit. Economic Development Director David Johnson said they probably were not allowed. Commissioner Wagstaff asked about hobby caves. City Manager Mark Christensen noted they have debated the issue at City Council before and they specifically precluded plumbing to be built in storage units because they didn't want hobby caves.

Commissioner Cunningham

- He was ok with the hotels. He noted people who like this area for mountain biking but felt lack of hotel space for tournaments here. He thinks we do need hotels for activates like that and tournaments etc. in

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the City. He noted that City Council had indicated and residents have said that we want to keep a resort feel, with our lake, trails, and sports. Economic Development Director David Johnson noted that our amenities do play into our economics. We will never be a Park City but there is a degree of that we are shooting for. It plays into economics to build a tax base and take some of that burden off residents.

- On storage units he is torn on the half mile thing. He would like a concept unit to go in as a buffer between residents and high density nearby. However he doesn't want to see all the Office Warehouse taken up with only storage units.

Motion made by Commissioner Kilgore that Based upon the evidence and explanations received today, I move to forward a positive recommendation to the City council for the proposed amendment to Title 19 with the findings and conditions in the staff report dated February 27, 2020. Including a condition to direct staff to consider comments made during public input for Office Warehouse uses and flexibility, for another round of code amendments; and also to recommend the half mile buffer between storage businesses. Seconded by Commissioner Anderson.

Commissioner Barton asked if staff had a recommendation on storage units. Economic Development Director David Johnson noted it was split with staff, much like commissioners. He sees the value with half mile radius and also similarly with the buffer with the hotel. As the Economic Director it makes it harder for developers, but he thinks it's a fair balance for the City as a whole. Planner I Rachel Day noted that we don't want to make amendments based off of one application. Clusters could be useful with high density close. City Manager Mark Christensen noted they explored a lot of options such as a percentage of a parcel, and they are divided.

Aye: Bryce Anderson, Audrey Barton, Troy Cunningham, Ken Kilgore, Josh Wagstaff. Motion passed 5 - 0.

6. **Public Hearing: Code Amendments, Title 18.06, Storm Water Regulations. - Item asked to be continued to the meeting of March 12, 2020.**

Public Hearing Open by Vice Chair Troy Cunningham. Receiving no public comments, the Public Hearing was Closed by Vice Chair Troy Cunningham

Motion made by Commissioner Barton to continue the item: Code Amendments, Title 18.06, Storm Water Regulations, to the meeting of March 12, 2020. Seconded by Commissioner Anderson. Aye: Bryce Anderson, Audrey Barton, Troy Cunningham, Ken Kilgore, Josh Wagstaff. Motion passed 5 - 0.

7. **Approval of Minutes: February 13, 2020**

Motion made by Commissioner Anderson to approve the minutes of February 13, 2020. Seconded by Commissioner Barton. Aye: Bryce Anderson, Audrey Barton, Troy Cunningham, Ken Kilgore, Josh Wagstaff. Motion passed 5 - 0.

8. **Reports of Action. – Code Amendments, Title 19, Conditional Use Permits.**

The report was reviewed by Commissioners who indicated their consent.

9. **Commission Comments.**

10. **Director's Report.** – Director Stroud and the planning team were at the UTAH APA Planning Conference.

11. **Possible motion to enter into closed session** – No closed session was held.

12. **Meeting Adjourned Without Objection at 7:19 p.m. by Vice Chair Troy Cunningham.**

_____
Date of Approval

_____
Planning Commission Chair
Bryan Chapman

_____
Deputy City Recorder

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