

SALT LAKE COUNTY ORDINANCE

ORDINANCE NO. _____, 2021

AN ORDINANCE OF THE SALT LAKE COUNTY COUNCIL MODIFYING CHAPTERS 17.04, 17.08, AND 17.20 OF THE SALT LAKE COUNTY CODE REGARDING THE ESTABLISHMENT OF PROCEDURES AND STANDARDS FOR CONDUCTING HYDROLOGICAL STUDIES OF DRAINAGE BASINS AND DRAINAGE AREAS IN SALT LAKE COUNTY FOR THE PURPOSE OF DETERMINING SCIENTIFICALLY BASED REGULATIONS REGARDING THE DISCHARGE OF EXCESS STORMWATER RUNOFF FROM DEVELOPED PROPERTIES INTO COUNTY FLOOD CONTROL FACILITIES, INCLUDING MAXIMUM RELEASE RATES AND EXCEPTIONS THERETO; AND MAKING OTHER RELATED CHANGES.

The County Legislative Body of Salt Lake County ordains as follows:

SECTION I. The amendments made here are designated by underlining the new substituted words. Words being deleted are designated by brackets and interlineations.

SECTION II. Chapters 17.04, 17.08, and 17.20 of the Salt Lake County Code of Ordinances are amended as follows in order to establish procedures and standards for conducting hydrological studies of drainage basins and drainage areas in Salt Lake County for the purpose of determining scientifically based regulations regarding the discharge of excess stormwater runoff from developed properties into county flood control facilities, including maximum release rates and exceptions thereto; and making other related changes.

Chapter 17.04 - ADMINISTRATION

17.04.020 - Flood control and water quality division—Director—Duties.

There is created the office of the director of the division of flood control and water quality. The director shall supervise and control, and be responsible for the satisfactory completion of all

duties of the division and of the director, as set forth in this chapter. The flood control division [~~engineering division~~] director may be the [~~flood control~~] engineering division director. The division shall:

- A. Maintain a twenty-year master plan outlining, in general, long-range requirements for planning, designing, constructing, managing, operating and maintaining facilities in the county for the carrying away and safe disposal of stormwaters and floodwaters and for the preservation and enhancement of water quality;
- B. Maintain a six-year capital improvements plan outlining financial needs, scheduling of construction and management programs which will implement the twenty-year master plan. The plan and the twenty-year master plan shall be submitted by the director of public works through the mayor on or before August 15th of each year for review, correction and adoption by the county council for funding;
- C. Prepare and submit to the director of public works and the mayor on or before September 15th of each year an annual element of the capital improvement plan outlining, by proposed budget line items, work activities and expenditure of funds required to complete the current annual element of the approved capital improvement plan;
- D. On or before January 1st of each year prepare a management plan, outlining by project and program, management agency responsibilities, schedules and proposed interlocal agreements and contracts necessary to carry out the budget for the current year and administer all county ordinances pertaining to flood control and water quality;

- E. Provide to all municipal governments an annually updated map and list of flood control facilities maintained in each city and that portion of the annual management plan which relates to the activities of the division to be carried out in the respective city;
- F. Provide for ongoing maintenance program and direct the cleaning and maintenance of natural channels, ditches, open drains and stormdrains which are included in the storm drainage and flood control system. Work in open channels and creeks where fisheries exist shall be limited to that necessary to remove immediate threats of flooding and existing rights shall be protected as specified in Section 17.08.050 in this title;
- G. Pursue action before the Utah Legislature, in cooperation with other affected agencies, required to achieve effective water quality management or for effective flood control management as directed by the mayor;
- H. Attend, at the request of the mayor, meetings or conferences dealing with water quality management or with the gathering, control and disposal of stormwater and floodwater within the county;
- I. Determine the type and amount of storm drainage and flood control works which are needed within the county, and establish comprehensive sets of plans and specifications for the works and have such plans and specifications readily available for public inspection;
- J. Arrange for public hearings regarding the installation of pipelines or other storm drainage facilities and such hearings as are required for administration of the Water Quality Management Plan;

- K. Coordinate policies and water quality management plan implementation with other area-wide water quality programs, air quality programs, solid waste disposal planning, etc., which are the responsibility of the Salt Lake Valley health department;
- L. Seek and obtain loans and grants for comprehensive water quality management planning by designated agencies and administer the same on behalf of the county in conjunction with designated management agencies;
- M. Upon request, assist the mayor and all local agencies concerned with flood control, storm drainage, and water quality in communicating with state and federal government agencies;
- N. Upon request, provide assistance to local entities in preparing and processing grant applications for flood control, storm drainage and water quality improvement projects;
- O. Sponsor research and/or supervise contract research and development, in cooperation with appropriate management agencies, to develop best management practices (BMPs) in nonpoint source pollution control;
- P. Assist management agencies in evaluating and improving water quality monitoring, testing and permit compliance activities;
- Q. Continually review new research in water quality which may be conducted by universities, industries or government/nonprofit agencies, and assure the availability of new information or developments to local agencies and organizations;
- R. Conduct other activities and perform such other duties as directed by the mayor;
- S. Establish criteria, engineering and otherwise, whereby applicants for building permits may be aware of, and plan for, the drainage requirements which must be met as a condition to receiving the division's approval for such permit.

(Ord. 1473 (part), 2001: Ord. 817 § 2 (part), 1982: prior code § 7-1-2)

17.04.050 – Studies regarding excess water release rates

- A. The director of the division of flood control and water quality, in order to comply with the duties described in 17.04.020(A) and (S), shall periodically conduct studies of all drainage basins and drainage areas, within the unincorporated and incorporated county. These studies shall be made to determine the amount or volume, frequency, and course of excess waters and any drainage system or flood control facility now provided or to be provided for the drainage and control of excess waters within said areas, including location of outfall or disposal points. All studies adopted by the division shall include analysis of a one percent annual storm event on the area and facilities that are the subject of the study, and its relationship to any recommendations concerning release rates. Previous studies made by the county or others shall be considered in whole or in part if applicable.
- B. These studies shall from time to time be updated or amended as necessary to reflect changed conditions. Subject to the director's discretion, studies of drainage areas, developments, proposed subdivisions, existing subdivisions or other property completed by professional engineers for other governmental entities may be adopted for County use provided that they comply with the requirements established for such studies under this section.
- C. In conducting the studies referred to in this section, the analysis of storm drainage flows affecting county flood control facilities and drainage systems subject to this title shall be performed by professional engineers competent in hydrology and hydraulics and shall be in

accordance with sound engineering practices. Location of existing storm drainage facilities and flood control facilities will be coordinated with the division.

D. In all cases flows shall be based upon present conditions and potential for future development of the county, taking into consideration the applicable land use master plan(s) of the unincorporated and incorporated county that are current as of the date of the study and relate to the drainage basin, plus other relevant factors, including changes in zoning or development that are not reflected on the master plan.

E. Each study's findings shall be recognized as the governing standard for drainage and control of excess waters in the subject drainage area, except as provided in subsection (E)(1) or (E)(2) of this section.

1. Maximum release rates in which a property owner is vested under the Utah Land Use, Development, and Management Act shall apply unless the appropriate legislative body issues a moratorium under that Act; or

2. Maximum excess water release rates that are specified in Master Development Agreements in existence at the time a new study is adopted, or amendments of such Master Development Agreements, shall govern if the division director provides written acknowledgement of the same.

F. Adoption of a study under this section shall be effective upon written notification to the Mayor and District Attorney's Office, publication of this notice and the study on the division's web site. These adoption and notice requirements shall not apply to studies adopted prior to the enactment of this section.

G. The terms listed below shall be defined as follows for purposes of this chapter:

1. “Excess water” means those waters flowing upon or across a lot, subdivision, development or other area of real property which are created because of alteration of or building upon the natural terrain or other increase in the impervious surface of the property, which waters are additional to the waters which would flow upon or across the unaltered natural terrain.
2. “Release rate” is the amount rate of excess water is released from a property in a given time period; release rates are typically stated as cubic feet per second (cfs) per acre, though other units may be used in these studies at the discretion of the director of the division of flood control and water quality.
3. “Drainage area” means that portion of a drainage basin whose drainage or storm waters drain or gravitate toward a natural or artificial channel, conduit, retention or detention area.
4. “Drainage basin” means that portion of the county whose drainage or stormwaters of the contributing area is made up of individual drainage areas.
5. “Drainage system” or “drainage facilities” means all facilities used for conducting excess waters to, through and from a drainage area to the point of final retention or destination, including, but not limited to, any or all of the following: pipes, conduits, culverts, curbs, gutters, waterways, inlets, swales, ditches, gulches, channels, retention and detention areas, and appurtenant features, as well as easements and rights-of-way necessary to accommodate the same.

6. “Flood control facilities” means any flood control, storm drainage, water quality control, or water conservation structure, facility, appurtenance, as well as any other property owned, constructed, maintained or controlled by or on behalf of the county, including such flood control facilities as are identified in Section 17.08.040 of this chapter.

7. “Master Development Agreement” means a comprehensive development agreement that governs the development and approval processes of all phases of a project, including the vested rights of such project.

8. “One percent annual storm event” means a storm or runoff event that has a one percent chance of being equaled or exceeded in any given year.

CHAPTER 17.08 – FLOOD CONTROL FACILITIES

17.08.010 - Definitions.

As used in this chapter:

"County facility" means any flood control, storm drainage, water quality control, or water conservation structure, facility, appurtenance, as well as any other property owned, constructed, maintained or controlled by or on behalf of the county, including such flood control facilities as are identified in Section 17.08.040 of this chapter.

"Governmental entity" means the state and its political subdivisions.

"Master plan design flow" means the flow amount set by a regional or local storm drainage master plan study conducted by a registered profession engineer.

"One percent annual storm event [~~chance flood~~]" means the flood event having a one percent chance of being equaled or exceeded in any given year. [~~The one percent chance flood is also referred to as the "base flood" or "one hundred (100)-year flood."~~]

"Political subdivisions" means any county, city, town, metro township, school district, public transit district, redevelopment agency, special improvement or taxing district, or any other political subdivision or public corporation.

"Responsible person" means a person including the property owner and any person or entity, including but not limited to firms, corporations, and government entities, whether as owner, agent, or occupant, who commits, aids in committing, contributes to, causes, supports, retains, or permits a violation of this title. Every successive owner or tenant of a property or premises who fails to correct the violation upon or in the use of property or premises caused by a former owner or tenant is also a responsible person. In cases where there is more than one responsible person, the county may proceed against one, some, or all of them.

"Structure" means that which is built or constructed, an edifice, building, or wall of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

"State of Utah" means the state of Utah or any office, department, agency, authority, commission, board, institution, hospital, college, university or other instrumentality thereof.

(Ord. No. 1800 § II, 9-13-2016; Ord. 827 § 2, 1982; Ord. 817 § 2 (part), 1982; prior code § 7-2-1 (part))

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17.08.020 - Permit—Required.

A. Required Permits. A permit from the division is required for:

1. Any structure, encroachment, facility, or appurtenance that may interfere with, cause damage to, destroys, or uses for any purpose any county facility.
 - i. The county considers the following to interfere with, cause damage to, destroy, or use any county facility pursuant to Subsection 17.08.020(A)(1):
 - a. A structure, encroachment, facility, or appurtenance that compromises the structural integrity or lateral support of a county facility.
 - b. A structure, encroachment, facility, or appurtenance that impedes the ability of a county facility to withstand a one percent annual storm event ~~chance flood~~.
 - c. Adding, moving, or removing fill within or along any flood control facility or channel identified in Section 17.08.040.
 - d. Any structure or other encroachment that prevents access to or along a flood control facility, as identified in Section 17.08.040, upon property which the county has a property interest in or that is controlled in behalf of the county.
 - ii. The above does not constitute an all-inclusive list and the county is in nowise limited by this list when determining what interferes with, causes damage to, destroys, or uses a county facility.
2. Any obstruction, material, or matter of any kind in a channel or drain or within or upon any flood control channel, reservoir, detention basin, debris basin, spreading ground or other property over which the county has an interest, that may operate to impede, retard

or change the normal direction of the flow of floodwaters, stormwaters, or other waters, or that may catch or collect debris carried by such waters, or that may be carried downstream by such waters to the damage and detriment of adjacent private or public property, or that may degrade the quality of the water.

- B. **Property Owner Responsibility.** This provision is applicable to all responsible persons. The property owner is responsible for ensuring that all structures, encroachments, facilities, appurtenances, obstructions, etc., on his or her property are properly permitted by the division, and for ensuring his or her property's compliance with this title. To ensure compliance with this chapter, a property owner will contact the county's flood control division for all construction or landscaping activities within forty feet from the top of the county facility's bank to determine if permitting is necessary.
- C. **Unpermitted Encroachments Prohibited.** It is unlawful for any responsible person to construct any structure, encroachment, facility, appurtenance, or obstruction covered by Section 17.08.020 without first receiving a permit in accordance with Section 17.08.020 of this title, or to fail to remove any structure, encroachment, facility, appurtenance, obstruction, etc. that is not in compliance with this title when requested to do so by the county.
- D. **Permit Applications.** Application for permits shall be made to the director of the division and shall set forth the particular use desired and the purpose and duration of use. The division may impose such terms and conditions as may be necessary to provide for the carrying away and the safe disposal of natural stormwaters and floodwaters, and to prevent the destruction or obstruction of any such structure, facility, appurtenance, etc., and to ensure the proper maintenance and restoration of any such structure, facility, appurtenance

or property. Permits shall be revocable when, in the discretion of the director of the division, the public interest and welfare so requires.

(Ord. No. 1800 § II, 9-13-2016; Ord. 817 § 2 (part), 1982: prior code § 7-2-1 (part))

17.08.040 - Specific facilities.

A. The following facilities, wherever located in the county, including open channel sections and sections in conduit, are declared to be part of the storm drainage and flood control system and are subject to the provisions of this chapter relating to such facilities:

1. The Jordan River;
2. City Creek;
3. Red Butte Creek;
4. Emigration Creek;
5. Parley's Canyon Creek;
6. Mountain Dell Canyon Creek;
7. Lamb's Canyon Creek;
8. Mill Creek;
9. Neff's Creek;
10. Big Cottonwood Creek;
11. Little Cottonwood Creek;
12. Dry Creek from Bell's Canyon Reservoir to Jordan River;

13. Big Willow Creek;
14. Little Willow Creek;
15. Corner Creek;
16. Beef Hollow Creek Downstream from Camp Williams Boundary;
17. Wood Hollow Creek Downstream from Camp Williams Boundary;
18. Rose Creek;
19. Butterfield Creek;
20. Copper Creek;
21. Midas Creek;
22. Bingham Creek;
23. Barney's Creek;
24. Harker's Canyon Creek;
25. Coon Canyon Creek;
26. Utah Lake Distributing Company Canal - from the Jordan River diversion to 7000 S Street in West Jordan City;
27. Utah and Salt Lake Canal;
28. South Jordan Canal;
29. North Jordan Canal;
30. Kennecott Canal;
31. Riter Canal;

32. Kersey Creek;
33. C-7 Ditch;
34. Lee Creek;
35. 8000 West Drain—Utah and Salt Lake Canal to C-7 Ditch;
36. Kearns-Chesterfield Drain—Utah and Salt Lake Canal to Jordan River including Decker Lake;
37. Lee Drain—Lee Drain Pump Station to Lee Creek;
38. Goggin Drain Surplus Canal to Great Salt Lake;
39. Surplus Canal;
40. 2700 West Drain—North Jordan Canal to I-215 Drain;
41. I-215 Drain—4700 South to 4100 South and 2700 West Drain to Decker Lake;
42. 4100 South Drain—3200 West to Jordan River;
43. 4700 South Drains—South Jordan Canal to I-215 Drain and North Jordan Canal to Jordan River;
44. 3200 West Drain—4700 South to 4100 South;
45. 5400 South Drain—Utah and Salt Lake Canal to Jordan River;
46. City Drain, West Branch from CWA 2 Drain to Sewage Canal;
47. Sewage Canal from City Drain to Great Salt Lake;
48. CWA 2 Drain from CWA 1 Drain to West Branch City Drain;
49. CWA 3 Drain from Brighton Canal Extension to CWA 2 Drain;

50. CWA 1 Drain from Roper Yard to CWA 2 Drain;
51. 4th Avenue Drain—Virginia Street to City Creek;
52. 8th South Drain—East High School Detention Basin to Jordan River;
53. 7200 South Drain—East Jordan Canal to Jordan River;
54. 9000 South Drain—Sandy Irrigation Canal to Jordan River;
55. Salt Lake City Canal to Red Butte Creek;
56. East Jordan Canal;
57. East Jordan Canal Extension;
58. 2700 South Storm Drain—Nibley Park Outfall to Mill Creek.

B. If not owned by the county, the rights of the county in and to canals and storm drains specified above are limited to those included in specific agreements for their use with the owners of such facilities.

C. The provisions of this chapter shall also apply to the following classes of facilities:

1. All collection storm drains and subsurface collection systems installed in dedicated easements and other easements in which the county has a legal interest, and located in the unincorporated county area;
2. All collection storm drains and subsurface collection systems installed in dedicated easements and located in the incorporated areas of the county through contracts and agreements specifically outlining duties and responsibilities of the city and county on each facility.

(Ord. No. 1784, § II, 4-14-2015; Ord. 1478, § 2, 2001; Ord. 1433, § 2, 1998; Ord. 918, § 1, 1985; Ord. 817, § 2 (part), 1982; prior code, § 7-2-5)

17.08.075 – Maximum Release Rates into County Flood Control Facilities Due to Development.

- A. Maximum release rates into county flood control facilities or drainage systems that feed into such facilities shall be determined by studies conducted under the supervision and authority of the director of the flood control and water quality division as described in section 17.04.050. If a study for a drainage area is not available, the maximum release rate shall be the lesser of the predevelopment release rate or 0.2 cubic feet per second (cfs) per acre.
- B. However, the following maximum release rates shall apply instead of the rates determined by application of section 17.08.075(A):
1. Maximum release rates in which a property owner is vested under the Utah Land Use, Development, and Management Act shall apply unless the appropriate legislative body issues a moratorium under that Act; or
 2. Maximum release rates specified in a Master Development Agreement in existence when a new study is adopted shall apply if the division director approves the same in writing, or approves in writing an amendment to such Master Development Agreement.

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17.08.090 - Replacement and new bridges and culverts—Design criteria.

A. Replacement and new bridges or culverts on the natural tributaries and open man-made channels, except irrigation canals, listed in Section 17.08.040, shall be sized for a frequency based on consideration of the benefits and costs derived from the improvements. As a minimum all such bridges and culverts shall be designed to pass the greater of the one percent annual storm event [~~chance flood~~] discharge or the stormwater master plan design flow, where a master plan for the flood control facility has been adopted by the director of the division of flood control and engineering, unless the division director shall deem such level of protection unwarranted. In addition to the design flow, consideration shall be given to the freeboard necessary to pass debris and accommodate bed load and bulking.

(Ord. No. 1800 § II, 9-13-2016; Ord. No. 1702, § II, 5-3-2011; Ord. 921, § 1, 1985; prior code § 7-2-9)

CHAPTER 17.20 – STORM DRAINAGE AND FLOOD CONTROL DEVELOPMENT

17.20.020 - Definitions.

For the purposes of this chapter, the definitions of the following terms shall apply:

"Building permit" means all permits except those issued solely for grading or for the purpose of remodeling or repairing any preexisting building or structure, provided that no increase in impervious surface on the property results from such permit.

"Design capacity" or "capacity of drainage systems" means the maximum volume of water per unit of time which can be carried or accommodated by each component of a drainage system,

based upon size of the line, slope, and any other factors which affect the carrying capacity of a line.

"Development site," "development" or "subdivision" means the total area of a subdivision or the total area of the parcel of land on which a building permit is to be issued or the total area of property being improved, including yard space in the case of development of a part of a land parcel.

"Director" means the planning and development services director or designee.

"Division" or "planning and development services division" means the director and other authorized agents and employees of the planning and development services division of the department of public works of the county.

"Drainage area" means that portion of a drainage basin whose drainage or storm waters drain or gravitate toward a natural or artificial channel, conduit, retention or detention area; upon designation of a drainage area upon a map referred to in Section 17.20.050, "drainage area" means each area so designated.

"Drainage basin" means that portion of the unincorporated county whose drainage or stormwaters of the contributing area is made up of individual drainage areas; upon designation of a drainage basin upon a map referred to in Section 17.20.050, "drainage basin" means each area so designated.

"Drainage system" means all facilities used for conducting excess waters to, through and from a drainage area to the point of final retention or destination, including, but not limited to, any or all of the following: pipes, conduits, culverts, curbs, gutters, waterways, inlets, swales, ditches, gulches, channels, retention and detention areas, and appurtenant features, as well as

easements and rights-of-way necessary to accommodate the same. In ascending order of size and capacity, components of the drainage system include the following: unit drainage system, intermediate drainage system, major drainage system, trunk line, natural tributary, final destination. A drainage system may, but need not, contain all of the foregoing components.

"Excess waters" mean those waters flowing upon or across a lot, subdivision, development or other area of real property which are created because of alteration of or building upon the natural terrain or other increase in the impervious surface of the property, which waters are additional to the waters which would flow upon or across the unaltered natural terrain.

"Final destination" means a natural or artificial retention area which serves one or more drainage basins into which excess waters are discharged, without subsequent discharge into any other drainage system, facility or retention or detention area or facility.

"Intermediate drainage system facility" means that part of the drainage system which serves one or more single units, subdivision or development drainage system facilities, which conveys excess waters from a unit or subdivision, and which is tributary to a major drainage system facility, a trunk line, natural tributary or final destination. Facilities within this system will be designed to fully accommodate a ten-year frequency flood.

"Major drainage system facility" means that part of the drainage system within a drainage area which is contributed to by one or more unit and intermediate drainage systems. A major drainage system facility is tributary to a trunk line, natural tributary or final destination.

"Mayor" means the Salt Lake County mayor or designee.

"Natural tributary" means that part of the drainage system contributed to by one or more trunk lines, major, intermediate and unit drainage systems; is a natural channel, ditch or river, and which is tributary solely to a final destination.

~~"[One hundred year frequency flood]~~ One percent annual storm event" means ~~[a flood flow of the magnitude which is expected to occur on the average of a one hundred year frequency or has a one percent chance of being equaled or exceeded during any one year]~~ means a storm or runoff event that has a one percent chance of being equaled or exceeded in any given year.

Similarly, two, five, ten and other year frequency floods bear like definition.

"Retention" means temporary or permanent accumulation of excess waters and/or other stormwaters, and shall include the total or partial accumulation of such waters. In the case of partial retention, the retention facilities shall include carriage of the portion not retained to an intermediate or major drainage system facility, trunk line, natural tributary or final destination.

"Stormwaters" means a storm or flood flow of the magnitude which is expected to occur on the average of a ten-year frequency or has a ten-percent chance of being equaled or exceeded during any one year.

"Trunk line" means that part of the drainage system contributed to by one or more drainage areas and unit, intermediate and major drainage system facilities within such drainage areas. A trunk line transports excess waters to a natural tributary or final destination.

"Unit or subdivision drainage facility" means that drainage system which drains a subdivision or other development area and which is tributary to an intermediate or major drainage system facility, trunk line, natural tributary or final destination.

(Ord. 1473 (part), 2001; Ord. 1442 § 3 (part), 1999; Ord. 1055 § 2, 1988; Ord. 990 § 1, 1986;
Ord. 817 § 2 (part), 1982; prior code § 7-5-2)

~~[17.20.060—Engineering studies—Maximum volumes of excess stormwater.~~

~~A.—The division shall cause engineering studies to be made of all drainage areas within the county. These studies shall be made to determine the amount or volume, frequency, and course of excess and stormwaters, and any drainage system now provided or to be provided for the drainage and control of excess or storm waters within said areas, including location of outfall or disposal points. Previous studies made by the county or others shall be considered in whole or in part if applicable.~~

~~B.—These studies shall from time to time be updated or amended as necessary to reflect changed conditions. Studies in individual drainage areas, developments, proposed subdivisions, existing subdivisions or other property may be completed by professional engineers for private developers under the direction of the county if the county cannot complete the studies as soon as required for development due to staff or budget constraints.~~

~~C.—In conducting the studies referred to in this section, the analysis of storm drainage flows and facilities shall be performed by professional engineers competent in hydrology and hydraulics and shall be in accordance with sound engineering practices. Location of existing storm drainage facilities will be coordinated with the division.~~

~~D.—In all cases flows shall be based upon present conditions and potential for future development of the county, taking into consideration the current elements of the land use master plan of the county, current as of the date of the study, relating to the drainage basin~~

~~and other relevant factors, including changes in zoning or development which are not reflected on the master plan.~~

~~E. The maximum stormwater release rate exiting the developed property into an approved system shall be based upon the results of the above studies. If unavailable, it shall be the lesser of the predevelopment release rate or 0.2 cfs/acre, unless otherwise approved by the division for good cause.~~

~~(Ord. No. 1817, § III, 8-8-2017; Ord. 1055 § 4, 1988; Ord. 990 § 2, 1986; Ord. 817 § 2 (part), 1982; prior code § 7-5-6)]~~

17.20.060 - Maximum Release Rates into Storm Drain Systems Due to Development

A. Maximum release rates into storm drain systems subject to this chapter shall be determined by studies conducted under the supervision and authority of the director of the flood control and water quality division as described in section 17.04.050. If a study for a drainage area is not available, the maximum release rate shall be the lesser of the predevelopment release rate or 0.2 cubic feet per second (cfs) per acre.

B. However, the following maximum release rates shall apply instead of the rates determined by application of section 17.08.075(A):

1. Maximum release rates in which a property owner is vested under the Utah Land Use, Development, and Management Act shall apply unless the appropriate legislative body issues a moratorium under that Act; or

2. Maximum release rates specified in a Master Development Agreement in existence when a new study is adopted shall apply if the division director approves the same in writing, or approves in writing an amendment to such Master Development Agreement.

17.20.070 - Control of development excess waters.

The owner or developer of land to be improved or developed shall provide, at his own expense, the unit or subdivision drainage system facilities within each development necessary for the control of excess waters within the development. He shall also provide:

1. The intermediate drainage system facilities required to convey such [~~stormwaters~~] excess waters:
 - a. To a major drainage system facility in existence on the effective date of the ordinance codified in this chapter, or
 - b. To a major drainage system constructed after the date of the ordinance codified in this chapter, or
 - c. To a trunk line, natural tributary or final destination; or
2. The intermediate and major drainage system facilities required to convey such excess waters to a trunk line, natural tributary, or final destination as may be indicated on the drainage area map for the drainage area within which the development is located; or
3. The facilities to retain excess waters on designated portions of the land to be improved or developed or facilities upon other lands to which the [~~stormwaters~~] excess waters may be conveyed and upon which the owner or developer has legal right to retain such

excess waters in accordance with Sections 17.20.530 through 17.20.590 of this chapter;
or

4. A temporary area, not part of the proposed development, to allow [~~runoff~~] excess waters to absorb naturally until the intermediate or major drainage system is completed, in which case the provisions of Section 17.20.580 shall apply. Said temporary area shall in no case be less than one-half of all the developed drainage area tributary to it; or
5. Shall meet all provisions set forth in Sections 17.20.150 and 17.20.220. The owner or developer shall also be responsible for safely routing the one hundred-year frequency [~~flood~~] storm event through the development as provided for in the county flood hazard regulations. The county retains the regulatory and approval function specified in this chapter in connection with unit, intermediate and major facilities constructed by an owner or developer.

(Ord. No. 1817, § IV, 8-8-2017; Ord. 817 § 2 (part), 1982: prior code § 7-5-7)

17.20.090 - Studies of needed drainage facilities.

- A. In connection with the studies contemplated under Section [~~17.20.060~~] 17.04.050, the division may designate areas where the studies shall determine the intermediate and major drainage system facilities to be provided for the drainage and control of excess waters within the areas and to convey such waters to acceptable trunk lines, natural tributaries or final destinations. Previous studies made by the county or others shall be considered in whole or in part if applicable.

B. These studies shall include a current estimate of the cost of providing the intermediate and major drainage system facilities, and the computation of such costs shall include the expense of the studies as well as anticipated engineering design services, construction engineering and inspection services, land acquisition and incidental costs required to install such facilities.

(Ord. 1055 § 5, 1988; Ord. 817 § 2 (part), 1982: prior code § 7-5-8.1)

17.20.110 - Map requirements.

As studies and maps for individual drainage areas are completed in accordance with Sections 17.20.050 and [~~17.20.060~~] 17.04.050 in areas where the county may construct intermediate or major drainage system facilities, the necessary major drainage system facilities and intermediate drainage system facilities, together with the design capacities thereof, shall be shown on the map or maps. The map or maps shall be approved by the division and shall serve as designations of the respective drainage area boundaries and the drainage system requirements within the area.

The map or maps will be subject to revision from time to time to conform with existing conditions, the results of additional studies, and such other information as may be obtained from time to time.

(Ord. 817 § 2 (part), 1982: prior code § 7-5-8.3)

17.20.310 - Studies of needed facilities.

A. In connection with the studies contemplated under Section [~~17.20.060~~] 17.04.050, the division may designate areas where the studies shall determine the intermediate and major drainage system facilities to be provided for the drainage and control of excess waters within

the areas and to convey such waters to acceptable trunk lines, natural tributaries or final destinations. Previous studies made by the county or others shall be considered in whole or in part if applicable.

- B. These studies shall include a current estimate of the cost of providing intermediate and major drainage system facilities, and the computation of costs shall include the expense of the studies as well as anticipated engineering design services, construction engineering and inspection services, land acquisition, and incidental costs required to install the facilities. These studies shall from time to time be updated or amended as necessary to reflect changed conditions. Studies in individual drainage areas, developments, proposed subdivisions, existing subdivisions or other property may be completed by professional engineers for private developers under the direction of the county if the county cannot complete the studies as soon as required for development due to staff or budget constraints.

(Ord. 1055 § 11, 1988; Ord. 817 § 2 (part), 1982: prior code § 7-5-9.3)

17.20.330 - Map requirements.

As studies and maps for individual drainage areas are completed in accordance with Sections 17.20.050 and [~~17.20.060~~] 17.04.050 in areas where a private developer may construct intermediate or major drainage system facilities to be used by others, the necessary major drainage system facilities and intermediate drainage system facilities, together with the design capacity thereof, shall be shown on the map or maps. The map or maps shall be approved by the division and shall serve as designations of the respective drainage area boundaries and the drainage system requirements within the area. The map or maps will be subject to revision from

time to time to conform with existing conditions, the results of additional studies, and such other information as may be obtained from time to time.

(Ord. 817 § 2 (part), 1982: prior code § 7-5-9.5)

17.20.540 - Plans and specifications.

A. Prior to the issuance of any building permit associated with a subdivision or development plan, or in the case of a single lot development, a single building permit, the owner or developer shall:

1. At owner or developer's expense, have prepared by a professional engineer licensed in the state of Utah, detailed plans and specifications for the construction and installation of all unit or subdivision system drainage facilities and retention system for the control of drainage of excess water within the development, or the part thereof for which a building permit has been requested, and the carriage of such water to a retention area. The plans and specifications shall include provisions for overflow of stormwaters in excess of a ten-year frequency [~~fl^{ood}~~] storm event.
2. In addition to the above required plans and specifications, before final approval and the issuance of a building permit, the developer or owner shall provide to county GIS data corresponding to the approved plans. Any changes during construction will require additional GIS data to be submitted with the final approved as-built drawings. All GIS data shall be submitted in the following format:
 - i. All GIS data shall be submitted in conformance with County Policy 1013, "Standards for Geographic Information System" and the "Salt Lake County Public

Works Engineering GIS Standards," as approved by the Salt Lake County GIS Steering Committee and on file with Salt Lake County Engineering. The county reserves the right to reject any GIS data that is provided and is not in compliance with the above standards.

- ii. This shall be done at the developer or owner's expense. If a developer or owner does not provide the required GIS data, the county may complete the work in the developer or owner's behalf and the developer or owner shall pay to the county the cost of completing the work at the hourly rate approved by the county council for such work. If developer or owner fails to pay for such work, the county may pursue legal action to recover these costs.
- iii. Developers with a cost as estimated by the public works department of ten thousand dollars or less may, prior to construction, petition the Division for an exemption from the GIS requirements of this chapter. The decision of the public works director shall be final.

B. In lieu of completion of the drainage system prior to final approval of the subdivision or development plan by the county, the developer or owner shall provide a performance bond guaranteeing actual construction and installation of the facilities pursuant to a schedule approved by the division director, and must do so before recording the plat. A developer or owner opting to complete drainage system before recording the plat shall be required by division to post an improvement warranty period assurance of ten percent, or of the maximum allowed by state law. The division shall not accept said facilities nor recommend the release of the final ten percent of the bond or the improvement warranty period

assurance until updated as-built drawing GIS data is received by county and all other requirements are met.

(Ord. No. 1817, § IX, 8-8-2017; Ord. 817 § 2 (part), 1982: prior code § 7-5-11.1)

17.20.560 - County review.

The plans and specifications shall be reviewed by the division to determine that the retention system as designed will control the excess waters determined under the engineering studies conducted pursuant to Section [~~17.20.060~~] 17.04.050 and that provision is made for overflow in excess of a ten-year frequency flood. If the retention system as designed will control the excess waters within the subdivision or development, the division shall approve the system. If the system will not control the excess waters, the division will specify in writing the deficiencies of the system as designed.

(Ord. 817 § 2 (part), 1982: prior code § 7-5-11.3)

SECTION III. This ordinance shall become effective fifteen days after its passage and upon at least one publication of the ordinance, or a summary thereof, in a newspaper published and having general circulation in Salt Lake County.

APPROVED AND ADOPTED this _____ day of _____ 2021.

SALT LAKE COUNTY COUNCIL

By: _____
Chair

ATTEST:

Sherrie Swensen

Salt Lake County Clerk

APPROVED AS TO FORM:

ORDINANCE HISTORY

Councilmember Bradley voting	_____
Councilmember Bradshaw voting	_____
Councilmember Theodore voting	_____
Councilmember DeBry voting	_____
Councilmember Granato voting	_____
Councilmember Winder Newton voting	_____
Councilmember Alvord voting	_____
Councilmember Snelgrove voting	_____
Councilmember Stringham voting	_____

Vetoed and dated this _____ day of _____, 2021.

By: _____
MAYOR JENNIFER WILSON
OR DESIGNEE

(Complete as Applicable)

Veto override: Yes ___ No ___ Date _____
Ordinance Published in Newspaper: Date _____
Effective Date of Ordinance: _____

SUMMARY OF

SALT LAKE COUNTY ORDINANCE NO. _____

On the _____ day of _____ 2021, the County Council of Salt Lake County adopted Ordinance No. _____, a modification of Chapters 17.04, 17.08, and 17.20 of the Salt Lake County Code regarding the establishment of procedures and standards for conducting hydrological studies of drainage basins and drainage areas in Salt Lake County for the purpose of determining scientifically based regulations regarding the discharge of excess stormwater runoff from developed properties into County Flood Control facilities, including maximum release rates and exceptions thereto; and making other related changes.

SALT LAKE COUNTY COUNCIL

By: _____
Chair

ATTEST:

Sherrie Swensen
Salt Lake County Clerk

APPROVED AS TO FORM:

Councilmember Bradley voting	_____
Councilmember Bradshaw voting	_____
Councilmember Theodore voting	_____
Councilmember DeBry voting	_____
Councilmember Granato voting	_____
Councilmember Winder Newton voting	_____
Councilmember Alvord voting	_____
Councilmember Snelgrove voting	_____
Councilmember Stringham voting	_____

A complete copy of Ordinance No. _____ is available in the office of the Salt Lake County Clerk, 2001 South State Street, N2-100A, Salt Lake City, Utah.