

ORDINANCE 2001-24

AN ORDINANCE AMENDING THE UNIFORM ZONING ORDINANCE OF TOOELE COUNTY; AMENDING CHAPTER 25 BY ADDING A DRINKING WATER SOURCE PROTECTION OVERLAY ZONE

THE COUNTY LEGISLATIVE BODY OF THE COUNTY OF TOOELE ORDAINS AS FOLLOWS:

SECTION I - CHAPTER AMENDED. Chapter 25 of the Uniform Zoning Ordinance of Tooele County is hereby amended by adding provisions for a Drinking Water Source Protection Overlay Zone, to read as attached hereto, which attachment is by this reference made a part hereof.

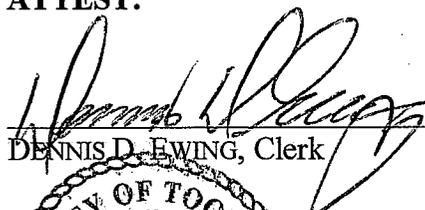
SECTION II - REPEALER. Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

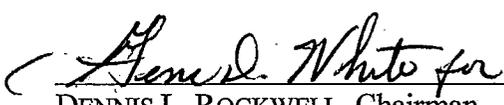
SECTION III - EFFECTIVE DATE. This ordinance shall take effect fifteen (15) days after its passage, provided the same has been published, with the name of the members voting for and against the same, for at least one publication in one issue of a newspaper published in and having general circulation in Tooele County.

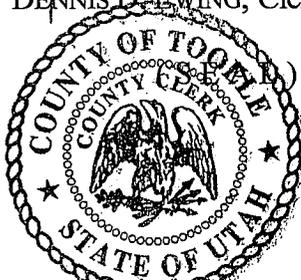
IN WITNESS WHEREOF, the legislative body of Tooele County passed, approved and enacted this ordinance this 10th day of July 2001.

ATTEST:

TOOELE COUNTY COMMISSION


DENNIS D. EWING, Clerk


DENNIS L. ROCKWELL, Chairman



Ord. 2001- 24

Commissioner Rockwell voted absent
Commissioner Hunsaker voted aye
Commissioner White voted aye

APPROVED AS TO FORM:


DOUGLAS J. AHLSTROM
Tooele County Attorney

CHAPTER 25

DRINKING WATER SOURCE PROTECTION OVERLAY ZONE

Section

- 25-1. Purpose.
- 25-2. Application.
- 25-3. Zone 1.
- 25-4. Zone 2.
- 25-5. Zone 3.
- 25-6. Zone 4.
- 25-7. Public drinking water systems data.

25-1. Purpose.

The purpose of this chapter is to minimize negative effects on the limited ground-water resources in areas that have drinking water sources being used by public water systems. Once an aquifer has been contaminated, it may take innumerable years to be purified and there would be great potential for contamination to be distributed to a large number of people.

25-2. Application.

The Drinking Water Source Protection Overlay Zone shall encompass the four delineated zones as described in Utah Administrative Code R309-600-9. Each zone shall have regulations that afford protection to that zone. The regulations of uses in this chapter shall supercede those conflicting of the underlying zone.

25-3. Zone 1.

Permitted uses in Zone 1 shall be the well or margin of the collection area and all accessory structures and equipment that are appurtenant to the operation and maintenance of the drinking water source protection overlay zone. Zone 1 shall be fenced to limit contaminants from being brought on the site. All other uses are prohibited.

25-4. Zone 2.

(1) For areas where an approved sewer system is not available or utilized, Zone 2 development shall be limited to single family residential uses, if allowed in the underlying zone. Single family dwellings will be a permitted use provided the lot is no smaller than five acres and is located over a "protected aquifer", as defined in Utah Administrative Code R309-600-6. All

single family residential uses not connected to an approved sewer system shall be limited to shallow on site wastewater drain fields having a depth of no more than five feet. All septic systems shall have an effluent filter approved by the Tooele County Health Department on the discharge of the tank.

(2) On-site wastewater disposal is prohibited in Zone 2 if the underlying aquifer is classified as an "unprotected aquifer" as defined in Utah Administrative Code R309-600-6.

(3) Where an approved sewer connection is incorporated into the development or construction of a site, commercial, multi-family, and cluster housing and lots less than five acres may be permitted by conditional use, if allowed in the underlying zoning district. No conditional use permit for commercial or industrial uses shall be issued unless it is demonstrated that the use is connected to an approved sewer system, overlays a protected aquifer, and the intended handling, storage, and disposal of all chemicals on the site does not permit leaching into groundwater aquifers. The proposed use shall demonstrate the best management practices that are to be employed on the site to contain any spills, drips or seeps that present a conduit for potential ground-water contamination. All containment systems shall be designed with a 25% higher capacity than the total volume of materials on the property. Any change in use from a previously approved or non-conforming use shall require a new conditional use permit or amendment to an existing conditional use permit.

(4) All conveyances, recordable documents, or titles pertaining to plats, parcels, or properties located within Zone 2 shall contain the following disclosure:

"This property is located within Zone 2 of a Drinking Water Source Protection Overlay Zone.

This zone mandates that all septic systems shall:

- (1) have a drain field no deeper than five feet from the surface; and
- (2) be installed with an effluent filter on the discharge of the tank."

(5) All conditional use permit, subdivision, planned unit development and rezone applications in Zone 2 will be reviewed by the Tooele County Health

Department. A conditional use permit, subdivision or planned unit development may be approved only when it is determined that under best management practice the use mitigates any danger that may contaminate ground-water resources. A rezone application may have a favorable recommendation only when it is determined that the density will not present a danger of contaminating ground-water resources.

25-5. Zone 3.

All commercial and industrial uses in the underlying zone are conditional uses in Zone 3. Single family or multi-family residential uses may be permitted or conditional as is determined in the underlying zone. Cluster subdivisions, mobile home parks, multi-family or other groups of dwellings that have an actual lot size of less than one acre are a conditional use and restricted to be located where a sanitary system can be made and approved by the Tooele County Health Department and which will not contaminate the aquifer. All conditional use permit, subdivision, planned unit development and rezone applications in Zone 3 will be reviewed by the Tooele County Health Department. A conditional use permit, subdivision or planned unit development may be approved only when it is determined that under best management practice the use mitigates activities that are a contamination of ground-water resources. A rezone application may have a favorable recommendation only when it is determined that the density will not present any danger that may contaminate ground-water resources. A geotechnical, hydro-geologic and chemical evaluation study by licensed and qualified firms or persons may be required by the planning commission, Tooele County Health Department, or engineering staff to assess the effects of a potential spill in reaction to geologic conditions.

25-6. Zone 4.

All uses in Zone 4 shall be governed by the underlying zone, except that any commercial or industrial use that has a storage, discharge or disposal of material onsite shall be a conditional use. A conditional use permit shall only be approved on the provision that such storage or disposal methods shall not permit any waste to leach into the aquifer. The planning commission, zoning administrator or health department may have the applicant conduct a study to show the neutralization or long-term effect by retention of such material in the geologic and hydrologic

conditions of the site and/or aquifer.

25-7. Public drinking water systems data.

All public drinking water systems shall provide to the Department of Engineering the most current data, maps and electronic files which show the location of the four delineated zones as described in Utah Administrative Code R309-600. The Drinking Water Source Protection Overlay Zone shall not be placed, sized or altered except to comply with the public drinking water delineations as described in Utah Administrative Code R309-600.