

11-2-3: WATER AND SEWAGE:

A. Memorandum Of Decision Required: New residential, commercial and industrial development shall not be approved in accordance with the provisions of [chapter 4](#) of this title, nor shall a building permit be issued on a previously platted lot, without evidence of a memorandum of decision from the state engineer demonstrating that water of adequate quantity is available on the site and that water on the site can be used by the applicant to serve the proposed uses/lots, or a commitment from a municipality or private service company to provide water of adequate quantity and quality to serve the proposed use/lot. However, lots within all minor subdivisions shall not be required to have a memorandum of decision from the state engineer nor commitment from a municipality or private service company for each lot. The applicant shall submit documentation indicating what type of water system shall be utilized within the minor subdivision, i.e., private wells, municipality or private service company. A note shall be included on the subdivision plat that indicates:

It shall be the responsibility of each lot owner to demonstrate that water of adequate quantity is available for each lot prior to the issuance of a building permit. This shall be accomplished with a memorandum of decision from the state engineer for a private well or a written commitment from a municipality or private service company.

(Ord. 278, 5-6-1996; amd. Ord. 307, 3-24-1997)

B. Capacity And Capability: No new development or building permit for a previously platted lot, for which water and/or sewer service will be provided by a private service provider, will be approved until the service provider has submitted documentation demonstrating that it has the capacity and capability to serve the development/lot and that it is committed to providing the service.

C. Sewage Collection: New residential, commercial and industrial development shall not be approved in the vicinity of existing well and spring protection zones, which are used for domestic consumption purposes, without a contained sewage collection and disposal system. The impact on protection zones shall be determined based on distance, soil conditions, slope and drainage patterns, or in compliance with state law. Individual septic disposal systems will not be allowed when these zones can be impacted.

D. Sewage Treatment: No development shall be approved without suitable sewage treatment capacity point of discharge, and dependability for the specific use proposed. (Ord. 278, 5-6-1996)

E. Adequate Water: No subdivision, low impact use, conditional use or commercial or industrial development shall be approved without adequate water quantity, quality, pressure and dependability to support the use intended and to provide for protection from fire.

1. Applicability: With the exception of minor subdivisions and low impact uses, the standards for adequate water to serve a project shall be satisfied prior to the approval of a final subdivision plat or final site plan for the proposed development. Water standards for cluster bonus/agricultural preservation minor subdivisions of three (3) or more lots shall be satisfied prior to the recordation of the final plat. Water standards for minor subdivisions of one to two (2) lots and low impact uses shall be satisfied prior to the issuance of a building permit.

2. Water Systems: If a water system serving a development has fewer than fifteen (15) connections, then the Summit County public health department regulations for the installation

and approval of nonpublic water systems shall apply. For systems serving fifteen (15) or more connections, the applicant must furnish a letter from the Utah state department of environmental quality, division of drinking water, that the water system meets all current Utah state standards and that no unresolved notices of violation or noncompliance are outstanding.

3. Standards: All development, utilizing either public or private water systems, including commercial and industrial uses, shall be subject to the following water requirements:

a. Quantity: Water quantity includes paper water rights (i.e., the legal right to divert the water) and wet water (i.e., the actual ability to provide flowing water for culinary, irrigation and fire protection purposes). If individual wells are proposed as sources of supply for each subdivision lot, or if nonpublic water supply wells are proposed to serve several lots, a statement from the state engineer's office must be submitted indicating the feasibility of obtaining ground water suitable in quantity to serve the proposed residences throughout the subdivision.

(1) Water Rights: A memorandum of decision from the Utah state engineer showing sufficient water rights for the proposed development shall be required. The "sufficiency" of the water rights shall be determined based on state water use guidelines that generally require 0.45 acre-foot of water for indoor use per dwelling unit and three (3) acre-feet of water per one acre of irrigated land for outdoor use, or such other figures as determined by the Utah state engineer.

(2) Wet Water: It is recognized that the transfer of paper water rights by the state engineer does not necessarily correlate with the actual availability of wet water. Therefore, the sufficiency of wet water shall be determined based on the actual amount required (according to the water rights determinations above) compared to the actual sources available.

(A) In order to ensure that sufficient wet water is available, a flow test for any proposed well or representative test well shall be required. For individual wells, a flow test of four (4) hours minimum is required. For community wells, a flow test of twenty four (24) hours minimum shall be required. For community wells in bedrock or fault/fracture soil conditions, longer tests will typically be required to ensure that water storage in the formation has been pumped and the water flow is actual well production.

(B) In the event that the adequacy of the underground aquifer cannot be addressed by the state engineer's office, a representative number of test wells, depending on subdivision acreage and lot size, shall be drilled on the property and the quantity and quality of the water in each well tested and found satisfactory before a statement of feasibility for such wells to serve the entire subdivision is issued. Information from existing wells in reasonable proximity to the project may also be considered. Shared or common wells will be strongly encouraged whenever feasible or possible, especially in cluster design subdivision developments.

b. Quality: A chemical and bacteriological analysis of the water shall be required that meets the standards of the Utah state department of environmental quality, division of drinking water, and the Summit County public health department.

c. Pressure: Adequate water pressure shall be provided, at the point of delivery, for an end user such as a homeowner, as well as for firefighting. Water pressure for firefighting shall generally be regulated by the respective fire district. Adequate firefighting water pressure

shall be deemed acceptable upon receipt of an approval letter from the fire district. Adequate water pressure to an end user shall constitute a minimum of thirty five (35) pounds per square inch (psi) of water being provided at the floor level of the dwelling. For individual private wells, it will be assumed that adequate pressure can be provided by the homeowner for their own needs according to the size of the well pump and/or storage tank elevation.

d. Dependability: The water source shall be dependable in meeting the water demand and in providing adequate flow capacity to serve the intended water user as well as water storage for fire protection. The source shall meet the anticipated water demand on the day of highest water consumption, or peak day demand. The peak day demand for the year round indoor use of a single-family dwelling shall be eight hundred (800) gallons per day (gpd). Generally, storage volume must at least equal one average day's demand or four hundred (400) gallons whichever is greater. Source demand for indoor culinary water use of a single-family dwelling shall generally be calculated as 0.56 gallon per minute (gpm). Outdoor irrigation use shall generally be calculated as 2.80 gallons per minute (gpm) per irrigated acre. The water source shall not create negative impacts or reduce the dependability of other water resources in the area.

e. Fire Protection: All development, including a single-family dwelling on an individual lot or parcel, that does not have year round access or is located within the wildland fire interface zone may be subject to the following fire protection water measures as required by the respective fire district and/or fire warden:

(1) Connection to a community or private water system, well or spring with a minimum five thousand (5,000) gallon water storage tank, pond, or other accessible water body with a dry hydrant.

(2) Internal fire sprinkler systems.

4. Submission Requirements: The applicant shall provide the following information regarding the proposed development and project area:

a. Proposed density of the development;

b. Well logs;

c. Evidence of any ground water;

d. Historic well water levels in the surrounding area;

e. Septic tank density of the surrounding area;

f. Proposed lateral distances for protection zones between septic tanks/drain fields and water supply wells; and

g. Other similar information to determine whether sufficient water is available to serve the proposed development. (Ord. 641, 8-16-2006)