

**ALPINE CITY
ORDINANCE 2019-01**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.12.6.2.F & 4.3.1.6.F OF THE
ALPINE CITY DEVELOPMENT CODE PERTAINING TO DRIVEWAY CUT & FILL
STANDARDS**

WHEREAS, the City Council of Alpine, Utah has deemed it in the best interest of Alpine City to amend the ordinance to allow minor subdivisions to be approved administratively; and

WHEREAS, the Alpine City Planning Commission has reviewed the proposed Amendments to the Development Code, held a public hearing, and has forwarded a recommendation to the City Council; and

WHEREAS, the Alpine City Council has reviewed the proposed Amendments to the Development Code:

NOW THEREFORE, be it ordained by Alpine City Council that: the amendments to Article 3.12.6.2.f and Article 4.3.1.6.f contained in the attached document will supersede Article 3.12.6.2.f and Article 4.3.1.6.f as previously adopted. This ordinance will take effect upon posting.

SECTION 1: **AMENDMENT** “3.12.060 Geologic Hazards Overlay” of the Alpine City Municipal Code is hereby *amended* as follows:

A M E N D M E N T

3.12.060 Geologic Hazards Overlay

1. **Purpose of Provisions.** The purpose of the geologic hazards overlay is to promote the safety of the citizens of Alpine City, and minimize the adverse effects of geologic hazards. The geologic hazard overlay includes surface fault rupture, landslide, debris flow, rockfall, and soil liquefaction.
2. **Definitions.** The following terms have the following meanings:

Active Fault: A fault displaying evidence of greater than four inches of displacement along one or more of its traces during Holocene time (about 10,000 years ago to the present).

Avalanche: A large mass of snow, ice, soil, and rock, or a mixture of these materials, falling, sliding, or flowing rapidly under the force of gravity.

Buildable Area: A lot or portion thereof possessing all of the following physical characteristics:

- a. The area contains no territory having a natural slope of twenty (20) percent or greater;
- b. The area contains the portion of a site where an approved engineering geology and/or geotechnical report, as required, has indicated is not impacted by geologic hazards, or concluded that the identified hazards can be mitigated where risk to human life and property are reduced to an acceptable level, and where structures may be safely sited.
- c. The engineering properties of the soil provide adequate structural support for the intended use;
- d. The area does not possess any other recognized natural condition, which renders it unsafe for building purposes;
- e. The area is within the building setback envelope as determined in accordance with the setback provisions of the zone; and
- f. The area is readily capable of vehicular access from the adjacent public street over a driveway having a slope of not more than twelve (12) percent with no cut or fill greater than five feet as measured at the finished grade of the centerline alignment.

Critical Facilities: Essential facilities and lifelines such as major utility, transportation, and communication facilities and their connections to essential facilities, e.g. tanks or other structures supporting water or other fire-suppression materials or equipment required for the protection of essential or hazardous facilities, or special occupancy structures.

Debris Flow: A slurry of rock, soil, organic material and water transported in an extremely fast and destructive flow that flows down channels and onto and across alluvial fans; includes a continuum of sedimentation events and processes including debris flows, debris floods, mudflows, clearwater floods, and alluvial fan flooding.

Engineering Geologist: A geologist, who through education, training and experience, is able to conduct field investigations and interpret geologic conditions. Professional licensing is required through the State of Utah.

Engineering Geology: The application of Geologic data, principles and interpretations so that geological factors affecting planning, design, construction, and maintenance of engineered works are properly recognized and adequately interpreted.

Essential Facility: Buildings and other structures that are intended to remain operational in the event of extreme environmental loading from snow or earthquakes.

Fault: A fracture in the earth's crust forming a boundary between rock or soil masses that have been moved relative to each other.

Fault activities class: Age of most recent surface rupture on a fault (Holocene - <10,000

yrs; Late Quaternary-<130,000 yrs; Quaternary-<1.6 Million yrs); as defined in UGS MP 03-06.

Fault setback: An area on either side of a fault within which structures for human occupancy or critical facilities is not permitted.

Fault Scarp: A steep slope or cliff formed by movement along a fault.

Fault Trace: The intersection of a fault plane with the ground surface, often present as a fault scarp, or detected as a lineament on aerial photographs.

Fault Zone: A corridor of variable width along one or more fault traces, within which deformation has occurred.

Geologic Hazard Area: A potentially hazardous area as shown on the Alpine City Hazard maps as geologic hazards where hazard investigations are required prior to development.

Geotechnical Engineer: A professional, licensed engineer whose education, training, and experience is in the field of geotechnical engineering. Professional licensing is required through the state of Utah.

Geotechnical Engineering: The investigation and engineering evaluation of earth materials including soil, rock and man-made materials and their interaction with earth retention systems, foundations, and other civil engineering works. The practice involves the fields of soil mechanics, rock mechanics, and earth sciences and requires knowledge of engineering laws, formulas, construction techniques, and performance evaluation of engineering.

Landslide: A general term for the downslope movement of a mass of soil, surficial deposits or bedrock, including a continuum of processes between landslides, earthflows, mudflows, debris flows and debris avalanche, and rockfall.

Non-Buildable Area: That portion of a site which an engineering geology report has concluded may be impacted by geologic hazards that cannot be feasibly mitigated to a safe level, and where citing of habitable structures is not permitted.

Rockfall: A rock, or mass of rock, newly detached from a cliff or other steep slope which moves downslope by falling, rolling, toppling, or bouncing; includes rockslides, rockfall avalanches, and talus.

Setback: An area within which habitable structures or critical facilities are not permitted.

- 3. Applicability.** The regulations contained in this category shall apply to all lands in Alpine City within the Geologic Hazards Overlay Zone as shown on the Alpine City Hazard Maps.

- 4. Required Geologic Hazard and Engineering Geology Reports.** An engineering geology report may be required in Geologic Hazard areas that include a geologic hazards investigation and assessment prepared by a qualified engineering geologist upon the recommendation of the City Engineer or at the request of the Planning Commission or City Council. The report shall be site-specific and shall identify all known or suspected geologic hazards, whether previously mapped or unmapped, that may affect the particular property. All reports will be prepared by a qualified geologist or engineer and all reports shall be signed and stamped by the preparer and include their qualifications. Reports are:
- a. Surface-fault rupture hazard reports shall be prepared in accordance with "Guidelines for Evaluating Surface-Fault-Rupture Hazards in Utah, UGS MP 03-6."
 - b. Debris flow hazard studies and reports shall be prepared in accordance with "Guidelines for the geologic evaluation of debris flow hazards on alluvial-fans in Utah," draft UGS Miscellaneous Publications, Misc 04-X. Debris flow hazard analyses may require contributions from qualified hydrologists and engineers. Clear-water alluvial-fan flood hazards are to be addressed as part of debris flows; and should comply with FEMA standards.
 - c. Landslide reports shall be prepared in accordance with the Utah Geological Survey's "Guidelines for Evaluating Landslide Hazards in Utah," (UGS Circular 92). Slope stability or other analyses included in these reports shall include both static and dynamic conditions.
 - d. Rockfall reports may include models as outlined in Colorado Rockfall Simulation Program, by Jones, Higgins, and Andrew; March, 2000.
 - e. Liquefaction reports will be based on the borings or trenches and any soils with the propensity for liquefaction will be outlined, and their hazard addressed and mitigation measures evaluated.
 - f. Other geologic hazard or engineering geology reports shall be prepared in accordance with Utah Geological Survey Miscellaneous Publication M, "Guidelines for Preparing Engineering Geologic Reports in Utah." Generally, these reports must be prepared by a qualified engineering geologist, commonly in collaboration with a professional engineer. Liquefaction and geotechnical soil reports may be prepared by a professional engineer.
 - g. All reports shall include, at a minimum:
 - i. A 1:24,000-scale geologic map (with reference) showing the surface geology, bedrock geology (where exposed), bedding attitudes, faults or other structural features, and the locations of any geologic hazards.

- ii. A detailed site map of the subject area showing any site-specific mapping performed as part of the geologic investigation, and including boundaries and features related to any geologic hazards, topography, and drainage. The site map must show the location of test pits, trenches and corings, boundaries of the hazard(s), delineation of any recommended setback distances from hazard(s), and recommended location(s) for structures. Buildable and non-buildable areas shall be clearly identified. Scale shall be one inch equals one hundred feet or larger.
- iii. Trench logs and test pit logs (scale: 1 inch equals 5 feet, or larger), aerial photographs, references with citations, and other supporting information, as applicable. Ten days prior to trenching the land owner will notify Alpine City. Alpine City reserves the right to have a third-party present for consultation on trench location.
- iv. Conclusions that summarize the characteristics of the geologic hazards, and that address the potential effects of the geologic conditions and geologic hazards on the proposed development and occupants thereof in terms of risk and potential damage.
- v. Specific recommendations for additional or more detailed studies, as may be required to understand or quantify the hazard, evaluate whether mitigation measures are required and evaluate mitigation options.
- vi. Specific recommendations for avoidance or mitigation of the effects of the hazard(s) shall be included in the report. These recommendations shall include design or performance criteria for engineered mitigation measures and all supporting calculations, analyses, modeling or other methods, and assumptions. Final design plans and specifications for engineered mitigation must be signed and stamped by a qualified professional licensed geotechnical or structural engineer, as appropriate. Evidence on which recommendations and conclusions are based shall be clearly stated in the report.

5. Review of reports—Approval procedure

- a. In order to fulfill the purposes of the geologic hazard overlay, the Planning Commission shall review any proposed land use which requires preparation of a geologic hazard report under this category to determine the possible risks to the safety of persons or property from geologic hazards.
- b. Prior to consideration of any such development for preliminary plat by the City, the geologic hazard report shall be submitted to Alpine City and Utah State Geological Survey for review and recommendation. Alpine City may request at the developer's expense other experts to review the report (third-party review) and provide additional recommendations. Alpine City shall retain a copy in the Alpine City development file.
- c. Alpine City and other retained experts in their review of the report, and the City Council in its consideration of the development, shall determine whether the development complies with all of the following standards:

- i. The proposed land use does not present an unreasonable risk to the safety of persons or property (including buildings, storm drains, public streets, utilities or critical facilities, whether off-site or on-site), or to the aesthetics and natural functions of the landscape (e.g. slopes, streams or other waterways, drainage, wildlife habitat, etc., whether off-site or on-site) because of the presence of geologic hazards or because of modifications to the site due to the proposed land use;
 - ii. The proposed land use may be approved if the reports submitted by the applicant demonstrate that, consistent with the state of the practice, the identified hazards can be mitigated to a level where the risk to human life and damage to property are reduced to an acceptable and reasonable level in a manner which will not violate applicable federal, state, or local statutes, ordinances, or regulations. Mitigation measures should consider, in their design, the intended aesthetic functions of other governing ordinances.
 - d. Any area determined to contain geologic hazards to life or property shall not be approved for development unless the applicant demonstrates that the identified hazards or limitations can be reduced to an acceptable and reasonable manner. The applicant must include, with the geologic hazards report, a mitigation plan that defines how the identified hazards or limitations will be addressed, as described in Part 4, and without impacting or affecting off-site areas.
 - e. Alpine City may set other requirements as are necessary to overcome any geologic hazards and to ensure that the purposes of this Chapter are met. These requirements may include, but are not limited to:
 - i. Additional or more detailed studies to understand or quantify the hazard or determine whether mitigation measures recommended in the report are adequate;
 - ii. Specific mitigation requirements; establishing buildable and/or non-buildable areas; limitations on slope grading; and/or revegetation;
 - iii. Installation of monitoring equipment and seasonal monitoring of surface and subsurface geologic conditions, including groundwater levels;
 - iv. Other requirements such as time schedules for completion of the mitigation, phasing of development, etc.
 - f. Alpine City may also set requirements necessary to reduce the risks from geologic hazards as a condition to the approval of any development which requires a geologic hazards report.
- 6. Requirements in Surface Fault Rupture Areas**

- a. No critical facility (excluding transportation lines or utilities, which by their nature may cross faults) or structures designed for human occupancy shall be built astride a Holocene fault. A fault study must be prepared prior to final approval of the land use or applicable building permits. If a fault is discovered in the excavation, a special study must be performed to determine the activity class of the fault; the procedures set forth in UGS MP 03-6 shall be followed. If the fault activity class is Holocene, the fault study report shall establish a fault setback on either side of the fault within which no critical facilities or structures for human occupancy shall be placed. If the fault activity class is Late Quaternary or Quaternary, recommendations in USC MP 03-06 shall be followed.
 - b. No structure designed for human occupancy shall be built on a fault scarp. Footing setbacks from a fault scarp shall be the requirements as recommended in USG MP 03-06 or the slope requirements of the adopted International Building Code (IBC Appendix J), whichever is more stringent. The Building Official may increase footing setback requirements where information from a geologic report indicates slope conditions warrant a greater setback distance.
 - c. Setback requirements do not apply to accessory buildings.
- 7. Disclosure when a geologic hazards report is required**
- a. Whenever a geologic hazards report is required, the owner of the parcel shall record a notice running with the land in a form satisfactory to Alpine City prior to the approval of any development or subdivision of such parcel. Disclosure will include signing a Disclosure and Acknowledgement Form provided by the City, which will include the following:
 - i. Notice that the parcel is located within a Geologic Hazard Overlay Zone on the Alpine City Hazard Maps.
 - ii. Notice that a geologic hazards report was prepared and is available for public inspection in Alpine City's files.
 - b. Where geologic hazards and related setbacks are delineated in the subdivision, the owner shall also place additional notification on the plat stating the above information, prior to final approval of the plat.
- 8. Compliance with Geologic Hazard Overlay.** The consulting firm or consultant shall ensure all mitigation standards and requirements enumerated in the geological hazard report and additional requirements made by Planning Commission are correctly implemented and shall submit a letter to Alpine City detailing the completion.
- 9. Warning and Disclaimer.** The geologic hazards in this overlay zone represent only those geologic hazard areas known to the City, and should not be construed to include all possible potential hazard areas. The geologic hazards areas may be amended as new information becomes available. The provisions of the geologic overlay zone do not in any way assure or imply that areas outside its boundaries will be free from the possible adverse effects of geologic hazards. This Chapter shall not create liability on the part of Alpine City, any officer or employee thereof for any damages from hazards that result from reliance on this Chapter or any administrative requirement or decision.

Any development in a hazard area approved by Alpine City or any officer or employee thereof will not be liable.

(Original Ordinance No. 2002-01. Amended by Ordinance 2005-03, 1/25/05)

SECTION 2: AMENDMENT "4.03.010 Definitions" of the Alpine City Municipal Code is hereby *amended* as follows:

A M E N D M E N T

4.03.010 Definitions

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this Ordinance. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure;" the words "used" and "occupied" shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used or occupied; the word "shall" is mandatory and not directory; and the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the word "lot" includes the words plot, or parcel. Words used in this Ordinance but not defined herein shall have the meaning as defined in any other Ordinance adopted by the City of Alpine.

Average Slope. The definition shall conform with that in the Alpine Zoning Ordinance, DCA 3.01.110 Part 4.

Block. The land surrounded by streets or other rights-or-way, other than an alley, or land which is designated as a block or any recorded subdivision plat.

Building Official. Building official is the official, or his duly authorized deputy, charged with the administration and enforcement of this ordinance.

Condominium. The ownership of a single unit in a multi-unit project together with an undivided interest in common in the common areas and facilities of the property as provided by state law.

Crosswalk or Walkway or Pedestrian Way. A right-of-way designed for use by pedestrians and not intended for use by motor vehicles of any kind; a cross-walk or walkway or pedestrian-way may be located within or without a street right-of-way, at grade, or grade- separated from vehicular traffic.

Designated Buildable Area. A lot or portion thereof possessing all of the following physical characteristics: (Added by Ord. 2004-13, 9/28/05)

1. The area contains no territory having a natural slope of twenty (20) percent or greater;
2. The area contains no territory which is located in any identified flood plain or within any recognized inundation zone, mud flow zone or zone of deformation, or lands subject to earth slippage, landslide or rockfall;

3. The engineering properties of the soil provide adequate structural support for the intended use;
4. The area does not possess any other recognized natural condition, which renders it unsafe for building purposes;
5. The area is within the building setback envelope as determined in accordance with the setback provisions of the zone; and
6. The area is readily capable of vehicular access from the adjacent public street over a driveway having a slope of not more than twelve (12) percent with no cut or fill greater than five feet as measured at the finished grade of the centerline alignment.

Driveway. A private roadway, the use of which is limited to persons residing, employed, or otherwise using or visiting the lot on which the roadway is located.

Dwelling. Any building or portion thereof designed or used exclusively as the more or less permanent residence or sleeping place of one of more persons or families.

Easement. That portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner(s) of said property/ies. The easement may be for use on, under, or above said lot or lots.

Environmental Impact Study. A study which is described by means of written narrative as well as maps, a geographical area in terms of existing: (1) slope, (2) soils, (3) water courses, (4) water table, (5) flood hazard areas, (6) geologic hazards, (7) vegetative types, (8) wildlife, (9) wildlife habitat, and (10) available urban services, i.e., electricity, gas, roads, schools, culinary water, sewage facilities, police and fire protection, (11) air quality and movement, (12) noise, (13) aesthetics and cultural, (14) land use, (15) open space and trails, (16) recreational facilities.

The study recommends measures which, if undertaken, will mitigate or obviate acts resulting from development of the proposed subdivision, and discusses the benefits to be gained from such subdivision.

The study also evaluates the potential area-wide economic impact of the subdivision on both private and public economic sectors and the potential impact on school systems.

Essential Facilities. Utilities, sanitary and public safety facilities provided by a public utility or other governmental agency for overhead or surface or underground services, excluding any building, electrical substation or transmission line of fifty (50) KV or greater capacity, except by conditional use permit.

Final Plat. A subdivision map prepared in accordance with the provisions of this Ordinance, which is designed to be placed on record in the office of the County Recorder.

Fire Protection. Such water supply, water lines, fire hydrants, and other protective devices as may be required in accordance with the provisions of this Ordinance.

Flood Hazard. A hazard to land or improvements due to inundation or overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of water courses.

Frontage. The width of the lot or parcel of land measured at the required front setback lines.

Geological Hazard. A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property, or improvements, due to the movements, failure or shifting of the earth.

Improvement. Work, objects, devices, facilities, or utilities required to be constructed or installed in a subdivision. Such improvements may include, but are not limited to, street construction to required standards water facilities, sewer facilities, sidewalks, curbs and gutters, drainage facilities, street trees, street signs, street lights, traffic control or safety devices, fire hydrants, and such other facilities or construction required by the Subdivision Ordinance, Subdivision Regulations, or by the Planning Commission and/or City Council for the necessary proper development of the proposed subdivision.

Land, Agricultural. Land whose primary use is determined to be agricultural in the Land Use Element of the Alpine City General Plan, or which is included in an agricultural district in the Alpine Zoning Ordinance.

Land, Commercial. Land whose optimum use is determined to be commercial in the Land Use Element of the Alpine City General Plan, or which is included in a commercial district in the Alpine Zoning Ordinance.

Land, Industrial. Land whose optimum use is determined to be industrial in the Land Use Element of the Alpine City General Plan, or which is included in an industrial or manufacturing district in the Alpine Zoning Ordinance.

Land Use Element of the General Plan. A coordinated plan which has been prepared and adopted for the purpose of guiding development of land use.

Lot.

1. An independently described parcel of land as shown on the records of the County Recorder; or
2. Two or more contiguous parcels each of which qualify under (1) above and for which a Declaration of Zoning Lot has been approved and filed in the office of the County Recorder.

Lot, Corner. A lot abutting upon two (2) or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

Major Street Plan. A map of the City of Alpine which shows existing public streets and which has been officially adopted by the Planning Commission and City Council as the Major Street Plan.

Off-street Parking Space. An area adjoining a building providing for the parking of automobiles which does not include a public street but has convenient access to it.

Off-site. Of or pertaining to land, area or facilities not located within the boundaries of a final plat of a subdivision.

On-site. Of or pertaining to land, area or facilities located within the boundaries of a final plat of a subdivision.

Permanent Monument. Any structure of concrete, masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference, which meets the requirements of the local jurisdiction for permanent monuments.

Site Plan. A plot of a lot, drawn to scale, showing its actual measurements, the size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets, north point, scale, utility easements, vehicle access, and such other information as may be required by the Planning Commission.

Streets, Roads, and Highways.

1. Street, Arterial. A street, existing or proposed, which serves or is intended to serve as a major traffic way, and is designated an arterial street on the Major Street Plan.
2. Street, Collector. A street, existing or proposed, of considerable continuity, which is the main means of access to arterial streets, and is designated a collector street on the Major Street Plan.
3. Street, Cul-de-sac. A street which is designed to remain permanently closed at one end with the closed end terminated by a vehicular turnaround. For purposes of these regulations, the length of a cul-de-sac street shall be measured from center of turnaround to the point of connection to the next intersection street. (DCA 4.07.040 Part 9, Subdivision Ordinance)
4. Street, Frontage, or Frontage Road. A minor street or road which is parallel to and adjacent to a limited access major street and which provides access to abutting properties and protection from through traffic.
5. Street, Minor. A street, existing or proposed, which is supplementary to a collector street and of limited continuity, which serves or is intended to serve the local needs of a neighborhood and to give access to abutting properties.
6. Street, Partial, Width. A street parallel and contiguous to a property line and of lesser right-of-way width than will eventually be required; the additional needed right-of-way width to be obtained in the future from the abutting property owner prior to development as frontage.
7. Street, Public. A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority.
8. Street Right-of-Way. That portion of land dedicated to public use for street and utility purposes.

9. Street, Stub. A street or road extending from within a subdivision boundary and terminating there; with no permanent vehicular turnaround. Stub streets are provided to permit adjacent undeveloped parcels of land to be developed later by continuing the stub street to the extended connecting street system.

Structure. Anything constructed, the use of which requires fixed location on the ground, or attachment to something having a fixed location upon the ground, includes "building."

Subdivider. Any person, firm, corporation, partnership or association who causes land to be divided into two or more parcels of land for himself or others.

Subdivision. Subdivision means any land that is divided, re-subdivided, or proposed to be divided into two (2) or more lots, parcels, sites, units, plots or other division of land for the purpose, whether immediate or future, for offer, sale, lease or development either on the installment plan or upon any and all other plans, terms and conditions. The term "Subdivision includes:

1. The division or development of land whether by deed, metes and bounds description, devise and testacy, lease map, plat or other recorded instrument; and
2. Divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural and industrial purposes.

Vicinity Map (Location Map). A map or drawing showing where a subdivision, or proposed subdivision is located.

(Ord. 98-19 amending Ord. 78-03)

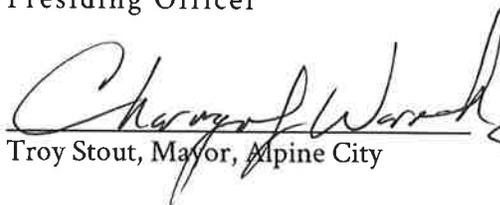


PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL
01-08-2019

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Lon Lott	<u>X</u>	_____	_____	_____
Kimberly Bryant	<u>X</u>	_____	_____	_____
Carla Merrill	<u>X</u>	_____	_____	_____
Ramon Beck	<u>X</u>	_____	_____	_____
Jason Thelin	<u>X</u>	_____	_____	_____

Presiding Officer

Attest


 Troy Stout, Mayor, Alpine City


 Charmayne G. Warnock, City Recorder Alpine City