

ORDINANCE NO. 2017- 1

**AN ORDINANCE AMENDING SECTION 5-11-B, FLOODPLAIN OVERLAY ZONE:
SCOPE, SECTION 5-11-D, FLOODPLAIN OVERLAY ZONE: GENERAL
DEVELOPMENT STANDARDS, AND SECTION 5-11-H, FLOODPLAIN OVERLAY
ZONE: SPECIAL REQUIREMENTS OF THE UTAH COUNTY LAND USE
ORDINANCE**

WHEREAS, the Utah County Commission initiated a review of the Utah County Land Use Ordinance (UCLUO), dealing with amending Sections 5-11-B, 5-11-D, and 5-11-H to provide an avenue for applicants to gain compliance in the Floodplain Overlay Zone.

WHEREAS, the Planning Commission addressed the proposed amendment to the Utah County Land Use Ordinance during the regularly scheduled meeting of the Planning Commission, scheduled and held a public hearing regarding the proposed amendment, and made a recommendation to the Board of County Commissioners regarding the proposed amendment; and

WHEREAS, the Board of County Commissioners has received and carefully reviewed the recommendation from the Planning Commission regarding the proposed amendment, and the minutes from the Utah County Planning Commission meetings and public hearings regarding the proposed amendment to the Utah County Land Use Ordinance; and

WHEREAS, the Board of County Commissioners has received and carefully reviewed the input, documents, and testimony from the public regarding the proposed amendment to the Utah County Land Use Ordinance; and

WHEREAS, the Board of County Commissioners finds the proposed amendment to the Utah County Land Use Ordinance conforms to the Utah County General Plan, 2014, and is consistent with the other provisions of the Utah County Land Use Ordinance and the Utah Code; and

WHEREAS, the Board of County Commissioners finds that the proposed amendment to the Utah County Land Use Ordinance is in the best interest of the health, safety, and welfare of the citizens of Utah County, considering all factors.

NOW, THEREFORE, THE COUNTY LEGISLATIVE BODY OF UTAH COUNTY ORDAINS AS FOLLOWS:

Part I:

Section 5-11-B, FLOOD PLAIN OVERLAY ZONE; SCOPE of the Utah County Land Use Ordinance, is hereby amended, to read as follows:

5-11: FLOOD PLAIN OVERLAY ZONE

B. SCOPE

3. Compliance

a. No structure or land use shall hereafter be constructed, located, extended, converted, altered or otherwise developed without full compliance with the terms of this section. In this regard, "new construction" shall mean structural work commenced after October 29, 1982, and "new subdivision or mobile home park" shall refer to divisions making new lots or mobile home sites after October 29, 1982.

b. The minimum requirements and standards of the National Flood Insurance Program (NFIP) found in the Floodplain Management Requirements (FEMA 480) and the Flood Plain Management Criteria for Flood Prone Areas found in the Code of Federal Regulations (Title 44 CFR) shall apply. In addition, all applicable requirements of the currently adopted building construction codes of Utah County or by any future addition of these codes that may be adopted shall be met.

Part II:

Section 5-11-D, FLOOD PLAIN OVERLAY ZONE; GENERAL DEVELOPMENT STANDARDS of the Utah County Land Use Ordinance, is hereby amended, to read as follows:

5-11: FLOOD PLAIN OVERLAY ZONE

D. GENERAL DEVELOPMENT STANDARDS

In addition to the above referenced NFIP requirements, the following standards may apply within all parts of the FPO Zone as determined by the Utah County Engineer:

1. Anchoring
 - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
 - b. All new manufactured homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

- i. Over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations (except mobile homes less than 50 feet long require only one additional tie per side);
- ii. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points (except mobile homes less than 50 feet long require only four additional ties per side);
- iii. All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
- iv. Any additions to the mobile home be similarly anchored.

2. Construction Materials and Methods

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. Utilities

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- d. Electrical, heating, ventilation, plumbing, air conditioning and similar service facilities shall be designed and/or located so as to prevent water from entering the facilities during conditions of flooding.

4. Fill

- a. Fill shall be placed and accomplished in a manner that will neither be unsightly nor diminish the value of neighboring properties.

- b. When any area is proposed to receive fill, the applicant shall submit a plan which shows the horizontal extent of the fill, a typical cross section, and the treatment proposed to overcome unsightliness.
5. Large-Scale Development Proposals
- a. All large-scale development proposals shall be consistent with the need to minimize flood damage.
 - b. All large-scale development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
 - c. All large-scale development proposals shall have adequate drainage provided to reduce exposure to flood damage.
 - d. Base flood elevation data shall be provided for any large-scale development proposal which contains at least 50 lots or 5 acres (whichever is less).

Part III:

Section 5-11-H, FLOOD PLAIN OVERLAY ZONE; SPECIAL REQUIREMENTS of the Utah County Land Use Ordinance, is hereby amended, to read as follows:

5-11 : FLOOD PLAIN OVERLAY ZONE

H. SPECIAL REQUIREMENTS

2. Certification by Engineer

A plan received according to subpart 1 immediately above shall bear on it the certification of an engineer licensed to practice in the State of Utah that the requirements and standards of the flood plain zone have been met.

Notwithstanding such certification, the plans and certification shall be reviewed by the Utah County Engineer to determine whether the requirements of this ordinance actually have been met before any clearance to commence construction is issued by the Zoning Administrator.

Exception: The Zoning Administrator may waive such for a residential accessory structure or a structure to house livestock or agricultural products or machinery if he/she finds the plans are sufficient to determine the structure

meets the standards of this section.

Part IV:

A copy of the Utah County Land Use Ordinance, as amended herein, is hereby ordered to be filed in the office of the Utah County Clerk/Auditor.

Part V:

If any of the sections, sentences, clauses or provisions of this ordinance shall for any reason be adjudged inapplicable or invalid by a court of competent jurisdiction, such shall not affect or invalidate the remaining portion contained herein.

Part VI:

This ordinance shall become effective fifteen (15) days after it is passed and upon at least one (1) publication in a newspaper published in and having general circulation in Utah County.

PASSED and ordered published this 17th day of January, 2017.

UTAH COUNTY COMMISSION

VOTE



aye

WILLIAM C. LEE, CHAIR



aye

GREG GRAVES, VICE-CHAIR



aye

NATHAN IVIE, COMMISSIONER

ATTEST:

BRYAN E. THOMPSON

County Clerk/Auditor

By: *Ferris Carson*

Deputy



APPROVED AS TO FORM:

JEFFREY R. BUHMAN

County Attorney

Approved

Disapproved

By: *Jeffrey R. Buhman*
Deputy

Date of Publication: Once only, as soon as possible