

ORDINANCE # 2023-07

**AN ORDINANCE OF PLAIN CITY, UTAH AMENDING THE CITY'S ZONING
ORDINANCE TITLE 10 CHAPTER 18 SENSITIVE LAND USE; AND
ESTABLISHING AN EFFECTIVE DATE**

Section 1. Recitals

WHEREAS, The City Council finds, that the City of PLAIN CITY (herein "City") is a municipal corporation duly organized and existing under the laws of the State of Utah; and

WHEREAS, the City Council finds that in conformance with the provisions of UCA § 10-3-717, the governing body of the city may exercise all administrative powers; and

WHEREAS, the City Council finds that in conformance with the provisions of UCA § 10-3-702, the governing body of the City may pass any ordinance to regulate, require, prohibit, govern, control, or supervise any activity, business, conduct or condition authorized by State law or any other provision of law; and

WHEREAS, the City Council finds that this issue has been reviewed by the Planning Commission and certain recommendations made by them; and

WHEREAS, the City Council finds that the public health, welfare and safety are at issue in this matter; now,

NOW THEREFORE, BE IT ORDAINED by the City of PLAIN CITY as follows:

Section 2. City's Zoning Ordinance Amended.

The following amends and replaces Plain City Code Title 10 Chapter 18:

10-18-1: PURPOSE:

The purpose of this chapter is to regulate development in sensitive areas in order to preserve the city of Plain City's unique visual character, conserve the public health, safety, and general welfare, and promote environmentally sound design and planning. In order to ensure the preservation of the land in flood areas, the regulations of this section are established to recognize that development of land in flood areas involves special considerations and unique situations which result from the topography of the land. These special considerations and unique situations include, but are not limited to, increased hazards to development from stormwater runoff and potential flood areas. In addition, steeply sloped land presents design limitations to roadways, cuts and fills, and buildings, and difficulties in providing public services.

A. With the enactment of this chapter, the city council of Plain City intends to:

1. Protect life and property from all potentially hazardous conditions particular to stormwater runoff, and potential flood areas;
2. Preserve and enhance the scenic and environmental resources of the landscape by encouraging the maximum retention of prominent natural topographic features, such as drainage swales, streams, slopes/bluffs, vistas, natural plant formations, and trees;
3. Encourage innovative site and architectural design and planning in order that the development adapts to the natural terrain and is harmonious with the character of the area;
4. Minimize grading and cut and fill operations consistent with the retention of the natural character of the land;
5. Minimize stormwater runoff and erosion problems incurred by the development on and off the site;
6. Preserve, where possible, natural streams, ponds and associated riparian vegetation;
7. Require the retention of trees and other vegetation which stabilizes and retains moisture, prevents erosion, and enhances the natural scenic beauty and to require additional landscaping where it is necessary;
8. Encourage the retention of trees and other vegetation throughout the site instead of just in the periphery area of the development and to require that graded areas be reasonably distributed throughout the project site;
9. Encourage minimal grading which relates to the natural contour of the land;
10. Encourage road design which follows the natural topography wherever possible in order to minimize cutting and grading;
11. Place the liability and expense of evaluating the condition of potentially unstable land, and determining restrictions which should be placed on its development, upon geologists or engineers employed by the landowner;
12. Implement the Plain City general plan and restrict the use of land to those uses which do not present unreasonable risks to persons or property because of geological and natural hazards and/or geotechnical limitations; within high water table, floodplain and wetland areas.
13. Protect unsuspecting buyers of property within listed areas and preventing fraud in land sales relating to the geologic or other condition of real property;
14. Authorize a governmental function of regulation within the Utah governmental immunity act; and
15. Require compliance with federal emergency management agency (FEMA) floodplain management plan. (Ord. 2013-04, 4-18-2013, eff. 4-19-2013)

10-18-2: GENERAL PROVISIONS:

To ensure that a proposed development in sensitive land areas reflect the best interests of the city, all grading or other improvement of any land, including, but not limited to, land in approved subdivisions or other development plans, shall conform to the development standards, guidelines, and criteria of this chapter, the provisions of which are intended to minimize floods, erosion, and other environmental hazards; to protect the areas not suitable for development, and to ensure the efficient expenditure of public funds. The policies to be achieved by this chapter shall include, but not be limited to, the following:

- A. Encourage only minimal grading which relates to the natural contour of the land and which will round off, in a natural manner.
- B. Require retention and protection of trees and other vegetation and retain moisture, prevent erosion, enhance the natural scenic view, and where necessary, require additional landscaping to enhance the scenic and safety qualities of the canal or river.
- C. Require immediate planting wherever appropriate to maintain necessary cut and fill slopes, to stabilize them with plant roots, to conceal the raw soil from view and to minimize erosion.
- D. Preserve natural drainage channels as determined by the city.
- E. Encourage retention of natural landmarks and prominent natural features, wildlife habitat, and open space.
- F. Preserve and enhance the visual and environmental quality through the use of natural vegetation and prohibition of excessive excavation and terracing.
- G. Protect the public from natural hazards of stormwater runoff and erosion by requiring drainage facilities.
- H. Minimize the threat of fire damage by establishing fire protection measures.
- I. Establish land use management that will encourage protection of natural elements while allowing a harmonious and satisfying residential environment.
- J. Minimize public exposure to geological and natural hazards including, but not limited to, debris flow, debris floods, surface and ground water flooding, land sliding, surface fault rupturing and/or deformation along primary and secondary fault traces and ground failure associated with soil liquefaction, by identification, mitigation and/or avoidance of such hazards in conjunction with development proposals.
- K. Minimize potential property losses related to geotechnical limitations including, but not limited to, expansive or collapsible soils, nonengineered fills and shallow groundwater conditions, excavation and construction adjacent to drainage irrigation, canals, and streams. (Ord. 2013-04, 4-18-2013, eff. 4-19-2013)

10-18-3: DEFINITIONS:

- ALLUVIAL FAN: Fan shaped area deposited by slowed river; a fan shaped area of alluvium deposited by a river when reaching flatter land.
- BUILDABLE AREA: That portion of a lot or parcel which is eligible to place a building or structure and complies with the setbacks and other regulations of the zone where the property is located.
- EXCAVATION: The mechanical removal of earth material.
- FEMA: Federal Emergency Management Agency, the Federal agency under which the NFIP (National Flood Insurance Program) is administered.
- FILL: A deposit of earth material by artificial means.
- FLOODPLAIN: A relatively flat area or lowlands adjoining a river, stream watercourse, lake or other body of standing water that has been or may be covered by flood water.
- FRENCH DRAIN: A sump or trench filled with crushed rock or gravel intended to receive stormwater discharge.
- GEOLOGIC REPORT: Report that shall include maps and a report, as required by section 10-18-10 of this chapter.
- GEOTECHNICAL ENGINEER: A civil engineer registered in the state of Utah with training and experience in soil engineering.

GRADING: Any excavating or filling or combination thereof.

GRADING PLANS: A topographic development plan prepared by a registered civil engineer showing contours for before and after grading which do not exceed one-foot (1') intervals.

HAZARDOUS CONDITIONS: Floodplain area, sensitive land, and land with a high-water table which if disturbed is likely to be detrimental to life or property.

LETTER REPORT: A simplified geologic report used in relation to areas of relatively stable soil and rock as required by section 10-18-9 of this chapter.

NATURAL FEATURES: No manmade land characteristics which include drainage swales, wetlands, streams, and concentrated native stands of large shrubs or trees.

NATURAL STATE: Portion of any lot or parcel which cannot be subjected to grading, removal of vegetation or building development.

OPEN SPACE: Primary and secondary conservation areas and other land conserved or set aside from development such as, but not limited to, public or private parks, trails, landscaped buffers, wetlands, meadows, forested areas, pastures, farm fields and other lands forming part of the ecologically connected matrix of natural areas significant due to wildlife habitat, water quality protection and other reasons.

SENSITIVE LANDS: Listed as high water table, floodplain and wetland areas, are any land areas whose destruction or disturbance could immediately affect the life of the community by either:

- A. Creating hazardous conditions such as flooding;
- B. Destroying important public resources such as water supplies and the water quality of canals and rivers; or
- C. Wasting important productive lands and renewable resources.

SITE: Any lot or parcel of land.

SLOPE/BLUFF: An inclined earth surface, the inclination of which is expressed as the ratio of horizontal distance to vertical distance. In this chapter, slopes/bluffs are generally expressed as a percentage; percentage of slope refers to a given rise in elevation over a given run in distance. A fifty percent (50%) slope, for example, refers to a one hundred foot (100') rise in elevation over a distance of two hundred feet (200'). A fifty percent (50%) slope is expressed in engineering terms as a two to one (2:1) slope.

SUBSURFACE DRAINAGE: Any system of pipes, canals, ditches, moats, and the like that intercepts groundwater and carries it to a river or creek.

SURFACE DRAINAGE: Water runoff caused as a result of precipitation or irrigation.

WETLANDS: Lands that are generally inundated or saturated by surface or ground water at a frequency or duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. (Ord. 2013-04, 4-18-2013, eff. 4-19-2013)

10-18-4: ACTIONS PROHIBITED:

Notwithstanding any other provision of this code, it shall be unlawful to grade, fill, or excavate any land in any manner which presents an unreasonable risk of erosion, flooding, or any other unsafe condition, and it shall be unlawful to erect any structure which will not be reasonably safe for use as a human habitation because of:

- A. A high-water table (water close to the surface);
- B. Surface water;

- C. Expansive soils;
- D. Collapsible soils;
- E. Proximity to a secondary fault;
- F. Proximity to an alluvial fan; or
- G. Any other unsafe condition. (Ord. 2013-04, 4-18-2013, eff. 4-19-2013)

10-18-5: PRESUMPTION:

Conditions described on geologic hazard maps and aerial topography maps maintained by the city engineer, together with explanatory material appurtenant thereto shall be presumed to exist. (Ord. 2013-04, 4-18-2013, eff. 4-19-2013)

10-18-6: PROCEDURE TO DEVELOP REAL PROPERTY:

A. It shall be unlawful to grade, fill, or excavate land or to erect any structure without doing the following:

1. Obtaining the acknowledgment of the city that any letter report (a letter report is described in section 10-18-9 of this chapter), or geologic report (a geologic report is described in section 10-18-10 of this chapter), required by the city engineer pursuant to this chapter, has been received and meets the requirements of section 10-18-8 of this chapter. (The giving of this acknowledgment by the city engineer shall not be an approval of or acquiescence to the content or conclusions of the letter report or geologic report. A letter report or geologic report shall be considered part of the public record and may be copied by any person.)

2. Except as provided in section 10-18-11 of this chapter, by grading, filling, or excavating land or erecting a structure only as described in the letter report or geologic report which has been acknowledged by the city engineer. (A proposal for which a letter report or a geologic report is not required may be implemented as described in the proposal.)

3. By executing and recording the restrictive covenant required by section 10-18-15 of this chapter. (This subsection does not apply if no letter report or geologic report is required.)

B. Obtain permission from the city engineer of acceptable erosion control and revegetation plan.

C. In addition to the provisions of this chapter, all grading, filling, or excavation of land or erection of any structure shall comply with all other applicable provisions of these ordinances.

D. Those parts of any proposal to construct improvements such as roads, sewer lines, or water lines, or other improvements which are intended to be placed in public ownership shall be subject to the approval of the city engineer.

E. Those parts of any proposal to develop real property which jeopardizes the public's health, safety, or welfare or significantly interferes with established long term development plans of Plain City shall be subject to the approval of the city engineer after consultation with the appropriate city department.

F. No building permits shall be issued until the requirements of this chapter are met. (Ord. 2013-04, 4-18-2013, eff. 4-19-2013)

10-18-7: PRELIMINARY DETERMINATION BY CITY ENGINEER:

All proposals to grade, fill, or excavate land or to erect a structure for human habitation (sometimes referred to herein as the "proposal") shall be referred to the city engineer who shall make a preliminary determination by reference to the maps and materials maintained in the city engineer's office if any of the unsafe physical conditions described in section 10-18-2 of this chapter appear to exist in relation to the real property which is included in the proposal. (Ord. 2013-04, 4-18-2013, eff. 4-19-2013)

10-18-8: REQUIREMENT TO SUBMIT LETTER REPORT OR GEOLOGIC REPORT:

A. Except if the city engineer determines in the manner described in subsection 10-18-6A3 of this chapter that no physical condition described in section 10-18-2 of this chapter appears to exist in relation to the subject property, the proposal with respect to which the subject property is associated may proceed, as proposed, subject to the other requirements of these ordinances.

B. If the city engineer determines in the manner described in section 10-18-6 of this chapter any physical condition described in section 10-18-2 of this chapter appears to exist in relation to the subject property, the developer shall submit a report prepared by geotechnical engineer.

C. With respect to any proposal not requiring a geologic report, the city engineer may require the developer to submit a letter report to resolve issues with respect to the condition of the subject property. A letter report may be required even if the maps and materials maintained in the office of the city engineer do not show any of the unsafe conditions described in section 10-18-2 of this chapter. The city engineer may withhold the determination described in section 10-18-6 of this chapter until the letter report has been received, and based on information in the letter report, the city engineer may, for good cause, require the submission of a geologic report. (Ord. 2013-04, 4-18-2013, eff. 4-19-2013)

10-18-9: LETTER REPORT; CONTENTS:

A. A letter report is a simplified geologic report used in relation to areas of relatively stable soil and rock. It shall contain not less than the following:

1. An analytical geologic description of the subject property in relation to the development which is proposed thereon, and in relation to adjoining property;
2. A description of any requirements or restrictions which should be imposed on the proposal to avoid violation of the provisions of section 10-18-2 of this chapter;
3. A geologic sketch map and/or a geologic structure section diagram, if relationships are complex and difficult to describe in writing; and
4. The letter report shall include other information as the city engineer shall reasonably require. (Ord. 2013-04, 4-18-2013, eff. 4-19-2013)

10-18-10: GEOLOGIC REPORT:

A. A geologic report shall include current up to date maps and a report containing not less than the following information:

1. The maps shall include: Sensitive land maps (high-water table, floodplain and wetland areas if applicable) including slopes & drainage for proposed sites)

a. The site location and regional setting of the subject property.

b. An overall site plan which illustrates exposure to geological and natural hazards identified in section 10-18-2 of this chapter and the geotechnical limitations identified in section 10-18-2 of this chapter. The map shall illustrate the proposed site modifications relative to geological and natural hazards and/or geotechnical limitations that may impact the site. Any corrective site modification actions necessary to mitigate or avoid hazards or limitations shall be clearly identified on the map.

c. Maps shall use a convenient scale of not more than one inch (1") equals one hundred feet (100') and a maximum contour interval of one foot (1'). Existing contours shall be shown by dashed lines and proposed contours shall be shown as solid lines. Boring logs, cross sections, test trench logs, soil sample descriptions, and test results shall be included.

d. The city engineer may require additional updated maps or additional detail on existing sensitive land use maps as reasonably necessary to evaluate actual or potential geologic hazards.

2. The report shall include:

a. A description of the proposed grading, filling, excavation, or structure;

b. An analysis of the effects of the proposed grading, filling, excavation, or erection of a structure in relation to the geologic conditions shown in the geologic maps;

c. With regard to a structure, an analysis of the manner in which the same, as constructed, will be made reasonably safe for human habitation;

d. Any corrective or remedial action necessary to avoid a violation of section 10-18-2 of this chapter, shall be described and analyzed in detail;

e. A list, including title, author and date, of all prior studies or reports which are relied upon to make this report; and

f. The city engineer may require additional information or analyses which are reasonably necessary to evaluate actual or potential geologic hazards. This includes submittal of reports to consultants or state agencies for review and comment. The cost of any additional reviews required by the city engineer shall be borne by the developer.

B. If the geologic report (maps and report) relates to land having a slope that exceeds ten percent (10%), the development proposal described in the geologic report shall conform to the provisions of section 10-18-17 of this chapter.

C. In the case of a proposal to grade, fill, or excavate, which is not directly or indirectly related to a proposal to erect a structure for human habitation, the city engineer may waive compliance with any requirement of this section not relevant to the proposed grading, filling, or excavating. (Ord. 2013-04, 4-18-2013, eff. 4-19-2013)

10-18-11: ENGINEER/GEOLOGIST QUALIFICATIONS AND CERTIFICATE:

A. A letter report (described in section 10-18-9 of this chapter) or a geologic report (described in section 10-18-10 of this chapter) shall be approved and signed by a geotechnical engineer whose primary area of expertise is required to address issues related to soil mechanics, foundation investigations, slope stability, etc. If necessary, he or she shall also be capable of supervising other professionals who may address other specific issues related to site conditions.

B. A letter report or a geologic report shall contain the following certificate:

CERTIFICATE The signature and professional stamp attached to this report certify that I am a geotechnical engineer as defined in section 10-18-11, of the Ordinances of Plain City. I have examined the letter report/geologic report to which this certificate is attached and the information and conclusions contained therein are, without any reasonable reservation not stated therein, accurate and complete. All procedures and tests used in said letter report/geologic report meet minimum applicable professional standards.

SIGNATURE

C. In addition to any applicable private civil remedies, it shall be unlawful to knowingly make a false, untrue, or incomplete statement in a letter report or a geologic report or to sign the certificate described above knowing the same to be materially false or not true.

D. It shall be the responsibility of the geotechnical engineer who stamps and signs the letter report or geologic report to ensure that experienced and qualified professionals perform the tasks required to complete each portion of the report. His or her signature indicates the applicable report was prepared under his or her direction and supervision. (Ord. 2013-04, 4-18-2013, eff. 4-19-2013)

10-18-12: POSTCONSTRUCTION INSPECTION AND CERTIFICATION:

For any real property with respect to which development has proceeded on the basis of a letter report or a geologic report which has been acknowledged by the city engineer, no final inspection shall be completed or certificate of occupancy issued or performance bond released until the engineer or geologist who signed and approved that letter report or geologic report shall further certify that the completed improvements and structures conform to the descriptions and requirements contained in said letter or report. Provided, however, that improvements and structures may, with the consent of the city engineer, deviate from the descriptions and requirements contained in the letter report or geologic report because of conditions which are discovered after acknowledgment by the city engineer of the letter report or geologic report. (Ord. 2013-04, 4-18-2013, eff. 4-19-2013)

10-18-13: APPEAL FROM DECISION OF CITY ENGINEER:

Any person dissatisfied with a decision of the city engineer made under this chapter, may appeal the same within ten (10) days thereof to the city council, which city council is by this chapter authorized to hear appeals from decisions of the city engineer, which city council shall affirm or reverse, either in whole or in part. Any person dissatisfied with a decision of the city council may appeal that decision within ten (10) days thereof to district court. (Ord. 2013-04, 4-18-2013, eff. 4-19-2013)

10-18-14: SCOPE OF APPLICATION:

No subdivision or other development plat or plan with a slope between ten (10) and forty percent (40%) shall be approved without compliance with the provisions of this chapter. Every proposal to grade, fill, or excavate land, and every proposal to erect a structure for human habitation, garage or accessory building shall be subject to this chapter, including proposals related to land in subdivisions. (Ord. 2013-04, 4-18-2013, eff. 4-19-2013)

10-18-15: RESTRICTIVE COVENANTS REQUIRED:

A. If a letter report or a geologic report has been submitted to the city engineer and planning commission, no subdivision or other development plat or plan shall be approved and no building permit shall be issued for construction of a structure until the owner(s) of the subject real property have signed and delivered to Plain City a restrictive covenant in a form suitable for recording containing not less than the following:

1. A complete description of the geologic condition of the subject real property, including references to relevant reports and studies;
2. A description of the grading, filling, or excavating or erection of a structure for human habitation, garage or accessory building approved in the letter report or geologic report which has been acknowledged by the city engineer, together with the requirements and restrictions imposed thereon;
3. A covenant and agreement enforceable by Plain City, adjoining landowners, and any subsequent owner of the subject real property that only the grading, filling, or excavating or erection of a structure in the acknowledged letter report or geologic report will be constructed or maintained without further compliance with this chapter, as it may be amended from time to time. (Ord. 2013-04, 4-18-2013, eff. 4-19-2013)

10-18-16: CIVIL AND CRIMINAL FRAUD:

It shall be unlawful for any person, including the seller or the seller's representative, directly or indirectly in connection with the sale or offering for sale of real property located in Plain City, to make any untrue statement of a material fact related to the geologic condition of the subject property. This section shall be construed to create private and public civil causes of action in addition to creating criminal liability. (Ord. 2013-04, 4-18-2013, eff. 4-19-2013)

10-18-17: RIVER AND CANAL DEVELOPMENT STANDARDS:

A. Grading:

1. No grading, filling, or excavation of any kind shall be accomplished adjacent to any canal or river without first obtaining approval from the city engineer.
2. Any land or parcel, or portion of any parcel having a slope of greater than ten percent (10%) shall not be graded to a slope that exceeds forty percent (40%). Development or grading in areas having slopes below forty percent (40%) shall be approved through a conditional use permit.
3. All preliminary street and site grading shall be completed prior to the installation of utilities.
4. Fills in areas intended as structural foundations, including roadways, shall be compacted to at least ninety five percent (95%) by ASTM D-1557. All other fills shall be compacted to at least ninety percent (90%) by ASTM D-1557. Test reports verifying compliance with this provision shall be submitted to the city engineer by the developer, at the developer's expense.
5. Borrowing for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan.
6. Cut slopes shall be constructed to eliminate sharp angles of intersection with the existing terrain and shall be rounded and contoured as necessary to blend with existing topography to the maximum extent possible. The city will not accept the dedication and

maintenance of cut and fill slopes except those within the required street right of way. Where a cut or fill slope occurs between two (2) lots, the slope shall normally be made a part of the downhill lot.

7. Grading, cuts and fill to obtain access to developable property above a ten percent (10%) slope shall be approved through a conditional use permit by Plain City planning commission.

8. Sections of the international building code regulating excavation and grading shall be complied with, except the decisions described therein to be made by the "building official" may also be made by the city engineer.

B. Site Elements: Site elements shall include:

1. Retaining walls that blend with natural topography.
2. Planting near retaining walls.
3. Minimum lighting needed for pedestrian safety.
4. Large areas of formal landscaping are prohibited.
5. Grading should be minimized in areas where the slope is greater than thirty percent (30%).
6. Drainage channels should receive a naturalizing treatment including native rock and landscaping.
7. Use of natural building materials to blend in with the surroundings.
8. Smaller roof components so structure appears less intrusive.
9. The maximum height of buildings shall not exceed the height allowed in the zoning/overlay district.

10. Canals, rivers and streams are required to be fenced or piped as determined by planning commission and or city council if found to be detrimental to for public health, safety or welfare.

C. Drainage:

1. Required stormwater runoff collection facilities shall be designed so as to retain stormwater runoff on development sites for a sufficient length of time so as to prevent flooding and erosion during stormwater runoff flow periods.
2. Required stormwater runoff collection facilities shall be so designed as to divert surface water away from cut faces or sloping surfaces of a fill. Subsurface drains are not acceptable.
3. Curb, gutter, and pavement designs shall be such that water on roadways is prevented from flowing off the roadways.
4. Natural drainages shall be riprapped or otherwise stabilized to the satisfaction of the city engineer below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion.
5. Waste material from construction, including, soil and other solid materials, shall not be deposited within a natural or manmade drainage course or within irrigation channels.
6. Sediment retention facilities shall be constructed as part of each development as directed by the city engineer.

D. Vegetation And Revegetation:

1. Every effort shall be made to conserve topsoil which is removed during construction for later use on areas requiring vegetation or landscaping, e.g., cut and fill slopes.

2. New planting shall be protected.
3. All disturbed soil surfaces shall be stabilized before final acceptance of the development by the city.
4. The developer shall be fully responsible for any destruction of native vegetation which is required to be retained in all areas under the ownership and control of the developer. The developer shall carry the responsibility for such areas both for the developer's own employees and for all subcontractors from the first day of construction until final acceptance of the development by the city. The developer shall be responsible for replacing such destroyed vegetation.
5. Prior to the termination of the bonding period, any dead plant materials required to be installed by the developer shall be replaced and a new bond issued to assure establishment of the replaced materials.

E. Fire Protection:

1. Lot size and potential placement of buildings thereon shall be such that adequate clearance of hazardous, flammable vegetative cover may be accomplished.
2. All easements for firebreaks for safety of built-up areas shall encompass access for firefighting personnel and equipment and such easements shall be dedicated for this specific purpose by being recorded.
3. The inability to provide fire line water pressure consistent with the standards set by the Utah state division of drinking water, the international fire code and the Plain City fire marshal shall be justification for denial of a development request.

F. Streets:

1. All streets within a hillside area shall be designed to meet the standards required for streets in all other areas of the city except that sidewalks of not less than six feet (6') in width may be required on one side of streets within a hillside area. (Ord. 2013-04, 4-18-2013, eff. 4-19-2013)

10-18-18: HIGH WATER TABLE, WETLAND AND FLOODPLAIN AREA DEVELOPMENT STANDARDS:

A. Development in high water table, floodplain or wetland areas shall be subject to the following standards:

1. Floodplain, wetland areas and natural drainages shall not be included as part of any buildable development unless allowed to be mitigated pursuant to applicable law. Lots within the residential or agricultural zones may include wetlands and flood zones as part of the lot provided there is sufficient buildable area no less than 4 acres to accommodate the proposed use.
2. Wetlands and flood plain areas may not be included in area requirements for lots or for calculation of density.
3. Where determined by the planning commission or designee, wetland and floodplain areas may be required to be fenced if found to be detrimental to public health, safety or welfare.
4. Prior to the acceptance by the city of a petition for rezoning of property in the designated area, or before the submission of an application for preliminary development plan in the designated area, it must be demonstrated to the satisfaction of the city engineer, public works director and planning commission that the conditions and

requirements contained herein can be met. Such petition, submission, or application shall be made through the city. A predevelopment conference with the planning commission and developer shall be required to review any proposed plans.

5. Prior to acceptance by the city of an application for preliminary development plan in the specified areas, it must be demonstrated to the satisfaction of the city, (IBC) International Building Code: Section 1612, including appendix G - Relates to construction in flood hazard areas, and the Weber County Flood Damage Prevention Ordinance, that all conditions specified in the listed chapters have been fully met and accomplished.

6. Surface or subsurface drainage from any development within the subject area shall be transported to either a canal, creek or river and shall not be deposited, collected, or stored upon the property being developed or upon other properties within the subject area.

7. Drainage water from the proposed new development will not be placed upon or pass-through other properties, except:

a. Where a preexisting drainage system of adequate capacity is legally available for use; or

b. Where a permanent drainage easement of a size sufficient to carry projected flows has been obtained and a statement from the owners of both the host and guest properties recorded on property deeds in the office of the county recorder specifying the following:

(1) That the city will be held harmless from all damages or injury resulting from water pollution and flooding from drainage crossing said property.

(2) That the property owner will allow the owner of the easement to enter onto said property to maintain the drainage facility on said easement.

(3) That the drainage channel can be placed in a pipe or culvert at such time as deemed appropriate by the owner of the easement.

8. Drainage from the proposed new development will not be placed in an irrigation ditch or irrigation canal, originally constructed for irrigation purposes, except where permission, in written and recorded instruments (i.e., easements) running with the land, has been granted by the subject irrigation company and/or all water users below the proposed development on the specific ditch or canal specifying the following:

a. That the city will be held harmless from all damage or injury resulting from flooding, water pollution, or high groundwater from drainage in the ditch or canal.

b. That the irrigation ditch or canal can be placed in a pipe or culvert at a time deemed necessary by the owner of the easement.

(1) That the owner(s) of property which is the subject of a development plan may be required to provide, and record with the county recorder, a statement holding the city harmless from all damage within the project resulting from flooding or high-water table.

(2) That a disclosure statement may be required to be placed upon all subdivision and development plats in the subject area, stating that the subdivision or development lots are in an area potentially subject to flooding from high water table.

(3) That drainage easements be granted to the city within the proposed development, as determined by the city engineer, and drainage facilities be installed as part of the development at developer's expense.

9. No building or structures shall be allowed to be constructed in a high-water table or floodplain areas of the city where the building proposed to be built includes a basement. A basement shall be considered as any usable floor area below either the elevation of the fronting curb and gutter, or if there is no curb and gutter planned to be constructed, usable floor area below the existing ground surface. buildings and structures, including substantial improvements of such buildings and structures, shall be elevated such that the lowest floor, including basement is elevated above the design flood elevation in accordance with section 1612 of the (IBC) International Building Code Appendix-G (Flood-resistant construction). The following conditions must be met:

a. Prior to the issuance of the building permit, the owner(s) shall produce a statement which shall be recorded in the office of the county recorder and attached to the property stating that the city will be held harmless from all damages or injury resulting from flooding from groundwater in an identified high-water table or floodplain area.

b. Prior to the issuance of any building permit for a structure/residence with a basement within a new development, the developer shall submit to the city engineer for approval, a design that has been signed and stamped by a registered professional engineer indicating his or her method to minimize flooding from groundwater. Each lot owner may also still be required to produce a statement which shall be recorded in the office of the county recorder and attached to the property stating that the city will be held harmless from all damages or injury resulting from flooding from building within a flood plain area, high-water table, groundwater or existing water ways.

10. A comprehensive drainage and grading plan shall be submitted by the developer of any property within a high-water table, floodplain or wetland area and shall be approved by the city engineer, public works director and planning commission before preliminary development approval or approval for any residential, commercial or industrial development or building on a single lot or lots. In the case of subdivisions, such plan shall be submitted via the city engineer; or in the case of building development on a single lot or lots, the plan shall be submitted via the building inspector. Such plan shall be subject to the following requirements:

a. Sump Pumps are required to be installed on all lots and shall not be discharged into the sanitary sewer system; but shall require outfall into a storm drain or private ditch system, if permitted by the owners thereof. Approval of, and signatures by; all irrigation and canal companies if their ditches or canals cross the development areas, or if surface or subsurface drainage is to outfall into the ditch or canal or if modification to ditch or canal is proposed. Property owners should be aware that few ditch companies allow discharge into their systems.

b. Quantities of runoff shall be determined for the complete development area by the rational method or other method as approved by the city engineer.

c. At all outfall points from the development, quantities of runoff shall comply as approved by the city engineer.

d. The capacity of any irrigation ditch, storm drain, or other channel shall be determined from the inlet point to the outfall point of said channel if it is to be used for runoff. If there is an insufficient capacity to handle added flows, it will not be used.

e. A topographic map with updated wetland and floodplain areas, if applicable shall be prepared to indicate sufficient slopes in all areas to take surface drainage and

overflow waters into the designated street or storm drain. Water will not be allowed to pond any place other than a designated detention or retention basin.

f. Subdivisions not located within three hundred feet (300') times the number of lots in the subdivision of an existing Plain City sewer line are exempt provided that the lots are forty thousand (40,000) square feet minimum and the developer/owner installs a septic system in accordance with Plain City, the state of Utah and Weber County regulations for septic systems. Subdivisions or lots that are located within sensitive lands may be prohibited by planning commission or city council to install septic systems.

g. No building permit shall be issued in any development in the described areas until the required subsurface and storm drainage system has been constructed and is in operable condition unless a hold harmless agreement is entered into by the developer. (Ord. 2013-04, 4-18-2013, eff. 4-19-2013)

10-18-19: EXCEPTIONS:

This chapter shall not apply to any lot or lots forming a part of a subdivision recorded prior to the effective date hereof. (Ord. 2013-04, 4-18-2013, eff. 4-19-2013)

Section 3. **Prior Ordinances And Resolutions** The body and substance of any and all prior Ordinances and Resolutions, together with their specific provisions, where not otherwise in conflict with this Ordinance, are hereby reaffirmed and readopted.

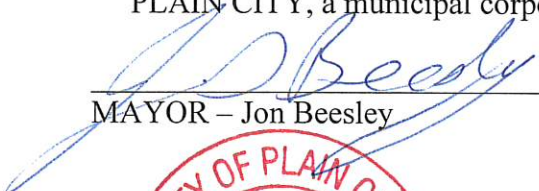
Section 4. **Repealer Of Conflicting Enactments** All orders, ordinances and resolutions with respect to the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which are in conflict with any of the provisions of this Ordinance Amendment, are, to the extent of such conflict, hereby repealed, except that this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 5. **Savings Clause** If any provision of this Ordinance shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, inoperative or unenforceable to any extent whatever, this Ordinance and the provisions of this Ordinance being deemed to be the separate independent and severable act of the City Council of Plain City.

Section 6. **Date Of Effect** This Ordinance shall be effective on the 1st day of June 2023, and after publication or posting as required by law.

DATED this 1th day of June, 2023

PLAIN CITY, a municipal corporation


MAYOR – Jon Beesley

ATTESTED AND RECORDED:


Diane Hirschi, CMC
CITY RECORDER



I certify that a copy of this ordinance was posted at the Plain City Hall, on the city website at www.plaincityutah.org and the Utah Public Notice website at www.utah.gov/pmn on June 5, 2023