SARATOGA SPRINGS

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1. 2020-06-11 Pc Agenda

   Documents:

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2. 2020-06-11 Pc Packet

   Documents:

   2020-06-11 PC PACKET.PDF

3. 2020-06-11 Pc Approved Minutes

   Documents:

   2020-06-11 PC APPROVED MINUTES.PDF

AGENDA – Planning Commission Meeting

Planning Commissioner Troy Cunningham, Chair
Planning Commissioner Ken Kilgore – Vice Chair
Planning Commissioner Bryce Anderson
Planning Commissioner Audrey Barton
Planning Commissioner Reed Ryan
Planning Commissioner Josh Wagstaff

CITY OF SARATOGA SPRINGS
Thursday, June 11, 2020, 6:00 pm
City of Saratoga Springs 1307 North Commerce Drive, Saratoga Springs, UT 84045
https://www.youtube.com/c/CityofSaratogaSprings

Pursuant to State and Federal Guidelines concerning COVID-19, this Meeting will be conducted electronically.
Questions and comments to Staff and/or Commissioners may be submitted to comments@saratogaspringscity.com

1. Pledge of Allegiance.
2. Roll Call.
3. Public Hearing: Amendments to Land Development Code, Title 19.10 – Hillside Development. City initiated. **(Item to be continued to June 25th, 2020 meeting.)**
4. Public Hearing Continued Item from May 14, 2020: Code Amendment for Title18-Flood Plain. City initiated.
5. Approval of Minutes: May 28, 2020.
6. Reports of Action.
7. Commission Comments.
8. Director's Report.
9. Possible motion to enter into closed session for the purchase, exchange, or lease of property; pending or reasonably imminent litigation; the character, professional competence, or the physical or mental health of an individual; or the deployment of security personnel, devices, or systems.
10. Adjourn.

PLEASE NOTE: The order of items may be subject to change with the order of the planning commission chair. One or more members of the Commission may participate electronically via video or telephonic conferencing in this meeting.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City Recorder at 801.766.9793 at least one day prior to the meeting.

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Planning Commission Staff Report

Author: Gordon Miner, City Engineer
Subject: Repealment and Replacement of Floodplain Ordinance
Date: June 11, 2020
Type of Item: Legislative Recommendation

CITY OF SARATOGA SPRINGS

A. **Summary:** The City's Floodplain Ordinance is a key part of the City's participation in the National Flood Insurance Program. From time to time, the Federal Emergency Management Agency (FEMA) updates language required in the ordinance and provides a model ordinance as a new starting point for cities. Rather than editing the current ordinance, Staff chose to repeal the existing ordinance and replace it with the new one recommended by FEMA. The Subject ordinance is FEMA's model ordinance with slight customizations to the City of Saratoga Springs.

B. **Funding Source:** Not applicable.

C. **Review:** The proposed ordinance has been reviewed by FEMA, Utah Division of Emergency Management, and City Staff. It has been found to be acceptable and in legal form.

D. **Recommendation and Alternatives:** Staff recommends that the Planning Commission forward a positive recommendation to the City Council regarding the proposed repealment and replacement of the Floodplain Ordinance, with the following proposed motion:

<u>Positive Recommendation</u>

"I move to forward a **positive** recommendation to the City Council to repeal the existing Floodplain Ordinance and replace it with this one."

<u>Alternative Recommendation with Modifications</u>

"I move to forward a **positive** recommendation to the City Council to repeal the existing Floodplain Ordinance and replace it with this one, with the following modifications:"

1. _____
2. _____
3. _____

<u>Negative Recommendation</u>

"I move to keep the City's current Floodplain Ordinance."

E. Attachments:

1. Proposed Floodplain Ordinance.

ORDINANCE NO. 20- (6-16-20)

AN ORDINANCE OF THE CITY OF SARATOGA SPRINGS, UTAH, ADOPTING AMENDMENTS TO THE SARATOGA SPRINGS CITY CODE

WHEREAS, Chapter 18.02 of the City of Saratoga Springs City Code, entitled "Flood Damage Prevention" has been amended from time to time; and

WHEREAS, the City Council has reviewed Chapter 18.02 and finds that further amendments to Chapter 18.02 are necessary to be consistent with state law and the legislative policy of the City Council; and

WHEREAS, the City Council, after careful consideration in a public meeting, has determined that it is in the best interest of the public health, safety, and welfare of Saratoga Springs citizens that modifications and amendments to Chapter 18.02 be adopted.

NOW THEREFORE, the City Council of the City of Saratoga Springs, Utah hereby ordains as follows:

SECTION I – ENACTMENT

Chapter 18.02 is hereby repealed and replaced with the amended Chapter 18.02 attached hereto as Exhibit A.

SECTION II – AMENDMENT OF CONFLICTING ORDINANCES

If any ordinances, resolutions, policies, or zoning maps of the City of Saratoga Springs heretofore adopted are inconsistent herewith they are hereby amended to comply with the provisions hereof. If they cannot be amended to comply with the provisions hereof, they are hereby repealed.

SECTION III – EFFECTIVE DATE

This ordinance shall take effect upon its passage by a majority vote of the Saratoga Springs City Council and following notice and publication as required by the Utah Code.

SECTION IV – SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION V – PUBLIC NOTICE

The Saratoga Springs Recorder is hereby ordered, in accordance with the requirements of Utah Code §§ 10-3-710—711, to do as follows:

a. deposit a copy of this ordinance in the office of the City Recorder; and
b. publish notice as follows:
   i. publish a short summary of this ordinance for at least one publication in a newspaper of general circulation in the City; or
   ii. post a complete copy of this ordinance in three public places within the City.

ADOPTED AND PASSED by the City Council of the City of Saratoga Springs, Utah, this ___ day of _____, 2020.

Signed: _____
Jim Miller, Mayor

Attest: _____
Cindy LoPiccolo, City Recorder

	VOTE
Chris Carn	_____
Michael McOmber	_____
Ryan Poduska	_____
Chris Porter	_____
Stephen Willden	_____

EXHIBIT A

18.02 Amendments

Chapter 18.02. Flood Damage Prevention.

Sections:

18.02.01. Statutory Authorization.
18.02.02. Findings of Fact.
18.02.03. Statement of Purpose.
18.02.04. Methods of Reducing Flood Losses.
18.02.05. Definitions.
18.02.06. General Provisions.
18.02.07. Warning and Disclaimer of Liability.
18.02.08. Administration.
18.02.09. Provisions for Flood Hazard Reduction

18.02.01. Statutory Authorization.

The City of Saratoga Springs, Utah ("City") has the statutory authority pursuant to Utah Code § 10-3-701 to adopt regulations that promote the public health, safety, and general welfare of its residents. This Chapter is adopted pursuant to such statutory authority.

18.02.02. Findings of Fact.

1. The flood hazard areas of the City are subject to periodic inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare.

2. These flood losses are created by obstructions in floodplains that cause an increase in flood heights and velocities. In addition, flood losses are created by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood-proofed, or otherwise protected from flood damage.

(Ord. 11-9; Ord. 99-0427-1)

18.02.03. Statement of Purpose.

It is the purpose of this Chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. protect human life and health;

2. minimize expenditure of public money for costly flood-control projects;

3. minimize the need for rescue and relief efforts associated with flooding that are generally undertaken at the expense of the general public;

4. minimize prolonged business interruptions;

5. minimize damage to public facilities and utilities, such as water and sewer mains, electric and telephone lines, and streets and bridges that are located in floodplains.

6. help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize blight to future flood-prone areas; Ensure that potential buyers are notified that property is in a flood area.

(Ord. 11-9; Ord. 99-0427-1)

18.02.04. Methods of Reducing Flood Losses.

In order to accomplish its purposes, this Chapter uses the following methods:

1. restrict or prohibit uses that are dangerous to health, safety, or property in times of flood; or cause excessive increases in flood heights or velocities;

2. require that uses vulnerable to floods, including facilities that serve such uses, be protected at the time of initial construction against flood damage;

3. regulate the alteration of features such as natural flood plains, stream channels, and natural protective barriers that are involved in the accommodation of flood waters;

4. regulate filling, grading, dredging, and other development that might increase flood damage;

5. prevent or regulate the construction of features that will unnaturally divert flood waters or that may increase flood hazards to other lands.

(Ord. 11-9; Ord. 99-0427-1)

18.02.05. Definitions.

For the purposes of interpreting this Title, the Rules of Construction in City Code Chapter 1.02 shall apply. Where a use may be interpreted to fall under more than one definition, the more restrictive definition shall apply.

As used in this Chapter:

1. **"Alluvial Fan Flooding"** means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by: high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.
2. **"Apex"** means a point on an alluvial fan or similar landform below for which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

3. **“Area of Shallow Flooding”** means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow, among other attributes.
4. **“Area Of Special Flood Hazard”** means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE,or V.
5. **“Base Flood”** means the flood having a one percent chance of being equaled or exceeded in any given year.
6. **“Base Flood Elevation (BFE)”** is the water surface elevation (mean sea level) of the base flood event at pertinent points in the floodplains of coastal and riverine areas. It is also the elevation shown on the FIRM and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1-percent chance of equaling or exceeding that level in any given year.
7. **“Basement”** means any area of the building having its floor sub-grade (below ground level) on all sides.
8. **“Critical Feature”** means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.
9. **“Development”** means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.
10. **“Elevated Building”** means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.
    In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e) of the National Flood Insurance Program regulations.
11. **“Existing Construction”** means structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."
12. **“Existing Manufactured Home Park Or Subdivision”** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of

utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the City.

13. **"Expansion To An Existing Manufactured Home Park Or Subdivision**" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
14. **"Flood Or Flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:
    a. overflow of inland or tidal waters.
    b. unusual and rapid accumulation or runoff of surface waters from any source.
15. **"Flood Insurance Rate Map (Firm)"** means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
16. **"Flood Insurance Study"** is the official report provided by FEMA. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.
17. **"Floodplain Or Flood-Prone Area"** means any land area susceptible to being inundated by water from any source (see definition of flooding).
18. **"Floodplain Management"** means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.
19. **"Floodplain Management Regulations"** means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such State or City regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
20. **"Flood Plain Development Permit"** means a permit that is issued under the authority of the City Engineer to regulate land development activities in the Flood Plain as part of the City's participation in FEMA's National Flood Insurance Program.
21.
22. **"Flood Protection System"** means those physical structural works for which funds have been authorized, appropriated, and expended and that have been constructed specifically to modify flooding in order to reduce the extent of an area of special flood hazard and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees, and dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.
23. **"Flood Proofing"** means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and/or sanitary facilities, and structures and their contents.
24. **"Floodway (Regulatory Floodway)"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
25. **"Functionally Dependent Use"** means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes uses as

docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

26. **"Highest Adjacent Grade"** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
27. **"Historic Structure"** means any structure that is:
    a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
    b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
    c. Individually-listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
    d. Individually-listed on a local inventory, or historic places in communities with historic preservation programs that have been certified either:
        i. by an approved State program, as determined by the Secretary of the Interior; or
        ii. directly by the Secretary of the Interior in states without approved programs.
28. **"Levee"** means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.
29. **"Levee System"** means a flood protection system consisting of levee(s) and associated structures, such as closure and drainage devices, that are constructed and operated in accordance with sound engineering practices.
30. **"Lowest Floor"** means the lowest floor of the lowest enclosed area (including basement).
    An unfinished or flood-resistant enclosure, usable solely for parking or vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program Regulations.
31. **"Manufactured Home"** means a structure transportable in one or more sections that is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."
32. **"Manufactured Home Park Or Subdivision"** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
33. **"Mean Sea Level"** means, for purposes of this Chapter, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
34. **"New Construction"** means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of

construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

35. **"New Manufactured Home Park Or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed is completed on or after the effective date of floodplain management regulations adopted by a community.
36. **"Recreational Vehicle"** means a vehicle which is:
    a. built on a single chassis;
    b. 400 square feet or less when measured at the largest horizontal projections;
    c. designed to be self-propelled or permanently towable by a light duty truck; and
    d. designed primarily as temporary living quarters or recreational, camping, travel, or seasonal use, but not designed for use as a permanent dwelling.
37. **"Start Of Construction"** [for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)], includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
38. **"Structure"** means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
39. **"Substantial Damage"** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
40. **"Substantial Improvement"** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:
    a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary conditions; or
    b. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."
41. "**Variance"** is a grant of relief to a person from the requirement of this Chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits

construction or development in a manner otherwise prohibited by this Chapter. (For full requirements and the standards for a variance see 44 CFR § 60.6).

42. "**Violation"** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.
43. "**Water Surface Elevation"** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ord. 11-9; Ord. 99-0427-1)

18.02.06. General Provisions.

1. **Lands to Which this Chapter Applies.** The ordinance shall apply to all areas of special flood hazard within the jurisdiction of the City of Saratoga Springs.

2. **Basis for Establishing the Areas of Special Flood Hazard.** The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Utah County, Utah and Incorporated Areas", dated June 19, 2020, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this Chapter. The Flood Insurance Study and FIRM are on file at the City Offices, 1307 N. Commerce Drive, Suite 200, Saratoga Springs, UT 84045.

3. **Floodplain Development Permit.** A Floodplain Development Permit shall be required to ensure conformance with the provisions of this Chapter.

4. **Compliance.** No structure or land shall hereafter be located or altered without full compliance with the terms of this Chapter and other applicable regulations.

5. **Abrogation and Greater Restrictions.** This Chapter is not intended to repeal, abrogate, or impair any existing easement, covenant, or deed restriction. However, where this Chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, the more restrictive provision shall prevail.

6. **Interpretation.** In addition to the Rules of Construction in Title 1, the interpretation and application of all provisions in this Chapter shall be:

    a. considered as minimum requirements;
    b. liberally construed in favor of the City; and
    c. deemed neither to limit nor repeal any other powers granted under state or federal statutes.

(Ord. 11-9; Ord. 99-0427-1)

18.02.07. Warning and Disclaimer of Liability.

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

(Ord. 11-9; Ord. 99-0427-1)

18.02.08. Administration.

1. **Designation of the Flooplain Administrator.** The City Engineer is hereby appointed the Floodplain Administrator to administer and implement the provisions of this Chapter and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

2. **Duties and Responsibilities of the Floodplain Administrator.** Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

    a. Maintain and hold open for public inspection all records pertaining to the provisions of this Chapter.
    b. Review permit applications to determine whether proposed building sites, including the placement of manufactured homes, will be reasonably safe from flooding.
    c. Review, approve, or deny all applications for development permits required by adoption of this Chapter.
    d. Review permits for proposed development to ensure that all necessary permits have been obtained from those federal, state, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
    e. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
    f. Notify, in riverine situations, adjacent communities and the State Coordinating Agency, which is the Division of Emergency Management, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
    g. Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
    h. When base flood elevation data has not been provided in accordance with 18.02.06.2, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation data and floodway data available from a federal, state, or other source in order to administer the provisions of 18.02.09.

i. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
j. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community **first** applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision).

3. **Floodplain Development Permit Procedures.** A Floodplain Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 18.02.06. Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevations of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

a. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially-improved structures.
b. Elevation in relation to mean sea level to which non-residential structures shall be flood-proofed;
c. A certificate from a Utah-licensced professional engineer that the non-residential flood-proofed structure shall meet the flood-proofing criteria of 18.02.09.2.b;
d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of the proposed development;
e. Maintain a record of all such information in accordance with 18.02.08.2.a.

Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this Chapter and the following relevant factors:

f. The danger to life and property due to flooding or erosion damage;
g. The susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the individual owner;
h. The danger that materials may be swept onto other lands to the injury of others;
i. The compatibility of the proposed use with existing and anticipated development;
j. The safety of access to the property in times of flood for ordinary and emergency vehicles;
k. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets, bridges and public utilities and facilities such as storm drain, sewer, gas, electrical, and water systems;

l. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
m. The necessity to the facility of a waterfront location, where applicable;
n. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
o. The relationship of the proposed use to the comprehensive plan for that area.

4. **Variance Procedures.**

a. Prerequisites for granting variances. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. Variances shall only be issued upon:
   i. showing a good and sufficient cause;
   ii. a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
   iii. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
b. The Hearing Examiner shall hear and render judgement on requests for variances from the requirements of this Chapter.
c. The Hearing Examiner shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Chapter.
d. Any person or persons aggrieved by the decision of the Hearing Examiner may appeal such decision in the Fourth Judicial District Court of Utah County, as provided by Utah Code.
e. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
f. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Chapter.
g. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in 18.02.08.3.f-o have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
h. Upon consideration of the factors noted above and the intent of this Chapter, the Hearing Examiner may attach such conditions to the granting of variances as he/she deems necessary to further the Purpose of this Chapter.
i. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
j. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the

structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

k. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:
    i. the criteria outlined in this Section are met, and
    ii. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

l. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(Ord. 11-9; Ord. 99-0427-1)

18.02.09. Provisions for Flood Hazard Reduction

1. **General Standards.** In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

    a. All new construction or substantial improvements shall be designed (or modified) and adequately-anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
    b. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
    c. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
    d. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
    e. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
    f. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
    g. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

2. **Specific Standards.** In all areas of special flood hazard where base flood elevation data has been provided, as set forth in Section 18.02.06.2, “Basis for Establishing the Areas of Special Flood Hazard,” or Section 18.02.08.2.h, “Use of Other Base Flood Data,” the following provisions are required:

    a. **Residential Construction.** New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or

above the base flood elevation. A Utah-licensed professional land surveyor shall submit a certification to the Floodplain Administrator that this requirement is satisfied.

b. **Non-Residential Construction.** New construction and substantial improvements of any commercial, industrial or other non-residential structure, shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A Utah-licensed professional engineer or Utah-licensed architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

c. **Enclosures.** New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a Utah-licensed professional engineer or Utah-licensed architect or meet, or exceed the following minimum criteria:
   i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
   ii. The bottom of all openings shall be no higher than one foot above grade.
   iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

d. **Manufactured Homes.**
   i. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
   ii. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites:
      (1) outside of a manufactured home park or subdivision,
      (2) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement,

(3) in an expansion to an existing manufactured home park or subdivision, or
(4) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

iii. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph 2.d.ii of this section be elevated so that either:
(1) the lowest floor of the manufactured home is at or above the base flood elevation, or
(2) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

e. **Recreational Vehicles.** Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:
i. be on the site for fewer than 180 consecutive days,
ii. be fully-licensed and ready for highway use, or
iii. meet the permit requirements of 18.02.08.3, and the elevation and anchoring requirements for "manufactured homes" in paragraph d of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

3. **Standards for Subdivision Proposals.**

a. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with 18.02.02.02-04 of this Chapter.
b. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet requirements of 18.02.08.3 and 18.02.09 of this Chapter.
c. Base flood elevation data shall be generated for subdivision proposals and other proposed development, including the placement of manufactured home parks and subdivisions, that is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to 18.02.06.2 or 18.02.08.2.h of this Chapter.
d. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
e. All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.

4. **Standards for Areas of Shallow Flooding (AO/AH Zones).** Located within the areas of Special Flood Hazard established in 18.02.06.2, are areas designated as shallow

flooding. These areas have Special Flood Hazards associated with base flood depths of 1 to 3 feet where a clearly-defined channel does not exist and where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

a. Require within Zone AO that all new construction and substantial improvements of **residential** structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
b. Require within Zone AO that all new construction and substantial improvements of **non-residential** structures:
    i. have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or;
    ii. together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
c. A Utah-licensed professional engineer or architect shall submit a cetification to the Floodplain Administrator that the standards of this Section, as-listed in 18.02.08.3.
d. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

5. **Floodways.** Floodways, located within areas of Special Flood Hazard established in 18.02.06.2, are areas designated as floodways. Because the floodway is an extremely hazardous area, due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

    a. Encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway *unless* it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
    b. If the requirements of 5a above are satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 18.02.09.
    c. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community **first** applies for a conditional FIRM and floodway revision through FEMA.

(Ord. 11-9; Ord. 99-0427-1)

MINUTES – Planning Commission

Thursday, May 28, 2020
City of Saratoga Springs City Offices
1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

PLANNING COMMISSION MEETING MINUTES

Call to Order - 6:10 p.m. by Chairman Troy Cunningham

Present: Commission Members-Bryce Anderson, Troy Cunningham, Ken Kilgore, Reed Ryan, Josh Wagstaff.
Staff: Dave Stroud, Planning Director; Tippe Morlan, Senior Planner; Rachel Day, Planner I; Conrad Hafen, Assistant City Attorney; Daniel McRae, Engineer II; Nicolette Fike, Deputy Recorder
Others: Nathan Coulter, Brett Coulter

Excused: Audrey Barton

1. **Pledge of Allegiance -** led by Commissioner Cunningham.
2. **Roll Call** – A quorum was present

3. **Business Item: Preliminary/Final Plat for Lake Mountain Estates Plat B-30 located approximately 3600 S. McGregor Lane. Nathan Coulter as applicant.**

Planner I Rachel Day presented the item. The applicant is requesting 3 single-family residential lots all over 13,000 sq. ft. in size. The applicant is proposing to pay Fee-in-lieu of Open Space. Nathan and Brett Coulter were present as applicant. Nathan Coulter noted that they felt the application was ready to go with no issues.

Commissioner Kilgore

- Received confirmation from the applicant that they would comply with all required conditions.
- Asked if they saw any issues with mailbox placement. Nathan Coulter responded the USPS notified them of placement and they have approvals.
- Asked about sidewalk installation along McGregor Ln. Nathan responded that they would like to know the timing on the sidewalk, he felt it was a staff matter.
- What Open Space is nearby for resident access? Nathan Coulter replied they were going to do the payment in lieu. Planner I Rachel Day responded that they are in compliance with larger lots and as the south develops more there will be future Open Space. Brett Coulter commented there is the church and a large park nearby.

Motion made by Commissioner Ryan that the Planning Commission forward a recommendation of approval to the City Council for the Lake Mountain Estates B-30 Preliminary Plat, located at approximately 3600 S. McGregor Ln. based on the findings and conditions in the staff report dated May 28, 2020. Seconded by Commissioner Anderson. Aye: Bryce Anderson, Troy Cunningham, Ken Kilgore, Reed Ryan, Josh Wagstaff. Motion passed 5 - 0.

4. **Approval of Minutes: May 14, 2020**

Motion made by Commissioner Kilgore to approve the minutes of May 14, 2020. Seconded by Commissioner Anderson. Aye: Bryce Anderson, Troy Cunningham, Ken Kilgore, Reed Ryan, Josh Wagstaff. Motion passed 5 - 0.

5. **Reports of Action.** – No Reports were needed.
6. **Commission Comments.** – No comments were made.
7. **Director's Report.** – Planning Director Dave Stroud advised of upcoming agenda items.
8. **Possible motion to enter into closed session** – No closed session was held.
9. **Meeting Adjourned Without Objection at 6:20 p.m. by Chairman** Troy Cunningham.

_____ _____
Date of Approval Planning Commission Chair

_____
Deputy City Recorder

DRAFT

MINUTES – Planning Commission

Thursday, June 11, 2020
City of Saratoga Springs City Offices
1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

PLANNING COMMISSION MEETING MINUTES

Call to Order - 6:00 p.m. by Vice Chair Ken Kilgore

Present: Via Video Conferencing.

Commission Members: Bryce Anderson, Audrey Barton, Ken Kilgore, Reed Ryan, Josh Wagstaff.
Staff: Dave Stroud, Planning Director; Tippe Morlan, Senior Planner; Gordon Miner, City Engineer; Nicolette Fike, Deputy Recorder.

Excused: Troy Cunningham

1. **Pledge of Allegiance –** led by Commissioner Ryan.

2. **Roll Call** – A quorum was present

3. **Public Hearing: Amendment to Land Development Code, Title 19.10-Hillside Development, City Initiated. – Item to be continued to June 25th, 2020 meeting.**

   Public Hearing Open by Vice Chair Ken Kilgore, Receiving no public comment, the public hearing was closed by. Vice Chair Ken Kilgore.

   Motion made by Commissioner Ryan to Continue Item #3 Amendment to Land Development Code, Title 19.10-Hillside Development to the meeting of June 25th, 2020. Seconded by Commissioner Anderson. Aye: Bryce Anderson, Audrey Barton, Ken Kilgore, Reed Ryan, Josh Wagstaff. Motion passed 5 - 0.

4. **Public Hearing and Continued Item from May 14th, 2020: Code Amendment for Title 18.02-Flood Damage Prevention, City initiated.**
   City Engineer Gordon Miner presented the item. The changes are necessary to be consistent with state law and City policy. It is proposed that Chapter 18.02 be repealed and replaced.

   Public Hearing Open by Vice Chair Ken Kilgore, Receiving no public comment, the public hearing was closed by the Vice Chair.

   Commissioner Barton noted it was interesting to read through and made sense.

   Commissioner Kilgore asked about reason for allowing for 1 foot above base flood. City Engineer Gordon Miner advised that it was standard practice to locate everything one foot above elevation. Commissioner Kilgore asked if the City had any structures on the National of State Historic registry. City Engineer Gordon Miner thought there might be on Pelican Point but was not sure. He was not aware of any East of the Jordan River which was where this mainly applied. Commissioner Kilgore asked regarding manufactured homes. City Engineer Gordon Miner advised that he wasn't sure about the whole city, but there were not any in the flood plain. We didn't have any building in the flood plain. He referenced the fill that was required for the Northshore property to bring them out of the flood plain. Commissioner Kilgore asked if temporary structures such as snow-cone shacks were allowed. City Engineer Gordon Miner advised that as temporary structures they would be easily moved in case of flood. Roads needed to comply with the 10 year storm, but practically all of them in the City comply with more than that for maintenance reasons.

   Commissioner Anderson asked for clarification on structures in the flood plain. City Engineer Gordon Miner advised you cannot build in the flood plain but you can bring the property out of the flood plain by raising the elevation. Commissioner Anderson asked if the city may be interested in that land. City Engineer Gordon Miner could not advise whether the City would be interested or not.

Motion made by Commissioner Barton to forward a positive recommendation to the City Council to repeal the existing Floodplain Ordinance and replace it with this one. Seconded by Commissioner Anderson. Aye: Bryce Anderson, Audrey Barton, Ken Kilgore, Reed Ryan, Josh Wagstaff. Motion passed 5 - 0.

5. **Approval of Minutes: May 28, 2020**

Motion made by Commissioner Ryan to approve the minutes of May 28, 2020. Seconded by Commissioner Anderson. Aye: Bryce Anderson, Audrey Barton, Ken Kilgore, Reed Ryan, Josh Wagstaff. Motion passed 5 - 0.

6. **Reports of Action.** – No Reports were needed.

7. **Commission Comments.** – No comments were made.

8. **Director's Report.** – Planning Director Dave Stroud advised of upcoming agenda items.

9. **Possible motion to enter into closed session** – No closed session was held.

10. **Meeting Adjourned Without Objection at 6:26 p.m. by Vice Chair Ken Kilgore.**

6-25-2020
Date of Approval

Planning Commission Chair

Deputy City Recorder

City of Saratoga Springs Corporate Seal State of Utah