

River Heights City

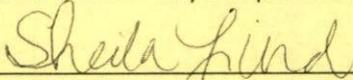
River Heights City PLANNING COMMISSION AGENDA

Tuesday, April 25, 2023

Notice is hereby given that the River Heights Planning Commission will hold its regular meeting beginning at **6:30 p.m.**, anchored from the River Heights City Office Building at 520 S 500 E. Attendance can be in person or through Zoom.

- 6:30 p.m. Pledge of Allegiance
- 6:32 p.m. Adoption of Previous Minutes and Agenda
- 6:35 p.m. Public Comment on Land Use
- 6:40 p.m. Public Hearing to Discuss a Conditional Use Permit Submitted by Tyfani Meacham to Run a Photo Studio Business at 594 S 400 E
- 7:10 p.m. Public Hearing to Discuss Changes to the River Heights City Code
- 8:00 p.m. Adjourn

Posted this 20th day of April 2023



Sheila Lind, Recorder

To join the Zoom meeting:

<https://us02web.zoom.us/j/89798197151>

Attachments for this meeting and previous meeting minutes can be found on the State's Public Notice Website (pmn.utah.gov)

In compliance with the American Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Sheila Lind, (435) 770-2061 at least 24 hours before the meeting.

River Heights City

River Heights City Planning Commission
Minutes of the Meeting
April 25, 2023

Present: Commission members: Noel Cooley, Chairman
Heather Lehnig
Lance Pitcher
Cindy Schaub
Troy Wakefield

Councilmember Blake Wright
Recorder Sheila Lind
Tech Staff Councilmember Chris Milbank

Others Present: Tyfani Meacham, Lexi Johnson, Clark Jeppsen, Brittany and Bryan Cascio, Dwight and Irene Einzinger, Councilmember Sharlie Gallup, Elizabeth Price

Motions Made During the Meeting

Motion #1

Commissioner Schaub moved to “approve the minutes of the March 28, 2023, Commission Meeting, as well as the evening’s agenda.” Commissioner Wakefield seconded the motion, which carried with Cooley, Lehnig, Pitcher, Schaub, and Wakefield in favor. No one opposed.

Motion #2

Commissioner Pitcher moved to “approve the Conditional Use Permit of Tyfani Meacham with the conditions listed in the Champlin’s Conditional Use Permit, the bullet points from Ms. Meacham’s renters’ contract, and the addition of a sign on the door stating only six cars were allowed. A copy of the renter’s contract should be submitted and attached to her application.” Commissioner Schaub seconded the motion, which carried with Cooley, Lehnig, Pitcher, Schaub, and Wakefield in favor. No one opposed.

Motion #3

Commissioner Pitcher moved to “send the approved code changes of April 25, 2023, with changes to the City Council.” Commissioner Wakefield seconded the motion, which carried with Cooley, Lehnig, Pitcher, Schaub, and Wakefield in favor. No one opposed.

Proceedings of the Meeting

The River Heights City Planning Commission met at 6:30 p.m. in the Ervin R. Crosbie Council Chambers on April 25, 2023.

Pledge of Allegiance

Adoption of Prior Minutes and Agenda: Minutes for the March 28, 2023, Planning Commission Meeting were reviewed.

Commissioner Schaub moved to “approve the minutes of the March 28, 2023, Commission Meeting, as well as the evenings agenda.” Commissioner Wakefield seconded the motion, which carried with Cooley, Lehnig, Pitcher, Schaub, and Wakefield in favor. No one opposed.

Public Comment on Land Use: None

Public Hearing to Discuss a Conditional Use Permit Submitted by Tyfani Meacham to Run a Photo Studio Business at 594 S 400 E: Councilmember Cooley asked for comments from the public.

Brittany Cascio, previous lease holder of the gas station, had mixed feelings about the Photo Loft renting the building for the past three years. However, she knows Tyfani and is excited about what she has planned.

Councilmember Sharlie Gallup hoped, if Ms. Meacham plans to sublease, that the renters would be aware of all the conditions of the permit.

Tyfani Meacham said she intended to continue the photo studio use. She wasn’t sure about using it for small events. Commissioner Cooley asked if she was aware of past conditions that had been imposed on the building. She said she was aware and had built those items into her renter’s contract. She planned to sublease to family, friends or branding groups and sometimes to cheerleading groups. The renters would apply online and need to check a box acknowledging they had read through the contract before being able to rent the building. She explained that branding meant photos for small businesses. Commissioner Cooley closed the public hearing.

Commissioner Cooley was concerned with the liability the city might be taking on if they allow subleasing. It was pointed out that Photo Loft subleased. Commissioner Schaub had a problem with subleasing. She would like Ms. Meacham to have read through the Historic Overlay Zone.

It was brought up that there had been complaints with the Photo Loft about the number of cars. Only six are allowed. If there are more than six, they need to find somewhere else to park, such as the parking lot near the city building or at the Old Church. On-street parking in the neighborhood would not be allowed. Mr. Cooley wondered if they could dictate the number of parking infractions before the CUP was revoked? Councilmember Wright wasn’t sure. He would need to check with the city attorney.

Beth Price was concerned about cars and traffic. The neighborhood is very residential and hoped it would be respected.

Commissioner Lehnig suggested Ms. Meacham charge a deposit, which the renters would lose if they had more than 6 cars during their rental.

Lexi Johnson pointed out that there was a property across the street from the gas station where extra cars could park, which was owned by Tony Johnson, who also owns the service station.

Commissioner Lehnig suggested a sign inside the building that stated the maximum number of cars is six. She felt the sign could also go on the outside of the building. They discussed the installation of cameras.

88 Councilmember Wright said if there are too many cars the city could send a letter, and a
second one, before a revocation. It's Tyfani's responsibility to make sure the property looks like a
residential neighborhood.

91 Chad Champlin's (Photo Loft) CUP was pulled up and viewed by the group. The Commission
92 supported the conditions in their CUP. The Commission brought up additional conditions such as
93 signage on the building, and the city having a copy of the lease agreement.

94 Commissioner Schaub asked if Tony Johnson (owner of the property) had signed Ms.
95 Meacham's application as the owner of the property. Recorder Lind verified that he hadn't. The
96 Commissioners wanted that to be done.

97 When asked, Ms. Meacham couldn't say how often she would use the building herself, maybe
98 four times/mo.

99 Councilmember Wright suggested adding some of the items from her contract as conditions
100 on her CUP, specifically regarding nudity, smoking/drinking, parking, and noise, plus the Champlin's
101 conditions. The Commission agreed, which included the following:

- 102 1. The provisions of the Historic Landmark Overlay Zone Ordinance 10-11-6; a full copy of which has been
103 read, approved, and signed by Permittee herein.
- 104 2. Approved events, as established by city code 10-11-6: Onsite photography studio, instructional classes,
105 workshops by creatives and small businesses, parties for events and family gatherings.
- 106 3. A maximum of three events (classes, workshops, parties, family gatherings) are allowed per week.
107 There are no restricted number of events per week for photo shoots.
- 108 4. Maximum of 20 people at any time or event.
- 109 5. Thirty-minute buffer between appointments and/or events, to cut down on traffic congestion.
- 110 6. Visual monitoring of interior and exterior of the premises by Permittee during appointment times, via
internal and external cameras.
- 112 7. Timed self-locking door and a posted website and business phone number to call if there is a problem
113 or question.
- 114 8. Boudoir sessions or any sessions of that nature, including nudity and partial nudity are prohibited. Use
115 the restroom for any clothing changes.
- 116 9. Only 6 vehicles are allowed at the property at a time. Use designated parking stalls, and do not block
117 any residential driveways or park on the side of the road.
- 118 10. Illegal drugs, alcohol, and/or smoking is not allowed on the property inside or out.
- 119 11. Maintain noise levels to a minimum as this is a residential area.
- 120 12. Hang a sign on the door stating only six cars are allowed.

121 **Commissioner Pitcher moved to "approve the Conditional Use Permit of Tyfani Meacham**
122 **with the conditions listed in the Champlin's Conditional Use Permit, the bullet points from Ms.**
123 **Meacham's renters' contract, and the addition of a sign on the door stating only six cars were**
124 **allowed. A copy of the renter's contract should be submitted and attached to her application."**
125 **Commissioner Schaub seconded the motion, which carried with Cooley, Lehnig, Pitcher, Schaub,**
126 **and Wakefield in favor. No one opposed.**

127 Ms. Meacham agreed to have Tony Johnson sign the application.

128 Clark Jeppsen asked if the parking restrictions were only for the gas station property or city-
129 wide. He lives near the park and gets a lot of cars parking on the road in front of this house, which he
130 didn't mind. Commissioner Cooley said the restriction was just for this CUP. He suggested Mr.
131 Jeppsen take up his issue with the City Council. Mr. Jeppsen also said since the gas station is a

132 registered historic building, exterior signs may not be allowed. He discussed the parking restriction
133 and suggested Tony Johnson might have a say on it.

134 Public Hearing to Discuss Changes to the River Heights City Code: Commissioner Cooley asked
135 if the public had any comments concerning the code revisions.

136 Councilmember Gallup asked, concerning the definition of junk, about scrap lumber since it
137 may be used for firewood. She was told that firewood was allowed. She also asked about scrap
138 metal, which she was told would be okay if it was out of view (per 10-13-24).

139 Commissioner Cooley reviewed the proposed code changes and led a discussion, which
140 included a few additional changes. Councilmember Wright clarified that the superscript 3 in 10-12-2
141 would only apply to accessory uses in the residential zones. He noted that the current superscripts in
142 the code are difficult to know they are superscripts. He will work with Recorder Lind on making these
143 more recognizable somehow.

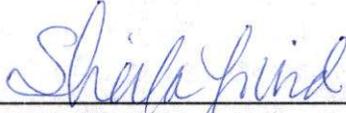
144 **Commissioner Pitcher moved to “send the approved code changes of April 25, 2023, with**
145 **changes to the City Council.” Commissioner Wakefield seconded the motion, which carried with**
146 **Cooley, Lehnig, Pitcher, Schaub, and Wakefield in favor. No one opposed.**

147 Commissioner Cooley wanted Commissioner Lehnig to report on what she found out about
148 the State’s landscape rebate program which was brought up at the last meeting. Ms. Lehnig reached
149 out to the Natural Resources Department for clarification on “active recreation areas.” She read from
150 the response which basically said the city could designate parks as “active recreation areas” because
151 the lawn in these areas have a designated use. Their whole idea for the lawn buy-back is to
152 discourage lawn in areas where it won’t get used, such as park strips. Commissioner Cooley said they
153 will have further discussion on this at their next meeting. Councilmember Wright said they may need
154 to revise the landscaping ordinance on parking strips.

155 Commissioner Cooley said the City Council will be looking at the General Plan in the next
156 couple months. The mayor has assigned each council member a section to review. Mr. Cooley
157 thought it would be helpful if the commissioners attended the council meeting when the section they
158 were over was being discussed. Recorder Lind will send out the council’s review schedule to the
159 commissioners.

160 The meeting adjourned at 7:45 p.m.

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Sheila Lind, Recorder

Noel Cooley, Commission Chair

River Heights City
Conditional Use Application

For office use	
Date Received:	4/10/23
Hearing Date:	Apr 25, 2023 6:30
Amount Paid:	\$100
Approved	Denied

APPLICANT

Name: Tyfani Meacham

Mailing Address: _____

Phone: _____ email: _____

Please check one of the following: owner buyer renter agent other

PROJECT INFORMATION

Name: The Golden Hour Photo

Address/Location: 5945. 400E. River Heights 84321

Property Tax ID: _____ Existing Zone: _____

What is the current use of the property? Photo Studio

How many employees will be working at this location including applicant, immediate family, and non-family members? 1

How many vehicles will be coming and going daily, weekly, or monthly? depends on booking 2

I agree to abide by the River Heights City Parking Ordinance (10-14). Initial fm No more than 6 at a time

I agree to abide by the River Heights City Sign Ordinance (10-16). Initial fm

Description of Request: Building will be used for a photography studio.

Hours of operation will be 8am-9pm. Subleasing available

to other photographers who will be required to sign an agreement

to abide by parking and noise restrictions. Photography

needs range from family, portrait, branding etc.

SUBMITTAL REQUIREMENTS

_____ Completed and signed application form

_____ \$100 application fee

_____ 8 1/2 x 11 copy of plans

_____ Provide a Fire Protection evaluation from the fire department.

Terms and Conditions

Your reservation is subject to the Terms and Conditions listed below.

- No Nudity or partial nudity is permitted inside the building. Clothing changes must be done inside the restroom.
- All personal items should be taken with you at the time of your departure
- Any trash or messes must be cleaned after your reservation
- Do not hang anything from the walls, stairs, or ceilings
- Make management aware of any damages or repairs immediately
- No open flames allowed in the studio at any time

Failure to comply with Terms and Conditions will result in banishment from future bookings.

CONTRACT

- Boudoir sessions or any sessions of that nature, including nudity and partial nudity are prohibited. River Heights city zoning ordinance does not allow for this type of photography on the property. That being said, please use the restroom for any clothing changes
- Only 6 vehicles are allowed at the property at a time. Please use designated parking stalls, and do not block any residential driveways or park on the side of the road.
- Illegal drugs, alcohol, and/or smoking is not allowed on the property inside or out.
- Please maintain noise levels to a minimum as this is a residential area.

Parking -

There are 6 designated parking spots at The Photo Loft. Please see the attached map for acceptable parking locations. The Photo Loft is located in a residential area and therefore some areas are strictly prohibited from street parking. We ask that all renters adhere to these parking requirements. Parking in unauthorized locations near The Photo Loft may result in vehicles being towed and revoked access to future rentals. All towed vehicle fees will be the responsibility of the owner.

Cleaning

Please be considerate of the building and clients who may be scheduled after you. If any messes are made, you will be expected to clean up after yourself before leaving. Your scheduled time includes any set up/ take down or cleaning time needed so please plan accordingly. Brooms and mops will be provided as well as garbage cans.

Furniture

Feel free to use any furniture or props inside the studio. If moving furniture, please be cautious to not scratch flooring or damage walls. Additionally, a blow up mattress will be provided for use. Please deflate and put away when finished. All props and furniture are expected to be returned to original place when finished with your scheduled time.

Lost/Stolen Items

The Golden Hour Photo LLC is not responsible for any lost or stolen items left at the property. It is your responsibility to make sure you take all of your personal items with you when your scheduled time is over.

The Golden Hour Photo LLC is also not responsible for any damage that may occur to your person or items while using the property.

Scheduling & Payment

All rental times are subject to availability. The online calendar should be updated as time slots are booked. Your rental isn't confirmed until full payment is received. Cancellations must be made within 24 Hours of your reservation. Any cancellations made less than 24 hours in advance are subject to no refund. Rescheduling is allowed but subject to availability.

Damages

Management needs to be made aware of any damages or repairs that need attention immediately. Failure to report damages could result in fines or fees and charged to the card on file.

Departure

Please ensure building is clean, lights are off, any personal items are taken with you, and the doors and windows are locked upon your departure.

Security

Security cameras will be installed in the main public areas. These cameras will only be used for safety and security purposes. Video access is secured and limited to the owner and operator of The Golden Hour Photo LLC. It is the responsibility of the booking client to inform any guests of said cameras.

If you would like to schedule a small event, or for any questions or concerns, please contact me directly at thegoldenhour.ut@gmail.com or 435-890-4056.

Office Hours are 8am-9pm Monday-Sunday

Conditional Use Permit Agreement

THIS CONDITIONAL USE AGREEMENT is made by and between Chad Champlin of 3065 N 200 W, North Logan, Utah (Permittee) and River Heights City (City), a Utah municipal corporation.

WHEREAS, Permittee desires to use the building located at 594 South 400 East primarily as a photo studio, and

WHEREAS, Permittee would also like to be allowed to utilize the building for additional uses, and

WHEREAS, a public hearing was held by the Planning Commission on June 23, 2020.

THEREFORE, the City voted to approve Permittee's request subject to the following:

1. The provisions of the Historic Landmark Overlay Zone Ordinance 10-11-6; a full copy of which has been read, approved, and signed by Permittee herein.
2. Approved events, as established by city code 10-11-6: Onsite photography studio, instructional classes, workshops by creatives and small businesses, parties for events and family gathering.
3. No street parking will be allowed at the "Photo Loft" property or in front of local resident's homes. If additional parking is required above the six available, the "Photo Loft" manager is to be contacted to make arrangements.
4. A maximum of three events (classes, workshops, parties, family gatherings) are allowed per week. There are no restricted number of events per week for photo shoots.
5. Maximum of 20 people at any time or event.
6. Thirty-minute buffer between appointments and/or events, to cut down on traffic congestion.
7. Visual monitoring of interior and exterior of the premises by Permittee during appointment times, via internal and external cameras.
8. Timed self-locking door and a posted website and business phone number to call if there is a problem or question.

Dated this 7th day of July, 2020.

RIVER HEIGHTS CITY:

Blake Wright, Council Member

Cindy Schaub, Commission Chair

PERMITTEE (Signature must be notarized):

Chad Champlin

Date

State of Utah)
County of Cache)

Sworn and subscribed to before me this _____ day of _____ 2020 by

Notary Public

Proposed Code Changes
April 25, 2023

5-4-2 Definitions

Junk: Including, but not limited to, materials similar to the following: old or scrap metal, rope, rags, batteries, paper, trash, rubber, debris, waste; or junked, dismantled or wrecked automobiles or parts thereof; or unused or discarded machinery, furniture, appliances or parts thereof, used or scrap lumber, discarded building materials, or old scrap metal.

7-8 Flood Damage Prevention

Replace Chapter 8 with new verbiage required by FEMA (see attached).

10-2 Definitions

Junk: Including, but not limited to, materials similar to the following: old or scrap metal, rope, rags, batteries, paper, trash, rubber, debris, waste; or junked, dismantled or wrecked automobiles or parts thereof; or unused or discarded machinery, furniture, appliances or parts thereof, used or scrap lumber, discarded building materials, or old scrap metal.

10-12-2: Area Regulations

A. Lot Setbacks/Side Yard (interior lot).

Accessory Uses → ~~R-1-8³, R-1-10³ and R-1-12³~~, (Superscript 3 added to each zone.)

Residential Space Requirement Chart/Superscript 3:

3. Residential properties that have a zero-lot line, such as single-family attached dwelling units where one unit is joined to another unit at one or more sides and the units are on separate lots of record, shall have a one (1) foot side yard setback for accessory uses. The side yard must be unobstructed from the ground upward including all walls, posts, columns, overhangs and other projections. The setback is to help ensure that all storm water, including snow and water runoff, stays on the owner's property and does not end up on neighboring properties.

or greater
remains
↑ of five accessory use

10-12-2: Note 2 Residential Space Requirement Chart

2. Properties with residential homes built prior to 1940, or legal at the time of Zoning Clearance Permit approval in the R-1-8 a residential zone are exempt from the ~~10-foot minimum~~ ten-foot (10') side yard (interior lot) setback with the following conditions . . .

10-12-3 Fence and Wall Regulations Within Setbacks

C. No Permit Required: The City does not issue permits for fences, HOWEVER, fences built outside city code regulations will be brought into compliance at the owners' expense. Property lines need to be verified by the owner of record.

TITLE 7

CHAPTER 8

**FLOOD DAMAGE PREVENTION
60.3(d)**

SECTION:

- 7-8-1: Statutory Authorization, Findings of Fact, Purpose and Methods
- 7-8-2: Definitions
- 7-8-3: General Provisions
- 7-8-4: Administration
- 7-8-5: Provisions for Flood Hazard Reduction
- 7-8-6: Penalties for Noncompliance

7-8-1: STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

- A. Statutory Authorization: The Legislature of the State of Utah has in Utah Code Unannotated 10-3-701, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of the City of River Heights, Utah, adopts regulations designed to minimize flood losses and does ordain as follows:
- B. Findings of Fact:
 - 1. The flood hazard areas of the City of River Heights are subject to periodic inundation which 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 the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.
- C. Statement of Purpose: It is the purpose of this ordinance 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 and 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 gas mains, electric, telephone and sewer lines, streets and bridges 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 future flood blight areas; and
 7. Ensure that potential buyers are notified that property is in a flood area.
- D. **Methods of Reducing Flood Losses:** In order to accomplish its purposes, this ordinance 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 which serve such uses, be protected against flood damage at the time of initial construction;
 3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
 4. Control filling, grading, dredging and other development which may increase flood damage; and
 5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

7-8-2: DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

ALLUVIAL FAN FLOODING Flooding which occurs 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.

APEX: A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

AREA OF SHALLOW FLOODING: A designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent (1%) chance or greater annual chance of flooding to an average depth of one (1) to three (3) 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.

**AREA OF
SPECIAL FLOOD
HAZARD:**

The land in the floodplain within a community is subject to a one percent (1%) 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.

BASE FLOOD:

The flood having a one percent chance of being equaled or exceeded in any given year.

**BASE FLOOD
ELEVATION
(BFE):**

The water surface elevation of the one percent (1%) annual chance flood event. It is the height in relation to mean sea level expected to be reached by the waters of the base flood 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.

BASEMENT:

Any area of the building having its floor subgrade (below ground level) on all sides.

**CRITICAL
FEATURE:**

An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT:

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.

**ELEVATED
BUILDING:**

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)(5) of the National Flood Insurance Program regulations.

**EXISTING
CONSTRUCTION:**

For the purposes of determining rates, 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."

**EXISTING
MANUFACTURED
HOME PARK OR
SUBDIVISION:**

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 a community.

**EXPANSION TO
AN EXISTING
MANUFACTURED
HOME PARK OR
SUBDIVISION:**

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing 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).

**FLOOD OR
FLOODING:**

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters.
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD
INSURANCE
RATE MAP
(FIRM):**

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.

**FLOOD
INSURANCE
STUDY:**

The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

**FLOOD PLAIN OR
FLOOD-PRONE
AREA:**

Any land area susceptible to being inundated by water from any source (see definition of "flooding").

**FLOODPLAIN
MANAGEMENT:**

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.

**FLOODPLAIN
MANAGEMENT
REGULATIONS:**

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 local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**FLOOD
PROTECTION
SYSTEM:**

Physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

**FLOOD
PROOFING:**

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 sanitary facilities, structures, and their contents.

**FLOODWAY
(REGULATORY
FLOODWAY):**

The channel of a river or other watercourse and the adjacent land areas must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**FUNCTIONALLY
DEPENDENT
USE:**

A use which cannot perform its intended purpose unless it is located or carried out near water. The term includes only 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.

**HIGHEST
ADJACENT
GRADE:**

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**HISTORIC
STRUCTURE:**

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 reservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1. By an approved state program as determined by the Secretary of the Interior, or
 - 2. Directly by the Secretary of the Interior in states without approved programs.

LEEVE: 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 to provide protection from temporary flooding.

LEEVE SYSTEM: A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR: 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.

MANUFACTURED HOME: A structure transportable in one or more sections, which 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".

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**MEAN SEA
LEVEL:**

For purposes of the National Flood Insurance Program, 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.

**NEW
CONSTRUCTION:**

For the purpose of determining insurance rates, 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.

**NEW
MANUFACTURED
HOME PARK OR
SUBDIVISION:**

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 on or after the effective date of floodplain management regulations adopted by a community.

**RECREATIONAL
VEHICLE:**

A vehicle which is:

- A. Built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**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.

STRUCTURE: A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE: 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.

SUBSTANTIAL IMPROVEMENT: 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 which have been identified by the local code enforcement official and which 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."

VARIANCE: A grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

VIOLATION: 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.

**WATER
SURFACE
ELEVATION:**

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.

7-8-3: GENERAL PROVISIONS

- A. **Lands to which this Ordinance Applies:** The ordinance shall apply to all areas of special flood hazard within the jurisdiction of the City of River Heights, Utah.
- B. **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 the City of River Heights," dated May 2, 2023, 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 ordinance.
- C. **Establishment of Development Permit:** A Development Permit shall be required to ensure conformance with the provisions of this ordinance.
- D. **Compliance:** No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.
- E. **Abrogation and Greater Restrictions:** This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- F. **Interpretation:** In the interpretation and application of this ordinance, all provisions shall be:
 - 1. Considered as minimum requirements;
 - 2. Liberally construed in favor of the governing body; and
 - 3. Deemed neither to limit nor repeal any other powers granted under State statutes.
- G. **Warning and Disclaimer or Liability:** The degree of flood protection required by this ordinance 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 ordinance 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 ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damage that results from reliance on

this ordinance or any administrative decision lawfully made there under.

- H. Severability: If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.

7-8-4: ADMINISTRATION

- A. The mayor or mayor's designee is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.
- B. Duties and Responsibilities of the Floodplain Administrator: Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:
 1. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
 2. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
 3. Review, approve or deny all applications for development permits required by adoption of this ordinance.
 4. Review permits for proposed development to assure 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.
 5. 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.
 6. Notify, in riverine situations, adjacent communities and the State Coordinating Agency, which is the Utah National Floodplain Coordinator, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
 8. When base flood elevation data has not been provided in accordance with 7-8-3: B, 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 7-8-5.

9. 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.
10. 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).

C. Permit Procedures:

1. Application for a 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 elevation 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 any nonresidential structure shall be floodproofed;
 - c. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of 7-8-5: B.2.
 - d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
 - e. Maintain a record of all such information in accordance with 7-8-4: B.1.
2. Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all the provisions of this ordinance and the following relevant factors:
 - a. The danger to life and property due to flooding or erosion damage;
 - b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - c. The danger that materials may be swept onto other lands to the injury of

others;

- d. The compatibility of the proposed use with existing and anticipated development;
- e. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- g. 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;
- h. The necessity to the facility of a waterfront location, where applicable;
- i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- j. The relationship of the proposed use to the comprehensive plan for that area.

D. Variance Procedures:

- 1. An Appeal Authority as established by the City shall hear and render judgement on requests for variances from the requirements of this ordinance.
- 2. The Appeal Authority shall hear and render judgement 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 ordinance.
- 3. Any person or persons aggrieved by the decision of the Appeal Authority may appeal such decision in the courts of competent jurisdiction.
- 4. 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.
- 5. 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 ordinance.
- 6. 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 7-8-4: C.2. have been fully considered.

As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

7. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Authority may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (7-8-1: C.).
8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
9. 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.
10. Prerequisites for granting variances:
 - a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - b. Variances shall only be issued upon:
 - (1) Showing a good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - (3) 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.
 - c. 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.
11. Variances may be issued by the City for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - a. The criteria outlined in 7-8-4: D.1.-10. are met, and
 - d. The structure or other development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

7-8-5: PROVISIONS FOR FLOOD HAZARD REDUCTION

- A. **General Standards:** In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:
1. 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;
 2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
 3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
 4. 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.
 5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 6. 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,
 7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- B. **Specific Standards:** In all areas of special flood hazards where base flood elevation data has been provided as set forth in 7-8-3: B., 7-8-4: B.8., or 7-8-5: C.3., the following provisions are required:
1. **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 registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in 7-8-4: C.1.a. is satisfied.
 2. **Nonresidential Construction** - new construction and substantial improvements of any commercial, industrial or other nonresidential 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 reconstruction anodal engineer or 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.

3. Enclosures - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking 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 registered professional engineer or architect or meet or exceed the following minimum criteria:
 - a. 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.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices if they permit the automatic entry and exit of floodwaters.
4. Manufactured Homes
 - a. Require that all manufactured homes 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.
 - b. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) 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.
 - c. 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 (4) 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.

5. Recreational Vehicles - Require that recreational vehicles placed on sites within Zones A1- 30, AH, and AE on the community's FIRM either:

- a. Be on the site for fewer than 180 consecutive days,
- b. Be fully licensed and ready for highway use, or
- c. Meet the permit requirements of 7-8-4: C.1.a. and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) 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.

C. Standards for Subdivision Proposals:

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with 7-8-1: B., C. and D. of this ordinance.
2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of 7-8-3: C., 7-8-4: C.; and the provisions of 7-8-5: of this title.
3. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which are greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to 7-8-3: B. or 7-8-4: B.8. of this title.
4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
5. 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.

D. Standards for Areas of Shallow Flooding (AO/AH Zones)

Located within the areas of special flood hazard established in 7-8-3: B., 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:

1. 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).
2. All new construction and substantial improvements of non-residential structures:
 - a. 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;
 - b. 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.
3. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in 7-8-4: C.1.a., are satisfied.
4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

E. Floodways

Floodways located within areas of special flood hazard established in 7-8-3: B., are areas designated as floodways. Since 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:

1. 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.
2. If 7-8-5: E.1. above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of 7-8-5.
3. 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.

7-8-6: PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a Class C misdemeanor. The penalty for such violations shall be as described in Title 1, Chapter 4 of this River Heights City Code. Nothing herein contained shall prevent the City of River Heights from taking such other lawful action as is necessary to prevent or remedy any violation. (?-2023, 05-02-23)

From: Michael Jablonski <michael.jablonski@hey.com>

Date: Tue, Apr 25, 2023 at 4:14 PM

Subject: Public Hearing to Discuss Changes to the River Heights City Code, April 25

To: Noel Cooley <nhcooley@comcast.net>, Heather Lehnig <heather.lehnig@gmail.com>, Lance Pitcher

<lancepitcher@comcast.net>, Cindy Schaub <cindy_schaub@hotmail.com>, Troy Wakefield

<loganutahrealestate@gmail.com>, Mayor Jason Thompson <jasonthompson@riverheights.org>, and Cynthia

Johnson <cjohnson@natrescon.com>

Dear Planning Commission,

Cindy Johnson and I have read Chapter 8 "Flood Damage Prevention," the subject of this evening's public hearing.

In our judgement it is a good ordinance. We support it without objections. It is our understanding that this ordinance is required by the Federal Emergency Management Agency (FEMA).

We mention, however, that the Logan River, for its reach between River Heights and Logan, was long ago straightened and channelized, changing the natural flow of the river.

Had this ordinance been in place long ago, today's Logan River would still have its natural and meandering channel.

Mike Jablonski
Cindy Johnson



Sheila Lind <office@riverheights.org>

Lawn buy back

1 message

Heather Lehnig <heather.lehnig@gmail.com>

Tue, Apr 25, 2023 at 5:07 PM

To: Noel Cooley <nccooley@comcast.net>, Blake Wright <blakewright@riverheights.org>, Cindy Schaub <cindy_schaub@hotmail.com>, Clayton Nelson <cnelson@riverheights.org>, Chris Milbank <chrismilbank@riverheights.org>, Lance Pitcher <lancepitcher@comcast.net>, Troy Wakefield <loganutahrealestate@gmail.com>, Sheila Lind <office@riverheights.org>

Hello All,

Shelby Ericksen, from Utah Dept of Natural Resources, got back to me. I have included her notes.

I hope to read this in tonights meeting.

Regards,
Heather

----- Forwarded message -----

From: **Shelby Ericksen** <shelbyericksen@utah.gov>

Date: Tue, Apr 25, 2023 at 8:21 AM

Subject: Re: rebate questions

To: Heather Lehnig <heather.lehnig@gmail.com>

Hi Heather,

Thanks for reaching out! I've got responses to your questions below:

In the paragraph "In new commercial, industrial, and multifamily development, common area landscapes, lawn areas shall not exceed 20% of the total landscaped area, outside of active recreation areas."

What are "Active Recreation Areas"? Are these city parks? Would a baseball diamond, be active and then we could only have 25% around the diamond with grass? Soccer fields would be active but then only a little grass around them for parents to watch. Am I missing something? We need more clarification on that paragraph before we proceed any further. Many cities have defined "active recreation areas" as "an area that is dedicated to active play where turf grass may be used as the playing surfaces. Examples of active recreation areas include sports fields, play areas, and other simple uses". The areas around sports fields could be counted as an "active recreation area" because they have a use. The whole idea behind this requirement is to not put grass in places where it will not be used (areas less than 8 feet wide, parking islands, etc.).

We have a park under construction in phase one but there will be grass and trees and a more natural area, will we need to tear up our 10 year plan?

No, if the city defines this as an "active recreation area", that would be fine. Grass in park strips or other areas where it is not used would not be considered an "active recreation area". Larger grass areas are more efficient when it comes to watering.

For our citizens to be able to participate in the rebate, do we need to write all three paragraphs into our ordinances?

Yes, all three would need to be adopted for citizens of the city to become eligible.

Please let me know if you have any other questions.

Thank you!



Shelby Ericksen
Water Conservation Manager

M: (801) 300-1623
E: shelbyericksen@utah.gov

Utah Department of Natural Resources
Division of Water Resources



water.utah.gov
conservewater.utah.gov