

## **ORDINANCE NO. 2024-08**

### **AN ORDINANCE PROVIDING FOR THE PROTECTION OF SENSITIVE LANDS FROM DEVELOPMENT IN GEOLOGICALLY AND HYDROLOGICALLY HAZARDOUS AND ENVIRONMENTALLY SENSITIVE AREAS**

WHEREAS the Lake Point City Council (the “Council”) desires to adopt a sensitive lands ordinance, and the Lake Point Planning Commission has held a public hearing on the ordinance; and

WHEREAS the Council has amended the Lake Point Planning Commission recommendation and has before it the ordinance as attached.

#### **Section 1: Purpose**

The purpose of this ordinance is to inform property owners, developers, and the general public of the presence of sensitive lands within the boundaries of the City of Lake Point. This ordinance establishes the responsibilities and liabilities associated with development on these lands to ensure safety, stability, and environmental protection.

#### **Section 2: Definitions**

All terms in this ordinance shall be as defined in the State of Utah Adopted Building Codes

#### **Section 3: Identification of Sensitive Lands**

Sensitive lands within Lake Point include, but are not limited to:

1. Areas with a high groundwater table.
2. Areas below the ET Canal where building basements is not recommended.
3. Areas with active fault lines.
4. Areas with soils that have potential for liquefaction.

#### **Section 4: Responsibilities of Property Owners and Developers**

**A. Due Diligence:** It is the responsibility of property owners and developers to conduct thorough investigations and assessments to identify any sensitive lands on their property before commencing any improvements or developments.

**B. Risk Resolution:** Property owners and developers must resolve any identified risks associated with sensitive lands. This may include, but is not limited to, obtaining geological surveys, hydrological studies, and engineering assessments.

**C. Compliance with Regulations:** All developments must comply with existing local, state, and federal regulations regarding construction on sensitive lands (when applicable). This includes adhering to building codes, zoning ordinances, and environmental protection laws.

**D. Minimum Standards for Flood Prevention:** All development at a sea level elevation below 4250 ft (Approximately all properties to the North or West of ET Canal) shall meet the following requirements:

1. Basement floor elevation will be no lower than 2 ft below the highest elevation along the center of any road adjacent to the property.
2. Must include foundation drains, an exterior and interior sump with a minimum 18 inch diameter, and an automatic sump pump in the exterior sump with at least 2 inch diameter pipe to the approved stormwater drainage location.
3. Builder shall place obvious notice on the electrical panel connecting to the automatic sump pump that indicates the presence of a sump pump on the property.

## **Section 5: Liability**

**A. Assumption of Risk:** By undertaking any development or improvement on any land, whether identified as sensitive lands or not, property owners and developers assume all risks associated with such activities.

**B. Indemnification:** Property owners and developers shall indemnify and hold harmless the City of Lake Point, its officers, employees, and agents from any claims, damages, losses, or expenses arising out of or related to development on sensitive lands.

## **Section 6: Notification**

**A. Public Notice:** Lake Point shall provide public notice regarding the possible presence of sensitive lands within the city boundaries. This notice will be available from the City Recorder, and/or on the city's official website (lakepoint.gov), and included in any relevant planning and zoning documentation.

**B. Disclosure Requirement:** Property owners and developers must disclose the presence of known sensitive lands to any potential buyers, lessees, or other parties with an interest in the property.

## **Section 7: Recommendations**

**A. Active Fault Lines and Liquefaction:** Lake Point recommends thorough geotechnical evaluation in areas with active fault lines and soils with potential for liquefaction to ensure the stability and safety of structures.

## Section 7: Enforcement

**A. Inspections:** The City Building Department shall have the authority to inspect developments to ensure compliance with this ordinance and any codes that would need to be followed when the property is identified as sensitive lands.

**B. Penalties:** Non-compliance with this ordinance may result in the issuance of stop-work orders, fines, and other penalties as deemed appropriate by the City Council.

## Section 8: Severability

If any provision of this ordinance is found to be invalid or unenforceable, such provision shall be severed, and the remaining provisions shall remain in full force and effect.

## Section 9: Effective Date

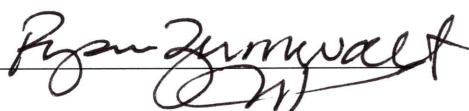
NOW, THEREFORE, BE IT ORDAINED by the Lake Point City Council as follows:

1. This ordinance is hereby adopted into the City Code of the City of Lake Point, Utah as a zoning amendment that shall be binding and may be formatted and entered into the City Code.
2. All laws or ordinances directly in conflict with the provisions of this schedule are hereby repealed or amended to conform with the provisions.
3. This Ordinance shall be effective immediately upon its adoption and publication according to law.

**PASSED, APPROVED, AND ADOPTED** on the 15<sup>th</sup> day of May, 2024

Lake Point

By \_\_\_\_\_  
Chair



ATTEST:

  
\_\_\_\_\_  
City Recorder

SEAL



**Voting:**

Alexis Wheeler	Yea <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Absent
Kirk Pearson	Yea <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Absent
Jonathan Garrard	Yea <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Absent
Kathleen VonHatten	Yea <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Absent
Ryan Zumwalt	Yea <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Absent