



WHITE CITY METRO TOWNSHIP COUNCIL MEETING AGENDA

Thursday, September 2, 2021
6:00 PM

White City Water Improvement District
999 E Galena Drive, White City 84094

Due to the COVID-19 pandemic, this meeting will be held at the anchor location and electronically for members of the staff and/or public that cannot attend due to social distancing or other health reasons. Seating is limited and may be restricted to the Township Council, staff, and participants. Also, pursuant to Health Orders, masks may be required, and social distancing maintained. The general public may attend electronically by following the information noted at the end of this agenda.

Portions of the meetings may be closed for reasons allowed by statute. Motions relating to any of the items listed below, including final action, may be taken.

6:00PM – WORKSHOP

1. Discussion / Clarification of Agenda Items
2. Engineering Update/Storm Water Plan - *Madeline Francisco-Galang, Engineer*
3. Presentation on 2020 Audit and MSD Financials through June 2021 – *Marla Howard, Chief Financial Officer*
4. Other Staff & Business/Discussion Issues for Future Meetings

AFTER A SHORT BREAK (NOT TO EXCEED 10 MINUTES) – ELECTRONIC BUSINESS MEETING

1. **Welcome and Determine Quorum**
2. Special Presentation for Former Council Member Kay Dickerson – *Mayor Paulina Flint, Pam Roberts, WFWRD Executive Director*
3. Wasatch Waste and Recycling Report – *Pam Roberts, WFWRD Executive Director*
4. White City Financial Report -- *David Sanderson, Financial Manager*
5. Unified Fire Authority Report – *CPT Ken Aldridge*
6. Unified Police Department Report– *Chief Randy Thomas and/or Officer Jeff Fenton*
7. **Public Comments** -- *(Due to Nature of Electronic Meeting, Comments may also be emailed to phashton@xmission.com to have them read for the record under this agenda item. Such email readings should not take longer than 3 minutes unless approved by the Mayor and should contain the sender's name and address.)*
8. **ACTION ITEMS**
 - 8.1 Consider Approval of Minutes of August 5th 2021 – *Nichole Watts, Metro Township Clerk*

- 8.2** Consider **Resolution No. 21-09-01** A Resolution of the White City Metro Township Recognizing Council Member Kay Dickerson for his Dedicated Service to the White City Community – **Mayor Paulina Flint**
- 8.3** Discussion and Possible Motion Considering **Resolution No. 21-09-02** A Resolution of the White City Metro Township Council Approving a Decision, If Made by the Board of Trustees of the Salt Lake Valley Law Enforcement Service Area (SLVLESA) Following Processes Required by Utah Law, to Increase SLVLESA Budgeted Property Tax Revenues by 16.5% for Calendar Year 2022 which would Result in the Levy of a Property Tax Rate in Excess of the Certified Tax Rate Pursuant to Section 17b-2a-903 of the Utah Code – **Frank Nakamura, SLVLESA Executive Director**
- 8.4** Discussion and Possible Motion Considering **Ordinance No. 21-09-01** An Ordinance of the White City Metro Township Council Repealing Chapter 19.74 of the White City Metro Code and Enacting a New Chapter 19.74 to Establish Flood Plain Development Standards and Flood Damage Prevention – **Paul Ashton, Attorney**
- 8.5** Discussion and Possible Motion Considering **Ordinance No. 21-09-02** An Ordinance of the White City Metro Township Enacting A New Chapter 19.15 to Authorize Internal Accessory Dwelling Units in Certain Residential Zones and to Engage Related Regulations – **Paul Ashton, City Attorney**
- 8.6** Discussion and Possible Motion Considering **Resolution No. 21-09-03** A Resolution, Pursuant to Utah Code 20a-1-206, Cancelling the White City Metro Township’s November 2, 2021 Election and Determining the Unopposed Declared Candidates to be Elected to the Township Council – **Rori Andreason, Administrator**

9. COUNCIL REPORTS

- 9.1** UFA and UFSA – **Council Member Allan Perry**
- 9.2** UPD and SLVLESA – **Mayor Paulina Flint**
- 9.3** South Salt Lake Valley Mosquito Abatement District – **Council Member Linda Price**
- 9.4** Greater Salt Lake Municipal Services District – **Mayor Paulina Flint**
- 9.5** Wasatch Front Waste and Recycling District – **Council Member Phillip Cardenaz**
- 9.6** SLCO Animal Services – **Council Member Scott Little**
- 9.7** Council of Governments (COG) – **Mayor Paulina Flint**

10. ADJOURN

**** Electronic Meeting Participation -- via "GoToMeeting"**

Due to the COVID-19 pandemic, this White City Metro Township Council Meetings may be subject to social distancing that may limit the number of individuals that can physically attend the meeting. To ensure public accessibility, and in accordance with State law, White City will use electronic "GoToMeeting" in combination with the physical meeting. If you want to listen, please use the information below:

White City Metro Township Council Meeting
[Thu, Sep 2, 2021 6:00 PM - 9:00 PM \(MDT\)](#)

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/470986293>

You can also dial in using your phone.
(For supported devices, tap a one-touch number below to join instantly.)

United States: +1 (872) 240-3311
- One-touch: tel:+18722403311,,470986293#

Access Code: 470-986-293

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Upon request with three working days' notice, the MSD for the Metro Township will provide free auxiliary aids and services to qualified individuals (including sign language interpreters, alternative formats, etc.). For assistance, please call (385) 468-7130 – TTY 711.

For Further Information, the website for White City Metro Township is: www.whitecity-ut.org



Wasatch Front Waste and Recycling District



2021 2nd Quarter Report for White City

Presented: September 2, 2021



Our Mission: Provide sustainable quality integrated waste and recycling collection services for the health and safety of our community...because not everything fits in the can.

Our Goals

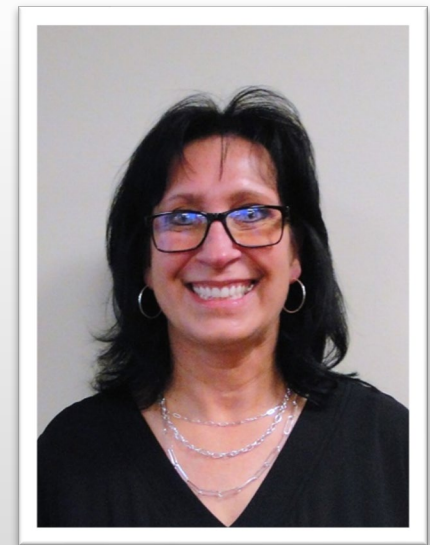
Provide World Class Customer Service,
Achieve Excellent Employee Satisfaction,
Environmental Stewardship and
Financial Stewardship.



District Highlights

- Ryan Jones earned the 2021 National Driver of the Year award, in the Public Sector, from the National Waste & Recycling Association (NWRA)
 - Nominated by WFWRD Management
 - Award based on years of service, safety record, and customer service.
 - Ryan is the fifth WFWRD driver to receive this award since 2011.

- Renee Plant has joined WFWRD as the new Administrative Manager. Her focus will be working with communities, community partnerships and resolving safety issues on private roads.
 - 24+ years in private sector management (finance industry)
 - Private LLC/property management and rental owner
 - US Army NBC/NCO specializing in the logistics and Nuclear Biological & Chemical fields



White City Highlights

- WFWRD sponsored Landfill Vouchers are available at White City Water Improvement District (999 E. Galena St.). Proof of residency is required at the Trans-Jordan Landfill.
- We also offer additional opportunities for recycling through our subscription programs for Green Waste and Glass collections.
 - Currently, White City has 132 Green Waste subscribers (1.4% of the 9,324 District-wide), and 29 Curbside Glass Recycling subscribers (1.5% of the 1,884 District-wide).



Modified Area Cleanup with Containers in Driveways

- White City’s collection dates were May 26th through May 28th.
- We continue to provide the modified program due to continued driver/staff shortages.



- Results as of August 3, 2021:

City/Metro	Homes	Containers	Ratio	# of Actual Turndowns/No Availability	Tons	Mattress	Tires	Fridges
Holladay	8,724	1,199	7.3	44 (3.5%)	662	131	19	11
Murray	2,692	364	7.4	10 (2.7%)	341	154	12	12
Cottonwood Heights	9,664	1,286	7.5	67 (5.0%)	1,296	147	5	7
White City	1,818	292	6.2	38 (11.5%)	232	71	22	6
Herriman	10,538	1,415	7.4	1 (0.07%)	935	89	6	7
Copperton	275	36	7.6	0 (0.0%)	24	18	1	2
Magna	7,167	1,073	6.68	50 (4.7%)	927	24	0	2
Kearns	9,968	1,499	6.65	16 (1.1%)	959	3	0	0

Continued Benefits to the Modified Program

- Residents who need the service are utilizing it without the issues of it being full before they can use it.
- No more “mini-landfills” and scavenging, which creates health and safety hazards.
 - Even with staff shortages, the workload is manageable and efficient because there is no need to deal with piles around the containers.
 - The majority of the residents who have requested the service have been accommodated.
 - Reduced illegal dumping and containers being abused by contractors, landscapers, and residents who don't live in the District.



State of Recycling

Tons Recycled	Jan.	Feb.	Mar.	Apr.	May	Jun.	Total
White City	37	34	38	38	36	37	220
District	1,7189	1,572	1,763	1,747	1,682	1,693	10,176

Across the District, every home is averaging 40 pounds of recycling each month.

- Dollar values for recycling materials have fluctuated over the past year, but trends are going up with increased values for recyclables and reduced costs for processing.
 - The price per ton for recycling has decreased from an average of \$65.00 to \$20.00 per ton. The savings has off-set the costs of the needed increases to driver's wages.
 - Paper, high-density polyethylene plastic (HDPE), and corrugated cardboard have seen a consistent increase in value over the past year.
 - Values for metals has seen a recent boom.
- WFWRD's Sustainability Team continues to provide recycling and green waste presentations to elementary school classrooms upon request.
 - During the 2020/2021 school year, 52 classrooms were visited.

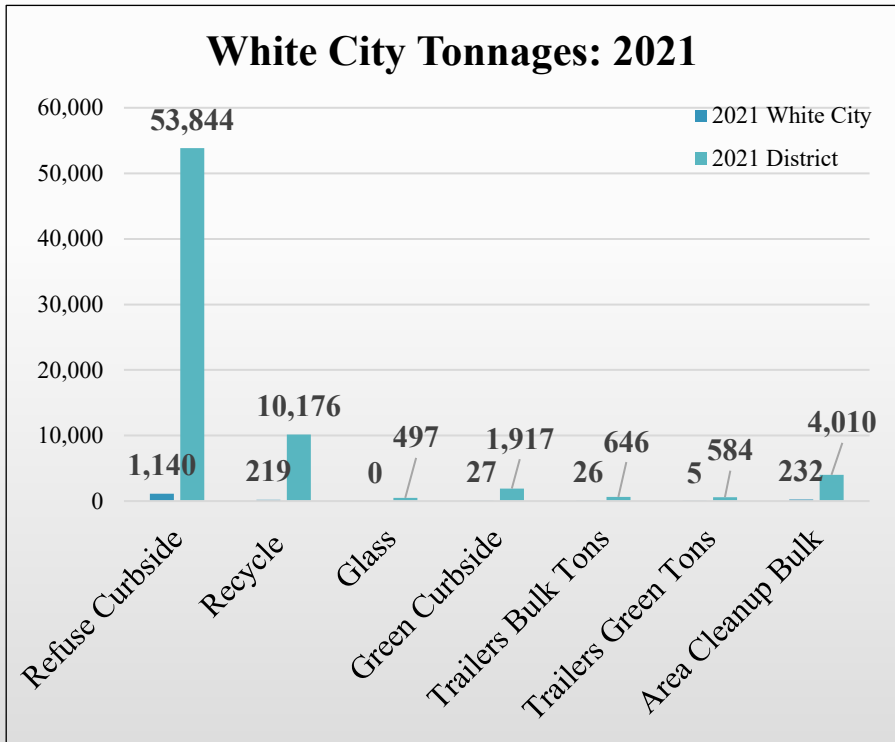


2021 2nd Quarter Comparisons for White City and District-wide

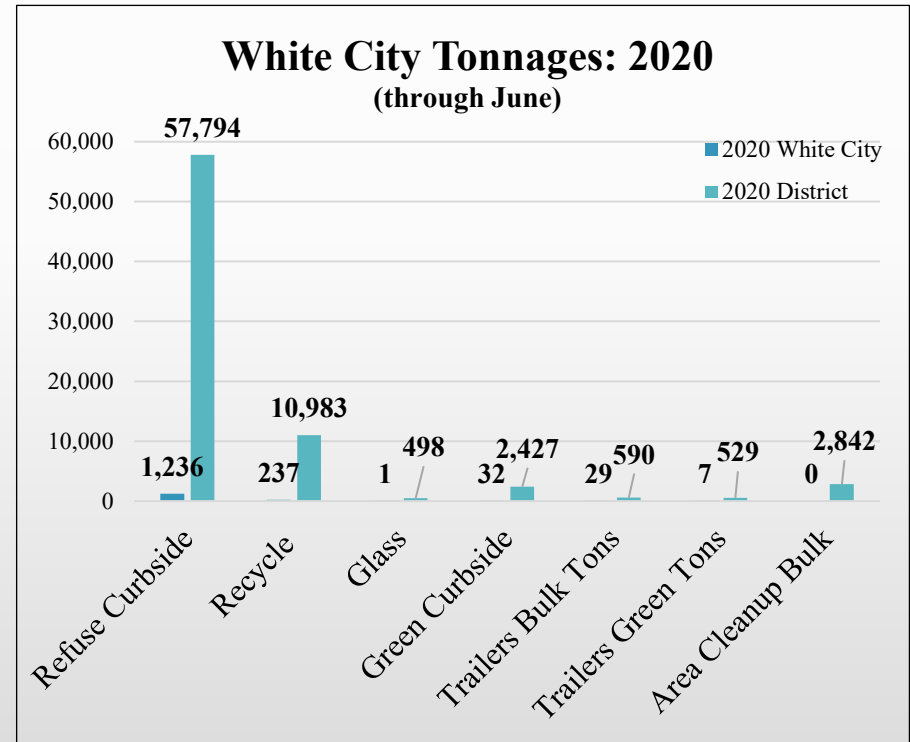
The 1,825 homes in White City are 2.1% of the approximately 86,228 homes in the District boundaries.

Residents of White City diverted approximately 18.1% of waste away from the landfill in the 1st half of 2021 compared to a District-wide total diversion rate of 17.6%.

White City Tonnages: 2021



White City Tonnages: 2020 (through June)



White City Township

Budget Report Yearly

58.30%

7/31/2021

	Actual to 7/31/2021	FY 2021 Budget	Projected
Revenues			
Sales taxes	455,620	637,269	637,269
Business licenses	2,804	-	3,000
Building permits	15,949	-	17,500
Other permits		-	-
Zoning-land use permits	815	-	1,000
Transportation sales tax	42,755	57,919	57,919
Class C road funds	143,070	201,941	201,941
Liquor allotment	-	2,700	2,700
Grants care funds	204,958	-	204,958
ARPA funding	341,323	-	343,323
Engineering services	375	8,492	8,492
Planning services	-	105,100	105,100
Code enforcement fines	-	1,600	1,600
Justice court fines	-	24,500	24,500
Miscellaneous	10	-	10
Interest earnings	385	-	1,000
Transfers in	280,457	280,457	280,457
Total Revenues	\$ 1,488,521	\$ 1,319,978	\$ 1,890,769
Expenses - Administration			
Wages	10,763	29,066	29,066
Employee Benefits	1,837	-	3,000
Subscriptions/Memberships	25	1,070	1,070
Printing/Publications/Advertising	1,853	1,000	2,000
Office expense and supplies	280	1,070	1,070
Attorney-civil	4,734	50,000	35,000
Attorney- land use	19,703	-	20,000
Training and seminars	-	1,070	1,070
Web page development/maint	2,800	-	3,000
Software streaming	248	3,210	3,210
Internet connections	-	3,210	3,210
Payroll processing fees	573	900	900
Communications	-	3,200	3,200
Contributions/special events	10,000	18,200	18,200
Credit card and bank expenses	-	535	535
Insurance	9,303	9,951	9,951
Workers comp insurance	492	-	492
Postage	479	-	1,000
Professional & technical	32,500	104,385	104,385
UFA Emergency services	5,796	10,000	10,000
SL (Client) County support services	4,030	37,500	37,500
Cares act expenses	-	-	204,958
ARPA expense (Move to CP)	-	-	343,323
Justice Court remediation -UPD	-	2,700	2,700
Rent	1,381	2,000	2,000
Non classified expenses	-	4,600	4,600
Total Administration	\$ 106,797	\$ 283,667	\$ 845,440

58.30%

7/31/2021

	Actual to 7/31/2021	FY 2021 Budget	Projected
Expenses - Transfers			
Transfer to General fund	661,783	1,039,521	1,039,521
Transfer to Capital projects	-	-	-
Total Transfers	\$ 661,783	\$ 1,039,521	\$ 1,039,521
Total Expenses	\$ 768,580	\$ 1,323,188	\$ 1,884,961
Surplus/Deficit	\$ 719,941	\$ (3,210)	\$ 5,808

58.30%

7/31/2021

	Actual to 7/31/2021	FY 2021 Budget	Projected
Cares Act			
Cash - Zions cares	204,958	-	-
Covid Expense and supplies	-	-	-
Cares Expense and supplies	1,078	-	2,000
Total Cares Act	\$ 203,880	\$ -	\$ (2,000)

DATE THURSDAY _____ AUGUST _____ 5, 2021

THE WHITE CITY METRO TOWNSHIP COUNCIL, STATE OF UTAH, MET ON THURSDAY, AUGUST 5, 2021, PURSUANT TO ADJOURNMENT ON THURSDAY, JULY 8, 2021, AT THE HOUR OF 6:00 P.M. THE MEETING WAS HELD AT THE WHITE CITY WATER IMPROVEMENT DISTRICT AT 999 EAST GALENA DRIVE, WHITE CITY, 84094.

COUNCIL MEMBERS

PRESENT: ALLAN PERRY
LINDA PRICE
SCOTT LITTLE
PAULINA FLINT, Mayor

OTHERS IN ATTENDANCE: PAUL ASHTON, LEGAL COUNSEL
RORI ANDREASON, ADMINISTRATOR
SHERRIE SWENSEN, METRO TOWNSHIP CLERK
By: NICHOLE WATT, DEPUTY CLERK



Mayor Paulina Flint, Chair, presided.



WORKSHOP

The Council reviewed the following agenda items:

- SLVLESA tax and budget presentation.
- Engineering/capital improvement projects.
- Discussion of the COOP during the September meeting.

The Workshop was closed, and the Business Meeting was opened.



BUSINESS MEETING

Welcome and Determine Quorum

White City Financial Report

Dave Sanderson, CPA, reviewed the White City financial report from January through July 2021.

Council Member Price, seconded by Council Member Perry, moved to accept the White City Financial Report. The motion passed unanimously.

DATE THURSDAY AUGUST 5, 2021

Unified Fire Authority Report

Captain Ken Aldridge, Unified Fire Authority, stated crews were deployed to various wildfires and returned on August 2. UFA Fuels Crews have had a lot of work to do with fire mitigation around the Jordan Canal and other areas. The public education campaign regarding fireworks was successful. Captain Allred retired on July 2 and there are two more retirements coming.

Council Member Perry, seconded by Council Member Price, moved to accept the UFA report. The motion passed unanimously.

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Public Comment

Paul Ashton reviewed the public comment that was emailed to him. The individual was concerned with the landscaping around the new White City Improvement District building. The grass was planted because the building is under contract and the contractor would not wait until a later date to plant the grass. White City Improvement District has a very sufficient system to take of the grass.

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Action Items

Approval of Minutes

Council Member Perry, seconded by Council Member Price, moved to accept the minutes of the White City Metro Township Council meetings held on July 8, 2021 with amendments. The motion passed unanimously.

White City Metro Township 2019 & 2020 Financials

Dave Sanderson stated the Greater Salt Lake Municipal Services District (MSD) located a mistake where it paid for land use attorneys that the White City Metro Township should have paid for. The decrease in fund balance is approximately \$14,000.

Council Member Perry, seconded by Council Member Price, moved to approve the amended White City Metro Township 2019 and 2020 financials. The motion passed unanimously.

DATE THURSDAY AUGUST 5, 2021

Resolution No. 2021-08-01 – White City Metro Township Council Appointment

Paul Ashton stated Phillip Cardenaz is a candidate that has filed to run for a Council seat in 2022 and also applied to fill the unexpired term on the White City Metro Township Council.

Phillip Cardenaz stated he has lived in White City for 9 years. He moved to Utah from California. He is involved with cub scouts, White City Community Council, and various school activities. He works at an insurance company at the IT help desk.

The Council reviewed the following resolution:

RESOLUTION NO. 21-08-01

Date: August 5, 2021

A RESOLUTION APPOINTING PHILLIP CARDENAZ TO FILL AN UNEXPIRED TERM ON THE WHITE CITY METRO TOWNSHIP COUNCIL WITH A TERM ENDING DECEMBER 31, 2021

RECITALS

- A. The White City Metro Township (“White City”) is a Municipality pursuant to Utah Code § 10-2a-401 *et seq.*
- B. White City is governed by a five-member elected Council, each of whom is elected at-large under Utah Code Ann. § 10-3-205.5, and
- C. On June 25, 2021, Council Member Kay Dickerson resigned from the White City Metro Township Council, and
- D. On this date and in accordance with Utah Code, the White City Metro Township Council, the legislative body of White City elected by the voters of White City, has determined it is in the best interest of White City to appoint Phillip Cardenaz to fill an unexpired term on the White City Metro Township Council with a term ending December 31, 2021.

RESOLUTION

THEREFORE, BE IT RESOLVED by the White City Metro Township Council, the Council formally appoints Phillip Cardenaz to fill an unexpired term on the White City Metro Township Council with a term ending December 31, 2021.

APPROVED AND ADOPTED in the White City Metro Township, Salt Lake County, Utah this 5th day of August 2021.

By. /s/ PAULINA FLINT
Paulina F. Flint, Mayor

ATTEST

DATE THURSDAY _____ AUGUST _____ 5, 2021

/s/ SHERRIE SWENSEN
Sherrie Swensen
Salt Lake County Clerk
Metro Township Clerk/Recorder

Council Member Price, seconded by Council Member Perry, moved to accept the application of Phillip Cardenaz, and appoint him to fill the vacant Council Member seat. The motion passed unanimously.

Nichole Watt, Deputy Clerk, administered the Oath of Office to appoint Phillip Cardenaz to the White City Metro Township Council.

Resolution No. 2021-08-02 – Mayor Pro-tempore Appointment

The Council reviewed the following resolution appointing Council Member Price as the Mayor Pro-Tempore:

RESOLUTION NO. 21-08-02

Date: August 5, 2021

A RESOLUTION APPOINTING LINDA PRICE AS THE MAYOR PRO-TEMPORE FOR THE WHITE CITY METRO TOWNSHIP COUNCIL THROUGH DECEMBER 31, 2021

RECITALS

- A. The White City Metro Township (“White City”) is a Municipality pursuant to Utah Code § 10-2a-401 *et seq.*
- B. White City is governed by a five-member elected Council, each of whom is elected at-large under Utah Code Ann. § 10-3-205.5, and
- C. Council Member Kay Dickerson served as the Mayor Pro-Tempore for White City Metro Township Council; and
- D. On June 25, 2021, Council Member Kay Dickerson resigned from the White City Metro Township Council, and
- E. On this date, the White City Metro Township Council, the legislative body of White City elected by the voters of White City, has determined it is in the best interest of White City to appoint Linda Price as White city’s Mayor Pro-Tempore.

RESOLUTION

DATE THURSDAY AUGUST 5, 2021

THEREFORE, BE IT RESOLVED by the White City Metro Township Council, the Council formally appoints Linda Price to serve as White city’s Mayor Pro-Tempore through December 31, 2021.

APPROVED AND ADOPTED in the White City Metro Township, Salt Lake County, Utah this 5th day of August 2021.

By. /s/ PAULINA FLINT
Paulina F. Flint, Mayor

ATTEST

/s/ SHERRIE SWENSEN
Sherrie Swensen
Salt Lake County Clerk
Metro Township Clerk/Recorder

Council Member Perry, seconded by Council Member Cardenaz, moved to nominate and appoint Council Member Price as Mayor Pro-Tempore. The motion passed unanimously.

Resolution No. 2021-08-03 – Wasatch Front Waste and Recycling District Board Appointment

The Council reviewed the following Resolution appointing Phillip Cardenaz to serve as White City’s representative on the Wasatch Front Waste and Recycling District Board of Trustees:

RESOLUTION NO. 2021-08-03 Date: July 8, 2021

A RESOLUTION OF THE WHITE CITY METRO TOWNSHIP APPOINTING PHILLIP CARDENAZ TO SERVE AS WHITE CITY’S MEMBER OF THE BOARD OF TRUSTEES OF THE WASATCH FRONT WASTE AND RECYCLING DISTRICT

RECITALS

- A. The White City Metro Township (“White City”) is a Municipality pursuant to Utah Code §§ 10-2a-401 *et seq.*
- B. White City is part of the Wasatch Front Waste and Recycling District (“WFWRD”), a local district, consisting of various municipalities and Salt Lake County, and
- C. White City has the right and legal responsibility to appoint a member of the Board of Trustees for WFWRD, which appointment in the past has been Kay Dickerson, and

DATE THURSDAY AUGUST 5, 2021

- D. On June 25, 2021, Council Member Kay Dickerson resigned from the White City Metro Township Council, and
- E. On this date, the White City Metro Township Council, the legislative body of White City elected by the voters of White City, has determined it is in the best interest of White City to appoint ___ as White City’s member of the Board of Trustees of WFWRD.

RESOLUTION

THEREFORE, BE IT RESOLVED by the White City Metro Township Council, the Council formally appoints ___ to serve as White City’s member of the Board of Trustees of the Wasatch Front Waste and Recycling District;

BE IT FURTHER RESOLVED the Council hereby directs staff to provide a copy of this Resolution to the Wasatch Front Waste and Recycling District to inform it of the appointment.

APPROVED AND ADOPTED in the White City Metro Township, Salt Lake County, Utah this 8th day of July 2021.

By: /s/ PAULINA F. FLINT
Paulina F. Flint, Mayor

ATTEST

/s/ SHERRIE SWENSEN
Sherrie Swensen
Salt Lake County Clerk
Metro Township Clerk/Recorder

Council Member Price, seconded by Council Member Perry, moved to appoint Council Member Cardenas to serve on the Wasatch Front Waste and Recycling District Board of Trustees. The motion passed unanimously.



Council Member Reports

Unified Fire Authority (UFA) & Unified Fire Service Area (UFSA)

Council Member Perry stated a groundbreaking for the new Midvale fire station was held in July and a groundbreaking for Magna will possibly be held in September. UFA is tracking first response agreements for entities across boundaries to make sure it is fair and equal. The service level is not always equal; Sandy Fire responds with a three-person crew, where UFA responds with a four-person crew.



Unified Police Department (UPD) & Salt Lake Valley Law Enforcement Service Area (SLVLESA)

Mayor Flint stated the Board has been working on the tax valuations as previous discussed in this meeting.

South Salt Lake Valley Mosquito Abatement District

Council Member Price stated board training requirements were reviewed at the last meeting. There have been 2 pools with West Nile Virus present and one human case in the State of Utah. The virus was contracted while the individual was traveling and not contracted in Utah. A 160-acres of land have been treated through June. The five-year average is 116-acres. Service requests are down a little bit. Conferences will resume soon. There have not been any accidents and all trainings have been completed.

Greater Salt Lake Municipal Services District (MSD)

Mayor Flint stated the tour of every single road in the MSD has been scanned for road conditions. The reports will be done by the end of August. The cost of the project depends on how much information is being requested from the company. The MSD needs to fund the storm water issue, that is the most expensive problem. The strategic planning is done and should be done by the end of August. The 2022 budget is being worked on. All the departments have presented its budget and most of the budgets are staying the same.

Wasatch Front Waste and Recycling District (WFWRD)

Mayor Flint stated WFWRD is going before the Salt Lake County Council to request approval on becoming a special district.

Council Member Price stated she spoke with Pam Roberts, General Manager, WFWRD, and received vouchers for the landfill.

Salt Lake County Animal Services

Council Member Little stated the Spayghetti and No Balls fundraiser will be held on August 19. Salt Lake County Council has not provided funding to Animal Services to be able to provide park patrol. The shelter is full and on September 25 it will have an adoption Petpalooza from 10:00 a.m. – 4:00 p.m. They received the National Association of Counties Achievement award for work done on the animal food pantry.

DATE THURSDAY AUGUST 5, 2021

Mayor Flint stated Animal Services will take over Murray’s Animal Services and will gain a hospital.

Council Member Price stated she is working on a basket to donate to the Spayghetti and No Balls fundraiser.

Council of Governments (COG)

Nothing to report.

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THERE BEING NO FURTHER BUSINESS to come before the Council at this time, the meeting was adjourned.

MAYOR
WHITE CITY METRO TOWNSHIP COUNCIL

SHERRIE SWENSEN
METRO TOWNSHIP CLERK

By _____
Deputy Clerk

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THE WHITE CITY METRO TOWNSHIP

RESOLUTION NO. 21-09-01

DATE: 09-02-2021

**A RESOLUTION OF THE WHITE CITY METRO TOWNSHIP
RECOGNIZING COUNCIL MEMBER KAY DICKERSON FOR
HIS DEDICATED SERVICE TO THE WHITE
CITY COMMUNITY**

WHEREAS, the White City Metro Township is a Municipality pursuant to Utah Code Section 10-2a-401 et. seq., and

WHEREAS, the White City Metro Township is governed by a five-member elected Council, each of whom is elected at-large, and

WHEREAS, Kay Dickerson was elected to office and has served on the White City Metro Township Council since January 2017, and

WHEREAS, Council Member Kay Dickerson has served his respective constituents faithfully and diligently; and

WHEREAS, the White City Metro Township Council would like to recognize Council Member Kay Dickerson for his dedicated service to the White City Community,

NOW, THEREFORE, BE IT RESOLVED by the White City Metro Township Council, that Council Member Kay Dickerson be appreciated and recognized.

APPROVED AND ADOPTED in the White City Metro Township, Salt Lake County, Utah this 2nd day of September 2021.

BY:

PAULINA F. FLINT, MAYOR

APPROVED AS TO FORM:

PAUL H. ASHTON
METRO TOWNSHIP ATTORNEY

ATTEST

SHERRIE SWENSEN
SALT LAKE COUNTY CLERK
METRO TOWNSHIP CLERK/RECORDER

VOTE BY COUNCIL:	AYE	NAY
MAYOR PAULINA FLINT	_____	_____
PHILLIP CARDENAZ	_____	_____
SCOTT LITTLE	_____	_____
ALLAN PERRY	_____	_____
LINDA PRICE	_____	_____

SALT LAKE VALLEY LAW ENFORCEMENT SERVICE AREA



★ 3365 SOUTH 900 WEST, SOUTH SALT LAKE, UT 84119 ★ (385) 468-9671 ★

Sent via email

August 25, 2021

White City Metro Township Council
999 Galena Drive
White City, Utah 84094

Re. Request to be on the Council Agenda for September
2, 2021

White City Metro Township Council:

The Salt Lake Valley Law Enforcement Service Area (SLVLESA) requests to be on the White City Metro Township Council agenda for September 2, 2021. At the meeting, SLVLESA will be asking the Council to consider and take action on a proposed resolution approving a decision, if made by the SLVLESA Board of Trustees, to increase budgeted property tax revenues by 16.5% for calendar year 2022 resulting in a property tax levy that exceeds the certified tax rate.

Attached is a proposed resolution and a report on the purposes for the property tax increase. The proposed resolution needs to be provided to the attorney for the Council for review and approval as to form.

We anticipate that the discussion will take approximately 30 minutes. The presenters will be Lisa Dudley, SLVLESA Chief Financial Officer, Deputy Chief Jason Ackerman, and Frank Nakamura, the SLVLESA District Administrator. Due to the strict statutory timelines for a property tax increase, it is necessary that the Council take action on the proposed resolution at the September 2nd meeting. We apologize for the time constraints.

If you have any questions, please feel free to contact Frank Nakamura, SLVLESA District Administrator, at 801 231-9189 or fnakamura@updsl.org.

Thank you.

Sincerely,

Frank Nakamura, SLVLESA District Administrator

Attachments: Proposed Resolution
Report

cc. Paulina Flint (by email)
Nichole Watt (by email)
Rori Andreason (by email)
Sheriff Rosie Rivera, SLVLESA CEO (by email)
Jason Ackerman (by email)
Lisa Dudley (by email)

SALT LAKE VALLEY LAW ENFORCEMENT SERVICE AREA



★ 3365 SOUTH 900 WEST, SOUTH SALT LAKE, UT 84119 ★ (385) 468-9671 ★

REPORT ON THE PURPOSES FOR CONSIDERING AN INCREASE IN BUDGETED PROPERTY TAX REVENUES FROM THE PRIOR YEAR BUDGETED PROPERTY TAX REVENUES BY 16.5% FOR CALENDAR YEAR 2022.

Introduction.

On August 19, 2021, the Salt Lake Valley Law Enforcement Service Area (SLVLESA) Board of Trustees (the “Board”) passed a resolution stating an intent to increase its budgeted property tax revenues from the prior year property tax revenues by 16.5% for calendar year 2022. As a result, the Board would levy a tax rate for calendar year 2022 that exceeds the certified tax rate.

The Board recognizes that under State law, there are strict procedural requirements that must be followed if the Board decides to approve an ad valorem property tax increase. The statement of intent to increase the ad valorem property taxes for calendar year 2022 initiates the process.

Prior to the adoption of the SLVLESA final budget on December 16, 2021, the property tax increase must be reviewed in open meetings by the councils of all SLVLESA members and be approved by all municipal councils and the Salt Lake County Council or by a majority of the SLVLESA member councils, however, the Salt Lake County Council must approve the increase by at least a two-thirds vote. Notices will be mailed to all record property owners within SLVLESA. Notice will also be published in the Salt Lake Tribune and the Deseret News. The public will have an opportunity to provide input at a duly noticed public hearing on December 16, 2021, before a final decision is made. The resolution approving a statement of intent to increase budgeted property tax revenues starts the process, but the increase in budgeted property tax revenue is not finally determined until the process is completed in December.

This report discusses the purposes for an increase in SLVLESA budgeted property tax revenue as reviewed and discussed by the Board.

The Proposed Increase of Budgeted Property Tax Revenues for Calendar Year 2022.

The Resolution passed by the Board on August 19, 2021, states an intent to increase SLVLESA budgeted property tax revenues from prior year budgeted property tax revenues by 16.5%. Effectively, the Board would levy a tax rate for calendar year 2022 that exceeds the certified tax rate. If the increase is approved, the dollar amount of the additional ad valorem property tax revenue for SLVLESA's calendar year 2022 budget would be \$ 2,903,624.

According to the Salt Lake County Assessor, the average taxable value of a home in SLVLESA is \$328,900. With the proposed property tax increase, the average homeowner would pay additional property taxes of \$107.07 per year (\$648.92 for 2021 compared to \$755.99) for 2022).

Purposes for the Additional Budgeted Property Tax Revenues:

Financial projections show the need to increase property tax revenue to remain viable in the future.

Property taxes within its jurisdiction are the sole source of revenue for SLVLESA to fund law enforcement services for its members. Even though the cost for law enforcement services has continued to increase, for calendar year 2021, the Board did not consider a property tax increase partly because SLVLESA was less than 2% below the statutory tax rate cap .0023. The Board determined there was no value for the Board to consider a property tax increase if SLVLESA was only 2% below the statutory tax rate cap.

In June 2021, the Salt Lake County Auditor determined that the certified tax rate for calendar year 2021 is .001973 which is approximately 16.57% below the statutory tax rate cap. The Board adopted the certified tax rate of .001973 for calendar year 2021. This change in the certified tax rate is due to an increase in assessed property valuations within SLVLESA.

With the authority to increase budgeted property revenue to meet its needs, SLVLESA performed financial projections with an assumed increase in costs for law enforcement services of 5% (which is a conservative projection). Based on the financial projections, a property tax increase for calendar year 2022 is necessary to maintain the financial viability of SLVLESA. Without an increase in budgeted revenue, SLVLESA would need to cut law enforcement services, including staffing. The UPD, the agency SLVLESA contracts with to provide law enforcement services, has made cuts for the 2021/2022 fiscal year to the extent it could without jeopardizing public safety. Further, SLVLESA would be, in the next two years, below the 5% fund balance minimum contrary to State law.

Compensation and benefits account for at least 80% of the law enforcement cost and competitive compensation is necessary to recruit police officers from the limited pool of applicants and retain police officers.

SLVLESA contracts with the Unified Police Department (UPD) to provide law enforcement services to its members. Compensation and benefits account for 80% to 85% of the costs of law enforcement services. The pool of qualified applicants for police officers is limited and law enforcement agencies within the Salt Lake Valley are competing to recruit from the limited pool while also struggling to retain veteran officers. To remain competitive, law enforcement agencies are increasing compensation and benefits for entry level and veteran law police officers.

Salt Lake City increased entry level officer pay by approximately 30% and implemented other increases for their existing officers. West Valley City implemented a matching increase for their law enforcement officers. This forced other police agencies in the Salt Lake Valley, including West Jordan and South Salt Lake, to increase officer compensation to try and remain competitive. SLVLESA must work with its contract agency to increase pay of its officers to remain competitive in the market and deliver critical public safety services to residents.

Additional staffing is needed.

Demand for law enforcement services continues to increase as caseloads rise, populations grow and the use of the canyons and other areas of SLVLESA increase. Additional staffing is needed to meet the increase in demand. For example, it was necessary to increase the number of sergeants in Kearns and Magna to meet law enforcement needs and provide adequate supervision.

Cost of equipment and supplies increase. Inflation also increases.

The cost of necessary equipment, cars and supplies continues to increase. The police officers serving SLVLESA communities should have the up-to-date equipment to do perform their duties safely for themselves and community members. Further, inflation increases at approximately 2% a year.

Cost of training increases.

Training costs continue to increase for many different reasons, including the variety of skills today's police officers must have and legislative mandates.

SLVLESA may be prohibited from increasing budgeted revenues in the future.

SLVLESA is funded through property taxes which includes the centrally assessed value of utilities, railroads and mining in its jurisdiction, a value that can fluctuate dramatically each year. This tax increase will place SLVLESA at the statutory tax cap rate increasing its ability to prepare for the future budget needs while being held harmless should centrally assessed valuations decrease causing SLVLESA to be above the certified tax rate.

Without healthy target reserves, SLVLESA will not be prepared for an unforeseen reduction of revenues or a significant increase in expenditures.

The reason for strong target reserves is to hedge against unforeseen events that may require significant increases in expenditures. Financial projections show that, without an increase in budgeted property tax revenue, SLVLESA's fund balance is in jeopardy of falling below the 5% statutory minimum in two years.

Conclusion:

The Board has decided that it must be able to fund competitive compensation to the police officers contracted through the UPD to serve member communities if it wants to recruit and retain officers. The Board recognizes that police officer compensation is the primary factor in law enforcement cost increase. With the competition for a limited pool of applicants and the need to retain adequate staffing, agencies throughout the Salt Lake Valley are increasing their police officer compensation. Further, officers must have the up-to-date equipment to do their job safely. The costs for equipment, cars and supplies continue to increase. Increased revenue is needed to fund the enhanced training that is required. The Board has decided that a property tax increase is necessary to meet the demands on law enforcement in the future and maintain the viability of SLVLESA.

THE WHITE CITY METRO TOWNSHIP

RESOLUTION NO. 21-09-02

DATED: September 2, 2021

A RESOLUTION OF THE WHITE CITY METRO TOWNSHIP COUNCIL APPROVING A DECISION, IF MADE BY THE BOARD OF TRUSTEES OF THE SALT LAKE VALLEY LAW ENFORCEMENT SERVICE AREA (SLVLESA) FOLLOWING PROCESSES REQUIRED BY UTAH LAW, TO INCREASE SLVLESA BUDGETED PROPERTY TAX REVENUES BY 16.5% FOR CALENDAR YEAR 2022 WHICH WOULD RESULT IN THE LEVY OF A PROPERTY TAX RATE IN EXCESS OF THE CERTIFIED TAX RATE PURSUANT TO SECTION 17B-2a-903 OF THE UTAH CODE.

WHEREAS, the Salt Lake Valley Law Enforcement Service Area (“SLVLESA”) was created by Resolution of the Salt Lake County Council dated August 18, 2009; and

WHEREAS, the area of the White City Metro Township is included in the boundaries of SLVLESA for the funding and provision of law enforcement services to the areas within the boundaries of SLVLESA; and

WHEREAS, SLVLESA contracts with the Unified Police Department (the “UPD”) to provide law enforcement services within its boundaries; and

WHEREAS, the SLVLESA Board of Trustees, by a duly adopted Resolution dated August 19, 2021, stated its intent to increase its budgeted property tax revenues from prior year budgeted property tax revenues by 16.5% or approximately \$2,903,624 for calendar year 2022 which would result in the levy of a property tax rate in excess of the certified rate as defined in section 59-2-924 of the Utah Code; and

WHEREAS, a report dated August 19, 2021 (the “Report”), a copy of which is attached, was submitted to the White City Metro Township Council (the “Council”) pursuant to section 17B-1-1003 of the Utah Code, providing the purposes for the increase in SLVLESA budgeted property tax revenues; and

WHEREAS, the purposes for the increase in SLVLESA budgeted property tax revenues by 16.5% for calendar year 2022 as stated in the Report include the need to maintain the viability of SLVLESA, increase compensation to be able to recruit and retain police officers, increase staffing to meet rising caseloads, pay for the increased costs of cars, equipment and supplies, to ensure that the target reserves for SLVLESA are met, to hedge against future loss of revenues and unexpected expenditures and generally to meet the costs of law enforcement services for SLVLESA members; and

WHEREAS, the Council allowed time during the duly noticed meeting on September 2, 2021 for comment on the proposed tax increase from members of the Council and the public; and

WHEREAS, section 17B-2a-903 of the Utah Code requires that before the SLVLESA Board of Trustees can adopt a property tax levy for calendar year 2022 in excess of the certified tax rate, it must have prior approval of the property tax increase from the legislative bodies of any municipality and county whose territory is located within SLVLESA or approval of a majority of the legislative bodies of the municipalities and two-thirds (2/3) vote of the county legislative body; and

WHEREAS, before the SLVLESA Board of Trustees considers levying a property tax rate that exceeds the certified tax rate, the SLVLESA Board of Trustees shall hold a public hearing on December

16, 2021, to provide to all interested persons the opportunity to be heard regarding the proposed property tax increase; and

WHEREAS, SLVLESA shall provide notices of the public hearing as required by section 59-2-919 of the Utah Code; and

WHEREAS, after considering all public input from the public hearing and all other information available to them, the SLVLESA Board of Trustees will vote on whether or not to increase its budgeted property tax revenues for calendar year 2022 by 16.5% that would result in the levy of a property tax rate that exceeds the certified tax rate.

NOW THEREFORE, be it resolved by the White City Metro Township Council as follows:

1. The White City Metro Township Council hereby reaffirms its authorization of the SLVLESA Board of Trustees to impose property taxes on the areas within the boundaries of SLVLESA.

2. Pursuant to section 17B-2a-903 of the Utah Code, the White City Metro Township Council hereby approves a decision, if made by the SLVLESA Board of Trustees following the processes required by Utah law, to increase SLVLESA budgeted property tax revenues for calendar year 2022 in excess of prior year property tax revenues by 16.5% or approximately \$2,903,624 and to levy a property tax rate in excess of the certified tax rate to generate the increase in its budgeted property tax revenues as defined in section 59-2-924 of the Utah Code.

APPROVED AND ADOPTED in the White City Metro Township, Salt Lake County, Utah this 2nd day of September 2021.

BY: _____
PAULINA F. FLINT, MAYOR

APPROVED AS TO FORM:

PAUL H. ASHTON
METRO TOWNSHIP ATTORNEY

ATTEST

SHERRIE SWENSEN
SALT LAKE COUNTY CLERK
METRO TOWNSHIP CLERK/RECORDER

VOTE BY COUNCIL:	AYE	NAY
MAYOR PAULINA FLINT	_____	_____
PHILLIP CARDENAZ	_____	_____
SCOTT LITTLE	_____	_____
ALLAN PERRY	_____	_____
LINDA PRICE	_____	_____

THE WHITE CITY METRO TOWNSHIP

ORDINANCE NO.:21-09-01

DATE: 09-02-2021

FLOOD DAMAGE PREVENTION AND CONTROL

**AN ORDINANCE OF THE WHITE CITY METRO TOWNSHIP COUNCIL
REPEALING CHAPTER 19.74 OF THE WHITE CITY METRO CODE AND
ENACTING A NEW CHAPTER 19.74 TO ESTABLISH FLOODPLAIN
DEVELOPMENT STANDARDS AND FLOOD DAMAGE PREVENTION**

RECITALS

WHEREAS, the White City Metro Township (“White City”) is a municipality pursuant to Utah Code Ann. § 10-2a-401, *et seq*; and

WHEREAS, one of the natural disaster risks that exist in White City is the risk of flooding; and

WHEREAS, pursuant to Utah Code Ann. §§ 10-3-701 and 10-9a-101 *et seq*. the Utah Legislature delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses; and

WHEREAS, White City inherited and formally adopted Chapter 19.74 – Flood Damage Prevention Ordinance -of the Salt Lake County Code in Chapter 19.74 of the White City Metro Code (“WCMC”); and

WHEREAS, the Federal Emergency Management Agency (“FEMA”) mandates the municipality adopt a flood control development ordinance that adequately covers and addresses the flood control for risks that exist in White City to be a member entity of the National Flood Insurance Program (“NFIP”); and

WHEREAS, the current ordinance that was inherited by White City, namely Chapter 19.74 of the WCMC incorporating Chapter 19.74 of the Salt Lake County Code, has been deemed unsatisfactory by the State and FEMA for covering and addressing White City’s flood damage prevention measures due to development; and

WHEREAS, adopting a new ordinance to conform with the regulations of FEMA and the State will ensure White City ability to maintain its membership in the National Flood Insurance Program;

NOW THEREFORE BE IT ORDAINED: by the White City Metro Township Council the following ordinance amendments, repeals, and additions to the White City Municipal Code of Ordinances:

- A. Chapter 19.74 is repealed in its entirety; and
- B. Chapter 19.74 is adopted in the form attached hereto as Exhibit A
- C. This ordinance shall become effective upon its passage and upon publication of the ordinance, or a summary thereof on the Utah state noticing website.

APPROVED AND ADOPTED in White City, Salt Lake County, Utah this 2nd day of September, 2021.

FOR THE WHITE CITY METRO TOWNSHIP

BY: _____
Paulina Flint, Mayor

TEST:
SHERRIE SWENSEN SALT LAKE COUNTY CLERK METRO TOWNSHIP CLERK/RECORDER

APPROVED AS TO FORM:
PAUL H. ASHTON METRO TOWNSHIP ATTORNEY

VOTING:

Councilmember Cardenaz voting _____

Mayor Flint voting _____

Councilmember Little voting _____

Councilmember Perry voting _____

Councilmember Price voting _____

Ordinance/summary published on Utah state noticing website
on _____, 2021.

Effective date of Ordinance: _____.

Chapter 19.74 - FLOOD DAMAGE PREVENTION ORDINANCE

19.74.010 - Statutory Authorization.

The Legislature of the State of Utah has in Utah Code Unannotated 10-3-701 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the White City Metro Township council of White City, Utah does ordain as follows:

The White City Metro Township elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended). The National Flood Insurance Program (NFIP) is a voluntary program administered by the Federal Emergency Management Agency (FEMA), a component of the U.S. Department of Homeland Security, and White City community officials have elected to join the program, participate, and enforce this Flood Damage Prevention Ordinance and the requirements and regulations of the NFIP. The NFIP, established in the aforesaid act, provides that areas of the Incorporated White City Township having a special flood hazard be identified by FEMA, and that floodplain management measures be applied in such flood hazard areas. Furthermore, White City Metro Township may elect to administer the Flood Damage Prevention Ordinance to areas not identified as Special Flood Hazard Areas (SFHAs) by FEMA on the community's effective Flood Insurance Rate Map (FIRM), if the community has documentation to support that there is an inherent risk of flooding in such areas.

19.74.020 - Findings.

1. The flood hazard areas of the White City Metro Township 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 that 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, flood-proofed, or otherwise protected from flood damage.

19.74.030 - 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 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 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;
7. Ensure that potential buyers are notified that property is in a flood area.

19.74.040 - 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;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

19.74.050 – 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.

100-Year Flood means a flood having a recurrence interval that has a 1-percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood). The terms “100-hundred-year flood” and “1-percent-annual-chance flood” are synonymous. The term does not imply that the flood will necessarily happen once every 100 hundred years. Mandatory flood insurance requirements may apply.

100-Year Floodplain means the area of land susceptible to being inundated due to the occurrence of a 1-percent-annual-chance flood.

500-Year Flood means a flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-annual-chance flood). The term does not imply that the flood will necessarily happen once every 500 years and mandatory flood insurance requirement generally does not apply.

500-Year Floodplain means the area of land susceptible to being inundated due to the occurrence of a 0.2-percent-annual-chance flood.

Accessory Structure is a structure that is on the same parcel of property as a principal structure. Its use is incidental to the use of the principal structure the ownership of the accessory structure is the same owner as of the principal structure. An accessory structure is a non-residential structure of low value that is used solely for the parking of vehicles and storage of tools, materials, or equipment. No human habitation is allowed within an accessory structure.

Addition is any improvement that expands the enclosed footprint or increases the square footage of an existing structure. This includes lateral additions added to the side, front, or rear of a structure; vertical additions added on top of a structure; and enclosures added underneath a structure.

Alluvial Fan Flooding means flooding occurring on the surface of an alluvial fan or similar landform that originates at the apex. It is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

Apex means 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.

Appurtenant Structure—see **Accessory Structure**.

Area of Future-Conditions Flood Hazard means the land area that would be inundated by the 1-percent-annual-chance (100-year) flood, based on future-conditions hydrology.

Area of Shallow Flooding means a designated AO, AH, AR/AO, or AR/AH zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 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-Related Erosion Hazard is the land within a community that is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area, in preparation for publication of the FIRM, Zone E may be further refined.

Area of Special Flood Hazard is the land in the flood plain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, or V1-30, VE, or V. For purposes of these regulations, the term “special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard”.

Base Flood means the flood having a 1-percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) is the water surface elevation of the 1-percent-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 means any area of the building having its floor subgrade (below ground level) on all sides. A walkout basement that does not require a step up to grade is not considered a basement.

Best Available Data is existing flood hazard information adopted by a community and reflected on an effective FIRM, FBFM, and/or within an FIS report; or draft or preliminary flood hazard information supplied by FEMA or from another source. Other sources may include, but are not limited to, state, other federal agencies, or local studies, the more restrictive of which would be reasonably used by the community.

Breakaway Wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system. Any walls below the lowest floor in a building in a V or VE Zone should give way under wind and water loads without causing collapse, displacement, or other damage to the elevated portion of the building or the supporting pilings or columns. Breakaway walls apply only to V or VE Zones.

Building—see **Structure**.

Channelization means the artificial creation, enlargement, realignment, or alteration of a stream channel's slope, shape, or alignment. Streambank restoration may be deemed as channelization.

Code of Federal Regulations (CFR) is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government.

Conditional Letter of Map Revision (CLOMR) is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic and/or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective BFEs, and/or the SFHA. The letter does not revise an effective map; it indicates whether the project, if built as proposed, would be recognized by FEMA.

Conditional Letter of Map Revision Based on Fill (CLOMR-F) is FEMA's comment on a proposed structure or property. The letter does not revise an effective map; it indicates whether the project, if built as proposed, would be removed from the floodplain.

Crawlspace means an under-floor space that has its interior floor area (finished or not) no more than 4 feet from the bottom floor joist the next higher floor elevation, designed with proper openings that equalize hydrostatic pressures of flood water, and is not used for habitation. Reference: 19.74.060 H

Deed Restriction refers to a clause in a deed that limits the future use of the property in some respect. Deed restrictions may impose a vast variety of limitations and conditions. For example, they may limit the density of buildings, dictate the types of structures that can be erected, or prevent buildings from being used for specific purposes or from being used at all.

Detached Garage is a building that is used solely for storage of materials or vehicle parking for up to four housing occupants. If a detached garage is designed or used for habitation or conducting business, or has multiple stories, then the building is not considered a detached garage under the NFIP.

Development means any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, demolition, excavation or drilling operations, or storage either temporary or permanent of equipment or materials.

Elevated Building is a non-basement building built, in the case of a building in Zone A1-30, AE, A, A99, AR, AO, AH, B, C, X and D, to have the top of the elevated floor above the ground level by means of pilings, columns (post and piers), or shear walls parallel to the flow of the water and 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 a building in Zone A1-30, AE, A, A99, AR, AO, AH, B, C, X and D, an “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.

Enclosure refers to an enclosed walled-in area below the lowest floor of an elevated building. Enclosures below the BFE may only be used for building access, vehicle parking, and storage.

Erosion means the process of the gradual wearing away of land masses by wind, water, or other natural agents.

Existing Construction refers to 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. It may also be referred to as **Existing Structures**.

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 a community.

Existing Structures—see **Existing Construction**.

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 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).

FEMA means the Federal Emergency Management Agency.

Fill refers to the placement of materials, such as dirt, sand, or rock to elevate a structure, property, or portion of a property above the natural elevation of the site, regardless of where the material was obtained from. The common practice of removing unsuitable material and replacing with engineered material is not considered fill if the elevations are returned to the existing conditions. Any fill placed or used prior to the area being mapped as a flood hazard area is not deemed as fill.

Flood or Flooding means:

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

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

3. Mudslides (i.e., mudflows) that are proximately caused by flooding as defined in this ordinance and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
4. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this ordinance.

Flood Insurance Manual is the document FEMA produces twice a year and is used to write flood insurance policies underwritten by the NFIP. The document contains definitions, policy rates, coverage and limitations, application and insurance policy forms.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Administrator has delineated both the SFHAs and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) or Flood elevation study means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Floodplain Development Permit is a community issued permit or document that is used for any development that occurs within an SFHA identified by FEMA or the community. It is used to address the proposed development to ensure compliance with the community's ordinance.

Floodplain or Flood-Prone Area means any land area susceptible to being inundated by water from any source whether or not identified by FEMA (see definition of **Flooding**).

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, mitigation plans, and floodplain management regulations.

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

Flood Opening refers to an opening in the wall of an enclosed structure that allows floodwaters to automatically enter and exit the enclosure. Refer to FEMA Technical Bulletin 1.

Flood Protection System means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to an SFHA and to reduce 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. FEMA only accredits levees, both private and public, that have been certified by a professional engineer or firm in which the certification shows that the levee have met and continue to meet the minimum regulatory standards cited in Title 44, Chapter 1, Section 65.10 of the Code of Federal Regulations (44 CFR 65.10).

Floodproofing means any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. Floodproofing can either be accomplished in the form of dry floodproofing in which the structure is watertight below the levels that need flood protection, or wet floodproofing in permanent or contingent measures applied to a structure that prevent or provide resistance to damage from flooding, while allowing floodwaters to enter the structure or area.

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.

Floodway encroachment lines mean the lines marking the limits of floodways on federal, state, and local flood plain maps.

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Functionally Dependent Use means a development that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and repair facilities. It does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade (HAG) means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. In AO Zones, the highest adjacent grade is utilized by comparing the lowest floor elevation to that of the highest adjacent grade and the depth of the AO Zone. **Reference: 19.74.060 L: Standards for Areas of Shallow Flooding (AO/AH Zones).**

Historic Structure means any structure that is:

1. 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;
2. 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;
3. Individually listed on a state inventory of historic places in states with historic reservation programs that have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or

- b. Directly by the Secretary of the Interior in states without approved programs.

Letter of Map Amendment (LOMA) means an official amendment, by letter, to an effective FIRM. A LOMA establishes a property's location in relation to the SFHA. It is usually issued because a property or structure has been inadvertently mapped as being in the floodplain, when the property or structure is actually on natural high ground above the BFE.

Letter of Map Revision (LOMR) means FEMA's modification or revision to an entire or portion of the effective FIRM, or Flood Boundary and Floodway Map, or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective BFEs, or the SFHA.

Letter of Map Revision Based on Fill (LOMR-F) means FEMA's amendment, by letter, to an effective FIRM where fill was brought in or used to elevate a property, portion of property or structure above the BFE.

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.

Levee System means a flood protection system that 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 Adjacent Grade (LAG) means the lowest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. For an existing structure, it means the lowest point where the structure and ground touch, including but not limited to attached garages, decks, stairs, and basement windows.

Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of 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 requirements of Section 60.3.

Manufactured Home means 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 attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle"; however, a manufactured home may be used for both residential and non-residential use.

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.

Map means the FHBM or the FIRM for a community issued by FEMA.

Mean Sea Level means, for purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which BFEs shown on a community's FIRM are referenced.

Mixed Use Structures are structures with both a business and a residential component, but where the area used for business is less than 50 percent of the total floor area of the structure.

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. For the purposes 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.

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 (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.

No-Rise Certifications are formal certifications signed and stamped by a professional engineer licensed to practice in the state, demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that a proposed development will not result in any increase (0.00 feet) in flood levels within the community during the occurrence of a base flood event.

Physical Map Revision (PMR) is FEMA's action whereby one or more map panels are physically revised and republished.

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 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.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, creek, etcetera, which can be intermittent or perennial.

Section 1316 refers to the section of the National Flood Insurance Act of 1968, as amended, which provides for the denial of flood insurance coverage for any property that the Administrator finds has been declared by a duly constituted State or local authority to be in violation of State or local floodplain management regulations. Section 1316 is issued for a property, not a property owner, and remains with the property even after a change of ownership.

Special Flood Hazard Area—see **Area of Special Flood Hazard**.

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 a 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 means, for floodplain management purposes, a walled and roofed building, culvert, bridge, dam, or a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Structure, for insurance purposes, means:

- (1) A building with two or more outside rigid walls and a fully secured roof, which is affixed to a permanent site;
 - (2) A manufactured home (“a manufactured home,” also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or
 - (3) A travel trailer without wheels built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.
- For insurance purposes, “structure” does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (3) of this definition, or a gas or liquid storage tank.

Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

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 the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed.

The term does not, however, include:

1. 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 are the minimum necessary to assure safe living conditions; or
2. Any alteration of a “historic structure”, if the alteration will not preclude the structure's continued designation as a “historic structure.”

Variance means a grant of relief by a community from the terms of a flood plain management regulation. Reference: **19.74.050 E. Variance Procedures**

Violation means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the

elevation certificate, other certifications, or other evidence of compliance required in Sections 44 CFR 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 means the height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies, such as the 1-percent-annual-chance flood event, in the flood plains of coastal or riverine areas.

Watercourse means the channel and banks of an identifiable water in a creek, brook, stream, river, ditch or other similar feature.

19.74.050 - General Provisions.

A. Lands to Which This Ordinance Applies

The ordinance shall apply to all areas of special flood hazard identified by FEMA within the jurisdiction of The White City Metro Township.

1. Annexation

When the community annexes any land from a neighboring jurisdiction, White City Metro Township will manage and regulate the annexed land under this ordinance.

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 Salt Lake County and Incorporated Communities," dated June 19, 2020, with accompanying FIRMs, and any revisions thereto are hereby automatically adopted by reference and declared to be a part of this ordinance.

C. Establishment of Development Permit

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

D. Fees

Standard fees may be charged for applications under these provisions. Additionally, fees for any engineering reviews will be billed to the applicant.

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 of 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 human-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 damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

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.

I. Compliance

No structures or developments including buildings, recreation vehicles, or manufactured homes 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. Nothing herein shall prevent the White City Metro Township from taking such lawful action as is necessary to prevent or remedy any violations.

J. Stop Work Order

1. Authority. Whenever the floodplain administrator or other community official discovers any work or activity regulated by this ordinance being performed in a manner contrary to the provision of this ordinance, the floodplain administrator is authorized to issue a stop work order.
2. Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.
3. Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by local or state law

including but not limited to the penalties outlined in XX.XXX.XXX, J. Penalties for Noncompliance.

K. Penalties for Noncompliance

In accordance with Section 59.2(b) of CFR 44, Chapter 1, of the NFIP regulation, to qualify for the sale of federally subsidized flood insurance, a community must adopt floodplain management regulations that meet or exceed the minimum standards of Section 60. "These regulations must include effective enforcement provisions." In accordance with Section 60.1(b) of CFR 44, Chapter 1, of the NFIP regulations, "These regulations must be legally-enforceable, applied uniformly throughout the community to all privately and publicly owned land within flood-prone (i.e. mudflow) or flood-related erosion areas, and the community must provide that the regulations take precedence over less restrictive conflicting local laws, ordinances, or codes."

Therefore:

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 misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$ 10,000.00 or imprisoned for not more than 180 days, or both, for each violation assessed daily, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the White City Metro Township from taking such other lawful action as is necessary to prevent or remedy any violation

19.74.060 Administration

A. Designation of the Floodplain Administrator

The Director of Planning and Development Services or Their Designee is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of the NFIP Regulations and 44 CFR 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. Uphold the goals of the community and the NFIP to reduce risk when possible and increase the community's resistance to future disasters.
2. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance, including the actual elevation of the lowest floor (including basement or crawlspace) of all new or substantially improved structures and any floodproofing

certificates, including the data supporting such certificates.

3. Maintain and hold open for public inspection maps that identify and locate the boundaries of the SFHAs to which this ordinance applies, including, but not limited to, the FIRM.
4. Review development proposals to determine whether a proposed building site, including sites designed for the placement of manufactured homes, will be reasonably safe from flooding.
5. Review, approve, or deny all applications for development permits required by adoption of this ordinance.
6. 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 and the Endangered Species Act of 1973) from which prior approval is required.
7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
8. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is State of Utah Engineers Stream Alteration office, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.
9. 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.
10. When BFE data has not been provided by FEMA, the Floodplain Administrator shall obtain, review, and reasonably utilize any BFE data and floodway data available from a federal, state, or other source including data provided by the applicant, in order to administer the provisions of this ordinance.
11. When a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30, AE, and AH 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 1.00* feet at any point within the community unless the community has adopted higher standard options.
12. Under the provisions of 44 CFR Chapter 1, Section 65.12 of the NFIP Regulations, a community may approve certain development in Zones A1-30, AE, and AH on the community's FIRM, which increases the water surface elevation of the base flood by more than 1.00* foot, provided that the community first meets the requirements of

Section 65.12 for a conditional FIRM revision through FEMA's CLOMR process.

13. If the project is determined or reasonably believed to cause an adverse effect on the BFE(s), boundaries of the floodplain or any insurable structures, technical justification for the proposed development shall be submitted and the community may require a CLOMR or LOMR to be submitted prior to the permit approval or as a requirement of the permit.

C. Requirement to Submit New Technical Data

1. The property owner or developer shall notify FEMA by submittal of a LOMR within 6 months of project completion when an applicant had obtained a CLOMR from FEMA or when development altered a watercourse, modified floodplain boundaries, or modified BFE.
2. The property owner or developer shall be responsible for preparing technical data to support the CLOMR or LOMR application and paying any processing or application fees to FEMA. The property owner or developer is responsible for submitting the CLOMR and LOMR to FEMA and shall provide all necessary data to FEMA if requested during the review process to ensure the CLOMR or LOMR is issued.
3. The Floodplain Administrator shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this ordinance and all applicable state federal, and local laws.

D. 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:
 - a. Duplicated plans drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations.
 - b. Duplicated plans drawn to scale showing the location, dimensions, and elevation of existing and proposed structures, including the placement of manufactured homes.
 - c. Location of the foregoing in relation to SFHAs.
 - d. Elevation (in relation to mean sea level), of the lowest floor (including basement and crawlspace) of all new and substantially improved structures, if applicable;
 - e. Elevation (in relation to mean sea level), to which any nonresidential structure (if applicable) shall be floodproofed.
 - f. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure (if applicable) shall meet the floodproofing criteria of this ordinance and the NFIP Regulations.

- g. Description of the extent to which any watercourse or natural drainage will be altered or relocated because of proposed development, if applicable.
 - h. At the community's discretion, the community may charge a fee for issuance of floodplain development permits.
 - i. Copies of all floodplain development permits and the associated documents shall become property of the community and a permanent record.
2. Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of 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.

E. Variance Procedures

1. The Appeal Authority or Variance Authority, as established by the community, shall hear and render judgment on requests for variances from the requirements of this ordinance after a floodplain development permit has been denied.

- a. Any person or persons aggrieved by the decision of the Appeal Authority may appeal such decision in the courts of competent jurisdiction.
- b. The Appeal Authority, as established by the community, 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 of administration of this ordinance.
- c. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to FEMA and the State Coordinating Agency upon issuing a variance.
- d. 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 this chapter have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- e. 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.
- f. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- g. 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. The term "substantial improvement" does not include any alteration of a structure or facility listed on the National Register of Historic Places or a State Inventory of Historic Places.

2. 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. 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.
 - 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, conflict with existing local laws or ordinances, considers the need of ingress and egress during times of floods, and does not jeopardize first responders' health and welfare.

- b. 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 BFE, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- c. 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 19.74.050 Variance Procedures 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.

19.74.060 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.

7. On-site waste disposal systems shall be designed or located to avoid impairment to them or contamination from them during flooding.

B. Substantial Improvement

Any combination of repair, reconstruction, rehabilitation, addition, or improvement of a building or structure, if the cumulative cost of the entire project equals or exceeds 50 percent, unless a higher standard option is selected below, of the market value of the structure only (not of the structure and land value combined) before the improvement or repair is started then the work shall be considered as substantial improvement. If the structure has sustained substantial damage, any repairs are considered substantial improvements regardless of the actual repair work performed. For Substantial Damage, refer to 19.74.060 C. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

C. Substantial Damage

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure only, unless a higher standard option is selected, before the damage occurred. This term also applies to structures which have incurred any damage that equals or exceeds 50 percent of the structure's market value regardless of the actual repair work performed. When a structure or building has been determined as substantially damaged, any work or repair on said structure or building will be considered as substantial improvement and will be required to meet the development requirements set forth within this ordinance for substantial improvement.

D. Substantial Improvement and Substantial Damage Determination

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the applicable community officials and staff, shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure only, not of land and building, before the start of construction of the proposed work. In the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are

made.

2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure.
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in 19.74.060 sections B and C.
4. Utilize FEMA's Substantial Improvement/Substantial Desk Reference when making any determination on Substantial Improvement and/or Substantial Damage.
5. The substantial improvement regulations apply to all of the work that is proposed as the improvement, even if multiple permits are issued. Therefore, the determination of the cost of the improvement should consider all costs of all phases of the work before issuance of the first permit.
6. Notify the applicant that if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood, this ordinance is required.

E. Residential Construction

New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to the BFE, unless a freeboard option is noted below. If a freeboard option is noted, new construction and substantial improvement shall have the lowest floor (including basement) elevated to the freeboard elevation. A registered professional engineer, architect, or land surveyor shall submit certified elevations to the Floodplain Administrator that the standards of this ordinance are satisfied.

F. 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 the base flood level, unless a freeboard option is noted below, 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 registered professional 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 that includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator. If the use or occupancy of the building changes in the future to residential, then the dry floodproofing of the structure cannot be used when determining compliance of the structure to the residential construction of this

ordinance. As such, the building will not be grandfathered into compliance and will be required to be brought into compliance with the residential construction requirements of this ordinance.

G. Enclosures

New construction and substantial improvements, with fully enclosed areas below the lowest floor that are to be used solely for parking of vehicles, building access, or storage in an area other than a basement, and 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 must meet or exceed the following minimum criteria:

1. A minimum of two openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.
2. The bottom of all openings shall be no higher than 1 foot above grade.
3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

The development and construction of the structure must conform with the provision in FEMA/Federal Insurance Administration (FIA)-Technical Bulletins 1 and 2. Certification and documentation from a professional, licensed engineer or architect is required if the structure's lowest floor is built below the BFE.

H. Crawlspace

New construction and substantial improvements built on a crawlspace or sub-grade (below grade) crawlspace may be permitted if the development is designed and meets or exceeds the standards found in FEMA's Technical Bulletins 1, 2, and 11, which include but are not limited to the following:

1. The structure must be affixed to a permanent foundation, designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than 5 feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer.
2. The crawlspace is an enclosed area below the BFE and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than 1 foot above the LAG.
3. The crawlspace enclosure must have proper openings that allow equalization of hydrostatic pressure by allowing automatic entry and exit of floodwaters. To

achieve this, a minimum of 1 square inch of flood opening is required per 1 square foot of the enclosed area subject to flooding.

4. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, piers, or other materials that extend below the BFE. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.
5. Any building utility systems within the crawlspace must be elevated above the BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions.
6. The interior grade of a crawlspace below the BFE must not be more than 2 feet below the LAG.
7. The height of the below-grade crawlspace, measured from the lowest interior grade of the crawlspace floor to the bottom of the floor joist of the next higher floor cannot exceed 4 feet at any point.
8. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event.
9. Buildings with below-grade crawlspaces will have higher flood insurance premiums than buildings that have the preferred crawlspace construction, with the interior elevation at or above the LAG.

I. Manufactured Homes

1. 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 that 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.
2. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites outside of a manufactured home park or subdivision;) in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or 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 BFE, unless a higher standard option was selected, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

3. In A-1-30, AH, AO and AE Zones, require that manufactured homes to be placed or substantially improved in an existing manufactured home park to be elevated so that the lowest floor is at or above the BFE, unless a higher standard option was selected; or the chassis is supported by reinforced piers no less than 36 inches in height above grade and securely anchored.

J. Recreation Vehicles

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

1. Be on the site for fewer than 180 consecutive days unless the community has elected a higher standard option and be fully licensed and ready for highway use;
 - a. 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.
2. Or meet the permit requirements of 19.74.050 D: Permit Procedures, and the elevation and anchoring requirements for "manufactured homes" of this section.

K. Standards for Subdivision Proposals

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with the provisions of this ordinance.
2. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
3. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of this ordinance.
4. BFE data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions, which is greater than 50 lots or 5 acres, or whichever is lesser.
5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
6. 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.

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

Located within the SFHAs established in 19.74.050 A, Lands to Which this Ordinance Applies, 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 2 feet if no depth number is specified). If the community has elected a freeboard standard, then the lowest floor elevation must be elevated above the highest adjacent grade above the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified) plus the freeboard height option selected below.
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 2 feet if no depth number is specified). If the community has elected a freeboard standard, then the lowest floor elevation must be elevated above the highest adjacent grade above the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified) plus the freeboard height option selected below; 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.
4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

M. Floodways

Floodways located within SFHAs are extremely hazardous areas due to the velocity of flood waters that carry debris, potential projectiles, and erosion potential, the following provisions shall apply:

1. Designate a regulatory floodway that will not increase the base flood level more than 1 foot.
2. 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 greater than 0.00 feet, unless higher standard option selected, in flood levels within the community during the occurrence of the base flood discharge.

3. All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions in this ordinance.
4. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the NFIP Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in BFEs, provided that the community first applies for a conditional FIRM and floodway revision through FEMA

THE WHITE CITY METRO TOWNSHIP

ORDINANCE NO. 21-09-02

DATE: 09-02-2021

**AN ORDINANCE OF THE WHITE CITY METRO TOWNSHIP COUNCIL
CREATING CHAPTER 19.15 OF THE WHITE CITY METRO TOWNSHIP
CODE TO REGULATE INTERIOR ACCESSORY DWELLING UNITS IN
RESIDENTIAL ZONES AND TO ENACT RELATED REGULATIONS**

RECITALS

WHEREAS, Title 19 of the White City Metro Township (“**White City**”) Code (the “**Code**”) governs zoning within White City; and

WHEREAS, White City amended its general plan to include a moderate housing element to comply with the requirements of Utah Code Ann. § 10-9a-408 outlining moderate housing requirements for municipalities, including but not limited to requirements that municipalities of a certain size amend their general plans to include a moderate housing element; and

WHEREAS, the White City moderate housing element calls for the development and adoption of an accessory dwelling unit (“**ADU**”) ordinance to assist in the creation of more moderate-income housing options in White City; and

WHEREAS, of the various moderate housing options presented to the citizens of White City during the development of the moderate housing element, the creation of an ADU ordinance and the reduction of regulations limiting the use of ADUs received the most support; and

WHEREAS, the Utah State Legislature enacted H.B. 82 (2021) providing for creation of Internal Accessory Dwelling Units (“**IADUs**”) and limiting municipal regulation of them.

WHEREAS, the White City planning and development staff prepared a draft ordinance, which White City’s attorney has reviewed, that would enact Chapter 19.15 of the White City Metro Township Code to regulate IADUs in residential zones within White City; and

WHEREAS, after holding a public hearing August 26, 2021 and taking public comment pursuant to Utah Code Ann. § 10-9a-502, the White City Planning Commission recommended that the Council adopt the ADU ordinance the planning and development staff developed; and

WHEREAS, the Council has reviewed the ordinance and determined that it furthers the goals of the moderate housing plan and will be in the best interest of White City and its citizens.

NOW, THEREFORE BE IT RESOLVED BY THE WHITE CITY METRO TOWNSHIP COUNCIL that the attached IADU ordinance is adopted and will become effective immediately upon publication pursuant to Utah Code Ann. § 10-3-711(1) and Utah Code Ann. § 10-3-712.

APPROVED and ADOPTED this 2nd day of September, 2021.

WHITE CITY METRO TOWNSHIP COUNCIL

By: _____
PAULINA FLINT, MAYOR

ATTEST

APPROVED AS TO FORM:

SHERRIE SWENSEN, CLERK/RECORDER

PAUL H. ASHTON
METRO TOWNSHIP ATTORNEY

VOTING

Mayor Flint voting _____

Council Member Cardenaz voting _____

Council Member Little voting _____

Council Member Perry voting _____

Council Member Price voting _____

(Complete as Applicable) Summary of ordinance published in newspaper: _____ Date of publication: _____ Effective date of ordinance: _____
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SUMMARY OF

WHITE CITY METRO TOWNSHIP ORDINANCE NO. 21-09-02

On the ____ day of _____, 2021, the White City Metro Township Council adopted Ordinance No. 21-09-02, enacting Chapter 19.15 of the White City Metro Township Code to authorize accessory dwelling units in certain zones and to enact related regulations to govern the use of accessory dwelling units within White City.

By: _____
PAULINA FLINT, MAYOR

ATTEST

APPROVED AS TO FORM:

SHERRIE SWENSEN, CLERK

PAUL H. ASHTON
METRO TOWNSHIP ATTORNEY

VOTING

- Mayor Flint voting _____
- Council Member Cardenaz voting _____
- Council Member Little voting _____
- Council Member Perry voting _____
- Council Member Price voting _____

A complete copy of Ordinance No. 21-09-02 is available in the office of the White City Metro Township Clerk, 2001 South State Street, N2-700, Salt Lake City, Utah.

SECTION I. The amendments made here are designated by underlining the new substituted words. Words being deleted are designated by brackets and interlineations.

SECTION II. Chapter 19.15 of the White City Code of Ordinances is enacted as follows in order to authorize internal accessory dwelling units in certain residential zones and to enact related regulations.

19.15.010 Purpose.

White City recognizes that Internal Accessory Dwelling Units in single-family residential zones can be an important tool in the overall housing plan for White City. The purposes of the Internal Accessory Dwelling Unit standards of this code are to:

- A. Comply with pending State of Utah legislation which allows for Internal Accessory Dwelling Units generally and requires municipalities to adopt an ordinance if they wish to regulate certain requirements of the dwellings;
- B. Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable;
- C. Provide for affordable housing opportunities;
- D. Make housing units available to moderate income people who might otherwise have difficulty finding housing in White City;
- E. Provide opportunities for additional income to offset rising housing costs;
- F. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle;
- G. Preserve the character of single-family neighborhoods by providing standards governing development of Internal Accessory Dwelling Units; and

- H. Ensure that Internal Accessory Dwelling Units are properly regulated by requiring property owners to obtain a business license and a building permit for an IADU prior to renting the IADU.

19.15.020 Definitions.

"Internal Accessory Dwelling Unit" means an accessory dwelling unit created:

A. within a primary dwelling;

B. within the footprint of the primary dwelling at the time the internal accessory dwelling unit is created; and

C. for the purpose of offering a long-term rental of 30 consecutive days or longer.

"Owner Occupancy" means a property where the property owner, as reflected in title records, makes his or her legal primary residence at the site, as evidenced by voter registration, vehicle registration, driver's license, county assessor records or similar means.

"Primary Dwelling" means a single-family dwelling that is detached and is occupied as the primary residence of the owner of record.

"Public Utility Easement" (PUE) means an area on a recorded plat map or other recorded document that is dedicated to the use and installation of public utility facilities.

19.15.030 Allowed areas and zones.

- a. IADUs incorporated within the single-family residence shall be a permitted use on single-family home lots in primarily residential zones that require 6,000 square foot minimum lot sizes or greater excepting those lots in the A-1, A-2 and R-1-21 zones. These zones

comprise less than 25% of the total residential zoned area of White City and may be exempted by Utah State Code 10-9a-530(4)(e)(i).

- b. In no case shall an IADU be permitted in a townhome, a multi-family PUD or other attached unit type, or on any lot that cannot satisfy parking, or other conditions of the code.

19.15.040 Number of residents allowed in accessory units.

IADUs shall not be occupied by more than four persons.

19.15.050 Parking requirements.

In addition to the required parking for the existing home, the property owner must demonstrate that one (1) on-site parking space is available for an IADU. A property owner bears the burden of showing by a preponderance of the evidence that sufficient parking is available. In cases where attached garage conversions are done to create IADU, replacement on-site parking spaces are required for the primary dwelling in a number equal to the parking spaces eliminated by such IADU.

19.15.060 – Owner occupancy.

The primary dwelling or the IADU must have owner occupancy. An application for an IADU shall include evidence of owner occupancy.

19.15.070 – Number of IADUs per lot.

Only one IADU is allowed per lot.

19.15.080 – IADU design standards.

- A. An approved building permit is required for all IADUs before an IADU is constructed, and all other applicable provisions of this chapter and the White City Code must be met before an IADU can be rented. Existing non-compliant IADUs may come into

- compliance by receiving a permit and verifying existing work was done according to code.
- B. The design and size of an IADU shall conform to all applicable building, fire, and health codes, including applicable water service requirements.
 - C. Conversions of an existing space to an IADU will require compliance with safety requirements per building code including, but not limited to, egress windows with window wells in case of emergency, close off door(s) if needed between the IADU and main unit, and sufficient HVAC and climate control for the IADU.
 - D. IADUs will not require a separate HVAC or firewall.
 - E. Owner shall provide a separate address marking for emergency services and mailing services.
 - F. Single-family residences with an IADU shall retain the same appearance as a single-family residence.

19.15.090: Affidavit and Notice of Accessory Dwelling Unit

Applicants for IADUs shall provide an affidavit stating that the owner of the property will live in either the primary dwelling or IADU as their primary residence. Upon approval of the IADU by the building official, and upon the issuance of a business license pursuant to Section 19.15.130, a Notice of Internal Accessory Dwelling Unit including the affidavit shall be recorded against the property to provide notice to a future owner of the owner occupancy requirement for the IADU. Upon sale of the property, if the new owner wishes to continue use of a previously approved IADU, the new owner shall be required to sign and record a new affidavit, update their information with the planning and business license departments, and comply with current administrative IADU requirements. A copy of the recorded notice will be provided to the applicant when completed.

19.15.100: Business licensing.

Prior to renting out any IADU, a business license must be obtained. That license must be maintained and renewed annually as long as the unit is rented out.

19.15.110: Retention of single-family residence status

- A. IADUs are part of a single-family residence and shall not be treated as a multi-family residence.
- B. IADUs may not be separately metered apart from the single-family residence.
- C. IADUs may not be sold or subdivided separately from the single-family residence.

19.15.120: Short-term rental use prohibited.

Units approved as IADUs shall not be used as short-term rentals. Any rentals shall be made for 30 consecutive days or more.

19.15.130 Remedies for Violations

In addition to any other legal or equitable remedies available to a municipality, White City Metro Township may hold a lien against a property that contains an internal accessory dwelling unit in accordance with the provisions and procedures of Utah Code Annotated Section 10-9a-530, if the owner of the property violates any of the provisions of that Section or any of the provisions of this ordinance.

19.15.140 Variances.

The land use hearing officer may grant variances to the standards of this chapter in accordance with section 19.92.040. The land use hearing officer may not grant a variance from Building Code requirements, owner occupancy provisions, lot square footage requirements, or the number of units allowed per lot.

SECTION III. This ordinance shall become effective fifteen days after its passage and upon publication of the ordinance, or a summary thereof on the Utah state noticing website.

DRAFT

THE WHITE CITY METRO TOWNSHIP

RESOLUTION NO. 21-09-03

DATE: 09-02-2021

**A RESOLUTION, PURSUANT TO UTAH CODE 20A-1-206, CANCELING THE
WHITE CITY METRO TOWNSHIP'S NOVEMBER 2, 2021 ELECTION AND
DETERMINING THE UNOPPOSED DECLARED CANDIDATES TO BE
ELECTED TO THE TOWNSHIP COUNCIL.**

WHEREAS, the White City Metro Township is a Municipality pursuant to Utah Code Section 10-2a-401 et. seq., and

WHEREAS, the White City Metro Township is governed by a five-member elected Council, each of whom is elected at-large, and

WHEREAS, the terms of two members are set to expire at the end of 2021, and

WHEREAS, because of the expiration of terms, an election was called for November 2, 2021, pursuant to applicable sections of the Utah Code, to fill those two positions on the Council, and

WHEREAS, notice of the election was duly noticed to the public, and

WHEREAS, only two candidates filed declarations of candidacy to run for the two open positions on the Council, said candidates being Phillip Cardenaz and Linda Price, and

WHEREAS, no other individual gave notice of intent to run as a write-in candidate, pursuant to Utah Code Section 20A-9-601, and

WHEREAS, pursuant to Utah Code Section 20A-1-206, a municipal legislative body can choose to cancel an election where the number of declared candidates, including declared write-in candidates, do not exceed the number of open council positions subject to election, and may certify the unopposed declared candidates to be elected to the council, and

WHEREAS, a significant amount of money will be saved by White City by not holding a formal election as allowed by the Utah Code, and

NOW, THEREFORE, IT WAS HEREBY RESOLVED, APPROVED AND CERTIFIED, by the Council of the White City Metro Township Council that:

1. The scheduled election for members of the Council, set forth November 2, 2021 (the "Election") is cancelled due to the herein certified fact that only two declared

candidates are running, pursuant to statutory requirements, for the two open positions on the Council that were to be chosen by the Election

- 2. Effective January 1, 2022, the two unopposed candidates for the two open positions on the Council, are hereby deemed to be elected to those positions, which unopposed candidates are: Phillip Cardenaz and Linda Price.
- 3. Council’s clerk is instructed to take whatever action is required to give notice of the cancellation of the election pursuant to Utah Code Section 20A-1-206.

APPROVED AND ADOPTED in the White City Metro Township, Salt Lake County, Utah this 2nd day of September 2021.

BY: _____
PAULINA F. FLINT, MAYOR

APPROVED AS TO FORM:

PAUL H. ASHTON METRO TOWNSHIP ATTORNEY

ATTEST

SHERRIE SWENSEN
SALT LAKE COUNTY CLERK
METRO TOWNSHIP CLERK/RECORDER

VOTE BY COUNCIL:	AYE	NAY
MAYOR PAULINA FLINT	_____	_____
PHILLIP CARDENAZ	_____	_____
SCOTT LITTLE	_____	_____
ALLAN PERRY	_____	_____
LINDA PRICE	_____	_____