



G R E A T E R S A L T L A K E
**Municipal Services
District**

MEMORANDUM: COPPERTON 2022 ORDINANCE UPDATES – PHASE THREE.

TO: Copperton Planning Commission and Council

FROM: Curtis Woodward, Senior Planner

DATE: December 16, 2022

SUMMARY

MSD Planning & Development Services Staff (“PDS”) have been tasked by the Metro Townships to lead ordinance update efforts for each respective community. Earlier this year, Phases 1 and 2 were sent out, and the latter part of 2022 PDS has been drafting revisions to Titles 18 & 19, Zoning and Subdivision Ordinances, respectively. Staff will work closely with the Planning Commission and Council to review drafted materials and lead ordinance revisions through the formal adoption process. Materials included in this memorandum represent the third and final phase of ordinances drafted for the Metro Township by MSD Planning & Development Services. The drafted ordinances are presented for review purposes only; staff is not yet requesting formal consideration and adoption of these ordinances.

Phase Three, presented in Exhibit A, includes drafted versions of the following:

- 19.02 Title, Purpose, and Applicability
- 19.06 Nonconformities
- 19.08 Enforcement
- 19.10 Procedures for Analyzing Takings Claims
- 19.14 Establishment of Zones, Zoning Map, Boundaries
- 19.44 Temporary Use Standards
- 19.56 Flood Plain Regulations
- 19.58 Geological Hazards
- 19.64 Annexation Policy Ordinance
- Entirety of Title 18, Subdivisions

Land Use Ordinances determine the use, development, and subdivision of property within a municipality. A municipality’s right to implement land use ordinances is tied to its “Police Power” (the essential task of protecting public health, safety, and welfare). Private property rights are balanced with public needs, in order to ensure safe, equitable, and sustainable development.

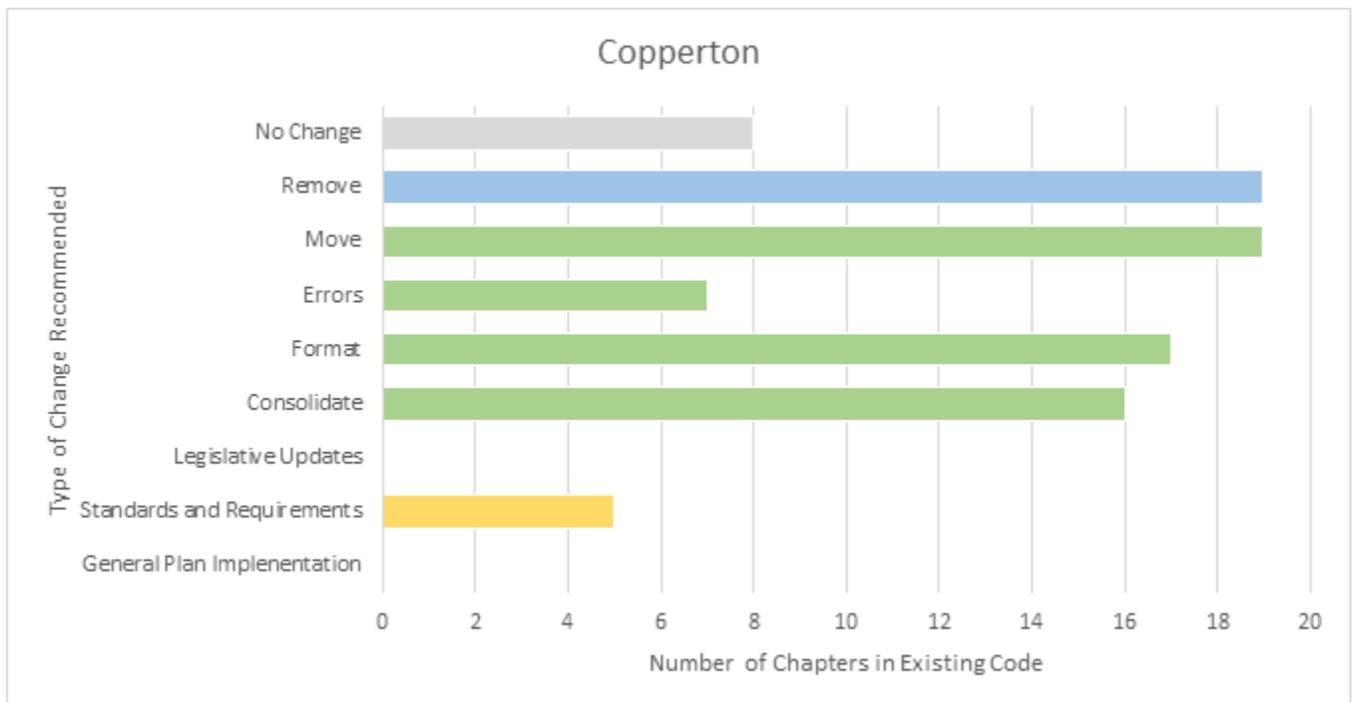
The 2022 Land Use Ordinance revisions are intended to accomplish several objectives, including:

- Ensuring compliance with State Legislation.
- Encouraging conformity with adopted General Plans.
- Promoting ease of use for both staff and residents.
- Meeting unique needs and preserving the character of the community.

BACKGROUND AND ANALYSIS

Pre-Analysis: In the first quarter of 2022, Erin O’Kelley (Long Range Planner) performed an in-depth analysis of existing Title 19 Ordinances to provide a basis from which the project team could begin their revisions. This analysis helped the team understand how much time to allot to various tasks, such as removing outdated sections or obsolete zoning districts, consolidating materials for ease of use, and updating language to reflect recent legislative changes and the vision of the Copperton General Plan. Figure 1 comprehensively portrays the work that staff estimates needs to be completed on Copperton’s Ordinances.

Figure 1: Estimation of Copperton Title 19 Needed Actions.



Credit: MSD PDS, 2022.

The bar chart is color-coded to show changes that staff expect to require a low, medium, or high effort. Low-effort actions include the removal of certain sections of code that are no longer applicable (blue). Medium-effort actions involve moving, reformatting, or consolidating chapters or sections of the ordinance, as well as bringing those sections into compliance with State Code

(green). Finally, high-effort actions are those that require an updating of chapters or sections in order to improve standards and requirements or facilitate General Plan implementation (yellow).

In addition to greater staff expertise being needed for the high-effort changes, it is anticipated that those actions will trigger a higher level of engagement from the community. As a general strategy, staff have elected to draft the 'High-Effort' ordinance updates first so that the Planning Commission and Council have the most time to look over those sections before adoption. Many of the anticipated High-Effort Draft Chapters (namely the Zone Chapters) were included in Phases One and Two, which were sent to the community earlier this year. Phase Three includes mostly Low-Effort Draft Chapters, with the exception of the Title 18 revisions. These chapters still require thorough review and consideration from the community but may not need as many community-specific revisions as the drafted zoning district chapters.

Ordinance-Writing Methodology: Staff followed several steps in order to produce the drafted chapters presented in Exhibit A.

1. Staff members were assigned various chapters to research. They drew on model codes, planning best practices, and existing conditions to draft a "model chapter" that other staff members would later use as a basis for their own communities.
2. Staff members reviewed each other's work at weekly Ordinance Update Meetings. Model ordinances were revised in response to feedback.
3. Model Ordinance Chapters were sent to the Smith-Hartvigsen legal team for review.
4. Staff members revised their model ordinances accordingly.
5. The planner assigned to each community reviewed the Model Ordinance Chapters and tailored them to their specific community. Planners reviewed the community's General Plan, existing ordinances, pre-analysis, and other sources relevant to the community vision.

SUMMARY OF CHAPTER CHANGES

The Chapters presented in Exhibit A differ from the existing Zoning Ordinance both in formatting and substance. Several of the existing ordinance chapters were lacking important standards that contribute to a high-quality built environment and protect the public health, safety, and welfare of residents. Major changes drafted for each specific Chapter are highlighted below:

19.02 Title, Purpose, and Applicability:

- This section is much shorter than the existing 19.02 and explains the new format of the zoning ordinance.

19.06 Nonconformities:

- Contains the regulations regarding nonconforming uses and structures found in chapter 19.88 of the County Code.

19.08 Enforcement:

- The majority of the code enforcement process is now in Title 12, so this section is much shorter than County Code.

19.10 Procedures for Analyzing Takings:

- Very minimal change from the current code.

19.14 Establishment of Zones, Maps, and Zone Boundaries:

- The list of zones established was updated to reflect both newly created zones and those that were removed for the community.
- A section regarding the zoning of annexed properties was added.

19.44 Temporary Use Standards:

- Regulations for temporary uses have been updated and combined into one chapter.

19.56 Flood Plain Regulations:

- This chapter has been updated to be in line with current FEMA requirements.

19.58 Geological Hazards:

- The Geologic Hazards Chapter retains the same content but has been renumbered and reformatted to match the rest of the drafted ordinance

19.64 Annexation Policy Ordinance:

- There were no changes to this Chapter.

Title 18, Subdivisions:

- Application requirements and procedures were clarified.

- A new, streamlined process was added for subdivisions of five or fewer lots. The Director or Designee is proposed to be the final approval authority on these small subdivisions.
- An optional concept plan review step was added to the subdivision process, allowing the applicant to obtain feedback and familiarize themselves with requirements before submitting a preliminary plat application.
- Additional subdivision design standards were included to promote quality development.

PURPOSES OF EXHIBIT A / PROVIDING FEEDBACK

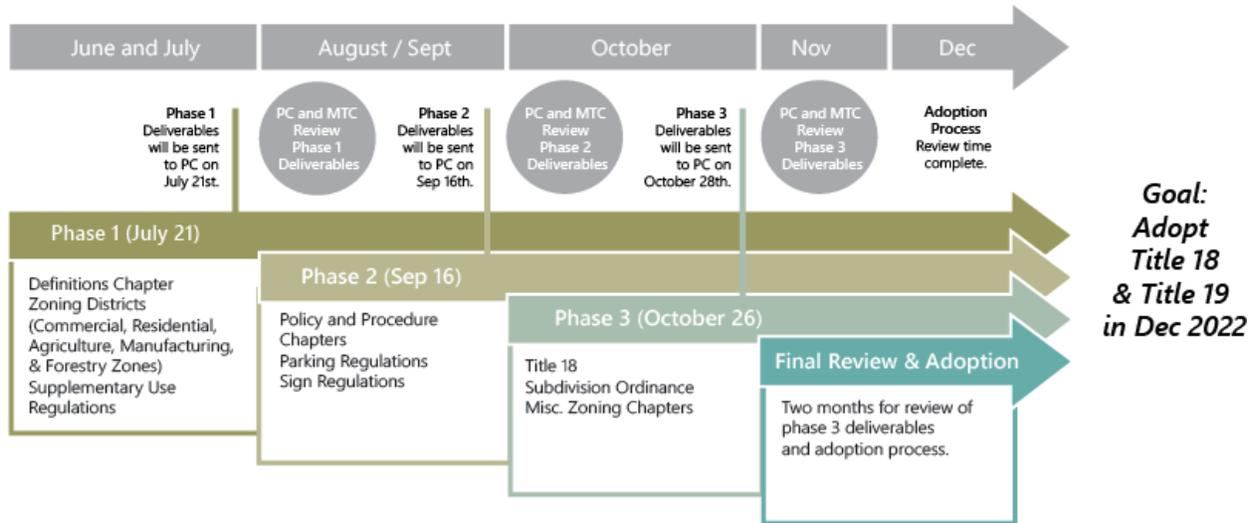
The contents of Exhibit A are drafted for review purposes only. This is not a final draft nor a public hearing draft. Staff are fully anticipating feedback from the Planning Commission and Council and will make several revisions before moving drafted chapters into the adoption phase in December. Staff are asking for feedback in one or more of the following ways:

1. Send comments, red-line edits, or other thoughts to Curtis Woodward, Senior Planner (cdwoodward@msd.utah.gov).
2. Request a work session to address drafted Chapters. A work session could include staff, the Planning Commission, the Council, the legal team, and other desired stakeholders. At the work session, participants would review the content together and work toward desired revisions.
3. Invite staff to present and facilitate a discussion at a regularly scheduled Planning Commission or Council meeting.
4. Suggest an alternative method for providing feedback and working through ordinance revisions.

TIMELINE FOR FUTURE PHASES

Staff have broken the entire ordinance-update project down into a series of three phases, as shown in Figure 1. At the end of each phase, draft versions of the specified chapters will be delivered to the Planning Commission and Council for their review and feedback. When all of the drafted chapters have been reviewed, a final draft version of Titles 18 & 19, with revisions as applicable, will be presented for adoption.

Figure 1: Proposed Timeline for Ordinance Updates.



Credit: MSD PDS, 2022.

The timelines presented in Figure 1 are internal target deadlines. Staff worked hard to meet those deadlines, but some chapters required more time and revision than anticipated. Overall, the project is still on track for completion of the draft codes in December 2022 or January 2023. Exhibit A represents the last phase of drafted chapters being delivered to the community. Staff now requires feedback on all three phases of drafted chapters before moving those chapters forward for adoption.

CONCLUSION

The planning team has completed the initial draft of Phase Three Ordinance Chapters (see Exhibit A). These drafted chapters are presented for Copperton’s Planning Commission and Council review and feedback only. This is the final set of drafted ordinances that will be delivered to the community and marks the completion of preliminary work on Titles 18 and 19. Staff will now focus on working with the Planning Commission and Council to tailor these ordinances to the unique needs of the community and address any additional community concerns.

Chapter 19.02 TITLE, PURPOSE, AND APPLICABILITY

19.02.010 - Title.

This Title shall be known as "The Zoning Ordinance of Copperton " and shall be referred to herein as "the Ordinance" or "this Ordinance."

19.02.020 - Organization.

The Zoning Ordinance of Copperton is organized into five articles:

- A. Article I, "General Provisions" comprising chapters 19.02 – 19.10, addresses:
 - 1. The organization and purpose of the Ordinance, together with definitions and enforcement procedures; and
 - 2. The criteria for addressing nonconforming uses, as well as procedures for analyzing takings
- B. Article II, "Administration" comprising chapters 19.12 – 19.20, addresses:
 - 1. The process for applying for various types of land use and land development permits, and the procedures for amending the General Plan, amending the Ordinance, and petitioning for zone changes;
 - 2. The roles of each administrative body in the land use and development process; and
 - 3. The administrative processes relating to planned unit developments.
- C. Article III, "Zone Regulations" comprising chapters 19.22 – 19.40, addresses the regulations for each zoning district, including the permitted or conditional land uses and densities that are allowed in each zone.
- D. Article IV, "Specific and Temporary Use Standards," comprising chapters 19.42 – 19.44, addresses standards that are specific to the activity or use of a given property, including standards for long-term as well as temporary uses.
- E. Article V, "Development Standards," comprising chapters 19.46 – 19.64, addresses:
 - 1. General standards applicable to the development of land;
 - 2. Standards particular to a development district or overlay zone; and
 - 3. Infrastructure, site design, signs, additional building standards (mass, height, setbacks), and natural conditions (such as slope, soils, drainage, etc.).

19.02.030 - Purpose.

- A. The Ordinance is intended to promote the health, safety, morals, order, prosperity and welfare of the inhabitants of Copperton which includes:
 - 1. Reducing congestion on the streets and roads;
 - 2. Securing safety from fire and other dangers;
 - 3. Protecting the quality of light and air;
 - 4. Classifying land uses, development, and utilization;
 - 5. Protecting the tax base;
 - 6. Securing efficiency in governmental expenditures;

7. Fostering agriculture and economic development;
8. Protecting both urban and nonurban development; and
9. Balancing private property rights with public purposes.

19.02.40 - Applicability.

- A. Territorial Application. All land and parcels of real property within the jurisdictional limits of Copperton is covered by the provisions of this Ordinance.
- B. General Applicability.
 1. Except where specific exemptions have been granted for nonconforming uses, noncomplying structures, or lots of record, the regulations contained in this Ordinance apply to all uses, structures, and parcels of real property, including those recorded prior to the enactment of this Ordinance.
 2. Every dwelling shall be located and maintained on a lot, as defined in this Ordinance. Except for dwelling groups and guest houses, not more than one dwelling structure shall occupy one lot.
- C. General Prohibition. No portion or whole of any structure or land shall be used, occupied, constructed, moved, enlarged, or structurally altered except as provided by this Ordinance. Land needed to meet the width, yard, area, coverage, parking or other requirements of this title for a lot or building shall not be sold or conveyed away from such lot or building.
- D. Private Agreements. This Ordinance is not intended to enforce any private agreement or covenant. If this Ordinance is more restrictive than a private agreement or covenant, this Ordinance prevails.
- E. Other Laws and Regulations. This Ordinance controls over less restrictive State or municipal statutes, ordinances or regulations.

19.02.050 – Transition Rules.

- A. In those instances where this Ordinance conflicts with previously applicable zoning regulations, the following rules apply.
 1. Previously Approved Lots.
 - a. The requirements of this Ordinance as to minimum lot area or lot width shall not be construed to prevent the use of any lot or lot of record for a land use listed as a permitted use in the underlying zone, provided that:
 - i. The use and development standards set forth in Articles IV and V of this Ordinance are followed; and
 - ii. The lot was legally divided according to the applicable laws at the time of division and was held in separate ownership no later than the effective date of an ordinance under which the lot would not meet the minimum lot area or width.
 2. Previously Issued Building Permits. If a building permit for a structure was lawfully issued prior to the effective date of this Ordinance or any amendments to this Ordinance, and if construction has begun within 180 days of the issuance of that permit, the structure may be completed in accordance with the plans on the basis of which the building permit was issued and upon completion may be occupied under an occupancy permit for the use originally intended.
 3. Previously Granted Approvals.

- a. All approvals granted prior to the effective date of this Ordinance remain in full force and effect. The recipient of the approval may proceed to develop the property in accordance with the approved plans and any applicable conditions.
- b. If the recipient has failed to act on an approval before the approval expires, including any periods of extension granted, the provisions of this Ordinance control.

19.02.060 – Severability.

If any provision of this Ordinance is adjudged by any court of competent jurisdiction to be invalid, that judgment does not affect, impair, invalidate or nullify the remaining provisions of this Ordinance. The effect of the judgment is confined to the provision immediately involved in the controversy in which the judgment or decree was rendered.

Chapter 19.06 - Nonconformities

19.06.010 - Continuation Of Use.

The occupancy of a noncomplying structure or of a structure occupied by a nonconforming use, which existed at the time this Ordinance or any amendment thereto became effective, may be continued, provided that the use has not been abandoned or the structure left vacant, as provided in this chapter.

19.06.020 - Noncomplying Structure or Structure Occupied by a Nonconforming Use.

A. Maintenance Permitted.

A noncomplying structure may be maintained.

B. Repairs and Alterations Permitted.

1. Repairs and structural alterations may be made to a noncomplying structure or to a structure occupied by a nonconforming use.
2. Unless the new construction complies with this Ordinance, any remodel or structural alteration that requires the demolition of an outside wall of a noncomplying structure is only allowed upon approval by the Land Use Hearing Officer.
3. The Land Use Hearing Officer decision regarding applications for the removal and replacement of outside walls of a noncomplying structure shall be based upon the following criteria:
 - a. The proposed change is in harmony with the purpose and intent of this Ordinance.
 - b. The proposed change does not impose any unreasonable burden upon the lands located in the vicinity.

C. Additions, Enlargements, Moving and Reconstruction at Another Location.

1. Additions, enlargements, relocations and/or tear down and replacements of a noncomplying structure or of a structure occupied by a nonconforming use that comply with the regulations and intent of this Ordinance shall be allowed.
2. Additions, enlargements, relocations and/or tear down and replacements of a noncomplying structure or structure occupied by a nonconforming use that do not comply with the regulations of this title shall not be allowed, except as allowed by a permit authorized by the Land Use Hearing Officer, provided that the Land Use Hearing Officer finds:
 - a. The proposed change is in harmony with the purpose and intent of this Ordinance.
 - b. The proposed change does not impose any unreasonable burden upon the lands located in the vicinity.

D. Restoration of Damaged Structure.

A noncomplying structure or structure occupied by a nonconforming use that is damaged or destroyed by fire, flood, wind, earthquake or other calamity or act of God or the public enemy, and the damage is not the result of the intentional or reckless disregard of the owners or occupants, may be restored, and the occupancy or use of such structure or part thereof that existed at the time of such

damage or destruction may be continued or resumed, provided that such restoration is started within a period of one year following damage or destruction, and the restoration is diligently prosecuted to completion.

19.06.030 - Structure Declared a Noncomplying Structure.

The owner of a structure in violation of the maximum height or minimum yard requirements of this Ordinance may file an application to have the structure declared noncomplying. The Director may approve the application when the evidence clearly establishes:

- A. The structure has existed at its current location for at least 10 years, with the same size, height and setbacks.
- B. The structure poses no threat to the health or safety of persons in or around the structure.
- C. No enforcement action for the violation has been taken or initiated for five consecutive years during which the violation existed.

19.06.040 - Nonconforming Use.

A. Occupancy Within One Year.

A vacant structure may be occupied by the nonconforming use for which the structure was designed or intended if occupied within one year after the use became nonconforming.

B. Abandonment.

With the exception of dwellings, a structure or portion thereof occupied by a nonconforming use which is abandoned can only be occupied by a use that conforms to the zone in which it is located. If a nonconforming use has not applied to the premises for at least 60 consecutive days during any 12 month period, the use is deemed abandoned.

C. Expansion of Use Permitted.

The area occupied by a nonconforming use may be expanded to include up to the entire floor area of the existing structure in which it is conducted, not to exceed the floor area that existed at the time the use became nonconforming.

D. Change of Use.

1. A nonconforming use may be changed to any use allowed in the most restrictive zone where such nonconforming use is allowed, provided the Planning Commission finds that such use would not be more intensive than the most recent existing legal nonconforming use.
2. Any change of a nonconforming use to another nonconforming use is a conditional use and subject to the conditional use approval standards, except that the proposed nonconforming use need not conform to the adopted General Plan.
3. As part of the change of use, structures cannot be enlarged, removed, reconstructed or otherwise altered except for interior remodeling and exterior restoration or renewal that will make the appearance of the structure more nearly conform to the character of the area in which it is located.

4. As part of the change of use, the existing lot cannot be enlarged or modified except to create landscape, fencing, curb, gutter and sidewalk, road widening or minimum off-street parking to provide a safer and more compatible facility.

E. Nonconforming Use of Land.

Subject to the limitations in this section, the nonconforming use of land may continue, provided that no such nonconforming use of land can in any way expand or extend either on the same or adjoining property.

Chapter 19.08 ENFORCEMENT

19.08.010 - Enforcement Authority.

The Director is charged with the enforcement of this Ordinance and may employ all legal means available to do so as set forth in Title 12 Code Enforcement and Community Preservation.

19.08.020 - Unlawful Use Prohibited.

- A. No land, building or structure shall be developed, constructed, remodeled, restored, altered or used in violation of the provisions of this Ordinance or the zone in which such land, building or structure is located.
- B. Violation of any of the provisions contained in this title is prohibited. Any person who violates the provisions of this title shall be subject to the criminal and civil penalties set forth in the municipal code.

19.08.030 - Violation--Penalties and Remedies.

- A. Violation of any provision of this title is punishable as a Class C misdemeanor upon conviction. In addition, the provisions of this title may also be enforced by injunctions, mandamus, abatement, civil penalties, any other remedies provided by law, or any combination thereof.
- B. For purposes of penalties and remedies set forth in this title, each day that a violation continues is a separate offense.
- C. Accumulation of penalties for continuing violations, but not the obligation for payment of penalties already accrued, shall stop upon correction of the violation.

19.08.040 - Violation--Persons Liable.

Any person, corporation or other entity, whether as owner, occupant, agent or employee, who causes, permits or otherwise participates in any violation of the provisions of this title may be held jointly and severally responsible for the violation, suffer the penalties, and be subject to the remedies provided by law.

Chapter 19.10 PROCEDURES FOR ANALYZING TAKINGS CLAIMS

19.10.010 - Findings and Purpose.

The Council finds that:

- A. Enactment of zoning and other land development regulations within Copperton is necessary to protect the health, welfare and safety of the residents of Copperton;
- B. When an owner of private property claims that the enforcement of any Copperton land use regulation constitutes an unconstitutional taking of private property, it is Copperton's best interests to have established procedures for obtaining relevant information for analyzing and resolving such claims.

19.10.020 - Takings Relief Petition.

A. Takings Relief Petition.

- 1. Any applicant may file a takings relief petition with the Director alleging that a final decision of the Director, Planning Commission, Land Use Hearing Officer, Mayor or Council on a land use application results in an unconstitutional taking of the applicant's private property.
- 2. A takings relief petition shall be filed no later than 30 calendar days from the final decision of the Director, Planning Commission, Land Use Hearing Officer, Mayor, or Council.

B. Information to Be Submitted with Takings Relief Petition.

- 1. The takings relief petition shall be submitted on a form prepared by the Director, and shall be accompanied at a minimum by the following information:
 - a. The name of the petitioner;
 - b. Sufficient facts to show that the petitioner possesses a protectable interest in property under Article I, Section 22 of the Constitution of Utah or the Fifth Amendment to the United States Constitution.
 - c. The name and physical street address and mailing address of the current owner of the property; form of ownership (whether sole proprietorship, for-profit or not-for-profit corporation, partnership, joint venture, limited liability company, or other); and if owned by a corporation, partnership, joint venture, or limited liability company, the names and addresses of principal shareholders, partners, or members;
 - d. The price paid and other terms of any sale of the property or any portion thereof, including the date of purchase, the name of the seller, and the relationship, if any, between the petitioner (owner or developer) and the party from whom the property was acquired;
 - e. The nature of the protectable interest claimed to be affected, such as, but not limited to, fee simple ownership or leasehold interest;
 - f. All appraisals of the property prepared for any purpose, include financing, offering for sale, or ad valorem taxation, within the three years prior to the date of the petition;
 - g. The assessed value of and ad valorem taxes on the property for the three years prior to the date of the petition;

- h. All information concerning current mortgages or other loans secured by the property, including name of the mortgagee or lender, current interest rate, remaining loan balance, term of the loan, and other significant provisions, including but not limited to, right of purchase to assume the loan;
 - i. All listings of the property for sale or rent, price asked and offers received (if any), during the period of ownership or interest in the property;
 - j. All studies commissioned by the petitioner or agents of the petitioner within the previous three years concerning feasibility of development or utilization of the property;
 - k. For income producing property, itemized income and expense statements from the property for the previous three years;
 - l. Evidence and documentation of improvements, investments, and expenditures for professional and other services related to the property made during the past three years;
 - m. Information from a title policy or other source showing all recorded liens or encumbrances affecting the property; and
 - n. Information describing all use(s) of the property during the five years prior to the petition.
2. The Director may request additional information reasonably necessary to arrive at a conclusion concerning whether there has been a taking.

C. Failure to Submit Information.

In the event that any of the required information from the petitioner is not reasonably available, the petitioner shall file with the petition a statement of the information that cannot be obtained and the reasons why such information is unavailable.

19.10.030 - Procedures to Determine Takings Claims.

A. Preliminary Determination of Taking.

- 1. Within 30 days of the filing of a petition with all required information, the Council, in consultation with the Director and the Attorney, shall make a preliminary determination on the issue of whether a taking may have occurred.
- 2. If the Council makes a preliminary determination that a taking may have occurred, the Director and Attorney shall recommend whether a further hearing shall be formal or informal under the rules of procedure adopted by the Council for such hearings. The Council shall then:
 - a. Appoint a hearing officer,
 - b. Elect to conduct either formal or informal administrative proceedings, and
 - c. Proceed with a full review of the petition.
- 3. If the Council, upon consultation with the Director and the Attorney, determines that a taking has not occurred, the petition shall be denied and no hearing officer shall be appointed.

B. Appointment and Qualifications of Hearing Officer.

- 1. Within 30 days following a preliminary determination by the Council that a taking may have occurred, the Director shall contact the appointed hearing officer to review information by the petitioner. The hearing officer shall hold a public hearing to determine whether a taking has

occurred, and make a recommendation to the Council concerning the petition.

2. The appointed hearing officer shall be licensed to practice law in the state of Utah. Prior to appointment, the hearing officer shall submit a statement of no potential or actual conflict of interest under the Utah Rules of Professional Conduct, in connection with the petitioner or petition at issue.
- C. Notice of Public Hearing. Within ten days following appointment of the hearing officer, written notice of a public hearing shall be published and posted in accordance with the Utah Code 10-9a. The hearing shall be held within 30 days of the date of written notice unless a reasonable extension of time is agreed to by both the Director and petitioner.
- D. Conduct of the Hearing.
1. Rules of Procedure. The hearing shall be conducted according to the requirements of the rules of procedure adopted by the Council for such hearings.
 2. Burden of Proof. The petitioner shall have the burden of proving by a preponderance of the evidence that the final decision that is the subject of the takings relief petition constitutes an unconstitutional taking.
 3. Municipality Response. **Copperton** shall have the right to respond to any allegations provided by the petitioner and present evidence at the hearing.
- E. Determining the Takings Issue. The hearing officer shall consider, among other items, the following information or evidence:
1. Any estimates from contractors, appraisers, architects, real estate analysts, qualified developers, or other competent and qualified real estate professionals concerning the feasibility of construction or development on the property as of the date of the petition, and in the reasonably near future;
 2. Any evidence or testimony of the market value of the property both under the uses allowed by the existing regulations and any proposed use; and
 3. Any evidence or testimony concerning the value or benefit to the petitioner of clustered development on other remaining contiguous property owned by the petitioner, and eligibility for such clustering as provided elsewhere in this title.
- F. Findings of the Hearing Officer. On the basis of the evidence and testimony presented, the hearing officer shall make the following specific findings as part of his/her report and recommendations to the Council:
1. Whether the petitioner has provided the required information for a takings relief petition;
 2. Whether the petitioner has a protectable interest in the property that is the subject of the petition;
 3. The market value of the property under the existing zoning regulation;
 4. The market value of the property under the proposed use;
 5. Whether there are other economically viable uses that may be made of the property;
 6. The market value of, or benefit accruing from eligible clustered development on other remaining contiguous property owned by the petitioner;

7. Whether it was feasible to undertake construction on, or development of, the property as of the date of the application, or in the reasonably near future thereafter;
8. Whether the final decision that is the subject of the takings relief petition constitutes an unconstitutional taking of private property without just compensation.

G. Report and Recommendations of the Hearing Officer.

1. The hearing officer shall prepare a report and recommendation which shall be submitted to the Council and mailed to the petitioner within 30 days following the conclusion of the public hearing.
2. If the hearing officer finds that the final decision that is the subject of the takings relief petition constitutes an unconstitutional taking of private property without just compensation, the matter shall be remanded to the Council with recommendations concerning relief that might be appropriate. In making such recommendations, the hearing officer shall consider, among other remedies:
 - a. Approval of development on some portion of the property;
 - b. A rezoning of the property to a more appropriate classification, approval of an alternative development plan, modification or waiver of normally applicable development standards, or other appropriate land-use regulatory action;
 - c. An opportunity to cluster development. Recommendations for clustering within the boundaries of the subject property owned by the petitioner shall require a written finding by the hearing officer that such clustering and the resulting increase in development density will be compatible with existing developments and land use patterns on properties surrounding the subject property. For purposes of such "compatibility" finding, the hearing officer shall compare the petitioner's proposed development, incorporating the increased transfer density with existing development on surrounding properties, and take into consideration the following factors:
 - i. Architectural character;
 - ii. Building size, height, bulk, mass, and scale;
 - iii. Building orientation;
 - iv. Privacy considerations in terms of privacy for prospective residents within the petitioner's development and in terms of privacy protection for adjoining land uses;
 - v. Building materials;
 - vi. Building color; and
 - vii. When applicable, operations of the petitioner's development project, including but not limited to hours of operation; activities that may generate adverse impacts on adjacent land uses such as noise or glare; location of loading/delivery zones; and light intensity and hours of full illumination.
 - d. A waiver of permit fees; or
 - e. Acquisition of all or a portion of the property at market value.

H. Council Review and Consideration.

1. Within 60 days following receipt of the hearing officer's report, the Council shall review the report and recommendations and approve or deny the takings relief petition.
 - a. The Council may extend the period for final determination upon a finding that due to the size and complexity of the development or proposal and similar factors, additional review time is necessary.
 2. The Council may hold a public hearing and provide notice as set forth in Utah Code 10-9a. Only new testimony and evidence shall be presented at any such public hearing.
 3. The Council may adopt any legally available incentive or measure reasonably necessary to offset the taking and may condition such incentives upon approval of specific development or site plans.
 4. The decision of the Council shall not become final until it adopts a resolution approving or denying the petition and specifying any relief it may deem appropriate.
- I. Time Limits/Transferal of Relief or Incentives. Any relief or incentives adopted by the Council pursuant to this chapter may be transferred and utilized by successive owners of the property or parties in interest, but in no case shall the relief incentives be valid after the expiration date of a specific development approval.

Chapter 19.14 ZONES, ZONING MAP, AND BOUNDARIES

19.14.010 - Zones Established.

For the purpose of this title, Copperton is divided into classes of zones, as follows:

R-1-6	Single family residential zone
R-1-7	Single family residential zone
R-1-8	Single family residential zone
R-2-6.5	Medium density residential zone
R-2-8	Medium density residential zone
R-2-10	Medium density residential zone
A-1	Agricultural zone
A-2	Agricultural zone
NMU	Neighborhood Mixed Use zone
C-1	Commercial zone
C-2	Commercial zone
M-1	Manufacturing zone - flex
M-2	Manufacturing zone - heavy
P-R	Parks and Recreation zone
OS	Natural Open Space Zone
FCOZ	Foothills and Canyons Overlay zone

19.14.020 - Zoning Maps.

Each of the sections of Copperton which are zoned by this title are shown on the maps on file with Planning & Development Services, and such maps are made by this reference, as such, a part of this title as if fully described and detailed herein. Said maps may be in an electronic or Geographic Information System (GIS) format. Amendments to the zoning map shall follow the process outlined in Section 19.16.080 of this title.

19.14.030 - Filing of This Title and Zoning Maps.

This title and the maps shall be filed in the custody of the municipal clerk, and may be examined by the public subject to any reasonable regulations established by the municipal clerk.

19.14.040 - Boundary Location Rules.

Where uncertainty exists as to the boundary of any zone, the following rules shall apply:

- A. Wherever the zone boundary is indicated as being approximately upon the centerline of a street, alley or block, or along a property line, then, unless otherwise definitely indicated on the map, the centerline of the street, alley or block, or such property line, shall be construed to be the boundary of the zone;
- B. Whenever such boundary line of such zone is indicated as being approximately at the line of any river, irrigation canal or other waterway or railroad right-of-way, or public park, or other public land, or any section line, then in such case the center of the stream, canal or waterway, or of the railroad right-of-way, or the boundary line of such public land or such section line shall be deemed to be the boundary of the zone;
- C. Where the application of the above rules does not clarify the zone boundary location, the land use hearing officer shall interpret the map.

19.14.050 - Zoning of Annexed Areas.

Properties that are annexed into the municipality shall be given a zoning designation by action of the Council at the time of annexation. The Council shall be guided by the general plan and by the criteria set forth in Table 19.16-2 in zoning the subject property. Annexations of multiple parcels may result in more than one zone applying to the annexation area; however, except in the case of overlay zones, only one zone may apply to each parcel.

Chapter 19.44 Temporary Use Standards

19.44.010 - Purpose of Provisions.

The following regulations are provided to accommodate uses of land or buildings which are temporary in nature and are not, therefore, listed as regular permitted or conditional uses in any zone of the municipality. The character of these uses requires proper conditions be met to protect adjacent properties and the general health, safety, and welfare of the citizens of the municipality. Any building or structure which does not meet the requirements of this chapter shall be treated as a permanent land use and shall conform to all required permanent standards of the building, health, fire, zoning, and other similar codes.

19.44.020– Applicability.

All temporary uses, as defined in Chapter 19.04, shall comply with the provisions of this Chapter and any other applicable regulations in this Title.

19.44.030 - Allowed Uses and Conditions.

A. Table 19.44.030 shows permitted temporary uses in each zone. Zones not listed in the table do not allow temporary uses unless specified in the special conditions of this Chapter.

Table 19.44.030 – Temporary Uses									
Temporary Uses	A-1	A-2	PR	OS	C-1	C-2	M-1	M-2	NMU
Fireworks Stand	X	X	X	X	P	P	P	P	P
Minor Seasonal Sale or Seasonal Use	P	P	P	P	P	P	P	P	P
Major Seasonal Sale or Seasonal Use	P	P	P	P	X	X	P	P	X
Outside Sales Event	P	P	P	P	P	P	P	P	P
Temporary Use, Inside	P	P	P	P	P	P	P	P	P
Temporary Sale of Farm Products	P	P	P	P	P	P	P	P	P
Temporary Use, Weekly	P	P	P	P	P	P	P	P	P

A. Fireworks Stand. Fireworks stands shall meet the following conditions:

1. Fireworks may not be sold outside of the time durations pursuant to the Fire Prevention and Fireworks Act, Utah Code 53-7-2;
2. The total area for the display and sale of products shall be eight hundred square feet or less;
3. Temporary buildings or anything six feet (6') in height or greater shall be setback from the property line one foot (1') and may not be closer than two feet (2') to a public right-of-way or sidewalk; and
4. Tents, signage, and other decorations for a firework stand may be constructed up to five (5) days prior to the allowed date to sell fireworks pursuant to state code but may not remain constructed for a period greater than sixty (60) consecutive days.

B. Major Seasonal Sales and Major Seasonal Use shall meet the following conditions:

1. A parking plan must be provided for the application that complies with parking standards outlined in 19.48 Off-Street Parking and Mobility. The number of parking stalls required for the temporary use shall be determined by the Director or designee;

2. Major seasonal sales and major seasonal uses may only occur a maximum of thirty (30) non-consecutive days out of the year per seasonal use or sale; and
 3. If any major seasonal use or sale occurs multiple times throughout the year and the period between the use being open for business is greater than sixty (60) days, all associated temporary buildings and signage shall be removed for a minimum of forty (40) days while the use is not open for business.
- C. Minor Seasonal Sales and Minor Seasonal Use shall meet the following conditions:
1. Seasonal sales and uses may only occur a maximum of sixty (60) consecutive days out of the year per seasonal use or sale;
 2. The total area for the display and sale of products or use shall be eight hundred square feet or less;
 3. Temporary buildings or anything six feet (6') in height or greater shall be setback from the property line one foot (1') and may not be closer than two feet (2') to a public right-of-way or sidewalk; and
 4. Tents, signage, and other decorations for a seasonal sale or use may be constructed up to five (5) days prior to the anticipated opening date of the use will open but may not remain constructed for a period greater than sixty (60) consecutive days.
- D. Outside Sale Events shall meet the following conditions:
1. May not continue for a time greater than three (3) consecutive days and may not occur more than three (3) times in one year;
 2. Any tents, signs, or other decorations used for the outdoor sale event must be removed within twenty-four (24) hours after the final; and
 3. The outdoor space designated for the sale of products may not take up more than thirty percent (30%) of the business's required parking.
- E. Temporary Use, Inside shall meet the following conditions:
1. Temporary uses inside existing buildings may only occur a maximum of one hundred twenty (120) days out of the year. These may be consecutive or may be dispersed throughout the year; and
 2. The temporary use in an existing building may not use any parking stalls from another permanent business on the property that causes the existing business' parking to be non-compliant. Unless it is demonstrated by the applicant or business owner that the permanent business has more empty parking stalls than stalls that are occupied within a seven-day period.
- F. Temporary Sale of Farm Products shall meet the following conditions:
1. The area for sale and display of products may not exceed eight-hundred (800) square feet;
 2. Temporary buildings or anything six feet (6') in height or greater shall be setback from the property line one foot (1') and may not be closer than two feet (2') to a public right-of-way or sidewalk; and
 3. Off-street parking for employees must be provided by the applicant or property owner of the property where the sale of farm products is located.
- G. Weekly temporary uses shall meet the following conditions:
1. A parking plan must be provided for the application that complies with parking standards outlined in 19.48 Off-Street Parking and Mobility. The number of parking stalls required for the temporary use shall be determined by the Director or designee.\;
 2. Weekly temporary uses may only occur a maximum of one hundred twenty (120) days out of the year;
 3. The maximum number of consecutive days the weekly temporary use may be open shall be two (2) days; and

4. If any major seasonal use or sale occurs multiple times throughout the year and the period between the use being open for business is greater than sixty (60) days, all associated temporary buildings and signage shall be removed for a minimum of forty (40) days while the use is not open for business.
- H. Construction. Construction as a temporary use is permitted in all zones with applicable building and land use permits. The length of time for construction as a temporary use shall be determined by the Director or Building Official and shall extend for the duration of active construction within the municipality before the occupancy permit is issued. Construction shall follow all requirements outlined by the Director, Building Official or designee.
1. Temporary Construction Trailers: A permit for temporary construction trailers may be approved by the Director or designee for a structure or shelter used in connection with an approved development or project. The construction trailer may be used for temporary administrative and supervisory functions, and for sheltering employees and equipment during the construction phase of a project. Such a structure or shelter shall be removed within fourteen (14) days of the approval of the final certificate of occupancy.
 2. Temporary Sales Office: A temporary sales office may be approved by the Director or Designee, subject to the following conditions:
 - a. The sales office is in connection with the sale of property within a project or subdivision under construction:
 - b. The sales office is located on the same parcel of land as the project or subdivision and is engaged in the sale of only units or lots thereon:
 - c. The sales office may remain open for up to one year or until all the lots are sold, whichever comes first; and
 - d. An extension may be granted on a yearly basis only when units or lots within the project or subdivision remain unsold.
- I. Yard and Garage Sales. Garage sales are permitted in all zones and do not require a permit, provided that the yard or garage sale shall not operate for more than a total of five (5) days in any calendar year and shall be conducted by bona fide residents of the premises. Goods for sale shall consist of household items and personal belongings of the residents. Goods offered for sale shall not be placed over a public sidewalk or in a public right of way. Signs associated with a garage sale shall be taken down at night and may not be placed within a public right of way or sidewalk.
- J. Events. Events sponsored by the municipality are permitted in all zones, if the uses are an approved accessory use to the event, confined to the official location of the event, and confined in duration to the hours and time period of the official event.
- K. Circuses, Carnivals, Festivals, and Other Transitory Events.
The Director or designee may issue a temporary use permit for a circus, carnival, other amusement enterprise of a similar transitory nature, or, providing the Director or designee finds that the use will not conflict with the uses in the neighborhood of the subject property. To determine the compatibility of uses, the Director or designee may call a public hearing.
1. The Director or designee may:
 - a. Determine the compatibility of uses;
 - b. may call a public hearing.
 2. Any request for a temporary use permit shall be submitted in writing.
 3. A temporary use permit, the Director or Designee may:
 - a. Stipulate the length of time the permit may remain valid;
 - b. Stipulate the hours of operation of the use; and
 - c. Stipulate other regulations which are necessary for the public welfare.

19.44.040 – Prior Approval and Permit Required.

- A. Prior to the establishment of any of the above uses, or any qualifying temporary use, a temporary use permit must be obtained from Planning and Development Services.
- B. The application for a temporary use permit shall include the following:
 - 1. A municipal business license for commercial uses or proof that a municipal business license has been issued;
 - 2. Building or electrical permit if necessary;
 - 3. Hours of operation and all calendar days the use will be active or open for business;
 - 4. Salt Lake County Health Department approval if necessary;
 - 5. Site plan showing the location of the use, buildings and structures, setbacks, parking, access to public streets, access, parking, circulation, exterior seating, and adjacent uses;
 - 6. Applicable permits needed for mass gatherings or road closures; and
 - 7. Property owner's authorization and agreement between the owner and temporary use;
- C. The granting of said permit shall require the following findings:
 - 1. The applicant's proposed use and applicant complies with all the standards set forth in the municipal code.
 - 2. The conduct of the requested use will not have any detrimental effects on adjacent properties and will be in general harmony with surrounding uses;
 - 3. The requested use will not create excessive traffic hazards on adjacent streets and that traffic control, if necessary, shall be provided at the expense of the applicant; and
 - 4. The applicant shall have sufficient liability insurance for the requested use or event if necessary

19.44.050 – Standards and Requirements.

- A. Any temporary use established under the provisions of this chapter shall conform to the following standards and requirements:
 - 1. Time Limits. All temporary uses shall be given an expiration date for each allowed use defined in 19.04 Definitions or this Chapter. The time limit for all temporary uses shall be measured from the first day the use is anticipated to be open for business until the allowed time set forth in this Chapter.
 - 2. Any structure requiring sanitary facilities by building, fire, health, or other similar codes shall be located on the same lot as a host structure unless independent water and sewer service is provided to the temporary structure. If such codes require sanitary facilities, the sanitary facilities may be provided by a host structure provided that there is:
 - a. No preparation of any food on the premises;
 - b. No indoor seating of patrons;
 - c. Written evidence that a host structure will provide sanitary facilities for any employees and that such facilities are conveniently located not more than three hundred feet (300') from the structure and will be accessible during all periods of operation of the use; and
 - d. Written evidence from the health department that all food will be prepared and delivered from an approved commissary and that all waste resulting from the operation of the use will be properly disposed.
 - 2. All parking shall meet the standards for off street parking as specified in Chapter 19.48 Off-Street Parking and Mobility.
 - 3. All structures shall be securely anchored to the ground at not less than four (4) points as directed by the chief building official. Temporary uses including the use of electricity, water, sewer or other utility services and temporary uses that require a building permit or other inspection for the use of a structure or equipment shall meet those requirements before being allowed to conduct business.

4. The right to occupy the site shall be secured by a written agreement with the owner of the parcel and the owner of any host structures. Said agreement shall address the question of use of restroom facilities by employees, responsibility for maintenance, and restoration of the site upon termination of the use. A copy of the proposed agreement shall be part of the application.
5. Approval for each temporary use permit shall bear an expiration date based upon the nature of the use. If any temporary structure becomes vacant prior to the expiration of the permit, it shall be removed within ten (10) days from the first day the vacancy is discovered by the Municipality
6. The landowner of the parcel shall provide a cash bond for the restoration of the site of said use to its original condition, including cleanup, replacement of facilities, and removal of any structures. The bond shall be:
 - a. one hundred dollars (\$100.00) for temporary uses without a structure, or a structure less than forty (40) square feet in size;
 - b. one thousand dollars (\$1,000.00) for all structures larger than forty (40) square feet in size;
 - c. two thousand dollars (\$2,000.00) for all structures larger than two hundred (200) square feet in size.
7. Temporary uses as allowed by this chapter may be identified by signage not to exceed two (2) freestanding vinyl banners with a combined area of up to twenty-four (24) square feet and up to twenty-four (24) square feet of total wall signage on the temporary structure itself. Signage must be located on the same property as the temporary use. All other signage is prohibited.
8. Following the expiration of the temporary use set forth in this Chapter all buildings, products, fences, and signage shall be removed from the premises completely. Unless otherwise specified in the by the municipality or in the agreement between the property owner and temporary use.

19.44.060 - Action and Application.

- A. The Director or designee shall approve or deny permits for temporary uses. A use that meets the requirements stated above shall be approved and a use not meeting the requirements stated above shall be denied, or may be approved with appropriate conditions to assure that the use will be compatible with and will not pose any detriment to persons or property.
- B. The conditions may include a limitation upon hours of operation and/or a time limitation which is less than the maximum established by this chapter.

19.44.070 – Permit Renewal or Extension.

- A. Renewals. Upon the expiration of a temporary use permit no person may apply for the same permit at the same location within thirty (30) days of the expiration date.
- B. Extensions. Permits for temporary occupancy of a building for retail, sale of fruits and vegetables, and nursery supplies may request an extension up to ninety (90) days beyond the initial expiration date established when the applicant first applied for the temporary use. The extension shall only be granted if the Director or designee finds that:
 1. The extension does not expand the initial intensity or scale of the temporary use approved;
 2. No complaints have been made to the Council or Planning and Development Services Division since the establishment of the temporary use; and
 3. The temporary use has not caused a disturbance in parking or traffic flow from adjacent streets.

19.44.080 – Revocation of Permit.

A permit may be revoked for a violation of any of the provisions of this chapter or the conditions provided in the temporary use permit.

19.44.900 – Business License Required.

A temporary use permit is not a business license and the granting of the permit shall not relieve the permittee of any other license requirement of the municipality or any other public agency. Subject to the approval of a temporary use permit, a seasonal business license shall be issued prior to the commencement of a business allowed by this part.

19.44.100 – Fees.

To offset a portion of the costs incurred by the municipality in processing temporary use permits, fees may be charged as provided for in the fee schedule adopted by the Council.

Chapter 19.56 - FLOODPLAIN HAZARD REGULATIONS

Sections:

19.56.010 – Authorization and Findings

A. Statutory Authorization.

1. The Legislature of the State of Utah has in Utah Code Unannotated 10-3-701 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Municipal Council of Copperton does ordain as follows:
2. The Copperton 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 the Copperton Township's 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 Copperton Township having a special flood hazard be identified by FEMA, and that floodplain management measures be applied in such flood hazard areas. Furthermore, the Copperton 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.

B. Findings of Fact.

1. The flood hazard areas of Copperton are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.
3. These potential flood losses are caused by:
 - a. The cumulative effect of obstructions in floodplains that are known to cause increases in flood heights and velocities;
 - b. The occupancy of flood hazard areas by structures vulnerable to floods because they are inadequately elevated or otherwise unprotected from flood damages; and
 - c. Uses deemed unsuitable for floodplain areas or that do not account for the increased flood risk.

19.56.020 – Purpose of Provisions

- A. It is the purpose of this Chapter to promote the public health, safety and general welfare of the community and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
- B. Protect human life and health;
- C. Minimize expenditure of public money for costly flood control projects;
- D. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- E. Minimize prolonged business interruptions;
- F. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- G. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- H. Ensure that potential buyers are notified that property is in a flood area and can make their decisions based on full information.

19.56.030 - Methods of Reducing Flood Losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting land uses that are dangerous to health, safety, or property in times of flooding, or cause excessive increases in flood heights or velocities;
- B. Requiring that land uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- D. Controlling filling, grading, dredging and other developments that may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers that will unnaturally divert floodwaters or may increase flood hazards to other lands.

19.56.040 – General Provisions.

- A. Lands to Which This Chapter Applies. This chapter shall apply to all areas of special flood hazards within the jurisdiction of [Coppertonity].
- 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 November 19, 2021, with accompanying flood insurance rate maps (FIRMs), and any revisions thereto are hereby automatically adopted by reference and declared to be a part of this chapter.
- C. Establishment of Development Permit. A Floodplain Development Permit shall be required to ensure conformance with the provisions of this Chapter.

- D. Compliance. No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this Chapter and other applicable regulations.
- E. Abrogation and Greater Restrictions. This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter 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 Chapter, 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.
 - 1. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes.
 - 2. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Copperton Township, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter, or any administrative decision lawfully made thereunder.

19.56.050 – Administration.

- A. Floodplain Administrator Appointed. The Director of Planning and Development Services is hereby appointed the Floodplain Administrator to administer and implement the provisions of this Chapter and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.
- B. Duties and Responsibilities of the Floodplain Administrator. Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:
 - 1. Maintain and hold open for public inspection all records pertaining to the provisions of this Chapter.
 - 2. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
 - 3. Review, approve or deny all applications for development permits required by adoption of this Chapter.
 - 4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
6. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is Utah Division of Emergency Management, State Floodplain Manager, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
8. When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.
9. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
10. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision).

19.56.060 – Permit Procedures.

- A. Application. Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following submittals and information are required:
 1. Plans drawn to scale showing the location, dimensions, and elevations of proposed landscape alterations.
 2. Plans drawn to scale showing the location, dimensions, and elevation of existing and proposed structures, including the placement of manufactured homes.
 3. Location of the foregoing in relation to SFHA's.

4. Elevation, in relation to mean sea level, of the lowest floor (including basement and crawlspace) of all new and substantially improved structures.
 5. Elevation, in relation to mean sea level, to which any nonresidential structure (if applicable) shall be floodproofed.
 6. A certificate from a registered professional engineer that the nonresidential floodproofed structure (if applicable) shall meet the floodproofing criteria of this chapter and the NFIP Regulations.
 7. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
 8. All other information that may reasonable be required by the Floodplain Administrator.
 9. Reasonable fees in accordance with the adopted fee schedule.
 10. Copperton shall become the owner of all Floodplain Development Permits and shall maintain a record of all such information in accordance with this chapter and the NFIP Regulations.
- B. Approval or Denial. Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this Chapter and the following relevant factors:
1. The danger to life and property due to flooding or erosion damage;
 2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 3. The danger that materials may be swept onto other lands to the injury of others;
 4. The compatibility of the proposed use with existing and anticipated development;
 5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 6. 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;
 7. 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;
 8. The necessity to the facility of a waterfront location, where applicable;
 9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
 10. The relationship of the proposed use to the comprehensive plan for that area.

19.56.070 - Variances and Appeal Procedures.

- A. The land use hearing officer shall hear and decide all appeals and requests for variances from the requirements of this chapter, as provided in Chapter 19.20 of this title, as amended. The following conditions shall apply, in addition to the provisions of Chapter 19.20:
1. Generally, 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 one foot above the base level, providing the land use hearing officer has considered all technical evaluations, all relevant factors, and standards specified in other sections of this chapter, providing the following items have been considered:
 - a. The danger that materials may be swept onto other land to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the individual owner:
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location, where applicable;
 - f. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
 - g. The compatibility of the proposed use with the existing and anticipated development;
 - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
 - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
 2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
 3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 4. The Floodplain Administrator shall maintain in perpetuity a record of all variance actions, including justification for their issuance, and shall report variances to FEMA and the State Coordinating Agency upon issuing a variance.
- B. Prerequisites for Granting a Variance.

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 2. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional and undue hardship to the applicant; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below one foot above the base flood elevation and that the cost of flood insurance will be commensurate with the increased flood 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:
1. The criteria outlined in subsection 19.56.060.B.1-10 are met, and
 2. 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.
- D. The land use hearing officer shall maintain the record of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

19.56.080 – Provisions for Flood Hazard Reduction.

- A. General Standards. In all areas of special flood hazards, the following standards are required for all new construction and substantial improvements:
1. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads, including the effects of buoyancy.
 2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
 3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
 4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and
 7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- B. 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, shall:
1. Estimate the market value of the building or structure only (not of land) before the start of construction of the proposed work. If the applicant disagrees with the estimated market value, the applicant may obtain an appraisal of the market value prepared by a qualified independent appraiser. 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.
 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, compliance with the flood regulations of this chapter is required.
- C. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in this chapter, the following standards are required:
1. Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to 1 foot or more above the base flood elevation. A registered professional engineer, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this chapter are satisfied.
 2. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to 1 foot or more above the base flood elevation 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 shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

3. Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one foot (1') above grade.
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
4. Enclosures below the BFE. Enclosures below the BFE may only be used for building access, vehicle parking, and storage. Certification and documentation from a professional, licensed engineer is required if the structure's lowest floor is built below the BFE. Applicant shall enter into a maintenance and nonconversion agreement with Copperton that it will maintain the improvements outlined in this paragraph and not modify or convert them to uses other than approved uses.
5. Crawlspaces. New construction and substantial improvements built on an at grade 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:
 - a. 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 professional engineer.
 - b. The crawlspace is an enclosed area below the BFE and, as such, must have flood 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.

- c. The crawlspace enclosure must have proper flood 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.
- d. 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 must either be placed above the BFE or sealed from floodwaters.
- e. 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.
- f. The interior grade of a crawlspace below the BFE must not be more than 2 feet below the LAG.
- g. 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.
- h. 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.

Note. Buildings with below grade crawlspaces will have higher flood insurance premiums than buildings that have preferred crawlspace construction, with interior elevation at or above the LAG.

6. Manufactured Homes.

- a. All manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- b. 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 one foot (1') or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- c. In the A1-30, AH, AO and AE Zones, manufactured homes placed or substantially improved in an existing manufactured home park shall be elevated so that the lowest floor is one foot (1') or more above the base flood elevation; or the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - 7. Recreational Vehicles. - Recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:
 - a. Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use;
 - i. 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; or
 - b. Meet the permit requirements and the elevation and anchoring requirements for "manufactured homes" in this section.
- C. Standards for Subdivision Proposals.
 - 1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
 - 2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit and other requirements of this chapter.
 - 3. Base flood elevation data shall be generated for subdivision proposals and other proposed development that is greater than 50 lots or 5 acres, including the placement of manufactured home parks and subdivisions.
 - 4. All subdivision proposals, including the placement of manufactured home parks and subdivisions shall, have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- D. Standards for Areas of Shallow Flooding (AO/AH Zones). Located within the areas of special flood hazard established by this chapter, 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 one foot (1') or more above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
 - 2. All new construction and substantial improvements of non-residential structures:

- a. Have the lowest floor (including basement) elevated one foot (1') or more above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified), or;
 - b. Together with attendant utility and sanitary facilities be designed so that below one foot (1') above 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 shall submit a certification to the Floodplain Administrator that the standards of this subsection are satisfied.
 4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.
- E. Floodways. Located within areas of special flood hazard established in Section 19.56.040 are areas designated as "floodways." Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
1. Encroachments, including fill, new construction, substantial improvements, placement of manufactured homes, and other developments, are prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 2. If subsection A of this section is satisfied, all new construction and substantial improvements and placement of manufactured homes shall comply with all applicable flood-hazard reduction provisions of Sections 19.56.100 through 19.56.180.
 3. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision through FEMA.

19.56.090 – Definitions.

The following definitions shall apply to terms use in this chapter. Unless specifically defined below, words or phrases used in this Chapter shall be interpreted to give them the meaning they have in common usage and to give this Chapter 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 which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX 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, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

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 are the lands in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V

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. {If Higher Standard Option elected refer to ARTICLE III, SECTION B.1 USE OF BEST AVAILABLE DATA}

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.

Critical Facility means a facility or building where even a slight chance of flooding is too great a threat. Typical critical facilities include hospitals, fire stations, police stations, schools, storage of critical records, assisted living and similar facilities.

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

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 means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

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 the 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.

FHBM means Flood Hazard Boundary Map.

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. 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 Chapter 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 Chapter.

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 Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

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—see *Regulatory Floodway*.

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.

Historic Structure means any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic reservation programs that have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior, or
 2. Directly by the Secretary of the Interior in states without approved programs.

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 nonelevation design requirements of this title.

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 connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

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. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision 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.

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.

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 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:

- A. A building with two or more outside rigid walls and a fully secured roof, which is affixed to a permanent site.
- B. 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
- C. 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:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and are the minimum necessary to assure safe living conditions; or
- B. 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.

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.

Chapter 19.58 GEOLOGICAL HAZARDS ORDINANCE

Sections:

19.58.010 Purpose of provisions.

The purpose of the geologic hazards ordinance is to promote the health, safety and general welfare of the citizens of Copperton, and minimize the potential adverse effects of geologic hazards to public health, safety and property by encouraging wise land use in geologically hazardous areas.

19.58.020 Definitions.

As used in this chapter, the following terms have the following meanings:

"Active fault" means a fault displaying evidence of greater than four inches of displacement along one or more of its traces during Holocene time (about 10,000 years ago to the present).

"Avalanche" means a large mass of snow, ice, and debris in swift motion down a slope; includes both wet and dry snow avalanches.

"Buildable area" means that portion of a site where an approved engineering geology and/or geotechnical report, as required, has indicated is not impacted by geologic hazards, or concluded that the identified hazards can be mitigated to a level where risk to human life and property are reduced to an acceptable and reasonable level, and where structures may be safely sited. Buildable areas must be clearly marked on the site plan and/or final approved plat, as appropriate.

"Critical facilities" means essential facilities, and lifelines such as major utility, transportation, and communication facilities and their connections to essential facilities.

"Debris flow" means a slurry of rock, soil, organic material, and water transported in an extremely fast and destructive flow that flows down channels and onto and across alluvial fans; includes a continuum of sedimentation events and processes including debris, flows, debris floods, mudflows, clearwater floods, and alluvial fan flooding.

"Development" includes all critical and essential facilities, subdivisions, single- and multi-family dwellings, commercial and industrial buildings, additions to existing buildings, storage facilities, pipelines and utility conveyances, and other land uses.

"Engineering geologist" means a geologist who, through education, training and experience, is able to conduct field investigations and interpret geologic conditions to assure that geologic factors affecting engineered works are recognized, adequately interpreted, and presented for use in engineering practice and for the protection of the public.

"Engineering geology" means the application of geological data, principles and interpretation so that geological factors affecting planning, design, construction, and maintenance of engineered works are properly recognized and adequately interpreted.

"Essential facility" means buildings and other structures that are intended to remain operational in the event of extreme environmental loading from snow or earthquakes, including all Category II and III structures as classified in Table 1604.5 of the Building Code.

"Fault" means a fracture in the earth's crust forming a boundary between rock or soil masses that have moved relative to each other (see "Active fault").

"Fault setback" means an area on either side of a fault within which construction of structures for human occupancy or critical facilities is not permitted.

"Fault scarp" means a steep slope or cliff formed by movement along a fault.

"Fault trace" means the intersection of a fault plane with the ground surface, often present as a fault scarp, or detected as a lineament on aerial photographs.

"Fault zone" means a corridor of variable width along one or more fault traces, within which deformation has occurred.

"Geologic hazard" means a surface fault rupture, liquefaction, landslide, debris flow, rockfall, avalanche, and/or other geologic processes that may present a risk to life and property.

"Geologic hazard maps" refers to the following maps showing Geologic Hazards Special Study Areas in then unincorporated Salt Lake County:

- A. "Surface Fault Rupture and Liquefaction Potential Special Study Areas" dated March 31, 1989 and revised March 1995;
- B. "Avalanche Special Study Areas" dated March 31, 1989;
- C. "Landslide, Debris Flow, and Rockfall Special Study Area Map" dated April 9, 2002.

"Geologic Hazard Special Study Area" means a potentially hazardous area as shown on the geological hazards maps, or in other areas defined under "Applicability" (Section 19.58.030), within which hazard investigations are generally required prior to development.

"Geotechnical Engineer" means a professional engineer licensed in the State of Utah whose education, training and experience, is in the field of geotechnical engineering.

"Geotechnical Engineering" means the investigation and engineering evaluation of earth materials including soil, rock and man-made materials and their interaction with earth retention systems, foundations, and other civil engineering works. The practice involves the fields of soil mechanics, rock mechanics, and earth sciences and requires knowledge of engineering laws, formulas, construction techniques, and performance evaluation of engineering.

"Governing body" means the Copperton Council.

"Landslide" means a general term for the downslope movement of a mass of soil, surficial deposits or bedrock, including a continuum of processes between landslides, earthflows, mudflows, debris flows and debris avalanches, and rockfall.

"Liquefaction" means a process by which certain water-saturated soils lose bearing strength because of earthquake-related ground shaking and subsequent increase of groundwater pore pressure.

"Non-Buildable Area" means that portion of a site which an engineering geology report has concluded may be impacted by geologic hazards that cannot be feasibly mitigated to a safe level, and where siting of structures is not permitted.

"Rockfall" means a rock, or mass of rock, newly detached from a cliff or other steep slope which moves downslope by falling, rolling, toppling, or bouncing; includes rockslides, rockfall avalanches, and talus.

"Setback" means an area within which construction of habitable structures or critical facilities is not permitted.

"Slope Stability" means the resistance of a natural or artificial slope or other inclined surface to failure by landsliding; usually assessed under both static and dynamic (earthquake induced) conditions.

"Structure designed for human occupancy" means any residential dwelling or other structure used or intended for supporting or sheltering any human occupancy.

19.58.030 Applicability.

These regulations are applicable to:

- A. All lands within Geological Hazard Special Study Areas in Copperton, as shown on the following geologic hazards maps on file with Planning and Development Services:
 1. "Surface Fault Rupture and Liquefaction Potential Special Study Areas" dated March 31, 1989 and revised March 1995;
 2. "Avalanche Special Study Areas" dated March 31, 1989; and
 3. "Landslide, Debris Flow, and Rockfall Special Study Areas" dated April 9, 2002.
- B. Because not all geologic hazards are identified on the above maps due to their scale, this ordinance also applies to areas within the Foothills and Canyons Overlay Zone, as indicated by a map of that title adopted on January 21, 1998 by Salt Lake County. Copperton hereby adopts that map, as amended; and
- C. Areas where slopes are in excess of thirty percent; and
- D. Areas where topography, geology, soil conditions, slope instability, slope angle or aspect, whether on-site or off-site, indicate a potential for geologic hazards.

Such maps and areas described above and all amendments thereto are made a part of this chapter as if fully described and detailed herein. Each change in the geologic hazards maps shall be subject to the amendment procedures set forth in Chapter **19.XX**.

19.58.040 Disputes.

- A. Disputes may arise when:
 1. There is a conflict between the boundary lines illustrated on the map and actual field conditions,
 2. Detailed investigations show that mapped hazards are not present within a particular area, or
 3. Field conditions indicate that unmapped hazards may exist that require study.

A. Disputes shall be settled as follows:

1. The person disputing the special study area boundary or the presence of mapped or unmapped hazard(s) within a particular area shall submit technical and geologic evidence to support their claim to the Municipal Geologist in the form of a site-specific geologic hazards report (see Section 19.58.060).
2. The Municipal Geologist may request the Utah Geological Survey, U.S. Forest Service, and/or other experts to review the evidence (third-party review) prior to making a decision concerning the dispute. The cost of the third-party review shall be paid by the person disputing the map.
3. The Municipal Geologist may allow deviations from the mapped boundary line only if evidence is provided by the applicant that, to the satisfaction of the Municipal Geologist, clearly and conclusively establishes that the Geologic Hazard Special Study Area boundary location is incorrect, or that the mapped hazards are not present within a particular area.
4. Any decision of the Municipal Geologist may be appealed to the land use hearing officer pursuant to the appeal procedures set forth in Chapter 19.20.

19.58.050 Studies and reports required.

Any applicant requesting development on a parcel of land within a Geologic Hazard Special Study Area, as required under Chart 19.58.050, or in other applicable areas as defined in Section 19.58.030, shall submit to the Planning and Development Services Division two copies of a site-specific geologic hazard study and report.

Chart 19.58.050: Special Study Area Report Requirements Based on Special Study Area Maps					
Is a Site-Specific Geological Hazards Report Required Prior to Approval?					
Land Use (Type of Facility)	Surface Fault Rupture	Liquefaction Potential		Landslide, Debris Flow & Rockfall	Avalanche
		HIGH and MODERATE	LOW and VERY LOW		
Critical and Essential Facilities as defined in Section 19.58.020	Yes	Yes	Yes	Yes	Yes
Industrial and Commercial Bldgs. (1 story and <5,000 sq. ft.)	Yes	No*	Yes	Yes	Yes
Industrial and Commercial Bldgs. (>5,000 sq. ft.)	Yes	Yes	Yes	Yes	Yes
Residential-Single Lots/Single Family Homes	Yes	No*	Yes	Yes	Yes
Residential Subdivisions (>9 Lots), and Residential Multi-Family Dwellings (4 or more units per acre)	Yes	Yes	Yes	Yes	Yes

Residential Subdivisions (<9 Lots), and Residential Multi-Family Dwellings (<4 units per acre)	Yes	No*	Yes	Yes	Yes
*Although a site-specific investigation is not required, the owner is required to file a disclosure notice prior to land use approval					

19.58.060 Geologic hazard and engineering geology reports.

This section describes requirements for site-specific geologic hazard studies and reports, where required according to Section 19.58.050, the Geologic Hazard maps and Chart 19.58.050:

A. An engineering geology report that includes a geologic hazards investigation and assessment shall be prepared by a qualified engineering geologist, except as provided in Sections 19.58.060 (C) and (F), below. A "qualified engineering geologist" requires 1) an undergraduate or graduate degree in geology, engineering geology, or a related field with a strong emphasis in geologic coursework, from an accredited university; 2) at least three full years of experience in a responsible position in the field of engineering geology; and 3) per State law, after January 1, 2003, geologists practicing before the public must be licensed in Utah. The report shall be site-specific and shall identify all known or suspected potential geologic hazards, originating on-site or off-site, whether previously mapped or unmapped, that may affect the particular property. All reports shall be signed and stamped by the preparer and include the qualifications of the preparer.

B. Fault rupture hazard reports shall contain all requirements as described in the document "Minimum Standards for Surface Fault Rupture Studies" published by Salt Lake County, and incorporated by reference as Appendix A of this ordinance. Fault study reports shall be prepared, signed, and stamped by a qualified engineering geologist as described in Appendix A.

C. Liquefaction analyses shall contain all requirements as stated in the document "Liquefaction: A Guide to Land Use Planning" published by Salt Lake County and incorporated by reference as Appendix B to this ordinance. Liquefaction analyses shall be prepared by a qualified professional geotechnical engineer licensed in the State of Utah, and shall include the professional engineer's original stamp and signature.

D. Debris flow hazard studies and reports shall include test pits or trench logs (scaled 1 inch to 5 feet), include estimates of the number and frequency of past events and their thicknesses, volume and maximum clast sizes; and include estimates of the recurrence, depth, and impact forces anticipated in future events. While debris flow hazard analyses may require contributions from hydrologists and engineers, the debris flow report shall be under the control of, and prepared by, a qualified engineering geologist, and shall include the geologist's qualifications to perform the study (such as their experience in performing similar studies).

E. Landslide reports shall be prepared in accordance with the Utah Geological Survey's "Guidelines for Evaluating Landslide Hazards in Utah" (Hylland, 1996). Landslide reports shall be prepared, signed, and stamped by a qualified engineering geologist, and include the qualifications of the preparer. Slope stability or other analyses included in these reports shall include both static and dynamic conditions, and

shall be prepared by a qualified professional geotechnical engineer licensed in the State of Utah, and shall include the professional engineer's original stamp and signature.

F. Snow avalanche hazard reports shall be prepared in accordance with the document "Snow-Avalanche Hazard Analysis for Land Use Planning and Engineering" (Colorado Geological Survey Bulletin 49) or other appropriate references. Avalanche hazard reports must be prepared by an experienced avalanche expert, and shall include the avalanche expert's qualifications to perform the study (such as their experience in performing similar studies).

G. Other geologic hazard or engineering geology reports shall be prepared in accordance with Utah Geological Survey Miscellaneous Publication M, "Guidelines for Preparing Engineering Geologic Reports in Utah." All reports shall be signed by the preparer and include the qualifications of the preparer. Generally, these reports must be prepared, signed, and stamped by a qualified engineering geologist licensed in the State of Utah. However, reports co-prepared by a professional engineer must include the professional engineer's original stamp and signature.

H. All reports shall include, at a minimum:

1. A 1:24,000-scale geologic map (with reference) showing the surface geology, bedrock geology (where exposed), bedding attitudes, faults or other structural features, and the locations of any geologic hazards;

2. A detailed site map of the subject area showing any site-specific mapping performed as part of the geologic investigation, and including boundaries and features related to any geologic hazards, topography, and drainage. The site map must show the location and boundaries of the hazard(s), delineation of any recommended setback distances from hazard(s), and recommended location(s) for structures. Buildable and non-buildable areas shall be clearly identified. Scale shall be one inch equals two hundred feet or smaller.

3. Trench logs and test pit logs (scale: 1 inch equals 5 feet, or smaller), boring logs (scale: 1 inch equals 5 feet, or smaller), aerial photographs, references with citations, and other supporting information, as applicable

4. Conclusions that summarize the characteristics of the geologic hazards, and that address the potential effects of the geologic conditions and geologic hazards on the proposed development and occupants thereof in terms of risk and potential damage.

5. Specific recommendations for additional or more detailed studies, as may be required to understand or quantify the hazard, evaluate whether mitigation measures are required, and evaluate mitigation options.

6. Specific recommendations for avoidance or mitigation of the effects of the hazard(s), consistent with the purposes set forth in Section 19.58.010. Design or performance criteria for engineered mitigation measures and all supporting calculations, analyses, modeling or other methods, and assumptions, shall be included in the report. Final design plans and specifications for engineered mitigation must be signed and stamped by a qualified professional geotechnical or structural engineer, as appropriate.

7. Evidence on which recommendations and conclusions are based shall be clearly stated in the report.

I. Additional or more detailed studies may be required, as recommended by the report or as determined by the Municipal Geologist, to understand or quantify the hazard, or to evaluate whether mitigation measures recommended in the report are adequate.

19.58.070 Review of reports—Approval procedure.

A. In order to fulfill the purposes of this chapter, the Planning and Development Services Division or the Planning Commission, as appropriate under Copperton's Development Standards, shall review any proposed land use which requires preparation of a geologic hazard report under this chapter to determine the possible risks to the safety of persons or property from geologic hazards.

B. Prior to consideration of any such development by the Planning and Development Services Division and the Planning Commission, the geologic hazard report shall be submitted to the Municipal Geologist for review and recommendation. The Municipal Geologist may request the Utah Geological Survey, the U.S. Forest Service, and/or other experts to review the report (third-party review) and provide additional recommendations. Any cost Copperton must pay for such third-party reviews shall be paid by the applicant prior to Planning Commission or Planning and Development Services Division action. The Municipal Geologist shall file a copy of the geologic hazard report in the Municipal Geologist's Geologic Hazards Library, and another copy in the Planning and Development Services project file. A copy may also be forwarded to the Utah Geological Survey.

C. The Municipal Geologist and other retained experts in their review of the report, and the Planning Commission or Planning and Development Services Director in their consideration of the development, shall determine whether the development complies with all of the following standards:

1. A suitable geologic hazard report has been prepared by a qualified professional as defined in Section 19.58.060.

2. The proposed land use does not present an unreasonable risk to the safety of persons or property (including buildings, storm drains, public streets, utilities or critical facilities, whether off-site or on-site), or to the aesthetics and natural functions of the landscape (e.g. slopes, streams or other waterways, drainage, wildlife habitat, etc., whether off-site or on-site) because of the presence of geologic hazards or because of modifications to the site due to the proposed land use;

3. At the Planning Commission's discretion, with advice from the Municipal Geologist, the proposed land use may be approved if the applicant submits substantial evidence in the geologic hazard report that, using best available practices, the identified hazards can be mitigated to a level where the risk of human life and damage to property are reduced to an acceptable and reasonable level in a manner which has a minimum effect on the natural environment. Mitigation measures should consider, in their design, the intended aesthetic functions of other governing ordinances such as the Foothills and Canyons Overlay Zone (Ch. 19.72).

D. Any area determined to contain geologic hazards to life or property shall not be approved for development unless the applicant demonstrates that the identified hazards or limitations can be overcome in such a manner as to minimize hazard to life or property. The applicant must include, with

the geologic hazards report, an acceptable mitigation plan that defines how the identified hazards or limitations will be overcome in such a manner as to minimize hazard to life or property, as described in Section 19.58.070C(1), above, and without impacting or affecting off-site areas.

E. The Municipal Geologist may set other requirements as are necessary to overcome any geologic hazards and to ensure that the purposes of this chapter are met. These requirements may include, but are not limited to:

1. Additional or more detailed studies to understand or quantify the hazard or determine whether mitigation measures recommended in the report are adequate;
2. Specific mitigation requirements; establishment of buildable and/or non-buildable areas; limitations on slope grading; and/or revegetation;
3. Installation of monitoring equipment and seasonal monitoring of surface and subsurface geologic conditions, including groundwater levels;
4. Other requirements such as time schedules for completion of the mitigation, phasing of development, etc.

F. The Planning Commission or Planning and Development Services Director may set requirements necessary to reduce the risks from geologic hazards as a condition to the approval of any development which requires a geologic hazards report.

19.58.080 Requirements in geologic hazard areas.

19.58.081 Active fault considerations.

A. No critical facility (excluding transportation lines or utilities, which by their nature may cross active faults) or structures designed for human occupancy shall be built astride an active fault. A fault study must be prepared as defined in Sections 19.58.030 and 19.58.060, and Appendix A, prior to final approval of the land use or building permits. If a fault is discovered in the excavation for such a structure, whether located within a Special Study Area or not, a special study, as described in Section 19.58.060 must be performed to determine if the fault is active. If the fault is determined to be active, the procedures set forth in Section 19.58.070 shall be followed. The fault study report shall establish a fault setback on either side of the fault following the requirements in Appendix A, within which no critical facilities or structures for human occupancy shall be placed.

B. No structure designed for human occupancy shall be built on a fault scarp. Footing setbacks from a fault scarp shall meet the requirements in Appendix A or the requirements of the Building Code, whichever is more stringent. The Planning and Development Services Director may increase footing setback requirements where information from a geotechnical report indicates slope conditions warrant a greater setback distance.

19.58.082 Liquefaction considerations.

A. Liquefaction analyses shall be performed for all critical facilities regardless of the mapped special study area designation for the site.

B. For all structures for which a liquefaction analysis indicates that ground settlement may be anticipated, the project structural engineer shall provide documentation to the Municipal Geologist that the building will be designed to accommodate the predicted ground settlements, in such a manner as to be protective of life safety during the design event.

19.58.083 Avalanche considerations.

A. Development of structures for human occupancy is not permitted within an avalanche special study area, or in other areas where avalanche hazards may exist, unless a detailed avalanche hazard analysis is performed, as described in Section 19.58.060, by a qualified avalanche expert.

B. If the avalanche analysis indicates that the site may be impacted by avalanches, the report shall delineate the following areas:

1. A "red zone" of high avalanche potential [return period of twenty-five years or less, and/or impact pressures over six hundred pounds per square foot (psf)] within which critical facilities or structures for human occupancy are not permitted;

2. A "blue zone" (return period between twenty-five and three hundred years, and impact pressures less than six hundred psf) within which critical facilities or structures for human occupancy shall only be permitted when at least one of the following requirements has been met:

a. The structure is designed to incorporate direct protection measures that address the estimated impact forces (flowing snow/debris and powder blast loading). The estimated impact forces shall be calculated by the avalanche expert. The structure shall be designed by, and the plans stamped by, a qualified structural engineer licensed in the State of Utah; or

b. Appropriate engineering controls (i.e. deflection structures, snow retention nets, dams, etc.) are designed and installed to mitigate the avalanche hazard. Design or performance criteria for engineered mitigation measures (including estimated impact forces, flow heights, location and dimensions of the mitigation structures) and all supporting modeling or other analyses, calculations, and assumptions, shall be calculated by the avalanche expert and included in the report. Final design plans and specifications for engineered mitigation must be signed and stamped by a qualified professional geotechnical or structural engineer, as appropriate, licensed in the State of Utah.

19.58.090 Disclosure.

19.58.091 Disclosure when a geologic hazards report is required.

Whenever a geologic hazards report is required under this chapter, the owner of the parcel shall record a restrictive covenant running with the land in a form satisfactory to Copperton prior to the approval of any development or subdivision of such parcel. Disclosure will include signing a Disclosure and Acknowledgment Form provided by the municipality, which will include the following:

A. Notice that the parcel is located within a Geologic Hazard Special Study Area as shown on the geologic hazard map or otherwise defined in Section 19.58.030;

B. Notice that a geologic hazards report was prepared and is available for public inspection in the Municipal Geologist's Geologic Hazards Library;

C. Where geologic hazards and related setbacks are delineated in subdivisions and PUDs, the owner shall also place additional notification on the plat stating the above information, prior to final approval of the plat.

19.58.092 Disclosure when a geologic hazards report is not required.

Whenever a parcel to be developed is located within a Geologic Hazard Special Study Area but a geologic hazards report is not required under this chapter (such as but not limited to, a single-family home located in a moderate liquefaction potential area), notice that the parcel is located within such area(s) shall be recorded by the land owner by signing a Disclosure and Acknowledgment Form provided by the municipality, prior to the approval of any such development.

19.58.100 Warning and disclaimer.

The geologic hazards ordinance codified in this chapter and geologic hazard maps represent only those hazardous areas known to Copperton, and should not be construed to include all possible potential hazard areas. The geologic hazards ordinance and the geologic hazard maps may be amended as new information becomes available pursuant to procedures set forth in Chapter 19.90. The provisions of this chapter do not in any way assure or imply that areas outside its boundaries will be free from the possible adverse effects of geologic hazards. This chapter shall not create liability on the part of the municipality, any officer or employee thereof for any damages from geologic hazards that result from reliance on this chapter or any administrative requirement or decision lawfully made thereunder.

19.58.110 Change of use.

No change in use which results in the conversion of a building or structure from one not used for human occupancy to one that is so used shall be permitted unless the building or structure complies with the provisions of this chapter.

19.58.120 Conflicting regulations.

In cases of conflict between the provisions of existing zoning classifications, building code, subdivision ordinance, or any other ordinance of Copperton and the geologic hazards ordinance codified in this chapter, the most restrictive provision shall apply.

Chapter 19.64: Copperton Annexation Ordinance

19.64.010 – Purpose.

- A. The purpose of this Chapter is to establish a process for the receipt and consideration of annexation petitions or of annexations initiated by the Copperton. These sections are intended to:
 - 1. Provide for the expansion of Copperton at such time as the property owner and municipality determine expansion has become desirable and feasible;
 - 2. Aid the Council in its deliberations concerning the acceptance or rejection of any proposed annexation;
 - 3. Assure that Copperton has adequate time to prepare for any budgetary and operational impacts of annexation;
 - 4. Minimize disruptions to Copperton’s operations caused by the processing and evaluation of a proposed annexation and any adverse impact on the municipality arising from any approved annexation;
 - 5. Protect the general interests and character of the community;
 - 6. Maintain consistency with the Copperton General Plan, the *Copperton Annexation Policy Plan*, and Utah State Code.

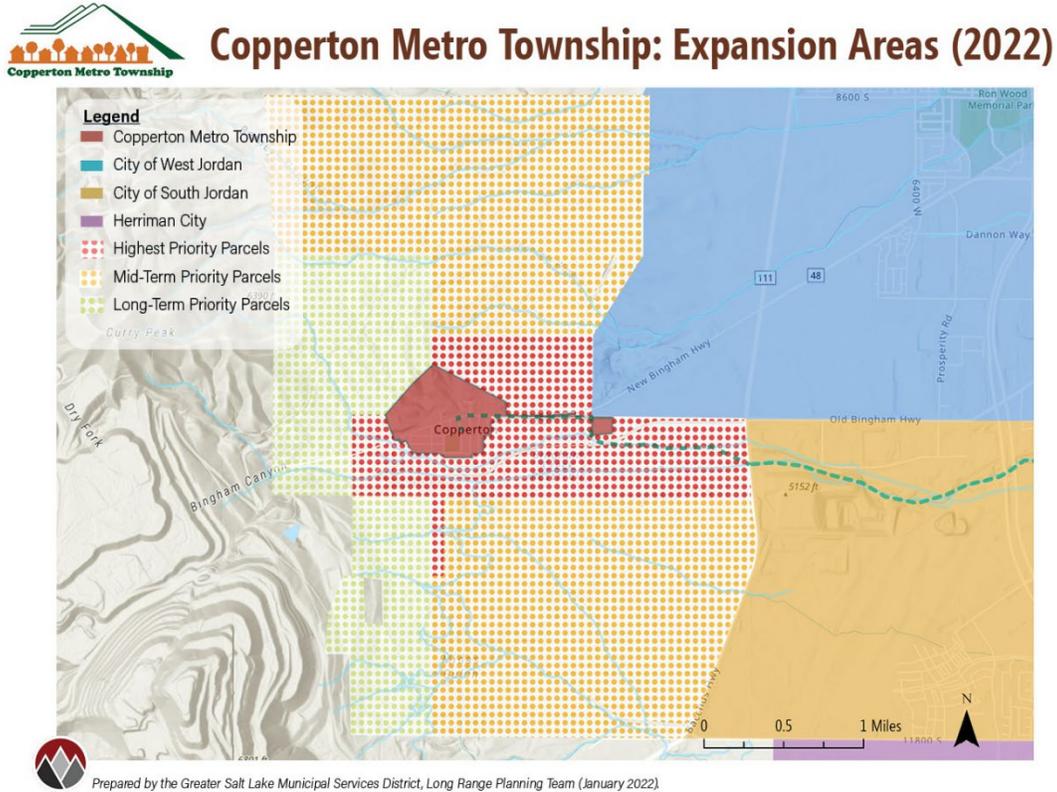
19.64.020 - General Provisions.

- A. As practical and feasible, boundaries of an area proposed for annexation shall be drawn:
 - 1. Within Copperton’s Expansion Area as identified in the Annexation Policy Plan and Section 19.64.030;
 - 2. Along the boundaries of existing special districts, service districts, school districts, and other taxing entities;
 - 3. In such manner as to eliminate islands and peninsulas of territory that are not receiving municipal services, provided that the Copperton Metro Township Council (“Council”) may authorize the annexation of a peninsula in the “Highest Priority” category if it determines that the annexation is in the best interests of Copperton and its residents and is not detrimental to the public welfare;
 - 4. To facilitate the consolidation of overlapping functions of local government;
 - 5. To promote the efficient delivery of services; and
 - 6. To encourage the equitable distribution of community resources and obligations.
- B. All petitions for annexation or annexations initiated by Copperton shall comply with Copperton’s Annexation Policies established in this Chapter.

19.64.030 - Copperton’s Expansion Areas (Annexation Declaration Area Map).

The Annexation Declaration Area Map is included as Figure 19.64.030. The map may be altered to change the proposed expansion areas of Copperton upon action by the Council following recommendation by the Planning Commission.

Figure 19.64.030: Copperton’s Expansion Areas.



Credit: MSD Long Range Planning, 2022.

19.64.040 - Copperton’s Annexation Policies.

- A. The following standards, adopted through the *Copperton Annexation Policy Plan*, shall guide the municipality’s consideration of an annexation petition or annexation initiated by Copperton.
1. Policy 1.1: Where feasible and consistent with Copperton’s goals, the annexation avoids gaps between or overlaps with the expansion areas of other municipalities.
 2. Policy 1.2: The annexation eliminates islands and peninsulas of unincorporated territory that are not receiving municipal services, provided that the Council may authorize the annexation of a peninsula in the “Highest Priority” category if it determines that the annexation is in the best interests of Copperton and its residents and is not detrimental to the public welfare.
 3. Policy 1.3: The annexation facilitates the consolidation of overlapping functions of local government.
 4. Policy 1.4: The annexation promotes the efficient delivery of services.
 5. Policy 1.5: The annexation encourages the equitable distribution of community resources and obligations.
 6. Policy 1.6: Where it is in the public interest to preserve lands from development, annexations may be used to retain those lands in a natural state if the annexation is consistent with Copperton’s General Plan.

7. Policy 2.1: The annexation shall be contiguous with Copperton and new municipal boundaries should conform, wherever possible, with natural topographic features, such as ridge lines, streams, and creeks. Care should be taken not to create topographically isolated areas or areas which would be difficult or costly to service.
8. Policy 2.2: Annexation petitioners will be required to adhere to the municipality's subdivision regulations, zoning ordinances and construction standards. All streets should be consistent with the Copperton General Plan and with applicable zoning and allowed uses.
9. Policy 2.3: The annexation area should be of substantial width to promote access to the annexed area by a public street entirely within the municipality; narrow strips should not be annexed for the sake of 'creating adjacency' to a larger area not contiguous to Copperton's boundaries.
10. Policy 2.4: Before approving an annexation, Copperton must determine that the annexation will not negatively impact Copperton by considering possible impacts to community facilities, traffic, fire protection (particularly in wildfire/wildland interface areas), stormwater systems, usable open space and recreation areas, protection of sensitive lands, conservation of natural resources, protection of view corridors, protection and preservation of historic resources, affordable housing, the balance of housing types and ownership, the capacity of water and sewer systems, and any other factors that have the potential to adversely impact Copperton and its community character.
11. Policy 2.5: Upon annexation, the annexation area shall be zoned in such way that is compatible with surrounding Copperton uses and that promotes the future land uses identified in the Annexation Policy Plan.
12. Policy 3.1: Subject to the criteria in Section 5, Copperton may consider and approve in its sole discretion an annexation because the area subject to the proposed annexation lacks municipal services that Copperton can provide.
13. Policy 4.1: In addition to services provided by existing districts, such as public schools, water, sewer, fire protection, law enforcement, waste removal, and animal services, Copperton must determine that it can provide the following municipal services to the annexed area in a manner consistent with those normally provided within its incorporated boundaries:
 - a. Snow removal on public streets, subject to standard Copperton snow removal policies;
 - b. Maintenance of public streets, provided that such streets have been constructed or reconstructed to Copperton street standards or are otherwise acceptable to the municipal engineer and Council;
 - c. Stormwater services;
 - d. Planning, zoning, and municipal code enforcement; and
 - e. Access to municipal sponsored parks and recreational activities and cultural events and facilities.
14. Policy 4.2: Copperton must determine that it can economically provide services to the annexed area and that such provision will not burden the existing municipal service system beyond its capacity.

15. Policy 4.3: The annexation will allow for the orderly extension of utilities by providing easements, rights-of-way or street dedications, and any other such actions needed for Copperton to provide municipal services to the annexation area.
16. Policy 4.4: The annexation will bring with it water rights and facilities required by the users or any intended development. An annexation shall not be approved which materially detracts from the supply of the Copperton Improvement District.
17. Policy 5.1: Developments in a proposed annexation will provide all necessary stormwater and other extensions needed to connect to utilities at the developers' sole cost and expense.
18. Policy 5.2: Copperton will provide stormwater and other required municipal services to developments in a proposed annexation with reimbursement through user fees or impact fees, as applicable.
19. Policy 6.1: The petitioner of an annexation will recognize a tax increment increase, if any.
20. Policy 6.2: The property certified tax rate for existing parcels within Copperton's existing municipal boundaries will not be increased to provide for the annexation of any area.
21. Policy 7.1: The annexation does not extend beyond the limits of the adopted annexation policy.
22. Policy 7.2: Other services needed for the annexation, e.g., natural gas, electrical power, internet, and communications, are available or reasonably available for the proposed annexation.
23. Policy 7.3: The petitioners of annexation have entered into agreement(s) with affected entities, as applicable, for the provision of required infrastructure and services.
24. Policy 7.4: The annexation does not create boundary alignment issues with any public or charter schools, or affected entities, unless interlocal agreements have been created to address the alignment issues.

19.64.050 - Property Owner Initiation of Annexation.

- A. The Property Owner(s) Shall Submit a Petition for Annexation to Copperton. The petition shall meet all criteria as established in this Chapter and shall be submitted in such form as established by Copperton and in compliance with State Code. Each petition shall:
 1. Be preceded by the required notice of intent to file a petition to Salt Lake County;
 2. Be filed with the Clerk of Copperton;
 3. Contain the signatures of, if all the real property within the area proposed for annexation is owned by a public entity other than the federal government, the owners of all the publicly owned real property, or the owners of private real property that:
 - a. Is located within the area proposed for annexation;
 - b. Subject to Subsection (A)(3)(d), covers a majority of the private land area within area proposed for annexation;
 - c. Covers 100% of rural real property within the area proposed for annexation; and
 - d. Covers 100% of the private land area within the area proposed for annexation, if the area is within an agriculture protection area created under Utah State Code Title 17, Chapter 41, Agriculture, Industrial, or Critical Infrastructure Materials Protection Areas, or a migratory

bird production area created under Utah State Code Title 23, Chapter 28, Migratory Bird Production Area; and

- e. Is equal in value to at least 1/3 of the value of all private real property within the area proposed for annexation.
- B. Annexation petitions filed with the Copperton Clerk shall:
1. Be accompanied by an accurate and recordable map that is prepared and signed by a licensed surveyor;
 2. Contain a copy of the notice sent to affected entities and a list of the affected entities to which notice was sent, as required by Utah State Code §10-2-403(2);
 3. Contain on each signature page a notice in bold and conspicuous terms that states substantially the following:
 - a. "Notice: There will be no public election on the annexation proposed by this petition because Utah law does not provide for an annexation to be approved by voters at a public election. If you sign this petition and later decide that you do not support the petition, you may withdraw your signature by submitting a signed, written withdrawal with the Copperton Clerk ("Clerk"). If you choose to withdraw your signature, you shall do so no later than 30 days after Copperton receives notice that the petition has been certified."
 4. Designate up to five (5) of the signers of the petition as sponsors, one of whom shall be designated as the contact sponsor and indicate the mailing address of each sponsor.
 5. On the date of filing with Copperton, the petition's sponsors shall also deliver or mail a copy of the annexation petition to the clerk of Salt Lake County.
 - a. If the petition proposes a cross-county annexation, as defined in Utah State Code §10-2-402.5, be accompanied by a copy of the resolution described in State Code §10-2-402.5(4)(a)(iii)(A).
- C. A petition under this Section shall not propose the annexation of all or part of an area proposed for annexation to Copperton in a previously filed petition that has not been denied, rejected, or granted.

19.64.060 - Procedure for Processing Annexation Petitions and Plats.

- A. The Copperton Clerk, upon receiving a petition for annexation, shall submit the petition to the Council. The Council shall accept the petition for further consideration or reject the petition within fourteen (14) days.
- B. If the petition is rejected by the Council, notification shall be sent to the County Clerk and to the sponsors of the petition within five (5) days of the denial.
- C. If accepted by the Council, the petition shall be reviewed by the Copperton Clerk and municipal attorney for completeness and compliance with applicable law, including the *Copperton Annexation Policy Plan*. Review and certification shall be completed within thirty (30) days of acceptance. If the petition complies, the Copperton Clerk shall certify the petition and provide written notice of same to the Council, petition sponsor(s), and County Council.
- D. If the Copperton Clerk rejects a petition, the petition may be modified to correct the deficiencies for which it was rejected and then refiled with the Copperton Clerk.
 1. A petition refiled under this subsection after having been rejected by the Copperton Clerk shall be treated as a newly filed petition.

- E. Within ten (10) days of the Council receiving notice of certification, notification of the proposed annexation shall be:
 - 1. Mailed to each residence and owner of real property located within the area proposed for annexation and the unincorporated area within ½ mile of the area proposed for annexation.
 - 2. Posted in at least one physical location within the area proposed for annexation.
 - 3. Posted on the Utah Public Notice Website for at least three (3) weeks.
 - 4. Posted on the municipal website for at least three (3) weeks.
- F. Within twenty (20) days of the Council receiving notice of certification, written notification of the proposed annexation shall be mailed to each affected entity.
- G. Upon certification by the Copperton Clerk, the petition may be submitted to the Copperton Metro Township Planning Commission (“Planning Commission”) for analysis and review according to the *Copperton Annexation Policy Plan* and for recommendations with respect to the appropriate zoning of the applicable property upon annexation.
- H. Protests to the proposed annexation shall:
 - 1. Be filed with the Salt Lake County Boundary Commission (“Boundary Commission”) no later than thirty (30) days after the Council receives notice of certification from the Copperton Clerk.
 - a. On the same date, the party filing a protest shall deliver or mail a copy of the protest to the Copperton Clerk.
 - 2. Be filed by:
 - a. The legislative body or governing board of an affected entity;
 - b. An owner of private real property that:
 - i. Is located in the unincorporated area within ½ mile of the area proposed for annexation;
 - ii. Covers at least 25% of the private land area located in the unincorporated area within ½ mile of the area proposed for annexation; and
 - iii. Is equal in value to at least 15% of all real property located in the unincorporated area within ½ mile of the area proposed for annexation.
 - c. An owner of private real property located in a mining protection area.
 - 3. State each reason for the protest of the annexation petition.
 - 4. Contain other information that the Salt Lake County Boundary Commission by rule requires or that the party filing the protest considers pertinent.
 - 5. Contain the name and address of a contact person who is to receive notices sent by the Boundary Commission with respect to the protest proceedings.
- I. If protests are filed, the Council may deny the annexation at its next regularly-scheduled meeting (after expiration of the deadline to receive protests), or it may await the decision by the Boundary Commission.
 - 1. If the Council denies the annexation petition, applicable notice shall be sent within five (5) days after the denial, as outlined in Utah State Code §10-2-407(5).

- J. If no protests are filed and following the Council's receipt of the Planning Commission's recommendations on zoning for the proposed annexation, the Council may approve the annexation at a public hearing held after providing required notice as stated in Utah State Code §10-2-407(7).
- K. The Council may deny or grant annexation after receiving the decision of the Boundary Commission approving the annexation. In the event of denial of the annexation by the Boundary Commission, the Council shall deny the annexation.
- L. In all cases, the Council shall evaluate the annexation against the policies and criteria established in the *Copperton Annexation Policy Plan*, as referenced in Section 19.64.030, and shall not approve an annexation that conflicts with the standards of this Chapter.

19.64.070 - Initiation of Annexation by Copperton.

- A. Copperton may annex an unincorporated area without an annexation petition if:
 - 1. For an unincorporated area within the expansion area of more than one municipality, each municipality agrees to the annexation; and
 - a. If the area to be annexed consists of one or more unincorporated islands within or peninsulas contiguous to the municipality:
 - i. The majority of each island or peninsula consists of residential or commercial development;
 - ii. The area proposed for annexation requires the delivery of municipal-type services; and
 - iii. The municipality has provided most or all of the municipal-type services to the area for more than one year.
 - b. Or, the area to be annexed consists of one or more unincorporated islands within or peninsulas contiguous to the municipality, each of which having less than 800 residents, and the municipality has provided one or more municipal-type services to the area for at least one year.
- B. Copperton may annex a portion of an unincorporated island or peninsula under Subsection A, leaving the remainder of the island or peninsula unincorporated if:
 - 1. The Council determines that not annexing the entire unincorporated island or peninsula is in Copperton's best interests; and
 - 2. The entire island of unincorporated area, of which a portion is being annexed, complies with the requirements of Subsection A relating to the number of residents.
- C. Annexation under this Section is subject to Salt Lake County's agreement to an annexation, if the majority of private property owners (as defined in Utah State Code §10-2-418(4)) within the area to be annexed give written consent to the annexation.
- D. Prior to an annexation taking place, the Council shall:
 - 1. Adopt a resolution indicating the Council's intent to annex the area, describing the area proposed to be annexed; and

2. Hold a public hearing (in compliance with Utah State Code §10-2-418) on the proposed annexation no sooner than thirty (30) days after the adoption of the resolution.
- E. Upon conclusion of the public hearing, the Council may adopt an ordinance approving the annexation unless written protests to the annexation have been filed accordingly with the Copperton Clerk.
 - F. Notwithstanding Subsection E, the Council may adopt an ordinance approving the annexation without allowing or considering protests:
 1. If the owners of at least 75% of the total private land area within the area proposed for annexation, representing at least 75% of the value of private real property within the area, have consented in writing to the annexation; or
 2. If the County Council recommends annexation into the municipality without allowing or considering protests under a formal finding by the County Council that:
 - a. The area to be annexed can be more efficiently served by Copperton than by the County;
 - b. The area to be annexed is not likely to be naturally annexed by Copperton in the future as the result of urban development;
 - c. Annexation of the area is likely to facilitate the consolidation of overlapping functions of local government; and
 - d. Annexation of the area is likely to result in an equitable distribution of community resources and obligations.
 - G. Except as provided in Subsection F, if legally valid protests are timely filed, the Council may not adopt an ordinance approving the annexation of the area and the annexation proceedings shall be considered terminated.
 - H. Subsection G does not prohibit the Council from excluding from a proposed annexation the property within an unincorporated island for which protests have been filed and proceeding under the standards of this Section to annex some or all the remaining portion of the unincorporated island.
 - I. Copperton shall not initiate an annexation that fails to comply with the policies established in this Chapter.
 - J. Before approving the annexation, the Council shall seek recommendations from the Planning Commission regarding the zoning to be applied to the annexed land.

TITLE 18 - SUBDIVISIONS

Chapter 18.02 Title, Purpose and Applicability

Sections:

18.02.010 - Title.

This Title shall be known as "The Subdivision Ordinance of Copperton" and may be so cited and pleaded. This title shall also be known as Title 18, the (municipal) Township Subdivision Ordinance.

18.02.020 - Purpose.

This ordinance is intended to promote the health, safety, morals, order, prosperity and welfare of the inhabitants of Copperton which includes:

- A. To facilitate the orderly development of Copperton;
- B. To secure efficiency in governmental expenditures;
- C. To implement Copperton's transportation plan;
- D. To facilitate the development of a safe and efficient street system;
- E. To facilitate the orderly transfer of the ownership of building sites in a manner consistent with state law;
- F. To ensure adequate water, sewer, drainage, utilities, and other services to developing areas of Copperton; and
- G. To establish the rights, duties, and responsibilities of subdividers with respect to the development of subdivisions within Copperton.

18.02.030 - Applicability.

All land within the jurisdictional limits of Copperton is subject to the provisions of this Title.

18.02.040 - Severability

If any provision of this Title is adjudged by any court of competent jurisdiction to be invalid, that judgment does not affect, impair, invalidate or nullify the remaining provisions of this Title. The effect of the judgment is confined to the provision immediately involved in the controversy in which the judgment or decree was rendered.

TITLE 18 - SUBDIVISIONS

Chapter 18.04 Subdivision Plans and Plats Required

Sections:

18.04.010 - Subdivision Plats Required.

No person shall subdivide, as defined by Chapter 19.04 of this Ordinance, any tract of land within the jurisdictional limits of Copperton; nor shall any person sell, exchange, purchase or otherwise convey a parcel of land which is part of a larger tract, if such sale or agreement would have the effect of creating a "subdivision" as defined by this Ordinance, unless and until a final plat, prepared in accordance with the provisions of this title, shall have been reviewed and approved by the appropriate decision making body consistent with this title and recorded in the office of the county recorder.

18.04.020 – Exemption from Plat Requirements.

- A. Agricultural lot splits that comply with the following standards are exempt from plat requirements:
1. The property qualifies as land in agricultural use under section 59-2-502 of the Utah code; and
 2. Each lot will comply with the minimum lot size requirement of the applicable zone in which the property is located; and
 3. The property does not contain any existing residential units and will not be used for nonagricultural purposes; and
 4. The boundaries of each lot or parcel shall be graphically illustrated on a record of survey map that is presented to the city. Upon approval by the Director or Designee the record of survey map shall be recorded with the Salt Lake County recorder.
- B. Parcel boundary adjustments are exempt from plat requirements. A "parcel boundary adjustment" means a recorded agreement between owners of adjoining properties adjusting their mutual boundary if:
1. No additional parcel is created; and
 2. Each property identified in the agreement is unsubdivided land, including a remainder of subdivided land.

18.04.030 – Lots Created by Metes and Bounds Description.

- A. In order to ensure the accurate location of property lines and the location of future construction and land uses within those property lines; and in order to ensure the orderly dedication of rights of way for public thoroughfares; and in order to facilitate the orderly transfer of ownership of buildable lots, no property created by a "metes and bounds" description and recorded with the Salt Lake County Recorder shall be considered eligible for the issuance of a building permit unless:
1. The property is recognized as a legal lot of record by the Director or Designee, meets all current zoning standards, and a plat describing such parcel of land is approved by the community development director or his or her designee and recorded with the Salt Lake County Recorder;
or

TITLE 18 - SUBDIVISIONS

2. The property has been recognized by the Director or Designee as a legal nonconforming lot of record, a plat describing such parcel of land is approved by the Director or Designee and the plat is recorded with the Salt Lake County Recorder.
- B. A plat authorized by this section shall be prepared in accordance with Final Plat requirements of this Title. The improvements required by this Title 14 and 18 of this ordinance shall be installed at the landowner's expense.
- C. If a property qualifies as a legal lot of record or a legal nonconforming lot of record and is already developed with a dwelling unit, no plat shall be required. However, a street dedication may still be required.

18.04.040 – Development Agreements.

- A. The developer/property owner and Copperton may choose to enter into a development agreement that outlines the duties, responsibilities, obligations, commitments and promises of the developer/property owner and the commitments of Copperton.
- B. A development agreement does not exempt a developer/property owner from complying with this Subdivision Ordinance or any part of the Development Code unless such an exemption is clearly contained within the executed development agreement.
- C. The development agreement shall be recorded by Copperton at the Salt Lake County Recorder's office. Recordation by Copperton shall only take place after all of the necessary signatures are obtained, all approvals given, and all bonds and fees posted. The development agreement must be recorded prior to the recording of the final plat.

TITLE 18 - SUBDIVISIONS

Chapter 18.06 - General Regulations

Sections:

18.06.010 Time Limits.

Subdivision applications are subject to expiration according to the following schedule unless, for good cause shown, the applicant is granted an extension of time by the Director:

- A. A subdivision application expires if the applicant has not filed all of the required documents for preliminary plat approval within six (6) months of the submission of a complete application.
- B. A preliminary plat approval expires if a complete final plat application is not submitted to Planning and Development Services within one (1) year of the preliminary plat approval.
- C. A preliminary subdivision with an approved phasing plan is granted an automatic preliminary subdivision extension of one (1) year each time a complete final plat application for one or more phases is submitted.
- D. A subdivision application expires if the final plat has not been recorded within six (6) months of the date of the mayor's signature on the plat.
- E. Failure to pursue an application, as evidenced by failure to file a complete application, the lack of timely resubmittals to Development Review Committee comments and corrections, or failure to communicate delays in a timely manner, results in the expiration of the application after six (6) months.

18.06.020 Exceptions—Permitted When.

- A. In cases where unusual topographic, aesthetic or other exceptional conditions exist or the welfare, best interests and safety of the general public will be usefully served or protected, variations and exceptions of this Title may be made by the municipal council after the recommendation of the planning commission, provided, that such variations and exceptions may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Title.
- B. Any variation or exception recommended by the planning commission must be based on a recommendation by the municipal engineer as to whether:
 - 1. Strict adherence to this ordinance is not in keeping with sound engineering practice;
 - 2. The variation or exception that is the minimal variation or exception to this ordinance to keep with sound engineering practice; and
 - 3. The variation or exception is associated with a specific hardship at a specific location and not a generally applicable condition.

18.06.030 Appeals.

The applicant or any person adversely affected by a final decision on a subdivision shall have the right to appeal the decision to the land use hearing officer by filing a letter to the land use hearing officer stating

TITLE 18 - SUBDIVISIONS

the reasons for appeal within ten days after the decision. The land use hearing officer shall review the record and the decision to determine whether the decision was arbitrary, capricious, or illegal. After hearing the appeal, the land use hearing officer may affirm, reverse, alter or remand the decision for further consideration.

18.06.140 – Definitions.

All terms pertaining to the development or division of land as defined in Chapter 19.04 of the municipal zoning ordinance shall also be applicable to this Title.

TITLE 18 - SUBDIVISIONS

Chapter 18.08 – Procedure for Approval of a Subdivision

Sections:

18.08.010 Approval Authority.

- A. The Director shall be the land use authority for all preliminary plat approvals of five (5) or fewer lots that does not include:
 - 1. The creation of a new public or private street or road, and/or
 - 2. A request to amend or waive certain public improvement requirements in **Chapter 18.12.**
- B. The planning commission shall be the land use authority for subdivisions that do not require legislative action.
- C. The municipal council may approve a legislative action and a subdivision plat simultaneously if a recommendation for both the legislative action and the subdivision plat have been made by the planning commission.

18.08.020 Review Procedures – Director to Administer.

In order to assure that each subdivision fully complies with the provisions of this Title, the Director or Designee shall administer formal application and review procedures for subdivisions. An application shall not be deemed complete until the full application, fees and all required materials have been submitted. The payment of a partial fee and submission of conceptual plans for a pre-submittal review does not constitute a complete application.

18.08.030 – Development Review Committee.

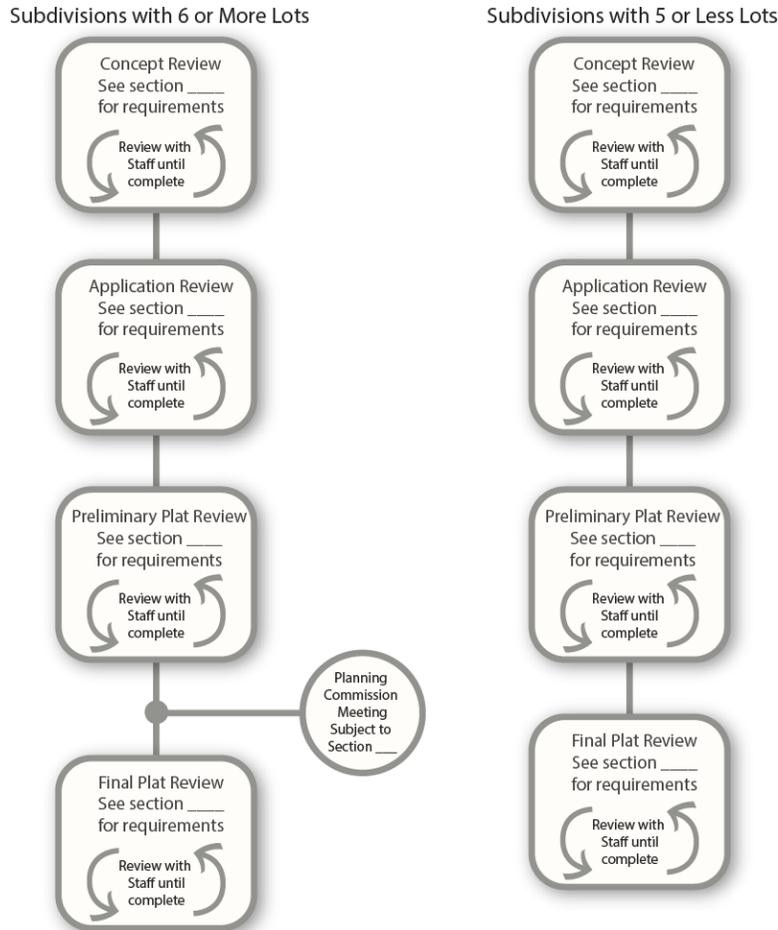
The development review committee (DRC) is the Planning and Development Services Staff, in consultation with agencies with statutory review and approval authority for engineering, health, fire, and surveying reviews and services. Comments from other affected entities, service providers or other reviewing agencies may also be solicited as needed. The development review committee is an extension of the Director and serves the Director's Designee with the following responsibilities:

- A. Establish subdivision application forms, checklists and standard operating procedures;
- B. Review development applications including concept plans, subdivisions, commercial site plans and project plans;
- C. Provide recommendations to the planning commission and/or municipal council regarding development applications that require their approval;
- D. Review subdivision final plats and construction drawings, and to approve, approve with conditions or deny final plats and construction drawings; and
- E. Hold preconstruction meetings for approved subdivision plats and other applicable development projects.

18.08.040 Procedure Generally.

TITLE 18 - SUBDIVISIONS

The applicant shall prepare and submit a land use application, including fees, in accordance with this Title and Planning and Development Services Division policy. The applicant may submit a concept plan. While the concept plan is optional except under the circumstances provided herein, a preliminary and a final plat are required.



18.08.050 - Concept Plan.

- A. Except as otherwise stated in this Title, a Concept Plan review is not a mandatory step.
- B. The purpose of a Concept Plan review is to provide a developer with an economical way to work with the planning staff and elected officials in reaching a general agreement as to the nature of a proposed land subdivision project, its impact on the community, and its conformance with the codes, ordinances, plans and policies. For the Concept Plan review, the developer will not need detailed architectural and engineering drawings.
- C. An applicant may submit a concept plan if the applicant desires to obtain input from Planning and Development Services Staff or the municipal council prior to undertaking the preparation and submission of a complete preliminary plat.

TITLE 18 - SUBDIVISIONS

- D. Prior to a Concept Plan review, the applicant shall submit to the Director or Designee a complete Concept Plan application, including documents, fees, any items specified under Section 18.XX.XXX, and any other matter appropriately required by the Development Review Committee.
- E. When the Concept Plan application is complete, it will be accepted by the Director or Designee the date of acceptance will be noted. For every submittal, Development Review Committee shall have at least 15 working days for review and comments.
- F. Where the applicant owns or controls more territory than they propose to submit for preliminary or final approval, or under circumstances where the proposed subdivision is part of a larger project or territory which the applicant owns or controls and which includes property in more than one zone, the Director may require that a concept plan covering the larger area be submitted. The concept plan for the larger area shall show how the immediate development relates: a) to possible development of the remaining territory, b) to Copperton's adopted transportation or street plan, and c) to the provision of other public services, utilities and facilities.
- G. If the Director concludes that, because of the scope or complexity of a proposed project, the proposal should be reviewed by the municipal council at the concept plan stage, they may direct that the plan be forwarded for review by the municipal council prior to the preparation of the preliminary plat.
- H. Any review of a concept plan by the municipal council shall be considered as advisory only and shall not constitute a commitment of approval of a subsequent preliminary plat or final plat.

18.08.060 – Preliminary Plat Application.

- A. Application. The applicant shall submit a preliminary plat application to the Planning and Development Services Division, which shall include:
 - 1. Submission of an approved application form that clearly indicates the type of application, property address, applicant information, and other pertinent information;
 - 2. Submission of a Preliminary Plat and other drawings and documentation conforming to the requirements of Section 18.10.030, technical reports in accordance with Section 18.10.050, supplementary materials as required by this Title and mailing labels (if required) for notifications;
 - 3. Authorization for application submittal from the Property Owner or Authorized Agent.
- B. Completeness Review.
 - 1. The Preliminary Plat application shall be carefully checked by the Planning and Development Services Division to determine whether or not it is complete.
 - 2. If it is concluded that the Preliminary Plat application is not complete, the Director or Designee shall notify the applicant in writing within 14 days:
 - a. That the application is incomplete, and
 - b. The specific components of the application deemed insufficient.
 - 3. Upon notice being given, an application deemed incomplete shall be terminated after 60 days if the necessary components to complete the application have not been submitted.

TITLE 18 - SUBDIVISIONS

4. At any time during the Completeness Review process outlined in this subsection, a pre-application meeting may be requested by the applicant or Director or Designee to discuss the application, plans, and anticipated review process. In order to facilitate efficiency of review process, the Director or Designee may invite representatives from other reviewing agencies as well as the applicant's design professionals to the meeting.

C. Complete Application.

1. When the Preliminary Plat application is determined to include all the of the required documentation, plans, plats, reports and other required submittals, the Director will release the fees for the applicant to pay.
2. When the applicant has paid the required fees, the application is complete, and the application will be deemed accepted by the Director or Designee. The date of acceptance will be noted for the record.

18.08.070 – Preliminary Plat Agency/DRC Review.

- A. The purpose of a Preliminary Plat is to provide a review of a proposed subdivision prior to approval by the land use authority. It is intended that this review will help assure that the plans which are being prepared are in accordance with all applicable development codes and ordinances.
- B. The Director shall review or cause to be reviewed, the complete Preliminary Plat application as follows:
 1. For every submittal, the Development Review Committee shall have at least 15 working days for review of the Preliminary Plat, and preparation of review comments.
 2. The Director or Designee shall review the application materials, plans, plats and technical documents for compliance with municipal land use ordinances, codes and adopted plans and specifications and other technical requirements. As part of this review, the Director or Designee may conduct one or more on-site reviews, as provided by Utah Code 10-9a-303.
 3. The Director or Designee shall refer the application materials, plans, plats and technical documents to the Development Review Committee and any other government agency and/or affected entity which the Director deems necessary to protect the health, safety, and welfare of the public and to ensure the project's compliance with all applicable ordinances, codes and adopted plans and specifications and other technical requirements.
 4. Multiple reviews and submittals may be required based on the accuracy of the drawings, consistency with the applicable municipal land use ordinances and codes, state and federal law, and adherence to the requirements of the adopted plans and specifications and other technical requirements.
 5. Upon Preliminary Approval by the Development Review Committee, the Director shall schedule the application for review by the land use authority.

18.08.080 – Preliminary Plat Approval or Disapproval.

TITLE 18 - SUBDIVISIONS

- A. Following a review of the preliminary plat, the land use authority, as designated in Section 18.08.010, shall act on the preliminary plat as submitted or modified.
- B. In reviewing the proposed subdivision, the land use authority shall consider the following:
 - 1. Are the plans, documents and other submission materials (including technical reports where required) sufficiently detailed for proper consideration of the project?
 - 2. Do the submitted plans, documents and submission materials conform to applicable municipal standards?
 - 3. Does the proposed development conform to municipal zoning ordinances and subdivision design standards?
 - 4. Does any combination of natural or manmade conditions, encumbrances, easements, setbacks, geometry, or the dimensions of the lot leave an adequate buildable area for a reasonably sized main structure?
 - 5. Do any natural or manmade conditions exist on or in the vicinity of the site defined in the preliminary plat that, without remediation, would render part or all of the property unsuitable for development? Does the preliminary plat address these conditions?
 - 5. Does the preliminary plat provide for safe and convenient traffic circulation and road access to adjacent properties under all weather conditions?
 - 6. Does the preliminary plat impose an undue financial burden upon Copperton?
 - 7. Are the location and arrangement of the lots, roads, easements and other elements of the subdivision contemplated by the preliminary plat consistent with Copperton's general street system, transportation master plan and/or applicable elements of the general plan?
 - 8. Does the preliminary plat recognize and accommodate the existing natural conditions?
 - 9. Are the public facilities, including public utility systems serving the area defined in the preliminary plat adequate to serve the proposed development?
 - 10. Will the project contemplated in the preliminary plat conform to the intent of this title as stated in chapter 18.02 of this title?
- C. The land use authority may:
 - 1. Approve the preliminary plat,
 - 2. Approve the preliminary plat with reasonable conditions intended to ensure compliance with the standards and objectives of the applicable zone and this Title,
 - 3. Continue review of the preliminary plat, directing that changes be made to the preliminary plat so that it conforms with the standards and objectives of the applicable zone and this Title, or
 - 4. Deny the preliminary plat because it does not meet the standards and objectives of the applicable zone and this Title.

TITLE 18 - SUBDIVISIONS

- D. If the plat conforms with the standards and objectives of the applicable zone and this Title and has been approved by the culinary water authority and the sanitary sewer authority, or the local health department where culinary water or sanitary sewer services is not available, the land use authority shall approve the preliminary plat.
- E. If the preliminary plat is not approved, the Director or Designee shall notify the developer in writing and give reasons for the denial.
- F. The Director or Designee shall issue a preliminary plat approval letter with the conditions of approval and a copy of the approved preliminary plat. The receipt of said letter shall be authorization for the subdivider to proceed with the preparation of specifications for the minimum improvements required in Chapter 18.24 of this Title and with the preparation of the final plat.

18.08.090 – Submittal of the Final Plat, Engineering Drawings and Documents to the Development Review Committee for Final Plat Approval.

- A. Purpose. The purpose of the Final Plat of a subdivision is to present an accurate depiction of the layout of the Subdivision so that it can be properly recorded and then used as a permanent reference for the sale of the property included within the Subdivision. The purpose of the Final Plat Review is to ensure that the plat and the construction plans for the required improvements meet the applicable standards and specifications.
- B. Application.
 - 1. The applicant shall submit a Final Plat application to the Planning and Development Services Division, which shall include:
 - a. Submission of an application form, as designed by the Director to clearly indicate the type of application, property address, applicant information, and other pertinent information;
 - b. Submission of a Final Plat and other drawings and documentation conforming to the requirements of Section 18.10.040, technical reports in accordance with Section 18.10.050, engineered construction plans for the improvements required in Chapter 14.12, and supplementary materials as may be required by this Title; and
 - c. Authorization for application submittal from the Property Owner or Authorized Agent.
 - 2. Completeness Review.
 - a. The Final Plat application shall be carefully checked by the Planning and Development Services Division to determine whether or not it is complete.
 - b. If it is concluded that the Final Plat application is not complete, the Director or Designee shall notify the applicant in writing within 14 days:
 - i. That the application is incomplete, and
 - ii. The specific components of the application deemed insufficient.
 - c. Upon notice being given, an application deemed incomplete shall be terminated after 60 days if the necessary components to complete the application have not been submitted.

TITLE 18 - SUBDIVISIONS

- d. At any time during the Completeness Review process outlined in this subsection, a pre-application meeting may be requested by the applicant or Director or Designee to discuss the application, plans, and anticipated review process. In order to facilitate efficiency of review process, the Director or Designee may invite representatives from other reviewing agencies as well as the applicant's design professionals to the meeting.
3. Complete Application.
 - a. When the Final Plat application is determined to include all the of the required documentation, plans, plats, reports and other required submittals, the Director will release the fees for the applicant to pay.
 - b. When the applicant has paid the required fees, the application is complete, and the application will be deemed accepted by the Director or Designee. The date of acceptance will be noted for the record.
- C. Technical Review of the Final Plat and Construction Documents. The Director shall review or cause to be reviewed, the complete Final Plat application and Construction Documents as follows:
 1. For every submittal, the Development Review Committee shall have at least 15 working days for review of plat and/or construction plans, and preparation of review comments.
 2. The Director or Designee shall review the application materials, plans, plats and technical documents for compliance with municipal land use ordinances, codes and adopted plans and specifications and other technical requirements. As part of this review, the Director or Designee may conduct one or more on-site reviews, as provided by Utah Code 10-9a-303.
 3. The Director or Designee shall refer the application materials, plans, plats and technical documents to the Development Review Committee and any other government agency and/or affected entity which the Director deems necessary to protect the health, safety, and welfare of the public and to ensure the project's compliance with all applicable design standards and specifications, ordinances, codes and adopted plans and specifications and other technical requirements.
 4. Multiple reviews and submittals may be required based on the accuracy of the plat, drawings and plans, consistency with the applicable municipal land use ordinances and codes, state and federal law, and adherence to the requirements of the adopted plans and specifications and other technical requirements.
 5. Upon a determination that the application is consistent with applicable standards and conditions, the DRC shall provide a written letter of approval to the applicant.
 6. If an applicant is proposing substantial changes to the preliminary plat, the applicant shall be referred to the land user authority that approved the preliminary plat for final approval. Substantial changes shall include an increase in the number of proposed lots, changes to the location and/or configuration of streets including stub streets, and/or other changes deemed substantial by the DRC.

TITLE 18 - SUBDIVISIONS

7. If an applicant contests any requirements imposed by the DRC as part of the final plat approval, the applicant may request that the application be referred to the municipal council for a final decision.
8. The following actions must be taken within one (1) year of final plat approval, or the applicant must reapply for preliminary plat approval:
 - a. The subdivision plat shall be recorded in the office of the Salt Lake County Recorder; or
 - b. A Site Restoration/Durability Bond shall be posted with Planning and Development Services and a preconstruction meeting has been held with the DRC.
9. The Director may grant a one (1) year extension provided the final plans have been updated to address any changes to the applicable ordinances and standards that may have been updated or changed since the time of the Final Plat Approval.

18.08.100 - Combined Applications.

An applicant may submit application for approval of a preliminary plat and a final plat simultaneously if the subdivision does not include multiple phases. Such application shall be on a form provided by the planning and development services division. The combination application must contain both a preliminary plat and a final plat that meet all requirements of this code prior to approval by the planning commission. All other agency reviews must also be conducted and approved in accordance with this title.

18.08.110 – Recording the Final Plat.

- A. Prior to recording the Final Plat, the developer shall:
 1. Pay any remaining fees, and
 2. Provide the Planning and Development Services division with a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid, and
 3. Complete all required improvements and post a durability bond in accordance with Chapter 18.18. The required improvements must all be inspected, approved and accepted by the Engineering division staff, or
 4. Post a performance guarantee and a durability bond in accordance with Chapter 18.18 and in an amount determined by the Engineering division.
- B. The final plat must include the necessary approval signatures (planning commission representative, Director, health department, district attorney, county mayor or their designees).
- C. Record the final plat at the Salt Lake County Recorder's Office.

18.08.120 - As Built Drawings.

Prior to the final acceptance of the required improvements the developer shall provide the Engineering division a complete and accurate set of as-built drawings in an electronic format acceptable to the Engineering division.

TITLE 18 - SUBDIVISIONS

Chapter 18.10 – Documentation Requirements

Sections:

18.10.010 – Document Submittal Requirements.

All subdivision applications shall include, at a minimum, the documents identified in the subdivision application packet provided by Planning and Development Services.

18.10.020 - Concept Plan Specifications.

As a minimum, the following information and materials should be provided as a part of the Concept Plan application package:

- A. An accurate and up-to-date survey of the property proposed for subdivision;
- B. A vicinity map at a scale of 1:600 showing the property in relation to the general area of the jurisdictional limits in which it is located;
- C. A schematic plat drawn clearly and accurately by a design professional at a scale appropriate for the nature of the project, to include:
 - 1. Scale, North Arrow, and Date of Preparation;
 - 2. Approximate Topography;
 - 3. All primary and secondary conservation areas;
 - 4. Significant Existing Man-Made Features on the Property;
 - 5. Proposed streets, lots, public areas, open spaces, greenbelts, buffers, amenity areas, and other significant proposed improvements;
 - 6. Zoning setbacks, and the approximate area of each lot;
 - 7. Any other features that will be important in the design and development of the project; and
 - 8. Any off-site improvements that may be needed to properly develop the property.
- D. A Stormwater Management Concept Plan
- E. Typical floor plans and elevations of the houses that are planned for the proposed subdivision; and
- F. A Concept Plat review fee

18.10.030 Preliminary Plat Required Information.

The preliminary plat shall contain the information specified in this section and comply with the following requirements:

- A. Description and Delineation. In a Title block located in the lower right-hand corner the following shall appear:
 - 1. The proposed name of the subdivision, which name must be approved by Planning and Development Services;

TITLE 18 - SUBDIVISIONS

2. The location of the subdivision, including:
 - a. Address,
 - b. Section, township and range;
 3. The names and addresses of the owner, the subdivider, if different than the owner, and of the designer of the subdivision;
 4. The date of preparation, scale (no less than one inch to equal one hundred feet) and the north point.
- B. Existing Conditions. The plat shall show:
1. The location of and dimensions to the nearest benchmark or monument;
 2. The boundary lines of the proposed subdivision indicated by a solid heavy line and the total approximate acreage encompassed thereby;
 3. All property under the control of the subdivider, even though only a portion is being subdivided. Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective street system of the unplatted parts of the subdivider's land shall be submitted, and the street system of the part submitted shall be considered in the light of existing street system, general street plans, other planning commission studies and adopted transportation plans.
 4. The location, width and names of all existing streets within two hundred feet of the subdivision and of all prior platted streets or other public ways, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, houses or permanent easements and section and municipal and service district boundaries, within and adjacent to the tract;
 5. The location of all wells, proposed, active and abandoned, and of all reservoirs within the tract and to a distance of at least one hundred feet beyond the tract boundaries;
 6. Existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of at least one hundred feet beyond the tract boundaries, indicating pipe sizes, grades, manholes and exact location;
 7. Existing ditches, canals, natural drainage channels, and open waterways and proposed realignments;
 8. Boundary lines of adjacent tracts of subdivided and unsubdivided land, showing ownership where possible;
 9. Contour at vertical intervals of not more than two feet. Highwater levels of all watercourses, if any, shall be indicated in the same datum for contour elevations;
 10. Nearest installed fire hydrants on or within five hundred feet of the proposed subdivision.
 11. Accurate locations of all natural features such as lakes, ponds, streams, creeks, State Waters, Wetlands, floodplain boundaries, riparian buffers, Wildlife and Priority Habitats (as identified by Department of Natural Resources), and other significant features, and notations designating any

TITLE 18 - SUBDIVISIONS

federal, state, or local regulatory agency permits or approvals that are or may be required relative to development of or around such features.

- C. Properties Located in the Foothills and Canyons Overlay Zone. In addition to the preceding, the preliminary plat for subdivision of a property located in the foothills and canyons overlay zone shall show:
1. A graphic depiction of existing slope characteristics of the property, illustrating the following:
 - a. Areas with slopes less than thirty percent,
 - b. Areas with slopes thirty to forty percent,
 - c. Areas with slopes forty to fifty percent, and
 - d. Areas with slopes greater than fifty percent;
 2. Identified natural hazards, including but not limited to, areas potentially subject to avalanche, liquefaction, and/or surface fault rupture;
 3. Water courses, natural drainage channels, storm water runoff channels, gullies, stream beds, wetlands, etc.
- D. Proposed Subdivision Plan. The subdivision plan shall show:
1. The layout of streets, showing location, widths and other dimensions of (designated by actual or proposed names and numbers) proposed streets, crosswalks, alleys and easements;
 2. The layout, numbers and typical dimensions of lots, and in areas subject to foothills and canyons overlay zone provisions, designation of buildable areas on individual lots.
 3. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision;
 4. Building setback lines, including showing dimensions where required by the planning commission;
 5. Easements for water, sewers, drainage, utility lines and other purposes, if required by the planning commission;
 6. Typical street cross sections. Grade sheets may be required by the planning commission or other reviewing agency;
 7. A tentative plan or method by which the subdivider proposes to handle stormwater drainage for the subdivision.
- E. Phasing.
1. Where a subdivider proposes to submit a final plat containing less territory than shown on the preliminary plat, indicating a phased development plan, the preliminary plat shall identify each of the proposed phases. Any such final plat phasing scheme shall occur at logical "break points" in the project and provide access and utility services which will be adequate in the event that

TITLE 18 - SUBDIVISIONS

subsequent phases do not occur. The phasing scheme shall also incorporate the provisions of chapter 18.12 of this title.

2. A phase shall not include two or more non-contiguous areas on the same plat.
 3. No phasing scheme shall have the effect of leaving a residual lot, non-conforming parcel or previously divided land for which the required subdivision improvements have not been previously constructed. For purposes of this code a "residual lot" shall be defined as a zoning lot, created by the proposed subdivision, but which is not shown as a lot on the final plat of the subdivision project or as future development. A future development parcel must be developable into multiple lots meeting the area standards for the applicable zone.
- F. Where required, evidence of any agreements with adjacent property owners relative to the subdivision development shall be presented to the planning and development services division in writing prior to its approval of the plat. These agreements shall include those relative to drainage, easements, protection strips and improvement bonds.

18.10.040 Final Plat Required information.

The final plat, which must be prepared by a Professional Land Surveyor licensed in Utah on a sheet of approved reproducible Mylar and made with approved waterproof black ink. The plat shall be oriented so that the top of the sheet is either north or east, whichever accommodates the drawing best. All text shall be a minimum of one-tenth inch in size. The plat must contain all information required on the preliminary plat with the exception of contours and construction information, utilities (except existing and proposed fire hydrants), structures and fences (unless called monuments).

- A. Description and Delineation. The final plat shall show:
1. The approved name of the subdivision;
 2. North arrow and graphic scale. The minimum scale is 1"=100';
 3. A Legend defining all lines and symbols used on the plat;
 4. Lot addresses, and approved street names and numbers;
 5. The plat drawing must agree with the boundary description.
 6. Accurate angular and lineal dimensions for all lines, angles and curves used to describe boundaries, streets, alleys, easements, areas to be reserved for public use and other important features. Boundaries, lots and streets shall be shown as solid lines, with outside subdivision boundary lines indicated as a heavier, more substantial line than lot, street and easement lines. Easements shall be shown as dashed lines.
 7. The lengths of lot lines and boundary lines shall be shown as decimals of a foot with a precision of 0.00'; Bearings and angles will be shown as Deg/Min/Sec with a precision of 0°00'00". Additional precision may be necessary to meet closure requirements.
 8. Bearings and distance to provide a mathematical closure of 0.02' or less, on all lots and centerline of streets.

TITLE 18 - SUBDIVISIONS

9. Basis of bearing between two, or more, public land survey monuments; or between identified monuments in a recorded subdivision or street dedication plat
 10. Survey ties to public land survey monuments showing measured and record - if different).
 11. The accurate location of all monuments and fire hydrants to be installed shown by the appropriate symbol. All United States, state, county or other official bench marks, monuments or triangulation stations in or adjacent to the property, shall be preserved in precise position;
 12. The clearly labeled point of beginning.
 13. The sum of the lot distances must equal the boundary distance.
 14. Existing and proposed streets within 200 feet. Dimension street width and identify street ownership.
 15. Recording information of adjoining subdivisions. Ownership with parcel identification numbers of adjoining lots and parcels.
 16. The dimensioned relationship between existing and proposed utility easements with proposed lot lines. Include recording reference(s) of existing easements and provide a utility approval line for proposed easements.
 17. All curve data, including radii, internal angles, points and curvatures, tangent bearings and length of all arcs, identified at correct location or in a curve table.
 18. Centerline control on existing streets, matching the county's record data. New street monuments will be installed per the Salt Lake County Surveyor's monument permitting process.
 19. The dedication to Copperton of all streets and highways included in proposed subdivision. Where it is proposed that streets be constructed on property controlled by a public agent or utility company, approval for the location, improvement and maintenance of such streets shall be obtained from the public agency or utility company and entered on the final plat in a form approved by the attorney.
 20. Subdivision monuments shall be installed prior to the improvement bond release by the subdivider's engineer or land surveyor at such points designated on the final plat as approved by the planning and development services division. Standard precast monuments, rings and lids shall be furnished by the county surveyor and shall be purchased by the subdivider at the prices indicated in the county surveyor's adopted fee schedule;
 21. Physical markers shall be placed at each lot corner in accordance with state statutes;
 22. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed or covenant for common uses of all property owners;
- B. Boundary Description. The boundary description shall include:
1. A caption with reference to current vesting deed(s), location by Quarter Section, Township & Range, Base & Meridian, and if applicable -existing subdivision(s)

TITLE 18 - SUBDIVISIONS

2. A survey tie to an existing Public Land Survey monument, or a recognized street or subdivision monument. as necessary.
 3. All necessary bearings, distances and curve data to complete the description and provide a mathematical closure of 0.01' (one hundredth) of a foot or less.
 4. Narrative (bound) calls to and along adjoining subdivisions, parcels, streets, and rights of way as necessary.
 5. Recording reference to any additional easements required for property access where applicable.
 6. Total development area in square feet and acres.
- C. Standard Forms for the Following. Copperton may adopt a template establishing the excepted format of the final plat, which shall at a minimum require:
1. A registered land surveyor's certificate of survey;
 2. The owner's certificate of dedication;
 3. A notary public's acknowledgement;
 4. The land use authority's certificate of approval;
 5. The health department's certificate of approval;
 6. The planning and development services division's certificate of approval;
 7. The municipal attorney's certificate of approval;
 8. The mayor's certificate of approval;
 9. A one and one-half by five-inch space in the lower right-hand corner of the drawing for the county recorder's use.
- D. The final plat may require written acknowledgment of any legal documents recorded at the Salt Lake County Recorder's Office completed as part of the approval process for the subdivision. The acknowledgment shall include the recorded number of the document after it has been recorded at the Salt Lake County recorder's office.

18.10.050 – Technical Reports Required.

- A. The following technical reports are required for all subdivisions:
1. Soils Report. The report shall include, but is not necessarily limited to, information with respect to slope analysis, general soils classification, suitability for development, erosion potential, any recommendations for proposed methods of mitigating any constraints determined to be present as part of the development plan, and any adverse impact on the natural environment.
 2. Stormwater, Grading And Drainage Plan: The plan shall include, but is not necessarily limited to, information on groundwater levels, identification and mapping of drainage channels and systems, floodplains, existing details and contours where modification of terrain is proposed, the direction of proposed drainage flow, proposed plans and the location of all surface and subsurface drainage

TITLE 18 - SUBDIVISIONS

devices to be constructed as part of the proposed development, erosion control measures during the course of construction, identification of any grading and drainage problems such as the alteration of natural drainage patterns and any other problems of the proposed development, and a plan to mitigate or eliminate such problems and any adverse impact on the natural environment.

B. The following technical reports are required for subdivision applications in the FCOZ, areas designated as Special Flood Hazard Areas on a FEMA Flood Insurance Rate Map (FIRM), and all other property in designated fault or debris flow areas:

1. Geotechnical And Geology Report (Global And Site Specific): The report shall include, but is not necessarily limited to, identification and mapping of the location of major geographic and geologic features such as fault traces, surface ruptures, zones of deformation, potential slide and other high hazard areas such as mine shafts and avalanche paths, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, recommendations covering the adequacy of sites proposed for development, and any potential adverse impact on the natural environment. This report shall be completed by a geotechnical engineer or an engineering geologist. The geotechnical report shall contain a certification in accordance with section [18.30.090](#) of this code.

The geotechnical investigation shall include soil borings extended to a depth sufficient to define the soil stratigraphy, water table and other features within the zone of significant stress of the proposed structural footings of the proposed development. If the development needs evaluation of slope stability then the soil borings will extend deep enough to define all soil layers in the zone of possible slippage.

If published geologic maps show possible faults in the area or a surface geologic examination reveals signs of faulting then the geotechnical investigation will be supplemented by trenching in addition to the soil borings. The trenches will be so located as to intercept the apparent fault at a perpendicular angle to the trend of the fault. The trenching will extend a minimum of twenty feet (20') each side of the located fault. Developments of two (2) acres or more will require at least two (2) trenches to define the fault. One trench will be approximately where the fault enters the property and the other where it leaves the property. The trenches will be excavated to a depth that will define the fault and allow physical observation and measurement to be taken.

2. Natural Conditions And Vegetation Analysis And Preservation Plan: This report and plan shall include a survey of existing trees, large shrubs and ground covers, a plan for the proposed revegetation of the site, detailing existing vegetation to be preserved, new vegetation to be planted and any modifications to existing vegetation, and the identification of any vegetation problems and recommendations as how to mitigate or eliminate such problems and avoid potential adverse impact on the natural environment.
3. Fire Protection Report: The report shall include, but not be limited to, identification of potential fire hazards, mitigation measures, access for fire protection equipment and proposed fire flow capability.

TITLE 18 - SUBDIVISIONS

- C. The scope and content of these required technical reports and plans shall be in accordance with adopted standards. The Engineering division may waive the necessity for submitting one or more of the technical reports or any elements of a report where, in its opinion, conditions associated with the proposed development do not require consideration of the subject matter covered. Also, where the lot is contained within an approved subdivision and the technical reports previously submitted as part of the subdivision approval process are sufficient in scope and detail to adequately address the issues required under this chapter, this requirement may be waived.

18.10.060 Final approval—GIS Data Required.

- A. Prior to the final approval and the issuance of any permit associated with a subdivision or development plan, or in the case of a single lot development, a single building permit, the owner or developer shall provide to Planning and Development Services a GIS data corresponding to the approved plans for all improvements required by Subsection 18.14.020(B). Any changes during construction will require additional GIS data to be submitted with the final approved as-built drawings. All GIS data shall be submitted in the following format:
 - 1. All GIS data shall be submitted in conformance with County Policy 1013, "Standards for Geographic Information System" and the "Salt Lake County Public Works Engineering GIS Standards," as approved by the Salt Lake County GIS Steering Committee and on file with Salt Lake County Engineering. Copperton reserves the right to reject any GIS data that is provided and is not in compliance with the above standards.
 - 2. This shall be done at the developer or owner's expense. If a developer or owner does not provide the required GIS data, Copperton may complete the work in the developer or owner's behalf and the developer or owner shall pay to Copperton the cost of completing the work at the hourly rate approved by the municipal council for such work. If developer or owner fails to pay for such work, Copperton may pursue legal action to recover these costs.
 - 3. Developers with a cost as estimated by the public works department of ten thousand dollars or less may, prior to construction, petition the Division for an exemption from the GIS requirements of this Chapter. The decision of the public works director shall be final.
- B. GIS data will be required for the following improvements:
 - 1. Roadway system: Regulatory signs, street signs, bus and other transit stops, centerlines, curb and gutter, sidewalks, crosswalks, ADA ramps, striping, road width, and monuments; streetlights and signals (including conduit and electrical boxes for streetlights and signals).
 - 2. Storm drain system: Catch basins, manholes, fire hydrants, cleanout boxes, drainage areas, detention basin inlets and outlets, culverts, detention basin area, stormwater quality BMPs, and pipes.

TITLE 18 - SUBDIVISIONS

Chapter 18.12 - Design Standards

Sections:

18.12.010 Departmental Standards.

Standards for design, construction specifications and inspection of street improvements, curbs, gutters, sidewalks, storm drainage and flood control facilities shall be prepared by the Municipal Engineering and Flood Control divisions; standards for water distribution and sewage disposal facilities shall be prepared by the health department, and similar standards for fire hydrants shall be prepared by the fire department. All subdividers shall comply with the standards established by such departments and agencies of Copperton, provided that such standards shall be approved by the legislative body.

18.12.020 Conformance with Design Standards.

The design of the preliminary and final plats of the subdivision in relation to streets, blocks, lots, open spaces and other design factors shall conform with the standards contained herein.

18.12.030 Streets and Roads, General Criteria.

- A. Width. The width of the hard surfacing and the location and type of other required street improvements shall be as set forth on the applicable street cross section standard adopted by the municipal council.
- B. Relationship To Adjacent Streets. The proposed street system shall properly align and be compatible with adjacent streets. Offsets in street alignment of more than fifteen feet (15') or less than one hundred fifty feet (150') shall be prohibited.
- C. Street Names. New street names may not duplicate those already existing within Salt Lake County. A street obviously a continuation of another already in existence should bear the same name. Before the street is named, the proposed name must be submitted to and approved by Planning and Development Services.
- D. Access To Adjacent Properties. In order to facilitate the development of an adequate and convenient circulation system within Copperton and to provide access for the logical development of adjacent vacant properties, Copperton may, as a condition of approval, require the subdivision plan to include one or more temporary dead end streets (stub streets) which extend to the boundary of the subdivision. All such stub streets shall be fully developed to the boundary of the subdivision. Any plan for the subsequent development of the adjacent property shall provide for the continuation of any such stub street.
- E. Temporary Dead End (Stub Streets). Where a final plat includes a dead end stub street which is intended to be continued into adjacent property in the future and which serves as the primary access for one or more adjacent lots, said final plat shall make provision for temporarily accommodating vehicular movement and the extension of utility services by designating temporary cul-de-sacs, turnaround areas, travel easements connecting the end of the stub street with other streets in the vicinity or such other temporary measure as may be approved by the planning commission. Such temporary facilities required pursuant to this provision shall remain until such time as the street has been extended into the adjacent property and the improvements accepted by Copperton.

TITLE 18 - SUBDIVISIONS

- F. Cul-De-Sacs. Cul-de-sacs shall be discouraged.
1. Cul-de-sacs may be appropriate in cases where the possibility of future adjacent development does not exist due to topography or existing development, where an additional through street would be unnecessary, or other special circumstances as determined appropriate by the land use authority. When permitted, permanent cul-de-sacs shall be designed in accordance with adopted standard drawings, each cul-de-sac stem shall meet the standard street requirement including right of way, pavement width, gutter, curb, and sidewalk within residential subdivisions. The maximum length of a cul-de-sac street shall be four hundred feet (400') from the center of the cul-de-sac to the centerline of the intersecting street. The planning commission may allow a five hundred foot (500') maximum cul-de-sac length if the applicant of such can demonstrate one or both of the following requirements:
 - a. That a road cannot be extended through the property to connect to another street elsewhere.
 - b. That development has occurred on at least three (3) sides of the surrounding property.
 2. The land use authority may require a sidewalk connection through a cul-de-sac to allow for pedestrian connectivity to existing or future adjacent development and/or public streets.
- G. Vehicle Access. Subdivision projects of **twenty (20)** lots or more shall provide at least two (2) points of vehicular access. **Potential Discussion Item: Should as many as 19 lots be allowed on a dead-end road?**

18.12.040 Blocks.

- A. Length. Blocks shall not exceed one thousand three hundred and twenty (1320') feet in length. **Potential Discussion Item: Should ¼ mile blocks be allowed or would 1/8 mile blocks be better as a maximum?**
- B. Width. Blocks shall be wide enough to adequately accommodate two tiers of lots except as provided for herein.
- C. Walkways. Dedicated walkways through the block may be required where access is necessary to a point designated by the planning commission. Such walkways shall be a minimum of six feet in width, but may be required to be wider where determined necessary by the planning commission. The subdivider shall surface the full width of the walkway with a concrete surface, install a chain-link fence or its equal four feet high on each side and the full length of each walkway and provide, in accordance with the standards, rules and regulations, barriers at each walkway entrance to prevent the use of the walkway, by any motor vehicle or by any other nonmotorized vehicle wider than four feet. **Potential Discussion Item: Interblock walkways, should they be required and if so, when and where? If blocks over 1/8 mile are allowed, they are probably needed for pedestrian access. Also, long or numerous cul-de-sacs are impediments to pedestrians.**
- D. Commercial and Industrial Block Design. Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

18.12.050 Lots.

TITLE 18 - SUBDIVISIONS

- A. Design. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings and be properly designed according to topography, the character of surrounding development, and to existing requirements. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage which would be unusable for normal purposes.
- B. Zoning Conformity. All lots shown on the preliminary and final plats must conform to the minimum requirements of the zone in which the subdivision is located, and to the minimum requirements of the health department for water supply and sewage disposal. Lots created as part of an approved planned unit development, or subject to a development agreement are subject to the standards set forth in that approval or document.
- C. Frontage.
1. Each lot in a subdivision shall abut upon and have access to a street which is:
 - a. Dedicated to Copperton by the subdivision plat, or
 - b. An existing publicly dedicated street, or
 - c. An existing public street which has become public by right of use and which is more than twenty-six (26') feet wide, or
 - d. An existing private street that has been approved by Copperton, or
 - e. Have an approved access via private right of way to a public street shown on the plan and approved under the criteria outlined in subsection 2 of this section.
 2. Copperton may approve a request for a private street that complies with the following criteria:
 - a. The street must be part of a planned unit development (PUD) or planned community where Copperton and the developer have entered into a development agreement.
 - b. Private streets will only be allowed for streets that have no public interest for traffic circulation and connectivity.
 - c. The final design and cross section of any private street shall be determined by the Council based on recommendations from the Planning Commission. Unless otherwise authorized by the Council, private streets shall conform to adopted street cross section and shall in no case less than twenty feet (20') in width.
 - d. The maximum length of a dead-end private street shall not exceed five hundred feet (500').
 - e. A note on the plat shall be included indicating that municipality has no responsibility to improve or maintain the private streets contained within, or private streets providing access to, the property described in the plat, nor does Copperton have responsibility for any of the infrastructure associated with the roadway such as sidewalks, drainage facilities, streetlights, curbs, and/or landscaping.
 - f. The applicant shall provide a maintenance plan outlining how the private streets will be maintained.

TITLE 18 - SUBDIVISIONS

- D. Corner Lots. Corner lots must include the minimum lot width along each of the fronting streets, as measured at the front setback line. A corner lots shall have an addition ten feet (10') of width along one of the frontages to accommodate the additional setback requirements. **Potential Discussion Item: Extra 10' width on one side for corner lots?**
- E. Double Fronting Lots.
1. Single-family or duplex double frontage lots shall be prohibited, except where they may be essential to provide separation of single-family or duplex residential development from fronting on collector or arterial streets, or to overcome a specific disadvantage or hardship imposed by topography or other factors. Such double frontage lots allowed within Copperton shall provide hardscape improvements to the parkway as set forth in the adopted engineering design standards, to be maintained by the Director.
 2. Where lots have double frontage, are not screened, and/or are provided access directly onto an arterial street, building setback lines shall be established for each street side.
 3. Lots in single-family or duplex residential subdivisions and lots measuring less than one hundred feet wide and located within multifamily residential subdivisions may abut a street on both the front and rear boundaries, but only under the following conditions:
 - a. One lot boundary must abut a collector street, arterial street or freeway;
 - b. No access to the abutting arterial street or freeway. The planning commission may require a reservation, easement or other condition of approval to ensure that no right of access is given; and
 - c. The planning commission may require that a parkway at the rear of a double frontage lot be landscaped, or other aesthetic treatment be provided by the subdivider, subject to the approval of the planning commission to provide a visual and physical separation between the development and the street.
- F. Angle of Lot Lines. Side lot lines or lots shall be approximately at right angles, or radial to the street line, except where topographic or other conditions make it advisable to have side lot lines at sharper angles.
- G. Multiple Ownership of Lots. Where the land covered by a subdivision includes two (2) or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the subdivision shall be considered as a joint project and the final plat shall be signed by all affected property owners.

18.12.060 Remnant Parcels and Nuisance Strips.

- A. No subdivision or platting of a lot shall create a nuisance strip, residual lot, or remnant parcel of property less than the minimum lot area or width for the zone in which it is located.
- B. If a remnant parcel is proposed, a phasing plan must be submitted demonstrating how the remnant parcel can be developed in the future.

TITLE 18 - SUBDIVISIONS

- C. Remnant land not included in the proposed subdivision or platting of a lot must be deeded to adjacent property, with the deed or other appropriate instrument being recorded at the same time as the subdivision or recording of a plat. The resulting deeds shall not result in additional parcels being created that are not within the subdivision boundary.
- D. No lot may contain an elongated protuberance, or any other feature intended to deny frontage to another parcel.

TITLE 18 - SUBDIVISIONS

Chapter 18.14 - Required Improvements

Sections:

18.14.010 Certification of Improvements.

No final plat of a subdivision of land shall be recorded without receiving a statement signed by the Planning and Development Services division certifying that the improvements described in the subdivider's plans and specifications have been completed, or that an adequate performance bond has been submitted for the required improvements as allowed under Chapter 18.18. The certification document is to certify that the required improvements meet the minimum requirements of all ordinances of Copperton, that they comply with the standards and requirements of the health department, the Planning and Development Services division, the planning commission and the fire authority serving the area.

18.14.020 Storm Sewers.

Storm sewers shall be constructed throughout the entire subdivision to carry off water from all inlets and catch basins and shall be connected to an adequate outfall. A stormwater drainage system subject to the approval of Planning and Development Services shall be provided and shall be separate and independent of the sanitary sewer system. The final plans for the drainage system shall be prepared by a licensed engineer not in the employ of the county, the MSD or Copperton.

18.14.030 Public Sanitary Sewer.

- A. Where public sewer service is available to the subdivision, a public sanitary sewer system, including main lines and laterals from the main to each lot property line, shall be constructed throughout the entire subdivision in accordance with plans and technical standards required by the entity providing public sewer service to the subdivision and shall be connected to the public sewer system.
- B. In cases where public sewer service is not presently available to the subdivision, alternate waste disposal systems may only be permitted and used provided that the subdivider or developer installs and constructs concurrently therewith sanitary sewer laterals and mains within the subdivision streets to a point on the subdivision boundary where future connection with the public sewer system shall be made. Sewer laterals shall be laid from each lot to the main line in each street, and a connection shall be available on each lot to connect from the alternate waste disposal systems to the sewer system when public sewer becomes available and operational. Such sanitary sewer system shall be capped until ready for use and shall be constructed throughout the entire subdivision in accordance with plans and technical standards required by the entity that will provide public sewer service to the subdivision in the future.
- C. The municipal council may exempt the subdivider from the requirements of this section upon a finding that public sewer service is unlikely to be provided to the subdivision in the future due to physical

TITLE 18 - SUBDIVISIONS

inaccessibility of the terrain. Prior to making a decision concerning a requested exemption, the council shall request a written recommendation from the planning commission, the municipal engineer, and from the entity most likely to provide sewer service to the area in which the subdivision is located.

- D. Subsection C notwithstanding, it is expressly provided that it shall be unlawful for the owner or other person having charge of or occupying any property upon which a building shall have been or is being constructed for residential, commercial or industrial use, any part of which building is within three hundred feet (300') of any street, alley, or way in which a public sewer is then in existence and used in the city, to construct or permit to be constructed or to use or permit to be used any privy vault, septic tank or cesspool connected with such building. Each such owner or other person shall within ninety (90) days after having been given notice by Copperton that an accepted public sewer is ready to receive connections, therewith cause such building to be connected with the sewer (except that if such building shall not, at the time such notice is given, have therein any toilet or toilets, the owner or person having charge thereof or occupying any such building shall have a period of 2 years in which to connect it with such public sewer) and it shall thereafter be unlawful for such owner or other person to have the plumbing in such building remain unconnected to the public sewer or to maintain or use or cause or permit to exist any privy vault, septic tank or cesspool to which the building is connected or which is used by the occupant thereof. Whenever an accepted public sewer is available to receive connections therewith, the manager of the system shall cause appropriate notice to be served upon the owner, agent or other persons having charge of or occupying all property coming within the scope of this section, that the public sewer is ready to receive connections therewith and that all plumbing must be connected with such sewer

18.14.040 Storm Drainage.

No ditch or canal shall be approved as suitable for the use of storm drainage water without the written permission of the appropriate ditch or canal company or of the water users for such use. No ditch or canal shall be used for stormwaters unless adequately improved to handle such water as might be reasonably expected to flow from canal and ditch water, subdivision runoff water, and other water expected to reach such canal or ditch. No ditch, canal or other waterway shall be permitted within property dedicated or to be dedicated for public use. The subdivider shall remove such waterways from property to be so dedicated prior to the construction of required off-site improvements.

18.14.050 Street Improvements.

- A. The subdivider shall submit a complete set of construction plans and profiles of all streets, existing and proposed, within the subdivision to the planning and development services division. Plans and profiles are to be prepared by a professional engineer licensed to practice in the state of Utah and shall be accompanied by the final plat. The subdivider must also provide all GIS data corresponding to the submitted plans as required by Section 18.14.020. The planning and development services division shall, within a reasonable time not to exceed twenty days from the receipt of the plans and profiles, notify the subdivider of approval, and in case of disapproval the reasons therefor. Such plans and profiles shall include:
1. The designation of limits of work to be done;

TITLE 18 - SUBDIVISIONS

2. The location of the bench mark and its true elevation according to County Policy 1013, "Standards for Geographic Information System" and the "Salt Lake County Public Works Engineering GIS Standards," all profiles to be referred to in those standards; (**Referring to SLCo should be correct. They are the contracted municipal engineers.**)
 3. Profiles which indicate the finished and existing grades for the centerline of the street. Separate profiles, clearly designated, shall be made for each side of the street;
 4. Profile of all public storm drain system and any private system that connects to public system;
 5. Construction plans which include the details of curb and gutter and street cross-sections, location and elevation of manholes, catchbasins and storm sewers, elevations and location of fire hydrants and any other detail necessary to simplify construction;
 6. Complete date for field layout and office checking;
 7. On curb returns, at least two additional control points for elevation besides those at points of curvature. Control points shall be staked in the field to insure drainage at intersection;
 8. The street address of the project as approved by Planning and Development Services and subdivision name if applicable.
- B. At least ten days prior to the commencement of construction, the subdivider shall furnish to Planning and Development Services two bound 24"x36" hard copies of the complete set of approved construction plans and profiles of all streets, existing and proposed, as well as all corresponding GIS data in a format compatible with this Chapter. The approved hard copy sets of the construction plans and profiles shall include all information required in section A.

18.14.060 Arrangement of Streets.

The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas and shall provide access to unsubdivided adjoining areas insofar as such continuation or access shall be deemed necessary by the planning commission. New streets must connect with existing public streets.

18.14.070 Utility and Facility Systems to Be Underground.

All utility and facility systems including, but not limited to, all poles, towers, wires, lines, cables, conduits, and pipes providing service such as electricity, telephone, telegraph, cable television, gas, water, sewer, steam or petroleum including service drops, distribution systems, and transmission systems shall be placed underground in accordance with municipal ordinances and policies. (Refer to Chapter 19.46.170 of this code, Utility and Facility System Placement Regulations.)

18.14.080 Street Lighting.

Except as provided for in subsection E below, adequate street lighting shall be provided for the safety and welfare of residents and businesses located in Copperton through the installation of a street lighting system as part of subdivision development.

TITLE 18 - SUBDIVISIONS

All street lights intended to illuminate the public street shall be installed in accordance with the "Standard Specifications for Street Light Construction" as established and approved by the public works operations director or designee. Street light systems shall be designated on approved plats and installed accordingly.

- A. For all residential, multi-family residential, planned unit development, commercial, and industrial subdivision developments approved after the effective date of this ordinance, the subdivider shall install and pay the installation costs for street lights as shown on the approved subdivision plat or site plan and to post a bond, pursuant to Section 18.24.170, guaranteeing proper installation. The subdivider must also provide a dedicated public utility easement from each respective underground power source to each streetlight.
- B. Items to be approved pursuant to the requirements of the "Standard Specifications for Street Light Construction" include:
 - 1. Appropriate distance or spacing;
 - 2. Alternating sides of street, when applicable;
 - 3. Appropriate illumination at intersections;
 - 4. Location upon the property;
 - 5. Street light type and decorative style based on street classification;
 - 6. Height based on location;
 - 7. Installation methods and requirements; and
 - 8. Illumination intensity, electrical specifications, and code requirements as determined by the "Standard Specifications for Street Light Construction."
- C. The subdivider or designee shall submit completed as-built-drawings and the GIS data corresponding to the as-built drawings, as required by Section 18.24 to the public works operations director or designee within thirty days of the completion of the installation of a street light system within a subdivision development.
- D. The public works operations director or designee shall have the authority:
 - 1. To enforce this section and to ensure that street light installation is completed in compliance with all of its requirements; and,
 - 2. To vary the standards referenced in this section and to approve alternative street light designs and locations when adverse topography, roadway geometrics and design, the presence of natural vegetation, or any other adverse conditions exist which would justify such variations and alternatives without being detrimental to the public safety or welfare.
- E. The planning commission shall have the authority to waive or modify the requirement for street light installation in subdivisions upon finding that:
 - 1. The subdivision is located in an environmentally sensitive area, such as the Foothills and Canyons Overlay Zone; or

TITLE 18 - SUBDIVISIONS

2. The subdivision will result in three or fewer new lots; or
3. The subdivision will not result in any other public street improvements.

18.14.090 Pavement Requirements.

- A. All streets within Copperton shall be improved with pavements bounded by integral concrete curbs and gutters to an overall width in accordance with the standards, rules and regulations adopted by the council.
- B. Pavements shall be constructed in accordance with the requirements of the standards, rules and regulations adopted by the council.

18.14.100 Curbs and Gutters.

- A. Curbs and gutters on all streets shall be concrete of the standard high-back-type unit, not less than two feet, six inches in overall width, and not less than seven inches thick where the curb abuts the street pavement.
- B. All curb corners shall have a radius of not less than twenty-five feet, or thirty-five feet on streets designated as collector or arterial streets.
- C. The subdivider shall install curbs, gutters and sidewalks on existing and proposed streets in all subdivisions.

18.14.110 Street Name Signs.

Street name signs, conforming to the design and specifications and in the number provided by the standards, rules and regulations of Copperton, shall be provided by the developer at all street intersections. Installation shall be made by Copperton to insure uniformity.

18.14.120 Trails.

The subdivider shall dedicate trails necessary to provide public access to public lands and other trails shown on the general plans or required by the planning commission. Trails shall be located so that the route is feasible for both construction and long-term maintenance; sideslopes shall not exceed seventy percent and rock cliffs and other insurmountable physical obstructions shall be avoided. The specific location of the trail right-of-way shall be verified on the ground before approval of the subdivision. The amount of land required for trail dedication without compensation shall not exceed five percent of the land within the subdivision excluding trails located within a standard street right-of-way.

18.14.130 Fire Hydrants.

Fire hydrants shall be installed in all subdivisions in accordance with the regulations of the Fire Authority.

18.14.140 Stormwater Inlets and Catch Basins.

Stormwater inlets and catch basins shall be provided within the roadway improvements at points specified by the planning and development services division.

18.14.150 Open Ditches and Canals—Permitted When.

TITLE 18 - SUBDIVISIONS

- A. Open ditches or canals shall not be allowed within or adjoining a subdivision except along rear or side lot lines. The subdivider shall work with irrigation, drainage or ditch companies as to:
1. Methods of covering, realigning or eliminating ditches or canals within or adjoining the subdivision;
 2. The size of pipe and culverts required;
 3. The responsibility for the periodic inspection, cleaning and maintenance of such ditches, pipes and culverts. In cases where canals or ditches cross public roads or proposed public roads, specifications and grades for pipe or culvert must be approved by the planning and development services division.
- B. Irrigation components, whether open or piped, require water master approval.
1. If existing irrigation components are suspected and not identified, then verification is required.
 2. If irrigation components are present, they are checked to comply with the ordinance.
 3. The water master's signature is required on any sheet in the final construction plans which show irrigation components.
 4. Final approval of the construction plans shall be withheld until water master's signature is confirmed.

18.14.160 Open Ditches and Canals—Fencing Requirements.

The subdivider shall install a six-foot, nonclimbable chain-link fence, or its equivalent, in conformance with the standards and rules and regulations adopted as provided in Section 18.20.010, along all open ditches, canals or waterways, nonaccess streets, open reservoirs or bodies of water, railroad rights-of-way and other such features of potentially hazardous nature on, crossing or contiguous to the property being subdivided, except along those features which the planning commission shall determine would not be a hazard to life, or where the conforming structure would create a hazard to the safety of the public.

18.14.170 Fencing Requirements. Possible Workshop Discussion Topic: where the backs of lots face major streets, does the community want to require a masonry wall?

- A. Where lots rear on a public street the developer shall install a decorative masonry wall along the street right-of-way which is:
1. Uniform in design and materials within the subdivision;
 2. A solid visual barrier screening;
 3. A minimum of six feet high from the top of curb or, if there is no curb, from the crown of the street;
 4. Maintained by the abutting property owner;
 5. Constructed with a sealant placed on any masonry fence to help with the removal of graffiti and to preserve the surface;

TITLE 18 - SUBDIVISIONS

6. Constructed according to development standards approved by the planning commission;
 7. Placed on the property line with the space between the fence and the sidewalk hard surfaced or planted with a perennial, climbing, groundcover and an irrigation system.
- B. In lieu of a masonry wall, the planning commission may authorize a decorative masonry wall equivalent such as architectural precast concrete, architecturally treated concrete masonry units, or natural or precast stone.

18.14.180 Construction of Improvements.

- A. Twenty-four hours prior to construction of any required improvements, the municipal engineer shall be notified so that proper inspection may be provided and so that it may be determined whether or not proper authorization and/or required permits for construction have been obtained.
- B. As-built plans, profile drawings, and corresponding GIS data shall be furnished to the municipal engineer of all street improvements, storm drain, sanitary sewer, and water systems upon completion. Planning and Development Services shall retain the improvement bond until such plans have been submitted.
- C. Extreme care should be exercised on the part of the subdivider, the contractor and all other associated agencies for the protection and maintenance of all existing or newly placed improvements or facilities within the roadway sections during development.

18.14.190 Responsibility for Damages.

All damages to any bonded improvements or facilities incurred during the period of development shall be the sole responsibility of the subdivider and must be replaced to the satisfaction of the Municipal Engineer before final acceptance of any improvements caused by the subdivider or any agents of the subdivider shall be repaired by the subdivider to the satisfaction of the municipal engineer prior to final acceptance and bond release.

Chapter 18.16 – Performance Guarantees

Sections:

18.16.010 Performance Guarantee Required.

Wherever a performance guarantee is required under the terms of this title, the performance guarantee shall be submitted:

- A. In conformance with this chapter; and
- B. Prior to the commencement of any improvements.

18.16.020 Performance Bonds.

- A. Prior to the recording of a plat or conducting any development activity, in lieu of actual completion of the improvements listed in this Title, subdividers may file with the Planning and Development Services Division a performance bond to assure actual construction of such improvements within a one-year period.
- B. If the applicant elects to post a performance bond in lieu of completing the improvements prior to the recording of the final plat, the applicant shall provide a performance bond for:
 - 1. The completion of 100% of the required improvements; or
 - 2. If the Engineering division has inspected and accepted a portion of the required improvements, 100% of the incomplete or unaccepted improvements.
- C. The amount of the performance bond for public improvements such as curb, gutter, sidewalk, road construction and surfacing, flood control and fire hydrants shall be established by the Engineering division's estimated cost of completion.
- D. The performance bond shall also secure all landscaping requirements and any lot improvements on individual lots within the subdivision which are required in this Chapter.
- E. The performance bond shall be in the form of a cash bond, an escrow agreement, or an irrevocable letter of credit.
- F. A performance bond agreement shall be entered into by the Planning and Development Services division and the subdivider:
 - 1. The performance bond agreement shall include a provision that the performance bond shall expire within thirteen (13) months from the date issued.
 - 2. If the project has not been completed by that date, then the performance bond shall be considered foreclosed upon.
 - 3. All remaining funds shall be thereafter remitted to the Planning and Development Services division as set forth in the performance bond agreement.

TITLE 18 - SUBDIVISIONS

4. A performance bond may be extended only if special circumstances warrant an extension, as determined by the Engineering division.
- G. A performance bond may be partially released if the performance to which it relates has been satisfactorily completed, except that not less than ten percent (10%) of the performance bond shall be retained to ensure completion of the entire performance.
- H. The Director or Designee may establish objective procedures consistent with this section relating to the administration of performance bonds, including fund management, default and collection.

18.16.030. Final Disposition and Release.

- A. Upon completion of the work for which a performance bond has been posted, the developer shall submit to the Director or Designee, one copy of a written request for release.
- B. After receipt of the notice and request under subsection A of this section, within five (5) days the Engineering division shall make a preliminary inspection of the improvements and shall submit a report to the Director or Designee setting forth the condition of the facilities.
- C. The Director or Designee shall receive the report and, within seven (7) days of the inspection, authorize release of a portion of the performance bond corresponding to the work completed and approved if the Engineering division finds, based on objective inspection standards, that the condition of the improvements are satisfactory.
- D. The portion of the bond to be held as a durability bond under section 18.16.050 of this chapter may not be release until the durability period has expired and an inspection has been conducted by the Engineering division that finds, based on objective inspection standards, that the condition of the improvements is satisfactory.
- E. A bond may not be released if the Engineering division:
 1. Finds that the condition of material or workmanship shows unusual depreciation or does not comply with the acceptable standards of durability; or
 2. Finds that any other terms of the bond agreement have not been satisfied; or
 3. As built plans, including profile drawings, have not been filed and corresponding GIS data (as required) has not been submitted; or
- G. If the bonds are not released, refusal to release and the reasons therefor shall be given the subdivider in writing within seven days from the time of the inspection.
- H. In the case of a dispute over the release of a performance bond under this section, the Director may refer the matter to the municipal council for subsequent action to secure performance.

Such bonds shall be processed and released in accordance with the procedures set forth in Chapter 3.56 of the Copperton Code.

18.16.040. Default.

TITLE 18 - SUBDIVISIONS

- A. Upon substantiating a finding under subsection B of this section, the Director with approval of the municipal council may, with due notice to the developer:
 - 1. Declare the performance bond forfeited; and
 - 2. Install or cause the required improvement to be installed using the proceeds from the performance bond to defray the costs.
- B. A performance bond may be forfeited under subsection A of this section if the Director finds that a developer has failed or neglected to:
 - 1. Satisfactorily install the required improvements;
 - 2. Make required corrections;
 - 3. Make payment to the Planning and Development Services division for administration and inspections; or
 - 4. Otherwise failed to carry out the activity for which the performance bond was required.
- C. The developer is responsible for work beyond the limits of the bond amount.
- D. Any funds remaining after completion of the required improvements will be returned to the developer.

18.16.050. Reclamation Bond.

- A. Prior to conducting any development activity, the developer shall submit a shall file with the Planning and Development Services Division a reclamation bond to ensure that the site can be made safe in the event the developer is unable to complete the required improvements.
- B. The amount of the reclamation bond for public improvements such as curb, gutter, sidewalk, road construction and surfacing, flood control and fire hydrants shall be not less than ten percent (10%) of the Engineering division's estimated cost of completion.
- C. The reclamation bond shall be in the form of a cash bond, an escrow agreement, or an irrevocable letter of credit.
- D. At the end of the construction phase of the project, when the Engineering Division has approved and accepted the required improvements, the reclamation bond becomes the durability bond, with the final disposition and release subject to the same standards as the durability bond.

18.16.060. Durability Bond.

- A. The Planning and Development Services division shall retain a durability bond in the amount of not less than ten percent (10%) of the initial amount of the performance bond or the applicant's reasonable proven cost of completion. The durability bond shall be in the form of a cash bond, an escrow agreement, or an irrevocable letter of credit. The durability bond shall be for the purpose of warranting the improvements and shall be for a period of:
 - 1. One year after final acceptance of the improvement or warranty work; or
 - 2. Two (2) years after final acceptance of the improvement or warranty work, if the Director:

TITLE 18 - SUBDIVISIONS

- a. Determines for good cause that a lesser period would be inadequate to protect the public health, safety, and welfare; and
- b. Has substantial evidence of:
 - i. Prior poor performance of the applicant;
 - ii. Unstable soil conditions within the subdivision or development area; or
 - iii. Extreme fluctuations in climatic conditions that would render impracticable the discovery of substandard or defective performance within a one-year period.
- B. A determination under subsection A2 of this section shall be made by the Engineering division in consultation with the Director.
- C. If, after the warranty period, the durability of said improvements are found to be satisfactory, the retainage may be released following the procedure outlined under section 18.16.030 of this chapter.
- D. The Director may authorize a release of fifty percent (50%) of the improvement durability bond prior to the warranty period, if determined appropriate based on a finding of:
 - 1. The project has been completed and found acceptable and all monies have been released except for the durability bond;
 - 2. An error in the initial amount of the performance bond or the original calculation of the durability bond; or
 - 3. Fact that was previously unknown to the Engineering division that is material in a determination that Copperton's public health, safety, and welfare would still be adequately protected.
- E. The person giving the durability bond shall correct the improvements if at any time during the warranty period:
 - 1. Any required improvement fails or shows unusual depreciation;
 - 2. Certain work has not been completed or it becomes evident that certain work was not completed; or
 - 3. The materials or workmanship used in constructing the improvements do not otherwise comply with accepted standards of durability.
- F. If the corrections are not made within a reasonable time, the Director, with review from the municipal council, in accordance with section 18.16.040 of this chapter, may declare the person in default and use the retainage to defray the cost of any required work.

18.16.070 Fee In Lieu of Required Improvements.

- A. Where present conditions exist which make it unfeasible or impractical to install any required public improvements, the Director may require the subdivider to pay to Copperton a fee equal to the estimated cost of such improvements as determined by the Engineering division. Upon payment of the fee by the developer, Copperton shall assume the responsibility for future installation of such improvements.

TITLE 18 - SUBDIVISIONS

- B. The auditor shall establish a special account for such fees and shall credit to such account a proportioned share of interest earned from investment of municipal moneys. Records relating to identification of properties for which fees have been collected, fee amounts collected for such properties and money transfer requests shall be the responsibility of the Planning and Development Services division.

TITLE 18 - SUBDIVISIONS

Chapter 18.18 - Subdivision Amendments

Sections:

18.18.010 Purpose.

This Chapter establishes review and approval procedures for subdivision amendments and boundary line adjustments.

18.18.020 Boundary Line Adjustments.

- A. If properly executed and acknowledged as required by law, an agreement between owners of adjoining property that designates the boundary line between the adjoining properties acts, upon recording in the office of the Salt Lake County Recorder as a quitclaim deed to convey all of each party's right, title, interest, and estate in property outside the agreed boundary line that had been the subject of the boundary line agreement or dispute that led to the boundary line agreement.
- B. Requirements. Adjoining property owners executing a boundary line agreement described in Subsection A shall:
1. Ensure that the agreement includes:
 - a. A legal description of the agreed upon boundary line and of each parcel or lot after the boundary line is changed;
 - b. The name and signature of each grantor that is party to the agreement;
 - c. A sufficient acknowledgment for each grantor's signature;
 - d. The address of each grantee for assessment purposes;
 - e. A legal description of the parcel or lot each grantor owns before the boundary line is changed; and
 - f. The date of the agreement if the date is not included in the acknowledgment in a form substantially similar to a quitclaim deed;
 2. If any of the property subject to the boundary line agreement is part of a subdivision lot, prepare an amended plat, to be approved by the land use authority designated by section 18.08.010, before executing the boundary line agreement; and
 3. If none of the property subject to the boundary line agreement is a part of a subdivision lot, ensure that the boundary line agreement includes a statement citing the file number of a record of a survey map.
- C. Presumptions. A boundary line agreement described in Subsection A that complies with Subsection B presumptively:
1. Has no detrimental effect on any easement on the property that is recorded before the day on which the agreement is executed unless the owner of the property benefitting from the easement specifically modifies the easement within the boundary line agreement or a separate recorded easement modification or relinquishment document; and

TITLE 18 - SUBDIVISIONS

2. Relocates the parties' common boundary line for an exchange of consideration.
- D. Metes and Bounds Parcels. A boundary line agreement that only affects metes and bounds parcels is not subject to:
1. Any public notice, public hearing, or preliminary platting requirement;
 2. The review of a land use authority; or
 3. An engineering review or approval of Copperton, except as provided in Subsection E.
- E. Boundary Line Agreements when Dwelling Units are present.
1. If a parcel that is the subject of a boundary line agreement contains a dwelling unit, the owners shall submit the boundary line agreement to the Planning and Development Services division for review.
 2. The purpose of the review is to ensure that violations of the width, area, frontage, setback and other requirements are not created, and that any existing, legal nonconformities are not increased by any degree.
 3. The Planning and Development Services division shall complete the review within 14 days after the day on which the property owner submits the boundary line agreement for review.
 4. If the Planning and Development Services division determines that the boundary line agreement is deficient or if additional information is required to approve the boundary line agreement, the division shall, within 14 days, send written notice to the property owner that:
 - a. Describes the specific deficiency or additional information required to approve the boundary line agreement; and
 - b. State that Copperton shall approve the boundary line agreement upon the property owner's correction of the deficiency or submission of the additional information described in the notice;
 5. If the Planning and Development Services division approves the boundary line agreement, the division shall send written notice of the boundary line agreement's approval to the property owner within 14 days.
 6. If a municipality fails to send a written notice within 14 days, the property owner may record the boundary line agreement as if no review was required.

18.18.030 Subdivision Amendments.

- A. Application Required. A fee owner of land, as shown on the last county assessment roll, in an approved subdivision that has been recorded with the Salt Lake County recorder may file an application with the Planning and Development Services division to request a subdivision amendment.
- B. Plat Required. Upon filing an application to request a subdivision amendment, the owner shall prepare a plat in accordance with section 18.12.040 that:

TITLE 18 - SUBDIVISIONS

1. Depicts only the portion of the subdivision that is proposed to be amended;
 2. Includes a plat name distinguishing the amended plat from the original plat;
 3. Describes the differences between the amended plat and the original plat; and
 4. Includes references to the original plat.
- C. Notice. The Director or Designee shall provide notice of the petition by mail, email, or other effective means to each affected entity that provides a service to an owner of record of the portion of the plat that is being vacated or amended at least 10 calendar days before the land use authority may approve the petition for a subdivision amendment.
- D. Public Hearing Required. The planning commission shall hold a public hearing within 45 days after the day on which the petition is filed if:
1. Any owner within the plat notifies Copperton of the owner's objection in writing within 10 days of mailed notification; or
 2. A public hearing is required because all of the owners in the subdivision have not signed the revised plat.
- E. Public Hearing Not Required. The public hearing requirement does not apply, and the planning commission may consider at a public meeting an owner's petition for a subdivision amendment if:
1. The petition seeks to:
 - a. Join two or more of the petitioner fee owner's contiguous lots;
 - b. Subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of a land use ordinance or a development condition;
 - c. Adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the fee owners of each of the adjoining properties join in the petition, regardless of whether the properties are located in the same subdivision;
 - d. On a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the local political subdivision; or
 - e. Alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not:
 - i. Owned by the petitioner; or
 - ii. Designated as a common area; and
 2. Notice has been given to adjoining property owners in accordance with any applicable local ordinance.
- E. A land use authority may not approve a petition for a subdivision amendment under this section unless the amendment identifies and preserves any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the subdivision.

TITLE 18 - SUBDIVISIONS

- F. A request to amend a public street or municipal utility easement is also subject to Section 18.18.050.
- G. A request to amend an entire plat or a portion of a plat shall include:
 - 1. The name and address of each owner of record of the land contained in the entire plat or on that portion of the plat described in the petition; and
 - 2. The signature of each owner of record of the land contained in the entire plat or on that portion of the plat described in the petition who consents to the petition.
- H. The name of a recorded subdivision may be changed by recording an amended plat making that change, as provided in this section. An owner of land may not submit for recording an amended plat that gives the subdivision described in the amended plat the same name as a subdivision in a plat already recorded in the Salt Lake County recorder's office.
 - 1. The surveyor preparing the amended plat shall certify that the surveyor:
 - a. Holds a license in accordance with Utah Code; and
 - b. Has completed a survey of the property described on the plat in accordance Utah Code and has verified all measurements; or
 - c. Has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
 - d. Has placed monuments as represented on the plat.

18.18.040 Approval of Vacation or Amendment of Plat

- A. The land use authority may approve the vacation or amendment of a plat by signing an amended plat showing the vacation or amendment if the land use authority finds that:
 - 1. there is good cause for the vacation or amendment; and
 - 2. no public street or municipal utility easement has been vacated or amended.
- B. The land use authority shall ensure that the amended plat showing the vacation or amendment is recorded in the office of the Salt Lake County recorder.
- C. If the amended plat is approved and recorded in accordance with this section, the recorded plat shall vacate, supersede, and replace any contrary provision in a previously recorded plat of the same land.
- D. The municipal council may vacate a subdivision or a portion of a subdivision by recording in the Salt Lake County recorder's office an ordinance describing the subdivision or the portion being vacated. The recorded vacating ordinance shall replace a previously recorded plat described in the vacating ordinance.
- E. An amended plat may not be submitted to the Salt Lake County recorder for recording unless it is:
 - 1. Signed by the land use authority; and
 - 2. Signed, acknowledged, and dedicated by each owner of record of the portion of the plat that is

TITLE 18 - SUBDIVISIONS

amended.

- F. A management committee may sign and dedicate an amended plat as provided in Utah Code, Title 57, Chapter 8, Condominium Ownership Act.
- G. A plat may be corrected as provided in Section 57-3-106.

18.18.050 Petition to Vacate a Public Street.

- A. In lieu of vacating some or all of a public street through a plat or amended plat in accordance with Utah Code, a legislative body may approve a petition to vacate a public street in accordance with this section.
- B. Application. A petition to vacate some or all of a public street or municipal utility easement shall include:
 - 1. The name and address of each owner of record of land that is:
 - a. Adjacent to the public street or municipal utility easement between the two nearest public street intersections; or
 - b. Accessed exclusively by or within 300 feet of the public street or municipal utility easement;
 - 2. Proof of written notice to operators of utilities and culinary water or sanitary sewer facilities located within the bounds of the public street or municipal utility easement sought to be vacated; and
 - 3. The signature of each owner due notice who consents to the vacation.
- C. Notice. If a petition is submitted containing a request to vacate some or all of a public street or municipal utility easement, the legislative body shall hold a public hearing, giving notice of the date, place, and time of the hearing as follows:
 - 1. At least ten (10) days before the public hearing, the legislative body shall ensure that notice is:
 - a. Mailed to the record owner of each parcel that is accessed by the public street or municipal utility easement;
 - b. Mailed to each affected entity;
 - c. posted on or near the public street or municipal utility easement in a manner that is calculated to alert the public; and
 - d. Publish notice on the municipal website and the Utah Public Notice Website until the public hearing concludes.
- D. Determination. After having held a public hearing as required herein, the municipal council shall determine whether:
 - 1. Good cause exists for the vacation; and
 - 2. The public interest or any person will be materially injured by the proposed vacation.

TITLE 18 - SUBDIVISIONS

- E. Adoption. The legislative body may adopt an ordinance granting a petition to vacate some or all of a public street or municipal utility easement if the legislative body finds that:
1. Good cause exists for the vacation; and
 2. Neither the public interest nor any person will be materially injured by the vacation.
- F. Recording. If the legislative body adopts an ordinance vacating some or all of a public street or municipal utility easement, the legislative body shall ensure that one or both of the following is recorded in the office of the Salt Lake County Recorder:
1. A plat reflecting the vacation; or
 2. An ordinance described in Subsection D and a legal description of the public street to be vacated.
- G. Limitations. The action of the legislative body vacating some or all of a public street or municipal utility easement that has been dedicated to public use:
1. Operates to the extent to which it is vacated, upon the effective date of the recorded plat or ordinance, as a revocation of the acceptance of and the relinquishment of Copperton's fee in the vacated public street or municipal utility easement; and
 2. May not be construed to impair:
 - a. Any right-of-way or easement of any parcel or lot owner;
 - b. The rights of any public utility; or
 - c. The rights of a culinary water authority or sanitary sewer authority.
- G. Municipal Petition to Vacate. A municipality may submit a petition, in accordance with Subsection B, and initiate and complete a process to vacate some or all of a public street.
1. If a municipality submits a petition and initiates a process under this subsection:
 - a. The legislative body shall hold a public hearing;
 - b. The petition and process may not apply to or affect a public utility easement, except to the extent:
 - i. The easement is not a protected utility easement as defined in Utah Code;
 - ii. The easement is included within the public street; and
 - iii. The notice to vacate the public street also contains a notice to vacate the easement; and
 - c. A recorded ordinance to vacate a public street has the same legal effect as vacating a public street through a recorded plat or amended plat.
- H. Water and Sewer Easements. A legislative body may not approve a petition to vacate a public street under this section unless the vacation identifies and preserves any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the public street.

TITLE 18 - SUBDIVISIONS

18.18.060 Amendments to Create Additional Lots.

An amendment to a recorded subdivision to create one or more additional lots shall follow the approval procedure outlined in Chapter 18.08. Where the amendment does not include the creation of additional infrastructure beyond service lines, this amendment process may utilize a streamlined final plat process.

18.18.070 Other Amendments to Subdivisions.

An amendment to a recorded subdivision that involves the alteration or removal of an easement, private right-of-way, condition, limitation, or special requirement shall follow the approval procedure outlined in Chapter 18.08 with the following variations:

- A. Only those persons or entities who have a direct interest in, or who will be directly affected by the proposed change (including the applicant) must be notified of any pending action; and
- B. No preliminary plat need be approved. The recommendations of the affected entities and the approval of the planning commission may be based on a final plat.

18.18.080 Correction of Technical Errors.

An amendment to correct a technical error, such as misnumbered street addresses or an errant note on the plat may be done through recording an affidavit of correction by the Director.

TITLE 18 - SUBDIVISIONS

Chapter 18.20 - Filing Professional Surveys

Sections:

18.20.010 Filing Required, Indexing and Fees.

- A. Any registered professional land surveyor making a survey of private lands within this state who establishes or reestablishes any private property boundary monument shall file a map of the survey that meets the requirements of this Chapter with the county surveyor within ninety days of the establishment or reestablishment of the boundary monument.
- B. The county surveyor shall file and index the map of the survey which will thereafter be a public record in the office of the county surveyor and will be available for examination by the public. The county surveyor will provide facilities for copying such maps and associated documents.
- C. Fees will be charged for services in accordance with the adopted fee schedule.
- D. The requirements of this section are in addition to Chapter 14.17, Excavation Permit for Monuments.

18.20.020 Contents of Maps.

- A. The county surveyor will screen maps of survey that are submitted to him to ensure that they conform to the requirements set forth in this Chapter before receiving them. Such maps shall be drawn on a twenty-four-inch by thirty-six-inch linen and shall show:
 - 1. The location of survey by quarter section and township and range;
 - 2. The date of survey;
 - 3. The scale of drawing and north point;
 - 4. The distance and course of all lines traced or established, giving the basis of bearing and the distance and course to a section corner or quarter corner, including township and range, or an identified monument within a recorded subdivision;
 - 5. All measured bearings, angles and distances separately indicated from those of record;
 - 6. A written boundary description of property surveyed;
 - 7. All monuments set and their relation to older monuments found;
 - 8. A detailed description of monuments found and monuments set, indicated separately;
 - 9. The surveyor's seal or stamp;
 - 10. The surveyor's business name and address.

18.20.030 Written Narrative.

- A. The map of survey will include a written narrative either on the map itself or on a separate document. If on a separate document, such narrative will be typed on eight-and-one-half-inch by eleven-inch white paper of a permanent nature on stable base. The narrative will include:

TITLE 18 - SUBDIVISIONS

1. An explanation of the purpose of the survey;
 2. The basis on which the lines were established; and
 3. The found monuments and deed elements that controlled the established or reestablished lines;
 4. The location of the survey by quarter section and by township and range;
 5. The date of the survey;
 6. The surveyor's stamp or seal; and
 7. The surveyor's business name and address.
- B. The map and narrative will be referenced to each other if they are separate documents.

18.20.040 Marking Monuments.

- A. Any monument set by a registered professional land surveyor to mark or reference a point on a property of land or land line shall be durably and visibly marked or tagged with the registered business name or the letters "L.S." followed by the registration number of the surveyor in charge.
- B. If the monument is set by a public officer, it shall be marked with the official Title of the office.

18.20.050 Changes of Section or Quarter Section Corners.

- A. If, in the performance of a survey, the surveyor finds or makes changes in the section corner or quarter-section corner, or their accessories as they are described in an existing corner record or survey map in the office of the county surveyor, the surveyor shall complete and submit to the county surveyor a record of the changes needed to be made to any corner or accessories to the corner.
- B. The record shall be submitted within forty-five days of the corner visits and shall include the surveyor's seal, business name, and address.

18.20.060 Compliance by Governmental Agencies.

Any federal or state agency, board or commission, special district, or municipal corporation that makes a survey of lands within Salt Lake County shall comply with this Chapter.

18.20.070 Amendment by Affidavit.

- A. Any survey map or narrative filed and recorded under the provisions of this Chapter may be amended by an affidavit of corrections:
1. To show any courses or distances omitted from the map or narrative;
 2. To correct an error in the description of the real property shown on the map or narrative; or
 3. To correct any other errors or omissions where the error or omission is ascertainable from the data shown on the map or narrative as recorded.
- B. The affidavit of correction shall be prepared by the registered professional land surveyor who filed the map or narrative.

TITLE 18 - SUBDIVISIONS

- C. In the event of the death, disability or retirement from practice of the surveyor who filed the map or narrative, the county surveyor may prepare the affidavit of correction.
- D. The affidavit shall set forth in detail the corrections made.
- E. The seal and signature of the registered professional land surveyor filing the affidavit of correction shall be affixed to the affidavit.

18.20.080 County Surveyor Certification.

- A. The county surveyor having jurisdiction of the map or narrative shall certify that the affidavit of correction has been examined and that the changes shown on the map or narrative are changes permitted under this section.
- B. Nothing in this section permits changes in courses or distances for the purpose of redesigning parcel configurations.

18.20.090 Penalty.

Failure to file a map of survey as required in this Chapter shall be a Class C misdemeanor and shall be punishable by imprisonment not exceeding ninety days and/or a fine not exceeding five hundred dollars.

TITLE 18 - SUBDIVISIONS

Chapter 18.22 - Health Department Regulations

Sections:

18.22.010 Adoption of Health Regulations.

The provisions of the health department Health Regulation No. 12, entitled "Subdivisions," as currently adopted by the board of health under authority of the Utah State Code are incorporated in their entirety by reference. Three copies of the current regulations shall be filed with and retained by the county clerk and the health department for examination by any person.

18.22.020 Violations.

Violation of any provision of any health regulation incorporated into this Title shall constitute a Class B misdemeanor as defined by the Utah State Code. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punished as such.

TITLE 18 - SUBDIVISIONS

Chapter 18.24 - Fees, Administration and Enforcement

Sections:

18.24.010 Building Permit Issuance.

From the time of the effective date of the ordinance codified in this Title, the building inspector shall not grant a permit, nor shall any municipal officer grant any license or permit for the use of any land or the construction or alteration of any building or structure on a lot which would be in violation of any provisions of this Title until a subdivision plat therefor has been recorded or approved as required in this Chapter. Any license or permit issued in conflict with such provisions shall be void.

18.24.020 Filing Fee.

Any and all persons filing plats with the Salt Lake County recorder shall first have paid all fees required in this Title. In addition, persons filing plats shall pay to the planning and development services division prior to recording, an office checking fee as provided for in Section 3.48.020.

18.24.030 Inspections.

The Planning and Development Services division shall inspect or cause to be inspected all buildings, street improvements, fire hydrants and water supply and sewage disposal systems in the course of construction, installation or repair. Excavations for the fire hydrants and water and sewer mains and laterals shall not be covered or backfilled until such installation shall have been approved by the service provider. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the inspector.

18.24.040 Enforcement Authority.

The Planning and Development Services division, Engineering division, Fire Authority, and such other divisions as are specified under the provisions of this Title are designated and authorized as the agencies charged with the enforcement of the provisions of this Title and shall enter such actions in court as are necessary. Failure of such departments to pursue appropriate legal remedies shall not legalize any violation of such provisions.

18.24.050. Forms and Instructions.

Application forms and instructions for preparing and processing plats and plans in accordance with these Regulations are periodically updated. Current copies of these forms and instructions are available upon request from the Director. Applicants will be required to submit such other information as may be required by the Director of Designee.

TITLE 18 - SUBDIVISIONS

Chapter 18.26 - Violations and Penalties

Sections:

18.26.010 Prohibited Acts.

- A. If a subdivision requires a plat, an owner of any land located in a subdivision who transfers or sells any land in that subdivision before a plat of the subdivision has been approved and recorded violates this part for each lot or parcel transferred or sold.
- B. The description by metes and bounds in an instrument of transfer or other documents used in the process of selling or transferring does not exempt the transaction from being a violation of this subsection or from the penalties or remedies provided in this chapter.
- C. Notwithstanding any other provision of this subsection, the recording of an instrument of transfer or other document used in the process of selling or transferring real property that violates this part:
 - 1. Does not affect the validity of the instrument or other document; and
 - 2. Does not affect whether the property that is the subject of the instrument or other document complies with applicable municipal ordinances on land use and development.

18.26.020 Violation—Penalty.

Whoever shall violate any of the provisions of this Title, including the violation of a condition, limitation or requirement contained on a recorded subdivision plat, shall be guilty of a misdemeanor and, upon conviction of any such violation, shall be punished as provided by the state criminal code for Class B misdemeanors.

18.26.030 Violation - Remedies.

- A. A municipality may bring an action against an owner to require the property to conform to the provisions of this part or an ordinance enacted under the authority of this part.
- B. An action under this Subsection may include an injunction or any other appropriate action or proceeding to prevent or enjoin the violation.
- C. A municipality need only establish the violation to obtain the injunction.