



## **NOTICE OF PUBLIC HEARING**

### **COPPERTON METRO TOWNSHIP COUNCIL**

NOTICE IS HEREBY GIVEN Pursuant to Utah Code Title 10, Chapter 9a, Section 205, that the Copperton Metro Township Council (the "Council") will hold three consecutive public hearings on Wednesday, October 20, 2021, beginning at 6:30 PM at the Bingham Canyon Lions Club located at 95 East Hillcrest Street in Copperton, to receive public comment on the following proposed land use ordinances:

- An ordinance that would enact Chapter 19.15 of the Copperton Municipal Code to allow internal accessory dwelling units as mandated by new state legislation (H.B. 82);
- An ordinance to modify size requirements for accessory structures to account for lot sizes in Copperton; and
- An ordinance to replace Chapter 19.74 of the Copperton Metro Township Code to include new language that conforms with current State of Utah and Federal Emergency Management Agency requirements.

The Council will act on the proposed ordinances after taking comments from the public during the public hearing. The public is also invited to review and inspect the proposed ordinances at <https://coppertonutah.org/>.

You may also obtain copies of the ordinances and submit written comments prior to the public hearing by contacting Wendy Gurr at [wgurr@msd.utah.gov](mailto:wgurr@msd.utah.gov) or (385) 468-6707. Individuals needing special accommodations (including ancillary communicative aids and services) during this public hearing should contact Mayor Sean Clayton three days before the public hearing at [seanclayton@coppertonutah.org](mailto:seanclayton@coppertonutah.org) or (801) 615-3900.

AN ORDINANCE OF THE COPPERTON METRO TOWNSHIP COUNCIL  
REVISING THE COPPERTON METRO TOWNSHIP CODE TO AUTHORIZE  
AND REGULATE ACCESSORY DWELLING UNITS PER H.B. 82

RECITALS

WHEREAS, Utah Code §10-2a-414(3) provides that a Salt Lake County ordinance in effect in 2017 when the Copperton Metro Township (“**Copperton**”) incorporated shall remain in effect as a Copperton ordinance “until the metro township council amends or repeals the ordinance;” and

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

WHEREAS, during the 2021 legislative session, the Utah Legislature passed H.B. 82 (Single-Family Housing Modifications), which classified internal accessory dwelling units (“**ADUs**”) built within the existing footprint of a single-family home as a permitted use in any area zoned primarily for residential use, subject to certain restrictions, and

WHEREAS, H.B. 82 went into effect on October 1, 2021; and

WHEREAS, Copperton needs to amend its municipal code to comply with H.B. 82; and

WHEREAS, the Copperton planning and development staff prepared a draft ordinance, which Copperton’s attorney has reviewed, that would enact Chapters 19.15 and 15.50 of the Copperton Metro Township Code to authorize and regulate ADUs in accordance with H.B. 82; and

WHEREAS, in identifying the changes needed to comply with H.B. 82, the Copperton planning and development staff and the Copperton attorney consulted with the Copperton Improvement District (the “**District**”), which supplies water to Copperton and has indicated that its water rights and capacity are limited; and

WHEREAS, the District has enacted requirements of its own to ensure that it will have sufficient water rights and system and source capacity to service ADUs and fulfill its existing water delivery obligations to Copperton residents and to comply with the Safe Drinking Water Act and other requirements; and

WHEREAS, to assist in the fulfillment of its obligations, the District has requested that Copperton: (1) not issue a building permit for an ADU until the District has confirmed in writing that the ADU has complied with the District’s water service requirements; and (2) that Copperton amend its building code requirements to require the use water efficient fixtures and appliances in ADUs; and

WHEREAS, after holding a public hearing on September 28, 2021, and taking public comment pursuant to Utah Code Ann. § 10-9a-502, the Copperton Planning Commission recommended that the Council adopt the attached ADU ordinance; and

WHEREAS, after holding a subsequent public hearing on October 20, 2021, to receive public comment, the Council desires to adopt the attached ordinance to comply with H.B. 82.

NOW, THEREFORE BE IT RESOLVED BY THE COPPERTON METRO TOWNSHIP COUNCIL that the attached revisions to the Copperton Metro Township Code are adopted and shall become effective immediately, pursuant to Utah Code Ann. § 10-3-711(1) and Utah Code Ann. § 10-3-712.

COPPERTON METRO TOWNSHIP COUNCIL

By: \_\_\_\_\_  
Sean Clayton, Mayor

ATTEST

APPROVED AS TO FORM:

\_\_\_\_\_  
Sherrie Swensen, Clerk/Recorder

\_\_\_\_\_  
Nathan Bracken,  
Metro Township Attorney

VOTING

Council Member Kathleen Bailey voting \_\_\_\_\_  
Council Member Sean Clayton voting \_\_\_\_\_  
Council Member David Olsen voting \_\_\_\_\_  
Council Member Kevin Severson voting \_\_\_\_\_  
Council Member Tessa Stitzer voting \_\_\_\_\_

(Complete as applicable)  
Summary of ordinance published on Utah Public Notice Website: \_\_\_\_\_  
Date of publication: \_\_\_\_\_  
Effective date of ordinance: \_\_\_\_\_

**SUMMARY OF  
COPPERTON METRO TOWNSHIP ORDINANCE NO. 2021-10-01**

On October 20, 2021, the Copperton Metro Township Council enacted Ordinance No 2021-10-01, which went into effect on October 20, 2021, and will enact Chapters 19.15 and 15.50 of the Copperton Metro Township Code to authorize and regulate accessory dwelling units to comply with H.B. 82.

COPPERTON METRO TOWNSHIP COUNCIL

By: \_\_\_\_\_  
Sean Clayton, Mayor

ATTEST

APPROVED AS TO FORM:

\_\_\_\_\_  
Sherrie Swensen, Clerk/Recorder

\_\_\_\_\_  
Nathan Bracken,  
Metro Township Attorney

VOTING

Council Member Kathleen Bailey voting \_\_\_\_\_  
Council Member Sean Clayton voting \_\_\_\_\_  
Council Member David Olsen voting \_\_\_\_\_  
Council Member Kevin Severson voting \_\_\_\_\_  
Council Member Tessa Stitzer voting \_\_\_\_\_

A complete copy of Ordinance No. 2021-10-1 is available in the office of the Copperton Metro Township Clerk, 2001 South State Street, N2-700, Salt Lake City, Utah.

SECTION 1: CHAPTER 19.15 IS ENACTED TO READ AS FOLLOWS:

**19.15.010 Purpose.**

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

*A. Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable;*

*B. Provide for affordable housing opportunities;*

*C. Make housing units available to moderate income people who might otherwise have difficulty finding housing in Copperton;*

*D. Provide opportunities for additional income to offset rising housing costs;*

*E. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle;*

*F. Preserve the character of single-family neighborhoods by providing standards governing development of Accessory Dwelling Units; and*

*G. Ensure that Accessory Dwelling Units are properly regulated by requiring property owners to obtain a business license and a building permit for an ADU prior to renting the ADU.*

**19.15.020 Definitions.**

*A. "Accessory Dwelling Unit (ADU)" means a self-contained dwelling unit located on or within an owner-occupied property and are limited to detached ADUs and IADUs.*

B. *“Detached Accessory Dwelling Unit” (Detached ADU) means a self-contained dwelling unit located on an owner-occupied property that is located in a structure that is detached from the primary dwelling.*

C. *“Internal accessory dwelling unit (IADU)” means an accessory dwelling unit that is:*

1. *within a primary dwelling;*
2. *within the footprint of the primary dwelling at the time the internal accessory dwelling unit is created; and*
3. *offered for a long-term rental of 30 consecutive days or longer.*

D. *“Non-rental Use” means using an ADU for housing that does not include renting the unit to a third-party. Examples that fall under this use may include housing family members, caretakers, nannies, or other in-home employees.*

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

F. *“Primary dwelling” means a single-family dwelling that is detached and is occupied as the primary residence of the owner of record.*

**19.15.030 Allowed areas and zones.**

A. *ADUs incorporated within the single-family residence shall be a permitted use on single family home lots in primarily residential zones so long as all setback, building code, and other applicable requirements are satisfied.*

B. *In no case shall an ADU be permitted in a townhome, a multi-family PUD, or other attached unit type, or on any lot that cannot satisfy parking, setback, or lot coverage requirements.*

**19.15.040 Number of residents.**

*ADUs shall not be occupied by more than four (4) persons.*

**19.15.050 Setbacks.**

*Side yard setbacks on all ADUs and all other setbacks on internal ADUs shall be consistent with setbacks for a single-family dwelling in the zone. Rear yard setbacks on detached ADUs are a minimum of 10 feet. Detached ADUs must also be a minimum of 6 feet from the main dwelling. For detached ADUs, if existing public utility easements are greater than the required setback, the minimum setback shall be the public utility boundary.*

**19.15.060 Parking requirements.**

*In addition to the required parking for the existing home, the property owner must demonstrate that one (1) dedicated on-site parking space is available for an IADU, and that two dedicated (2) on-site parking spaces are available for a detached ADU. A dedicated parking space may not be located on a shared driveway with a neighboring property. A property owner bears the burden of showing by a preponderance of the evidence that sufficient parking is available. In cases where garage conversions are done to create an IADU or detached ADU, replacement on-site parking spaces are required for the primary dwelling in a number equal to the parking spaces eliminated by such ADU.*

**19.15.070 Height requirements.**

*ADUs shall comply with the following height requirements:*

- A. Detached ADU – 20' height limit;*
- B. Above-garage detached ADUs – 28' height limit;*
- C. No detached ADU use may be taller than the existing home.*

**19.15.080 Lot coverage.**

*Lot coverage maximums as outlined per each zone. Any additions to an existing building or construction of a detached ADU shall comply with Section 19.15.050 and except as provided in that section, shall not exceed the allowable lot or rear yard coverage standard for the underlying zone.*

**19.15.090 Owner occupancy.**

*The principal unit or the ADU must have owner occupancy, except for medical, military service, or religious reasons for a time period of up to two (2) years. If an absence is warranted due to the above reasons, an on-site manager shall be designated. The property owner may not receive rent for the unit occupied by the owner. An application for an ADU shall include evidence of owner occupancy.*

**19.15.100 Number of ADUs per lot.**

*Only one ADU is allowed per lot.*

**19.15.110 ADU design standards.**

*An IADU or detached ADU shall comply with all applicable building, fire, and health codes, including but not limited to applicable water service requirements and Chapter 19.50.*

**19.15.120 Affidavit and Notice of ADU.**

*Applicants for ADUs shall provide an affidavit stating that the owner of the property shall live in either the primary or ADU as their permanent residence. Upon approval of the ADU by the building official, and upon the issuance of a business license pursuant to Section 19.15.130, a Notice of Accessory Dwelling Unit including the affidavit shall be recorded against the property to provide notice to a future owner of the owner occupancy requirement for the ADU. Upon sale*

*of the property, the new owner shall be required to sign and record a new affidavit and secure reauthorization of the ADU by the building and business license officials. A copy of the recorded notice shall be provided to the applicant when completed.*

**19.15.130: Licensing.**

*A. Prior to renting out any ADU, an Owner must obtain a business license by submitting a written request to the Copperton business official. Business licenses issued for ADUs shall be valid for one-year after the date of their issuance and may be renewed by filing a written request requesting a renewal with the Copperton business official before the expiration of the license. Business license applications for ADUs shall be governed by Title 5 of the Copperton Metro Township Code. The business license must be maintained as long as the ADU is rented.*

*B. ADUs used for non-rental uses as defined in this chapter shall follow the same process as all other ADUs except that a business license is not required. Should the owner of an ADU used for non-rental uses later decide to rent the Owner must obtain a business license before renting the ADU.*

**19.15.140: Multi-Family use of ADUs prohibited.**

*A. ADUs are part of a single-family residence and shall not be used as a multi-family residence.*

*B. ADUs may not be separately metered apart from the single-family residence.*

*C. ADUs may not be sold or subdivided separately from the single-family residence.*

**19.15.150 Short-term rental use prohibited.**

*Units approved as ADUs shall not be used as short-term rentals of less than thirty (30). Any rentals shall be made for thirty (30) consecutive days or more.*

**19.15.160 Variances.**

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

**SECTION 2: CHAPTER 15.50 IS ENACTED TO READ AS FOLLOWS:**

**15.50.100 Applicability.**

*This chapter shall apply to all accessory dwelling units (ADUs) constructed pursuant to Chapter 19.15.*

**15.50.110 Definitions.**

*A. The definitions in Section 19.15.020 shall apply to this chapter in addition to all other applicable definitions set forth in this chapter and in the Copperton Metro Township Code.*

*B. “Energy Star” means the U.S. Environmental Protection Agency and the U.S. Department of Energy program that certifies energy-efficient products.*

*C. “WaterSense” means the U.S. Environmental Protection Agency’s WaterSense program for certifying water efficient appliances and products.*

**15.50.120 ADU Standards**

*A. Detached ADUs shall have a permanent concrete slab on which they are built, unless they are constructed above a garage. Detached ADUs are not allowed to be built on a foundation with a basement, on piers, or on any temporary or wheeled structure.*

*B. Conversions of an existing space to an ADU shall require compliance with safety requirements per the building code including, but not limited to, egress windows with window wells in case of emergency, close off door(s) between the ADU and main unit, and sufficient HVAC and climate control for the ADU.*

*C. IDUs shall not require a separate HVAC or firewall.*

*D. Owner shall provide a separate address marking for emergency services and mailing services.*

*E. A separate entrance to the ADU from the main dwelling is required. This entrance shall not be allowed on the front or corner lot side yard. The separate entrance shall be located to the side or rear of the principal residence.*

*F. Detached ADUs shall not be located in a front or corner lot side yard.*

*G. Detached ADUs must be offset 10' or more from the front façade of the main dwelling.*

*H. Any detached ADU shall have adequate facilities for all discharge from roof and other drainage.*

*I. Single family residences with an ADU shall retain the same appearance as a single-family residence. A detached ADU shall be designed with the same roof pitch and general color of the main dwelling.*

*J. An existing accessory building may be converted into an ADU provided that it meets the same ADU requirements in this chapter.*

**15.50.120 Indoor Fixture Requirements.** *All ADUs shall have fixtures that comply with the efficiency standards listed below:*

*A. Toilets shall be WaterSense labeled and must use 1.28 gallons per flush or less;*

*B. Showerheads shall be WaterSense labeled and must use 2.0 gallons per minute or less;*

- C. Kitchen faucets shall be WaterSense labeled and use 1.5 gallons per minute or less;*
- D. Bathroom faucets shall be WaterSense labeled and use 0.5 gallons per minute or less;*
- E. Clothes washers shall be Energy Star certified and have an integrated water factor of 4.3 or less; and*
- F. Dishwashers shall be Energy Star certified and use 3.5 gallons per cycle or less.*

**15.50.130 Issuance of Building Permits for Accessory Dwelling Units.**

*A. An approved building permit is required for all ADUs before an ADU is constructed, and all other applicable provisions of this chapter, Chapter 19.15, and other applicable provisions of the Copperton Code must be met before an ADU can be rented. Existing non-compliant ADUs may come into compliance by receiving a building permit and verifying existing work was done according to code.*

*B. The Copperton building official will process all building permit applications for ADUs in accordance with the applicable provisions of Title 15 of the Copperton Code and any other applicable building codes.*

*C. The building official may not issue a building permit for an ADU until the applicant submits written confirmation from the Copperton Improvement District that the ADU complies with all applicable Copperton Improvement District requirements.*

ORDINANCE NO. 2021-10-02

DATE: October 20, 2021

AN ORDINANCE OF THE COPPERTON METRO TOWNSHIP COUNCIL  
REVISING SECTIONS 19.14.020 AND 19.14.030 TO REMOVE ACCESSORY  
BUILDING SQUARE FOOTAGE REQUIREMENTS

RECITALS

WHEREAS, Utah Code §10-2a-414(3) provides that a Salt Lake County ordinance in effect in 2017 when the Copperton Metro Township (“**Copperton**”) incorporated shall remain in effect as a Copperton ordinance “until the metro township council amends or repeals the ordinance;” and

WHEREAS, Sections 19.14.020 and 19.14.030 of the Copperton Metro Township Code (the “**Code**”) govern accessory building requirements within Copperton; and

WHEREAS, Sections 19.14.020 and 19.14.030, as inherited from Salt Lake County, limit the size of accessory buildings to 800 square feet, which the Council believes to be an overly burdensome requirement; and

WHEREAS, after holding a public hearing on September 28, 2021, and taking public comment pursuant to Utah Code Ann. § 10-9a-502, the Copperton Planning Commission recommended that the Council adopt the attached revisions to Sections 19.14.020 and 19.14.030, which will remove the 800 square foot requirement for accessory buildings; and

WHEREAS, after holding a subsequent public hearing on October 20, 2021, to receive public input, the Council has reviewed the proposed revisions and desires to adopt them.

NOW, THEREFORE BE IT RESOLVED BY THE COPPERTON METRO TOWNSHIP COUNCIL that the attached revisions to Sections 19.14.020 and 19.14.030 of the Copperton Metro Township Code are adopted and shall become effective immediately, pursuant to Utah Code Ann. § 10-3-711(1) and Utah Code Ann. § 10-3-712.

[execution on following page]

COPPERTON METRO TOWNSHIP COUNCIL

By: \_\_\_\_\_  
Sean Clayton, Mayor

ATTEST

APPROVED AS TO FORM:

\_\_\_\_\_  
Sherrie Swensen, Clerk/Recorder

\_\_\_\_\_  
Nathan Bracken,  
Metro Township Attorney

VOTING

Council Member Kathleen Bailey voting \_\_\_\_\_  
Council Member Sean Clayton voting \_\_\_\_\_  
Council Member David Olsen voting \_\_\_\_\_  
Council Member Kevin Severson voting \_\_\_\_\_  
Council Member Tessa Stitzer voting \_\_\_\_\_

<p>(Complete as applicable)</p> <p>Summary of ordinance published on Utah Public Notice Website: _____</p> <p>Date of publication: _____</p> <p>Effective date of ordinance: _____</p>
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**SUMMARY OF  
COPPERTON METRO TOWNSHIP ORDINANCE NO. 2021-10-02**

On October 20, 2021, the Copperton Metro Township Council enacted Ordinance No 2021-10-02, which will go into effect immediately, and will remove the square footage requirements for accessory buildings under Sections 19.14.020 and 19.14.030 of the Copperton Metro Township Code.

COPPERTON METRO TOWNSHIP COUNCIL

By: \_\_\_\_\_  
Sean Clayton, Mayor

ATTEST

APPROVED AS TO FORM:

\_\_\_\_\_  
Sherrie Swensen, Clerk/Recorder

\_\_\_\_\_  
Nathan Bracken,  
Metro Township Attorney

VOTING

Council Member Kathleen Bailey voting \_\_\_\_\_  
Council Member Sean Clayton voting \_\_\_\_\_  
Council Member David Olsen voting \_\_\_\_\_  
Council Member Kevin Severson voting \_\_\_\_\_  
Council Member Tessa Stitzer voting \_\_\_\_\_

A complete copy of Ordinance No. 2021-10-02 is available in the office of the Copperton Metro Township Clerk, 2001 South State Street, N2-700, Salt Lake City, Utah.

**SECTIONS 19.14.020 AND 19.14.030 ARE REVISED AS FOLLOWS:**

**19.14.020 Permitted Uses**

Permitted uses in the R-1 zones are as follows:

Zone	Permitted Uses
All R-1 zones	—Accessory uses and buildings customarily incidental to a permitted use;
	—Agriculture;
	—Home business, subject to Chapter 19.85;
	—Home day care/preschool, subject to Section 19.04.293;
	—Household pets;
	—Residential facility for persons with a disability.
R-1-6, R-1-7, R-1-8, R-1-10, R-1-15	—Single-family dwelling.
R-1-21, R-1-43	—Guesthouse, the square footage must be less than one thousand two hundred square feet;
	—Maximum of four horses for private use only, not for rental;
	—Single-family dwelling.

(Ord. No. 1762, § III, 1-14-2014; Ord. No. 1753, § III, 8-6-2013; Ord. 1535, § 4 (part), 2004; Ord. 1452, § 6, 1999; Ord. 1285, § 2 (part), 1994)

**19.14.030 Conditional Uses**

Conditional uses in the R-1 zones are as follows:

Zone	Conditional Uses
All R-1 zones	—Accessory uses and buildings customarily incidental to a conditional use;
	—Cemetery;
	—Day care/preschool center, subject to Section 19.76.260;

**Deleted:**  
buildings  
under one  
on lots on

**Deleted:**  
total square  
lots under  
feet on lot

	—Golf course;
	—Home day care/preschool, subject to Section 19.04.293;
	—Planned unit development;
	—Private educational institutions having an academic curriculum similar to that ordinarily given in public schools;
	—Private nonprofit recreational grounds and facilities;
	—Public and quasi-public uses;
	—Residential facility for elderly persons;
	—Temporary buildings for uses incidental to construction work, which building must be removed upon the completion of the construction work. If such buildings are not removed within ninety days upon completion of construction work or thirty days after notice, the building will be removed by the county at the expense of the owner.
R-1-3, R-1-4,	—Single-family dwelling.
R-1-5	—Single-family project developments The planning commission may approve a detailed development plan for the entire single-family project in an R-1-3, R-1-4, R-1-5 zone, pursuant to Chapter 19.84 of this title. Thereafter, the development services division director may, as authorized by the planning commission, approve use permits for individual residential uses, provided that the plans comply with all requirements and conditions of the approved development plan.
R-1-6, R-1-7, R-1-8, R-1-10,	—Nursery and greenhouse, provided that there is no retail sales;
R-1-15	—Pigeons, subject to health department regulations;
	—Sportsman's kennel with a minimum lot area of one acre.
R-1-21, R-1-43	—Animals and fowl for family food production;
	—Bed and breakfast homestay;
	—Nursery and greenhouse; provided, that there is no retail sales;
	—Pigeons, subject to health department regulations;

	—Sportsman's kennel with a minimum lot area of one acre.
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To: Copperton Metro Township Council and Planning Commission

From: Nathan Bracken, City Attorney

Re: Ch. 19.74 – Required Floodplain Revisions to Copperton Metro Township Code

Date: October 8, 2021

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The Federal Emergency Management Agency (“**FEMA**”) requires municipalities to adopt certain control development ordinances to cover flood control risks as a condition for Copperton’s continued participation in the National Flood Insurance Program (“**NFIP**”).

FEMA and the State of Utah have determined that Chapter 19.74 of the Copperton Metro Township Code, which Copperton inherited from Salt Lake County pursuant to Utah Code Ann. § 10-2a-414, no longer covers Copperton’s flood damage prevention measures as applied to development in a satisfactory manner. Therefore, Copperton must adopt a new ordinance that is satisfactory to FEMA and the State to remain eligible for participation in NFIP.

Travis Hair, with the Greater Salt Lake Municipal Services District (Copperton’s municipal services contractor), developed the enclosed changes to Chapter 19.74, which are based on templates and guidance documents that FEMA and the State of Utah developed to guide municipalities in updating their municipal codes. Pursuant to Utah Code Ann. § 10-9a-502, the Copperton Planning Commission held a public hearing on September 28, 2021, to consider these amendments. After holding the public hearing, the Planning Commission recommended the adoption of these amendments with some minor formatting changes, which Travis has made in the attached. I have reviewed the proposed amendments and recommend their adoption.

Attachment  
Ordinance revising Chapter  
19.74

**COPPERTON METRO TOWNSHIP**

ORDINANCE NO.: 2021-10-03

DATE: October 20, 2021

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

**RECITALS**

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

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

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

WHEREAS, Copperton inherited Chapter 19.74 – Flood Damage Prevention Ordinance of the Salt Lake County Code in Chapter 19.74 pursuant to Utah Code Ann. § 10-2a-414, which is now codified as Chapter 19.74 of the Copperton Metro Code (“**CMC**”); and

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

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

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

WHEREAS, the Copperton Planning Commission has recommended approval of the attached ordinance after holding a public hearing to take public comment on the ordinance pursuant to Utah Code Ann. § 10-9a-502 on September 28, 2021.

WHEREAS, the Copperton Metro Township Council held a subsequent public hearing on October 20, 2021, to take public comment on the attached ordinance as recommended by the Planning Commission.

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

- A. Chapter 19.74 is repealed in its entirety and replaced with the form attached hereto as Exhibit A.
- B. This Ordinance will become effective immediately upon its passage and its publication on the Utah Public Notice Website pursuant to Utah Code Ann. § 10-3-711(1).

APPROVED AND ADOPTED in Copperton, Salt Lake County, Utah this 20<sup>th</sup> day of Octboer, 2021.

COPPERTON METRO TOWNSHIP COUNCIL

By: \_\_\_\_\_  
Sean Clayton, Mayor

ATTEST

APPROVED AS TO FORM:

\_\_\_\_\_  
Sherrie Swensen, Clerk/Recorder

\_\_\_\_\_  
Nathan Bracken,  
Metro Township Attorney

VOTING

Council Member Kathleen Bailey voting \_\_\_\_\_

Council Member Sean Clayton voting \_\_\_\_\_

Council Member David Olsen voting \_\_\_\_\_

Council Member Kevin Severson voting \_\_\_\_\_

Council Member Tessa Stitzer voting \_\_\_\_\_

(Complete as applicable) Summary of ordinance published on Utah Public Notice Website: _____ Date of publication: _____ Effective date of ordinance: _____
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**SUMMARY OF  
COPPERTON METRO TOWNSHIP ORDINANCE NO. 2021-10-03**

On October 20, 2021, the Copperton Metro Township Council enacted Ordinance No 2021-10-03, repealing Chapter 19.74 of the Copperton Metro Township Code and enacting a new Chapter 19.74 to establish floodplain development standards and flood damage prevention.

COPPERTON METRO TOWNSHIP COUNCIL

By: \_\_\_\_\_  
Sean Clayton, Mayor

ATTEST

APPROVED AS TO FORM:

\_\_\_\_\_  
Sherrie Swensen, Clerk/Recorder

\_\_\_\_\_  
Nathan Bracken,  
Metro Township Attorney

VOTING

Council Member Kathleen Bailey voting \_\_\_\_\_  
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Council Member David Olsen voting \_\_\_\_\_  
Council Member Kevin Severson voting \_\_\_\_\_  
Council Member Tessa Stitzer voting \_\_\_\_\_

A complete copy of Ordinance No. 2021-10-03 is available in the office of the Copperton Metro Township Clerk, 2001 South State Street, N2-700, Salt Lake City, Utah.

## **EXHIBIT A**

### **Chapter 19.74 - FLOOD DAMAGE PREVENTION ORDINANCE**

#### **19.74.010 - Statutory Authorization.**

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

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

#### **19.74.020 - Findings.**

- A. The flood hazard areas of the Copperton Metro Township are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare.
- B. These flood losses are created by the cumulative effect of obstructions in floodplains that cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood-proofed, or otherwise protected from flood damage.

#### **19.74.030 - Statement of Purpose.**

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

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood-control projects;

- C. Minimize the need for rescue and relief efforts associated with flooding that are generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities, such as water and sewer mains, electric and telephone lines, and streets and bridges located in floodplains;
- F. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize blight to future flood-prone areas; and
- G. Ensure that potential buyers are notified that property is in a flood area.

**19.74.040 - Methods of Reducing Flood Losses.**

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

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

**19.74.050 – Definitions**

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

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

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

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

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

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

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

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

**Apex** means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

**Appurtenant Structure**—see *Accessory Structure*.

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

**Area of Shallow Flooding** means a designated AO, AH, AR/AO, or AR/AH zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Area of Special Flood-Related Erosion Hazard** is the land within a community that is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area, in preparation for publication of the FIRM, Zone E may be further refined.

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

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

**Base Flood Elevation (BFE)** is the water surface elevation of the 1-percent-annual-chance flood event. It is the height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas. It is also the elevation shown on the FIRM and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1-percent chance of equaling or exceeding that level in any given year.

**Basement** means any area of the building having its floor subgrade (below ground level) on all sides. A walkout basement that does not require a step up to grade is not considered a basement.

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

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

**Building**—see **Structure**.

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

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

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

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

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

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

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

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

**Elevated Building** is a non-basement building built, in the case of a building in Zone A1-30, AE, A, A99, AR, AO, AH, B, C, X and D, to have the top of the elevated floor above the ground level by means of pilings, columns (post and piers), or shear walls parallel to the flow of the water and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of a building in Zone A1-30, AE, A, A99, AR, AO, AH, B, C, X and D, an "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

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

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

**Existing Construction** refers to structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. It may also be referred to as **Existing Structures**.

**Existing Manufactured Home Park or Subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**Existing Structures**—see **Existing Construction**.

**Expansion to an Existing Manufactured Home Park or Subdivision** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**FEMA** means the Federal Emergency Management Agency.

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

**FIRM** means flood insurance rate map.

**Flood or Flooding** means:

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

- A. The overflow of inland or tidal waters.
- B. The unusual and rapid accumulation or runoff of surface waters from any source.
- C. Mudslides (i.e., mudflows) that are proximately caused by flooding as defined in this ordinance and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- D. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of

nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this ordinance.

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

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

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

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

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

***Floodplain Management*** means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, mitigation plans, and floodplain management regulations.

***Floodplain Management Regulations*** means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for flood damage prevention and reduction.

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

***Flood Protection System*** means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to an SFHA and to reduce the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized, flood modifying works are those constructed in conformance with sound engineering standards. FEMA only accredits levees, both private and public, that have been certified by a professional engineer or firm in which the certification shows that the levee have met and continue to meet the minimum regulatory standards cited in Title 44, Chapter 1, Section 65.10 of the Code of Federal Regulations (44 CFR 65.10).

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

**Floodway—(Regulatory Floodway)** - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

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

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

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

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

**Historic Structure** means any structure that is:

- 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 non-elevation design requirements of Section 60.3.

**Manufactured Home** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational

vehicle”; however, a manufactured home may be used for both residential and non-residential use.

***Manufactured Home Park or Subdivision*** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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

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

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

***NFIP*** means the National Flood Insurance Program.

***New Construction*** means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures. For the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

***New Manufactured Home Park or Subdivision*** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

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

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

***Recreational Vehicle*** means a vehicle which is:

- A. Built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and

- D. Designed primarily, not for use as a permanent dwelling but, as temporary living quarters for recreational, camping, travel, or seasonal use.

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

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

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

**Start of Construction** (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)) includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

**Structure**, for insurance purposes, means:

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

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

**Substantial Improvement** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed.

The term does not, however, include:

- 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. Reference: **19.74.050 E. Variance Procedures**

**Violation** means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sections 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

**Water surface elevation** means the height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies, such as the 1-percent-annual-chance flood event, in the flood plains of coastal or riverine areas.

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

## **19.74.060 - General Provisions.**

### **A. Lands to Which This Ordinance Applies**

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

1. Annexation

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

**B. Basis for Establishing the Areas of Special Flood Hazard**

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Salt Lake County and Incorporated Communities," dated September 25, 2021, with accompanying FIRMs, and any revisions thereto are hereby automatically adopted by reference and declared to be a part of this ordinance.

**C. Establishment of Development Permit**

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

**D. Fees**

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

**E. Abrogation and Greater Restrictions**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**F. Interpretation**

In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

**G. Warning and Disclaimer of Liability**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood heights may be increased by human-made or natural causes.

This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance

shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

## **H. Severability**

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

## **I. Compliance**

No structures or developments including buildings, recreation vehicles, or manufactured homes or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations. Nothing herein shall prevent the Copperton Metro Township from taking such lawful action as is necessary to prevent or remedy any violations.

## **J. Stop Work Order**

1. Authority. Whenever the floodplain administrator or other community official discovers any work or activity regulated by this ordinance being performed in a manner contrary to the provision of this ordinance, the floodplain administrator is authorized to issue a stop work order.
2. Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.
3. Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by local or state law including but not limited to the penalties outlined in 19.74.060(K) Penalties for Noncompliance.

## **K. Penalties for Noncompliance**

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

erosion areas, and the community must provide that the regulations take precedence over less restrictive conflicting local laws, ordinances, or codes.”

Therefore:

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$ 10,000.00 or imprisoned for not more than 180 days, or both, for each violation assessed daily, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Copperton Metro Township from taking such other lawful action as is necessary to prevent or remedy any violation

### **19.74.070 Administration**

#### **A. Designation of the Floodplain Administrator**

The Director of Planning and Development Services or Their Designee is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of the NFIP Regulations and 44 CFR pertaining to floodplain management.

#### **B. Duties and Responsibilities of the Floodplain Administrator**

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

1. Uphold the goals of the community and the NFIP to reduce risk when possible and increase the community’s resistance to future disasters.
2. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance, including the actual elevation of the lowest floor (including basement or crawlspace) of all new or substantially improved structures and any floodproofing certificates, including the data supporting such certificates.
3. Maintain and hold open for public inspection maps that identify and locate the boundaries of the SFHAs to which this ordinance applies, including, but not limited to, the FIRM.
4. Review development proposals to determine whether a proposed building site, including sites designed for the placement of manufactured homes, will be reasonably safe from flooding.

5. Review, approve, or deny all applications for development permits required by adoption of this ordinance.
6. Ensure that all necessary permits have been obtained from those federal, state, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334 and the Endangered Species Act of 1973) from which prior approval is required.
7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
8. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is State of Utah Engineers Stream Alteration office, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.
9. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Floodplain Administrator shall make the necessary interpretation.
10. When BFE data has not been provided by FEMA, the Floodplain Administrator shall obtain, review, and reasonably utilize any BFE data and floodway data available from a federal, state, or other source including data provided by the applicant, in order to administer the provisions of this ordinance.
11. When a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30, AE, and AH on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than 1.00\* feet at any point within the community unless the community has adopted higher standard options.
12. Under the provisions of 44 CFR Chapter 1, Section 65.12 of the NFIP Regulations, a community may approve certain development in Zones A1-30, AE, and AH on the community's FIRM, which increases the water surface elevation of the base flood by more than 1.00\* foot, provided that the community first meets the requirements of Section 65.12 for a conditional FIRM revision through FEMA's CLOMR process.
13. If the project is determined or reasonably believed to cause an adverse effect on the BFE(s), boundaries of the floodplain or any insurable structures, technical justification for the proposed development shall be submitted and the community

may require a CLOMR or LOMR to be submitted prior to the permit approval or as a requirement of the permit.

### **C. Requirement to Submit New Technical Data**

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

### **D. Permit Procedures**

1. Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to:
  - a. Duplicated plans drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations.
  - b. Duplicated plans drawn to scale showing the location, dimensions, and elevation of existing and proposed structures, including the placement of manufactured homes.
  - c. Location of the foregoing in relation to SFHAs.
  - d. Elevation (in relation to mean sea level), of the lowest floor (including basement and crawlspace) of all new and substantially improved structures, if applicable;
  - e. Elevation (in relation to mean sea level), to which any nonresidential structure (if applicable) shall be floodproofed.

- f. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure (if applicable) shall meet the floodproofing criteria of this ordinance and the NFIP Regulations.
  - g. Description of the extent to which any watercourse or natural drainage will be altered or relocated because of proposed development, if applicable.
  - h. At the community's discretion, the community may charge a fee for issuance of floodplain development permits.
  - i. Copies of all floodplain development permits and the associated documents shall become property of the community and a permanent record.
2. Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:
- a. The danger to life and property due to flooding or erosion damage.
  - b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  - c. The danger that materials may be swept onto other lands to the injury of others.
  - d. The compatibility of the proposed use with existing and anticipated development.
  - e. The safety of access to the property in times of flood for ordinary and emergency vehicles.
  - f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems.
  - g. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.
  - h. The necessity to the facility of a waterfront location, where applicable.
  - i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

- j. The relationship of the proposed use to the comprehensive plan for that area.

## **E. Variance Procedures**

1. The Appeal Authority or Variance Authority, as established by the community, shall hear and render judgment on requests for variances from the requirements of this ordinance after a floodplain development permit has been denied.
  - a. Any person or persons aggrieved by the decision of the Appeal Authority may appeal such decision in the courts of competent jurisdiction.
  - b. The Appeal Authority, as established by the community, shall hear and render judgement on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement of administration of this ordinance.
  - c. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to FEMA and the State Coordinating Agency upon issuing a variance.
  - d. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in this chapter have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
  - e. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Authority may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance.
  - f. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
  - g. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure. The term “substantial improvement” does not include any alteration of a structure or facility

listed on the National Register of Historic Places or a State Inventory of Historic Places.

2. Prerequisites for granting variances:

- a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. Variances shall only be issued upon:
  - i. Showing a good and sufficient cause.
  - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant.
  - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, conflict with existing local laws or ordinances, considers the need of ingress and egress during times of floods, and does not jeopardize first responders' health and welfare.
- b. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the BFE, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- c. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
  - i. The criteria outlined in 19.74.050 Variance Procedures are met; and
  - ii. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

**19.74.080 Provisions for Flood Hazard Reduction**

**A. General Standards**

In all areas of special flood hazards, the following provisions are required for all new construction and substantial improvements:

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

## **B. Substantial Improvement**

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

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

### **C. Substantial Damage**

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

### **D. Substantial Improvement and Substantial Damage Determination**

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

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure only, not of land and building, before the start of construction of the proposed work. In the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure.
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in 19.74.060 sections B and C.
4. Utilize FEMA's Substantial Improvement/Substantial Desk Reference when making any determination on Substantial Improvement and/or Substantial Damage.
5. The substantial improvement regulations apply to all of the work that is proposed as the improvement, even if multiple permits are issued. Therefore, the determination of the cost of the improvement should consider all costs of all phases of the work before issuance of the first permit.

6. Notify the applicant that if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood, this ordinance is required.

#### **E. Residential Construction**

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

#### **F. Nonresidential Construction**

New construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement) elevated to the base flood level, unless a freeboard option is noted below, or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification that includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator. If the use or occupancy of the building changes in the future to residential, then the dry floodproofing of the structure cannot be used when determining compliance of the structure to the residential construction of this ordinance. As such, the building will not be grandfathered into compliance and will be required to be brought into compliance with the residential construction requirements of this ordinance.

#### **G. Enclosures**

New construction and substantial improvements, with fully enclosed areas below the lowest floor that are to be used solely for parking of vehicles, building access, or storage in an area other than a basement, and are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:

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

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

## **H. Crawlspace**

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

1. The structure must be affixed to a permanent foundation, designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than 5 feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer.
2. The crawlspace is an enclosed area below the BFE and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than 1 foot above the LAG.
3. The crawlspace enclosure must have proper openings that allow equalization of hydrostatic pressure by allowing automatic entry and exit of floodwaters. To achieve this, a minimum of 1 square inch of flood opening is required per 1 square foot of the enclosed area subject to flooding.
4. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, piers, or other materials that extend below the BFE. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

5. Any building utility systems within the crawlspace must be elevated above the BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions.
6. The interior grade of a crawlspace below the BFE must not be more than 2 feet below the LAG.
7. The height of the below-grade crawlspace, measured from the lowest interior grade of the crawlspace floor to the bottom of the floor joist of the next higher floor cannot exceed 4 feet at any point.
8. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event.
9. Buildings with below-grade crawlspaces will have higher flood insurance premiums than buildings that have the preferred crawlspace construction, with the interior elevation at or above the LAG.

#### **I. Manufactured Homes**

1. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
2. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites outside of a manufactured home park or subdivision;) in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the BFE, unless a higher standard option was selected, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
3. In A-1-30, AH, AO and AE Zones, require that manufactured homes to be placed or substantially improved in an existing manufactured home park to be elevated so that the lowest floor is at or above the BFE, unless a higher standard option was selected; or the chassis is supported by reinforced piers no less than 36 inches in height above grade and securely anchored.

## **J. Recreation Vehicles**

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

1. Be on the site for fewer than 180 consecutive days unless the community has elected a higher standard option and be fully licensed and ready for highway use;
  - a. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
2. Or meet the permit requirements of 19.74.050 D: Permit Procedures, and the elevation and anchoring requirements for "manufactured homes" of this section.

## **K. Standards for Subdivision Proposals**

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with the provisions of this ordinance.
2. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
3. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of this ordinance.
4. BFE data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions, which is greater than 50 lots or 5 acres, or whichever is lesser.
5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
6. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

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

Located within the SFHAs established in 19.74.050 A, Lands to Which this Ordinance Applies, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified). If the community has elected a freeboard standard, then the lowest floor elevation must be elevated above the highest adjacent grade above the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified) plus the freeboard height option selected below.
2. All new construction and substantial improvements of non-residential structures:
  - a. Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified). If the community has elected a freeboard standard, then the lowest floor elevation must be elevated above the highest adjacent grade above the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified) plus the freeboard height option selected below; or
  - b. Together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
3. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section.
4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

## **M. Floodways**

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

1. Designate a regulatory floodway that will not increase the base flood level more than 1 foot.
2. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase greater than 0.00 feet, unless higher standard option selected, in flood levels within the community during the occurrence of the base flood discharge.
3. All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions in this ordinance.
4. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the NFIP Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in BFEs, provided that the community first applies for a conditional FIRM and floodway revision through FEMA.