ORDINANCE No. 07-15

ROLL CALL

VOTING	YES	NO
STEVE LEIFSON Mayor *(votes only in case of tie)*		
ROD DART *Council member*	X	
RICHARD M. DAVIS *Council member*	X	
BRANDON B. GORDON *Council member*	X	
MIKE MENDENHALL *Council member*	X	
KEIR A. SCOUBES *Council member*	X	

I MOVE this ordinance be adopted: Council member Dart
I SECOND the foregoing motion: Council member Davis

ORDINANCE No. 07-15

AN ORDINANCE CREATING HILLSIDE DEVELOPMENT STANDARDS AS PART OF THE SPANISH FORK MUNICIPAL CODE

WHEREAS, Spanish Fork City has enacted a land use ordinance to regulate the development of land within the City; and

WHEREAS, the City has just a few hillside areas with steep slopes, but there is interest in developing some of those areas; and

WHEREAS, hillside areas with steep slopes create unique development challenges; and

WHEREAS, recent landslides and slope deformations in other Utah communities emphasize the need to have specific development for hillside areas with steep slopes to protect future homeowners in those areas, as well as to provide safe streets and protect City utility infrastructure; and

WHEREAS, creating development standards for hillside development is necessary to protect the health, safety, and welfare of City residents; and

WHEREAS, a public hearing was held before the Planning Commission on Wednesday, the 4th day of February, 2015, whereat public comment was received; and

WHEREAS, the Planning Commission has recommended adoption of hillside development standards; and

WHEREAS, a public hearing was held before the Spanish Fork City Council on Tuesday, the 17th day of February, 2015, whereat additional public comment was received;

NOW THEREFORE, be it enacted and ordained by the Spanish Fork City Council as follows:

I.

Spanish Fork Municipal Code §15.4.16.170, Hillside Development, is hereby created as follows:

15.4.16.170 Hillside Development

A. Slopes.

Any land or parcel having a slope greater than ten percent (10%) shall be deemed to be land having a "steep slope" within the meaning of this section. Close proximity to a steep slope shall be defined as the horizontal distance from the slope which is less than or equal to the vertical distance from the crest of the slope to the toe of the slope. No person shall be permitted to grade, excavate, fill, or to erect any structure on undisturbed hillside areas that exceed a slope of thirty percent (30%). Any person proposing to grade, excavate, fill or to erect any structure on any slope or hillside with a slope between ten percent (10%) and thirty percent (30%), or within close proximity to a slope greater than ten percent (10%), shall be required to submit a site specific geotechnical report. The geotechnical report shall include sufficient subsurface exploration (soil borings), laboratory testing, and geotechnical engineering analysis, as outlined in the Construction Standards, to render professional recommendations and opinions regarding slope stability and required mitigation to protect planned or future construction above and below the slope(s) from earth deformations and other adverse soil or geologic conditions on or adjacent to the lot. The City will have that report reviewed by its own geotechnical engineer. The cost of that review will be borne by the applicant.

Prior to any excavation, cutting, or filling on slopes in excess of ten percent (10%), a land disturbance permit shall be obtained from the City. Prior to issuing the permit, the City will have qualified professionals review the plans to assure public safety and to take precautions against potential slides. The type and number of professionals will be determined by the City Engineer on a case by case basis. The cost of the professional review will be borne by the applicant. In no case will construction be allowed in, above, below, or laterally within 200 feet of a landslide, debris flow, or potential debris flow. Cut and fill slopes shall be constructed to eliminate sharp angles of intersection with the existing terrain and shall be rounded and contoured as necessary to blend with existing

topography to the maximum extent possible, as determined in the sole discretion of the City Engineer. The City will not accept the dedication and maintenance of cut and fill slopes except those within the required street right-of-way. Maintenance of cut and fill slopes outside of street rights-of-way are the responsibility of the individual property owner. Where a cut or fill slope occurs between two lots, the slope shall normally be made a part of the downhill lot. Cut and fill slopes shall not be allowed to disrupt existing drainage channels.

The current version of the building code adopted by the Utah Uniform Building Code Commission regulating excavation and grading shall be complied with.

B. Building Sites.

Each building lot shall contain a buildable area of not less than 4,000 square feet with a natural slope that is less than thirty-percent (30%). The buildable area shall have minimum length and depth dimensions of fifty (50) feet.

No structure, primary or accessory, shall be located within ten (10) feet of a thirty percent (30%) slope. No slope in excess of ten percent (10%) shall be disrupted without first obtaining a land disturbance permit, described in paragraph A.

An exception to these building site requirements is granted for existing building lots in platted and recorded subdivisions, provided that each lot, prior to construction, provide the geotechnical report required in paragraph A, and as described in more detail in the Construction Standards.

C. Drainage.

Required storm water runoff collection facilities shall be designed so as to retain storm water runoff on development sites for a sufficient length of time so as to prevent flooding and erosion during storm water runoff flow periods. Retainage amounts and times shall mirror historical amounts and times.

Required storm water runoff collection facilities shall be so designed as to divert surface water away from natural slopes, cut faces, or sloping surfaces of a fill. French drains are not acceptable.

Storm water detention or retention facilities should not be placed near the crest of natural or manmade slopes.

Curb, gutter, and pavement designs shall be such that water on roadways is prevented from flowing off the roadways.

Natural drainage shall be rip-rapped or otherwise stabilized to the satisfaction of the City Engineer below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion.

Waste material from construction, including soil and other solid materials, shall not be deposited within a natural or manmade drainage course nor within irrigation channels.

Sediment catchment ponds shall be constructed downstream from each development, unless sediment retention facilities are otherwise provided.

D. Vegetation and Revegetation.

Every effort shall be made to conserve topsoil which is removed during construction for later use on areas requiring vegetation or landscaping, e.g., cut and fill slopes.

Areas not contained within lot boundaries shall be protected with adapted, fire-resistant species of perennial vegetation cover after all construction is completed. New planting shall be protected with organic cover.

All disturbed soil surfaces shall be stabilized before final acceptance of the development by the City. The developer shall be fully responsible for any destruction of native vegetation which is required to be retained in all areas under the ownership and control of the developer. The developer shall carry the responsibility for such areas both for the developer's own employees and for all subcontractors from the first day of construction until final acceptance of the development by the City. The developer shall be responsible for replacing such destroyed vegetation.

Prior to the termination of the development improvements bond, any dead plant materials required to be installed by the developer shall be replaced and a new bond issued to assure establishment of the replaced materials.

E. Streets and Driveways.

All streets within a hillside area shall be designed to meet the standards required for streets in all other areas of the City. Street and driveway grades shall not exceed eight percent (8%), unless authorized by the City Engineer. The City Engineer may not authorize street or driveway grades in excess of twelve percent (12%).

F. Fire Protection.

Lot size and potential placement of buildings thereon shall be such that adequate clearance from combustible materials is provided, as determined by the City's Fire Marshal.

All easements for firebreaks for safety of built-up areas shall encompass access for firefighting personnel and equipment and such easements shall be dedicated for this specific purpose by being recorded with the plat, or by easement if there is no plat.

The inability to provide water pressure at fire hydrants consistent with the standards set by the Insurance Service Organization for fighting fires shall be justification for denial of a development request.

II.

This ordinance shall be effective twenty days after passage and publication.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this 17th day of February, 2015.

STEVE LEIFSON, Mayor

Attest:

Kent R. Clark, City Recorder

MUNICIPAL SEAL SURROUND YOURSELF Spanish Fork UTAH 1855