

CHAPTER 12. SENSITIVE AREA OVERLAY ZONING REGULATIONS

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7-12-1. Short title.

This Chapter shall be known as the "Sensitive Area Overlay Zoning Ordinance." (Ord. 2010-03, 04-21-2010); (Ord. 94-28; 05-24-94)

7-12-2. Purpose and intent.

(1) The purpose and intent of this Chapter is to provide regulatory standards, guidelines, and criteria having the effect of minimizing flooding, erosion, destruction of natural plant and wildlife habitat, alteration of natural drainages, and other environmental hazards, and protecting the natural scenic character of the hillside and mountain areas. In support of this purpose and intent, this Chapter recognizes the importance of the unique hillside and mountain areas of Tooele City to the scenic character, heritage, history, and identity of Tooele City and of adjoining areas of unincorporated Tooele County. In support of this purpose and intent, Tooele City finds that it is in the public interest to regulate the development of sensitive areas in a manner so as to minimize the adverse impacts of development on scenic open spaces and on sensitive or vulnerable organic and inorganic systems.

(2) The standards, guidelines, and criteria established by this Chapter are intended to support the purpose and intent of this Chapter by working to accomplish the following:

- (a) to protect the public from the natural hazards of storm water runoff, erosion, and landslides;
- (b) to minimize the threat of fire;
- (c) to preserve and protect wildlife and wildlife habitat;
- (d) to allow reasonable public, non-motorized access to hillside and mountain areas;
- (e) to preserve and protect natural topographic and geologic features, such as, drainage channels (whether of constant, periodic, or intermittent flow), streams, lakes and ponds, ridge lines, rock outcroppings, hillsides and mountainsides, hilltops and mountaintops, scenic vistas, trees, and natural vegetation;
- (f) to preserve and enhance natural panoramic vistas and scenic open space, both from within and outside sensitive areas;
- (g) to allow for reasonable transportation

systems consistent with the preservation and protection of sensitive areas and the purpose and intent of this Chapter, and that protect the public health and safety;

(h) to encourage the use of a variety of development designs, concepts, and materials that are consistent with the purpose and intent of this Chapter, that accommodate the vulnerabilities of sensitive areas, and that protect the public health and safety;

(i) to establish land use management policies, practices, and implementation criteria that will encourage protection of sensitive areas, that are consistent with the purpose and intent of this Chapter, and that protect the public health and safety;

(j) to regulate the location, design, and development of building sites located on sensitive areas in order to further the purpose and intent of this Chapter and to protect the public health and safety;

(k) to encourage a public and private regard for the scenic character, heritage, history, and identity of Tooele City through the preservation and protection of sensitive areas in Tooele City and adjoining areas of unincorporated Tooele County; and,

(l) to balance the purpose and intent of this Chapter, including public health and safety, with the promotion of human enjoyment of private and public lands. (Ord. 2010-03, 04-21-2010); (Ord. 94-28; 05-24-94)

7-12-3. Definitions.

As used in this Chapter:

(1) "Average slope" means and is determined by the use of the following formula:

$$S = \frac{.00229 (I) (L)}{A}$$

where:

S = average slope of the site before development or construction;

A = total number of acres in the parcel;

L = summation of the length of all contour lines in feet;

I = contour interval in feet.

Average slope of a development site need not include the acreage (A) having a slope greater than 30 percent. If such areas are excluded, they shall not be included as part of the development site for purposes of determining the number of dwelling units allowed.

(2) "Development site" or "site" means and includes the total perimeters of:

- (a) a subdivision;
 - (b) a residential planned unit development;
- and,

(c) a tract, lot, or parcel of land intended to be used as a commercial, public, quasi-public, utility, or other building site.

(3) "Gross acreage" means the total area of the development site, including all rights-of-way and other nonresidential uses.

(4) "Impervious materials" means any surface material which does not allow for the natural percolation of water into the soil, including, for example, roofs,

concrete patios, concrete or asphalt driveways, and tennis and play courts of concrete or similar material.

(5) "Institutional buildings" means churches, schools, hospitals, public and quasi-public buildings, and similar buildings.

(6) "Natural vegetation" includes orchards, trees, shrubs, lawn, grass, and perennial growth of varieties endemic to the land on which they grow.

(7) "Net residential acreage" means all land within a development site devoted exclusively to a residential use, and includes houses, sheds, driveways and other impervious on-site surfaces.

(8) "Open space" means land that is designated by the developer and approved by the City as open space on the development site plan.

(9) "Usable land" means that contiguous parcel of natural land and/or compacted fill, as permitted by both this Chapter and the applicable building codes, included within the lot, no part of which has a slope exceeding 30 percent.

(10) "Undevelopable areas" means unstable slopes, as determined by this Chapter, and all slopes exceeding 30 percent. Undevelopable areas shall not be usable land.

(Ord. 2013-15, 09-18-2013) (Ord. 2010-03, 04-21-2010); (Ord. 2004-15, 10-20-04); (Ord. 94-28; 05-24-94)

7-12-4. Scope and application.

(1) The provisions of this Chapter shall apply to all lands in Tooele City that lie within the area designated by ordinance of the City Council as the Sensitive Area Overlay Zone, as shown in Figure 1. Regulations of this Chapter shall apply to areas outside of the mapped Sensitive Area Overlay Zone upon determination by the City Council, by ordinance, that environmental and other conditions of the subject areas qualify them as sensitive areas. Figure 1 shall thereafter be amended administratively to include such areas in the Sensitive Area Overlay Zone. All approved subdivision plats and site plans that lie within the Sensitive Area Overlay Zone shall include a note indicating that the plat and its lots are subject to this Chapter.

(2) This Chapter makes additional provisions to those set forth elsewhere in Title 7 of the Tooele City Code, as amended. In the event of conflict between the existing zoning classification, building codes, or subdivision ordinance and the regulations contained in this Chapter, the most restrictive provision shall apply.

(3) In the Sensitive Area Overlay Zone, no property shall be used and no building shall be erected or altered so as to be arranged, intended, or designed to be used for a purpose other than those permitted in the base zoning district classification. (Ord. 2010-03, 04-21-2010); (Ord. 94-28; 05-24-94)

7-12-5. Density and lot size; basement cuts and fills.

Lots within the Sensitive Area Overlay Zone shall comply with the following minimum requirements:

(1) Minimum lot size. Each lot or parcel of land shall abut a public street for the minimum distances identified herein on a line parallel to the center line of the street or a distance of 35 feet along the circumference of a cul-de-sac right-of-way improved to City standards.

Average Slope of

<u>Development Site</u>	<u>Minimum Lot Size</u>	<u>Minimum Lot Width</u>
0 - 8%	determined by base zone	determined by base zone
8.1 - 15%	16,000 sq. ft.	100 feet
15.1 - 20%	22,000 sq. ft.	120 feet
20.1 - 30%	30,000 sq. ft.	150 feet

(2) Undevelopable areas. Undevelopable areas shall be identified on the subdivision plat.

(3) Basement cuts and fills. Without being construed as altering the established ground or any heights measured therefrom, up to four feet of fill may be used in order to bring the exposed portion of the lower level of an exterior wall of a building within the definition of a basement when the majority of the lower level already complies with the definition of a basement. (Ord. 2013-15, 09-18-2013) (Ord. 2010-03, 04-21-2010); (Ord. 94-28, 05-24-94)

7-12-6. Lot coverage, usable area, and flag lots.

(1) Building Site Requirements.

(a) Each lot shall constitute a primary building site able to accommodate the primary structure, and must be in compliance with all applicable setbacks, side yards, rear yards, and other requirements of this Chapter. The ability of each lot to support such a building pad shall be shown by displaying an exemplar of such a building lot on all preliminary and final subdivision plats.

(b) Single-family dwellings shall be located only upon usable land, which shall be fully contiguous and at least 5,000 square-feet in size. No portion of a dwelling may be located on undevelopable areas.

(c) Grading of the lot in connection with the creation of the primary building site or construction of the primary building shall not extend more than 30 feet horizontally, in front, to the rear, or to the side of the proposed primary building unless the average natural slope of the area being graded and the additional area desired to be graded does not exceed 8 percent.

(d) Driveways to the building site shall have a maximum slope of 10 percent and shall have direct access to a public or private street. The Tooele City fire chief may approve steeper grades for private driveways to building sites in accordance with the International Fire Code.

(2) Flag Lots. Flag or L-shaped lots may be allowed subject to the following conditions:

(a) A flag or L-shaped lot shall be comprised of a staff portion contiguous with the flag portion thereof.

(b) The staff portion of said lot shall front on and be contiguous to a public or private street. The

minimum unobstructed paved width of the staff portion of flag lots shall be 20 feet and the maximum length shall be 220 feet unless allowed by the fire chief pursuant to the International Fire Code.

(c) No building or construction, except for driveways, shall be allowed to encroach upon the 20-foot-wide minimum area of the staff portion of said lot.

(d) The front side of the flag portion of said lots shall be deemed to be that side nearest to the public or private street upon which the staff portion fronts.

(e) The staff portion of said lots shall be deemed to end and the flag portion of said lots shall be deemed to commence at the extension of the front lot line.

(f) The square footage located in the flag portion of said lot, which shall be exclusive of the square footage located in the staff portion of said lot, shall be the same or greater than the minimum square footage as required by this Chapter.

(g) The side and rear yard requirements of the flag portion of said lots shall be as required by this Chapter.

(h) The minimum front setback requirements for all buildings shall be 30 feet from the front lot line of the flag portion thereof, and shall not include the staff portion of said lot.

(i) No more than three flag lots may share or be served by one staff portion of said lots.

(j) The maximum number of flag lots in the development site shall be not more than 20 percent of the total number of lots within the development site.

(k) Figure 2 is an example of a "flag lot" and is included herein to illustrate the concept of "flag" or "L-shaped" lots.

(3) Setbacks, yards, and buildable space requirements.

(a) Any buildings constructed in the Sensitive Area Overlay Zone shall be required to maintain minimum side yard setbacks of 20 feet on each side and a minimum rear yard setback of 40 feet, except that no dwelling shall be located within an average of 25 feet, no point being closer than 20 feet, of any portion of a hillside slope, either up or down, exceeding 30 percent.

(b) Except for flag lots, front yard setbacks shall be those required by the base zone.

(c) The City may require greater setbacks when a geotechnical report recommends that greater setbacks are necessary for the protection of life, safety, or property.

(4) Maximum Impervious Material Coverage.

The maximum impervious material coverage allowed upon any lot shall be 30 percent of the total lot area, or, for clustered development, 30 percent of the total combined area of the clustered lots. (Ord. 2010-03, 04-21-2010); (Ord. 94-28; 05-24-94)

7-12-7. Development standards.

(1) Scope. It is intended that the development

standards and provisions as set forth in this Section shall be required in connection with all building and construction in the Sensitive Area Overlay Zone. The applicant shall submit to the Community Development Department the information required by this Section prior to the issuance of a building permit.

(2) Site Plan. The applicant shall submit an engineered site plan, to include at least the following information:

- (a) dwelling location;
- (b) contour lines at one-foot intervals;
- (c) location of retaining walls with heights greater than 18 inches above finished grade; and,
- (d) vegetation types and locations.

(3) Cross-section. The site plan shall be accompanied by a cross-section showing the information required in this Section as well as driveway slope and slope percentage for each change in slope.

(4) Drainage and Erosion. The area of the watershed, together with other relevant information, shall be used to determine the amount of storm water runoff generated before and after construction.

(a) The "Rational Method", or other method as approved by the Building Official or City Engineer, shall be used in computing runoff. The basic formula for the "Rational Method" is:

$Q = CIA$ in which:

$Q =$ Runoff in cubic feet per second (c.f.s.)

$C =$ Coefficient of runoff or the portion of storm water which runs off a given area. The following ranges for C value are typical examples. The actual C value used shall be approved by the City Engineer.

Type of Development	Runoff Coefficient
Industrial & Commercial	.80 - .90
Residential	.30 - .40
Parks	.15 - .24
Agricultural	.10 - .20

$I =$ Average rainfall intensity during time of concentration for both 10- and 25-year return periods in inches per hour. The time of concentration shall be defined as the time required for water to flow from the most remote point of the section under consideration.

$A =$ Drainage area in acres.

(b) Lots shall be arranged to ensure adequate setbacks from drainage channels. The 100 year return event storm shall be that basis for calculating setbacks, drainage conveyance around structures, and foundation elevations. No structures shall be allowed in the 100 year flood plain or the special hazard flood area.

(c) Facilities for the collection and conveyance of storm water runoff shall be constructed on development sites according to the following requirements:

- (i) Such facilities shall be among the first improvements or facilities constructed on the development site.
- (ii) Such facilities shall be designed so as

to detain safely and adequately the maximum expected storm water runoff for a 25-year storm, not to exceed 0.2 cubic feet per second per acre, or the 10-year storm, not to exceed 0.1 cubic feet per second per acre, whichever is more restrictive, on the development site.

(iii) Such facilities shall be so designed as to divert surface water away from cut faces or sloping surfaces of a fill.

(iv) The existing natural drainage system will be utilized, as much as possible, in its unimproved state.

(v) Where drainage channels are required, wide shallow swales lined with appropriate vegetation shall be used instead of cutting narrow, deep drainage ditches.

(vi) Flow retarding devices such as detention ponds and recharge berms shall be used where practical to minimize increases in runoff volume and peak flow rate due to development. Areas which have shallow or perched groundwater or areas that are unstable must be given additional consideration.

(d) Construction on the development site shall be of a nature that will minimize the disturbance of vegetation cover, especially between October 15 and March 15 of the following year.

(e) Erosion control measures on the development site shall be required to minimize the increased solids loading in runoff from such areas. The detailed design system to control storm water erosion during and after construction shall be contained in the Grading and Drainage Report.

(5) Vegetation and Revegetation.

(a) Vegetation shall be removed only when absolutely necessary, i.e., for buildings, filled areas, roads, and firebreaks. Every effort shall be made to conserve topsoil which is removed during construction for later use on areas requiring vegetation or landscaping, i.e., cut-and-fill slopes. Vegetation sufficient to stabilize the soil shall be established on all disturbed areas, including lots which may be subject to future grading, as each stage of grading is completed. Areas not contained within lot boundaries shall be protected with adapted fire-resistant species of perennial vegetative cover after all construction is completed.

(b) All areas on development sites cleared of natural vegetation in the course of construction of public improvements shall be replanted with revegetation which has good erosion control characteristics.

(c) New planting shall be protected with mulch material and fertilized in conjunction with the planting and watering schedule.

(d) Installation of all required landscaping shall begin no later than one month after the date that the main structure on the property is ready for occupancy or by March 15, whichever is later.

(e) Vegetation shall be a mixture of plant

materials; i.e., trees, shrubs, grass, and forbs. Native plant materials are preferred.

(f) Landscaping shall be substantially completed within nine months after the date the primary structure is ready for occupancy.

(g) Front yards and side yards shall be completely landscaped except for driveways, walkways and on-grade patios.

(h) All other areas disturbed during construction shall be either landscaped or revegetated to a natural state.

(i) Lawns or gardens are prohibited in the undevelopable areas.

(j) No vegetation shall be removed on a continuous hillside, crest (upslope or downslope) or a slope 30% or greater unless otherwise determined in writing by the Mayor upon recommendation of the City Engineer for public uses such as trails and open space improvements. Any revegetation of such a hillside shall have the approval of the City Engineer.

(k) Topsoil removed during construction shall be conserved for later use on areas requiring vegetation or landscaping; i.e., cut and fill slopes.

(l) All disturbed soil surfaces shall be stabilized or covered prior to the first day of November. If the planned impervious surfaces such as roads and driveways cannot be established prior to November 1st, a temporary treatment adequate to prevent erosion shall be installed on those surfaces.

(m) The property owner and/or developer shall be fully responsible for any destruction of native or applied vegetation identified as necessary for retention and shall be responsible for such destroyed vegetation. They shall carry the responsibility both for employees and subcontractors from the first day of construction until the final acceptance of improvements. The property owner and developer shall replace all destroyed vegetation.

(6) Geology.

(a) No structures shall be built on any zones of deformation with respect to active faults.

(b) No structures or public improvements shall be allowed on any active landslide, rock fall zone, or flow field area.

(c) Problems associated with development on or near perched ground water and shallow ground water must be mitigated in a manner as approved by the City Engineer. (Ord. 98-33-B, 10-07-98)

(7) Fire Protection.

(a) Lots shall not be allowed or approved where the static water pressure from the City water system serving the proposed lot or lots is less than 40 pounds per square inch or where fire flow as specified in the International Fire Code is not met.

(b) Fire hydrants required to be constructed on private property shall be installed at the expense of the property owner, shall be privately owned and

maintained, and shall be connected by a privately owned and maintained eight-inch water line from the water main. The hydrant shall be located in accordance with the International Fire Code. Fire hydrants shall be located on all required access roads or driveways as required by Tooele City and shall be located within five feet of the paved surface of the required access road or driveway. If in the opinion of the Fire Chief, fire hydrants are vulnerable to vehicular damage, appropriate crash posts shall be required. No obstruction shall exist within a three-foot working area of each fire hydrant. Required crash posts shall be a four-inch minimum diameter concrete filled pipe, having a minimum of three feet in height above grade, with 30 inches of pipe below grade set in concrete. Hydrant shut-off valves shall be located no closer than five feet from the hydrant and no further than 20 feet.

(c) The property owner shall grant unto the City a public utility easement along the course and full width of the access road or driveway.

(d) Each development site and building permit for private lots, flag lots, and lots where the front setback is greater than 50 feet shall be reviewed by the fire department to see that it complies with the International Fire Code, Access Roadways for Fire Apparatus.

(e) Development adjacent to public lands shall provide access for fire protection vehicles and equipment.

(8) Grading, Cuts, and Fill.

(a) A grading and drainage plan shall be prepared by a professional engineer registered in the state. The plan must be sufficient to determine the erosion-control measures necessary to prevent soil loss during construction and after project completion.

(b) Grading and other surface-disturbing activities are prohibited in all undevelopable areas within the lot or the subdivision. Prior to any grading or other surface-disturbing activity on the property, the undevelopable areas shall be clearly delineated by temporary fencing or flagging. Any flagging stakes used to delineate undevelopable areas shall be a minimum of four feet above grade and no more than eight feet apart.

(c) No grading within the limits of the proposed development shall be permitted prior to approval of the final plat by the City Council and approval of the construction drawings by the City Engineer, and no grading of individual lots shall be permitted prior to the issuance of a building permit. The established ground of any lot shall not be raised or lowered more than four feet at any point for the construction of any structure or improvement, except:

(i) within the buildable area, established ground may be raised or lowered a maximum of six feet by grading or retaining walls; and,

(ii) as necessary to construct driveway

access from the street to the garage or parking area, grade changes and/or retaining walls up to six feet from the established ground may be permitted.

(d) Exposed surfaces of an excavation or fill shall not be steeper than one vertical to three horizontal, or as recommended by the geotechnical report.

(e) The top and bottom edges of slopes caused by an excavation or fill shall be at least three horizontal feet from the property line or public right-of-way lines, or greater as required by the geotechnical report.

(f) The maximum vertical height of all cuts or fills shall be ten feet. Fills for slumps or other natural depressions, necessary for public roads or other City utilities, may exceed ten feet if approved by the Mayor upon recommendation of the City Engineer.

(g) All structures, except retaining walls or soil stabilization improvements, shall have a setback from the crest of the fill or base of the cut of a minimum distance equal to the depth of the fill or the height of the cut, unless a structurally sound, engineered retaining wall is built for the cut or fill slope.

(h) No grading, cuts, fills, or terracing will be allowed on a continuous hillside, crest (upslope or downslope) or a slope of 30 percent or greater, unless otherwise determined necessary for public purposes by the Mayor upon recommendation of the City Engineer.

(9) Streets and Ways. Streets, roadways and private access ways shall follow as nearly as possible the natural terrain.

(a) Roads and other vehicular routes shall not cross property having a slope greater than 30 percent unless, after review by the City Engineer, recommendation of the Planning Commission, and a finding by the City Council that:

(i) appropriate engineering measures can be taken to minimize the impact of the cuts and fills, consistent with the purpose of this Chapter; and,

(ii) the environment and aesthetics of the area will not be significantly affected.

(b) The following additional standards shall apply:

(i) At least two ingress and egress routes shall be provided for each subdivision or PUD project.

(ii) Cul-de-sacs shall meet the requirements of Tooele City Code §4-8-2, as amended.

(iii) Points of access shall be provided to all developed and nondeveloped areas for emergency and fire fighting equipment. Driveways located upon each lot extending from a public street or access road shall be a minimum of 20 feet wide. Where such roadway is adjacent to required fire hydrants, the width shall be a minimum of 26 feet within 20 feet in either direction from the hydrant. Such required widths shall be unobstructed, including parking of vehicles, and shall have a minimum vertical clearance of 13 feet six inches.

(c) Centerline curvatures shall not be less than a 100 foot radius on any street.

(d) Variations of the street design standards developed to solve special hillside visual and functional problems may be presented to the Planning Commission for recommendation to the City Council. Examples of such variations may be the use of split roadways to avoid deep cuts, one-way streets, modifications of surface drainage treatments, sidewalk design, or the extension of a cul-de-sac.

(e) Development sites which are located near canyon trails will provide access to those trails. Parking areas at trail heads may be required by the City Council upon recommendation of the Planning Commission.

(f) Property owners shall be required to identify and mark fire lanes to the satisfaction and approval of the fire chief. Signs shall be posted near the entrances of access roadways and driveways. Spacing and placing of signs shall be subject to the approval of the fire chief. Signs shall be a minimum of 17 inches by 24 inches in one inch block lettering with one-half inch stroke on a contrasting background. Signs shall read "No Parking - Fire Department Access Road."

(g) The maximum amount of impervious surface for streets and roadways shall be 20 percent of the entire development site.

(h) Any access road or driveway shall be extended to within 150 feet of all portions of the exterior walls of the first story of any building.

(i) All public or private streets for vehicular traffic shall have a maximum grade of 10 percent.

(j) An all-weather surface capable of supporting the imposed load of fire apparatus shall be provided. If constructed of asphalt, the street or driveway shall be a minimum of three inches of asphalt over a minimum of eight inches of compacted road base, or as indicated in the geotechnical report, whichever is greater. If constructed of concrete, the access road or driveway shall have a minimum of six inches of concrete over a compacted road base, or as indicated in the geotechnical report, whichever is greater.

(k) The street or driveway shall be maintained by the property owner or possessor of the premises in good condition and repair and with adequate snow removal so as to provide free and uninhibited access by emergency service vehicles.

(l) Roads shall be designed to meet the City design standards.

(10) Architectural Design.

(a) Buildings proposed for construction in hillside or canyon areas within the Sensitive Area Overlay Zone shall be designed to be visually compatible with the natural beauty of the hillsides and canyons. The use of building materials in colors that will blend harmoniously with the natural settings are encouraged. Such materials as natural woods, brick in earth colors and stone are considered to be most appropriate. Roof colors should be earth tones. White, bright and reflective materials are not encouraged on

roofs. Tile, slate, architectural asphalt shingles and fire-retardant wood are permitted as roofing materials.

(b) All residential building permits shall be subject to the design standards contained in Tooele City Code Chapter 7-11a and 7-11b.

(11) Mechanical equipment. Mechanical equipment including swamp coolers, air conditioning, heat pumps, vents, blowers and fans shall be screened from view or painted to match the structure color adjacent to the equipment, and shall not extend above the highest roof ridge line. Roof-mounted solar collections panels need not be screened or painted so long as they are mounted parallel to and flush with the roof slope and do no project above the ridge line of the roof segment upon which they are mounted.

(12) Satellite or wireless antennae. Satellite or wireless antennae having a diameter of 30 inches or more, including receive-only antennae, shall only be constructed within the rear yard of the lot and not on any building. Satellite antennae shall be painted nonreflective black or other dark earth-tone colors. Satellite dishes shall be limited to 13 feet in overall height, including the base upon the established ground, and shall be no more than twelve feet in diameter.

(13) Exterior lighting. Floodlighting of structures is prohibited. Exterior lighting shall be architecturally integrated decorative lighting. Yard areas may be lit only with "directional" lighting and no direct light beam may impact any other property except for security lights intended to be activated only at limited times as necessary for immediate security.

(14) On-site development. The property owner shall be fully responsible for making all improvements in accordance with the development site approval.

(15) Utilities. To the maximum extent practical, all utilities shall be placed within existing road rights-of-way and front yard setbacks. All water, sewer, electrical, telephone, cable television and other utilities shall be placed underground except that transformers, pedestals and other appurtenances which are normally located above ground in connection with the underground installations are permitted. All areas disturbed by the installation of underground utilities shall be revegetated to a natural state. Temporary or emergency utilities may be erected and maintained above ground for no more than four months.

(16) Bond. In addition to the provisions requiring the posting of a bond as set forth elsewhere in the ordinances of Tooele City, a cash bond or a letter of credit may be required by the City to guarantee the completion of revegetation projects, the stabilization of gradings, cuts and fills and constructions of storm water runoff facilities. If such bond is required, it shall be in an amount equal to the cost of construction of such projects and shall continue for one year after the completion date of such projects, improvements, or facilities.

(17) Retaining walls. All cuts and fills shall be supported where required by engineered retaining walls. No retaining wall may exceed four feet in height from the finished grade except as provided in Section 7-12-8(c) and (f). In a terrace of retaining walls each four-foot vertical retaining wall must be separated by a minimum of three horizontal feet, and any six foot retaining wall must be separated from any other retaining wall by a minimum of five horizontal feet, or as recommended by the geotechnical report, whichever is greater.

(18) Fencing. All chain link fences shall be vinyl coated to blend in with the native landscaping. Walls and fences in front yards and along roadways shall not exceed a maximum of 42 inches in height. Fence construction shall comply with the fence regulations in Chapter 7, Title 2 of the Tooele City Code for setback and other requirements. (Ord. 2010-03, 04-21-2010); (Ord. 94-28; 05-24-94)

7-12-8. Review and approval procedure.

(1) Review process standards. As a land use application for development within the Sensitive Area Overlay Zone is reviewed by the Planning Commission, the Commission's findings of fact shall be listed and included in all recommendations to the City Council.

(2) Approval by City Council. Before a planned unit development (PUD), cluster subdivision, subdivision, or a commercial development is allowed within the Sensitive Area Overlay Zone, approval must be first granted by the City Council.

(3) Administrative approval. Before construction of any primary structure, or any accessory structure requiring a building permit, approval must first be obtained from the Building Official and City Engineer. The application shall contain information, plans, and reports as are required by the City.

(4) Application to Planning Commission. All land use applications for development within the Sensitive Area Overlay Zone shall be submitted to the Community Development Department. All subdivision or PUD project plans and/or reports shall be drawn to scale, not smaller than 1" = 100' and shall show topography at five-foot intervals for slopes greater than 30%, and one-foot contours for slopes less than 30%. All site plans and/or reports for building permits shall be drawn to scale, not smaller than 1" = 10', said site plans and/or reports shall show topographical contours at one-foot intervals.

(5) Engineering calculations made available to the City. All engineering calculations performed and acquired pursuant to the provisions of the ordinances of Tooele City shall be made available to the City Engineer as a part of the land use application review and approval process. The City Engineer shall then have access to the engineering calculations in order to better advise the Planning Commission with regard to further review and approval of a proposed development.

(6) Conceptual Review. A land use application submitted under this Chapter shall first be reviewed conceptually by City staff, the Planning Commission, and the City Council. Conceptual review of development within the Sensitive Area Overlay Zone is intended to be a scoping process wherein initial development concerns and potential environmental hazards are evaluated. Additional information, studies, and reports will be required for preliminary approval. Conceptual review and approval does not bestow any vested rights. The only entitlement bestowed by conceptual review and approval is the procedural entitlement to proceed to the preliminary review.

(a) All applications shall comply with the provisions of the ordinances of Tooele City. All applications shall be accompanied by a site plan drawn to scale. Applications shall be prepared by a registered engineer, retained by the development applicant, licensed to practice in the State of Utah.

(b) Site plans shall include the following:

(i) a topographic contour map, tied to a land base survey, showing areas within the development site with slopes of less than ten percent, areas between ten and 20 percent, areas between 21 and 30 percent, and areas of greater than 30 percent;

(ii) location of the proposed planned unit development, subdivision, cluster subdivision, or commercial development, in relation to abutting public streets;

(iii) the total acreage, number of lots, proposed total density, and slope analysis;

(iv) the location and approximate size of the proposed lots;

(v) a general street location, width, and grade of all proposed streets and radii of any cul-de-sacs;

(vi) location of existing or proposed schools, churches, or parks;

(vii) location of known geologic hazards such as land slides, flow fields, faults, drainages and rockfall, and the boundaries of the 100 year flood plain;

(viii) soil type and general description; and,

(ix) land use data, such as the amount of residential land and streets by acreage and percent.

(c) The Planning Commission shall consider applications for planned unit developments, subdivisions, or commercial developments, and shall forward their findings to the City Council for review. If the Planning Commission has a positive evaluation of the conceptual submittal, the Commission may allow the application to proceed with such conditions as the Commission deems necessary to secure the purposes as set forth in this Chapter.

(d) After receiving findings by the Planning Commission, the City Council shall make a determination whether the application complies with the requirements of this Chapter and should be allowed to proceed to preliminary approval.

(e) Expiration. Following conceptual review and approval, the applicant shall have 180 days to submit the completed land use application for preliminary review. Failure to do so shall result in the expiration of the conceptual approval.

(7) Preliminary Approval. In addition to the information required for preliminary approval for planned unit developments, cluster subdivisions, subdivisions, or commercial developments by other ordinances of Tooele City, additional information as set forth in this Section shall be required for developments in the Sensitive Area Overlay Zone. All reports as required herein shall be prepared by persons or firms licensed to practice their specialty or expertise in the State of Utah.

(a) Soil Characteristics Report. Data regarding the nature, distribution, and strength of soils within the project area shall be provided. The soil report shall include:

(i) unified classification of all solid soils with liquid limit, shrink-swell potential, and general suitability for development;

(ii) an estimate of the normal highest elevation of the seasonal water table;

(iii) flood history and potential; proximity to known special hazard flood areas, flood plain areas, and drainage channels;

(iv) topographic contours;

(v) depth of virgin soil below natural grade;

(vi) abundance, distribution, and general nature of exposures of earth materials; and,

(vii) soil stability at natural grade.

(b) Vegetation Report. An application shall include a slope stabilization and a revegetation report which shall include:

(i) location and identification, by species, of existing vegetation;

(ii) the vegetation to be removed and the method of disposal;

(iii) the vegetation to be planted;

(iv) slope stabilization measures to be installed;

(v) analysis of the environmental effect of such operations including effects on slope stability, soil erosion, water quality, fish and wildlife, and fire hazard;

(vi) a designation of topsoil stockpile areas;

(vii) solar orientation; and,

(viii) location and identification, by species, of existing vegetation, and an indication of vegetation proposed for removal and revegetation proposal.

(c) Geologic Conditions Report. An application shall include the following information:

(i) definition of any zones of deformation with respect to active faults and other mass movements

of soil and rock;

(ii) identification of anomalies of the terrain or characteristics of the geological materials which would have any potential impact upon the use of the site;

(iii) ground water characteristics;

(iv) depth to bedrock and geological evaluation;

(v) written recommendations for construction of proposed improvements to avoid impact of any potential geologic hazards;

(vi) rock fall and debris flow potential;

(vii) earthquake potential;

(viii) bedrock depth at proposed building footing locations;

(ix) bedrock: igneous, sedimentary, and metamorphic types; and,

(x) structural features, including stratification, stability, folds, zones of contortion or crushing, joints, fractures, shear zones, faults, and any other geologic limitations.

(d) Geotechnical Report. The application for preliminary approval shall include a geotechnical report prepared by a person or firm qualified by professional license, training, and experience to have expert knowledge of the subject. The report shall contain at least the following information:

(i) a geologic map, reflecting the items listed below. A clear distinction should be made between observed and inferred features and/or relationships.

(ii) location and size of subject area and its general setting with respect to major geographic and geologic features;

(iii) nature and source of available subsurface information;

(iv) stability of cut and reconfigured slopes, especially at the base of the cut slope;

(v) topography and slope analyses;

(vi) **c o n c l u s i o n s** and recommendations regarding the effect of geologic conditions on the proposed development, and recommendations covering the adequacy of sites to be developed, including pavement design, slope stability, etc.;

(viii) a written statement by the person or firm preparing the report identifying the means proposed to minimize hazard to life or property, adverse effects on the safety, use or stability of a public right-of-way or drainage channel, and adverse impact on the natural environment;

(ix) slope stability analysis of conditions both before and upon completion of proposed development activities, including identification of slide areas, unstable soils, flow fields, etc.; and,

(x) any other geologic hazards or conditions identified by the person or firm preparing the

geotechnical report which are not referenced above.

(d) Grading and Drainage Report. The application for preliminary approval shall include a storm water management and erosion grading plan on the methods by which surface water, natural drainages, flooding, erosion and sedimentation loss will be accommodated during and after construction. The report and plan shall show:

(i) present topography, tied to a land base survey, to include elevations, lines and grades including the location and depth of all proposed fills and cuts of the finished earth surfaces using a contour interval of two feet or less;

(ii) access or haul road location, treatment and maintenance requirements;

(iii) a description of the methods to be employed to achieve stabilization and compaction;

(iv) drainage features;

(v) a clear delineation of the proposed area to be graded and the area amount stated in square feet.

(vi) location of existing buildings or structures on the site and location of existing buildings and structures on adjacent properties within 100 feet of the site, or which may be affected by any proposed grading or construction operations;

(vii) estimate of the normal highest elevation of the seasonal high-water table;

(viii) the location and size of swamps, springs, and seeps, and the reasons for the occurrence of these underground water sources; and,

(ix) (A) all calculations and proposed details used for design and construction of debris basins, impoundments, diversions, dikes, waterways, drains, culverts and other water management or soil erosion control measures. Calculations shall employ predictions of soil loss from sheet erosion using the Universal Soil Loss Equation or an appropriate equivalent. Equations should include factors of: rainfall intensity and energy; soil erodibility; land slope and length of slope or topography; condition of the soil surface and land management practices in use; and, surface cover; grass, woodland, crop, pavement, etc.

(B) An appropriate scale shall be used which most clearly presents the proposed action, generally 1" = 100' or larger.

(C) Depending upon the slope and complexity of a development with the Sensitive Area Overlay Zone, the Planning Commission may require proposed lots and/or streets to be staked for field inspection before plat approval.

(e) Planning Commission action. The Planning Commission shall consider the land use application and shall recommend to the City Council approval or disapproval. If the Planning Commission recommends preliminary approval of the application, the Planning Commission may attach such conditions as

they deem necessary to secure the purposes as set forth in this Chapter.

(f) City Council action. After receiving recommendations for preliminary approval or disapproval of the land use application by the Planning Commission, the City Council may approve, approve with conditions, or disapprove the application. If the City Council approves the application, they may attach such conditions as they deem necessary to secure the purposes as set forth in this Chapter.

(g) Expiration. Following preliminary approval by the City Council, the land use application shall be filed with the Community Development Department for final approval. Failure to do so within 90 days of the approval shall result in the expiration of the preliminary approval.

(8) Final Approval.

(a) The land use application submitted for final review and approval shall include the information required by the provisions of this Chapter and the City's Subdivision Ordinance, including information required by the City Council and City Engineer as part of the preliminary approval. The City Engineer shall verify the completeness of the final land use application. The Community Development Director shall then approve the final land use application administratively in writing.

(b) Application for final approval shall include with the improvements drawings, spot elevations on all lot corners and contour grading plans. The scale will be the same as on the improvement drawings.

(c) All streets and building lots shall be named and addressed in compliance with City ordinances and policies.

(d) There shall be no construction, development or grading upon the development site until final approval described in this Section has been granted. Before the construction of single family dwelling units upon lots shall be allowed, a site plan drawn to a scale of at least 1" = 10' for such lots shall be submitted to the Community Development Department, which site plan shall show lot lines, existing and proposed contours at one-foot intervals, location of proposed single family dwelling units, walks, driveways and patio areas. The site plan shall also show vegetative, drainage, retaining walls, and erosion controls. Such site plan shall be attached to the building permit.

(e) Nothing in this Chapter shall exempt an applicant from compliance with the provisions of Tooele City Code Chapters 7-11 and 7-19 regarding site plan and subdivision. Separate land use applications are required by those chapters. (Ord. 2010-03, 04-21-2010); (Ord. 94-28; 05-24-94)

Figure One: Sensitive Area Overlay Map

Figure Two: Illustrative Flag Lot Configurations