CITY OF OREM
BOARD OF ADJUSTMENTS MEETING
56 North State Street, Orem, Utah
June 22, 2022

*This meeting may be held electronically*
*to allow a Board Member to participate.*

5:30 PM PRE-MEETING

6:00 PM REGULAR SESSION – CITY COUNCIL CHAMBERS

1. CALL TO ORDER

2. INVOCATION/INSPIRATIONAL THOUGHT: BY INVITATION

3. 6:00 PM SCHEDULED ITEM

   **3.1 Variance Discussion – The applicant requests the Board of Adjustment consider a variance for the property located at 2501 East Provo Canyon Road in the OS5 zone. This meeting will be for discussion only.**

4. MINUTES REVIEW AND APPROVAL

   **4.1 Review and approve minutes from July 17, 2019**

5. ADJOURN

**THE PUBLIC IS INVITED TO PARTICIPATE IN ALL BOARD OF ADJUSTMENT MEETINGS.**
**If you need a special accommodation to participate in the Board of Adjustment Meetings and Study Sessions, please call the Development Services Office at least 3 working days prior to the meeting.**
**(Voice 801-229-7183)**

**This agenda is also available on the City's webpage at orem.org**

Item #: 3.1

**Prepared By:**
Jason Bench, AICP
Planning Division Manager

# Board of Adjustment
June 22, 2022

**Applicant:** Sean Hadlock

**VARIANCE DISCUSSION** – The applicant requests the Board of Adjustment consider a variance for the property located at 2501 East Provo Canyon Road in the OS5 zone. This meeting will be for discussion only.

**NOTICES:**

- Posted in 2 public places
- Posted on City webpage and City hotline
- Faxed to newspapers
- E-mailed to newspapers
- Posted at utah.gov/pmn
- Mailed 24 notices on June 13, 2022

**SITE INFORMATION:**

- General Plan Designation: **Rural Density Residential**
- Current Zone: OS5
- Acreage: 0.28
- Neighborhood: **Unclassified**

**ACTION:**
Discussion only at this meeting

**FIVE CRITERIA:**

- Literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance;
- There are special circumstances attached to the property that do not generally apply to other properties in the same district;
- Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;
- The variance will not substantially affect the general plan and will not be contrary to the public interest; and
- The spirit of the zoning ordinance is observed and substantial justice done.

**REQUEST:** The applicant is requesting to modify or rebuild an existing structure on a parcel located at 2501 East Provo Canyon Road. The parcel contains an older one-story structure built in 1924 containing 285 square feet.

**BACKGROUND:** The applicant is requesting to modify or rebuild an existing structure on a parcel located at 2501 East Provo Canyon Road. The parcel contains an older one-story structure built in 1924 containing 285 square feet. The applicant is requesting to build a new home containing approximately 1,008 square feet according to a concept floor plan submitted.

The parcel is located in the Flood Plain (adjacent to the Provo River) and is designated as Zone A on the Flood Insurance Rate Map (FIRM) dated June19, 2020. Development in the flood plain is regulated by Orem City Code Chapter 10. *Flood Damage Prevention* and requires strict development standards within the flood plain. The ordinance requires (Section 10-3-3) that "No structure or land shall hereafter be constructed, located, extended, or altered or have its use changed without full compliance with the terms of this Chapter and other applicable regulations."

Section 10-3-5 (*Interpretation)* outlines how the ordinances in Chapter 10 should be interpreted:

In the interpretation of this Chapter, all provisions shall be:

A. Considered as minimum requirements;
B. Liberally construed in favor of the governing body; and
C. Deemed neither to limit nor repeal any other powers granted under State statutes.

In order for the applicant to remodel or reconstruct a home at this location the Board of Adjustment must grant a variance as outlined below:

Section 10-5-1 outlines that "All new construction shall be required to connect to City's sanitary sewer system." Since this parcel is located approximately two (2) miles from the nearest connection it seems impracticable to require the applicant to connect to an existing sewer line. The current older cabin is using an existing septic system. The applicant suggests that *"Without a variance for connecting to the city sanitary waste system, we cannot build, add on or renovate on this property, and neither could any of the homeowners on Provo Canyon Road."* According to the applicant, an inspection of the existing septic system was completed and it was in excellent condition according to the report provided. The report is part of the

agenda for your review. However, according to the Utah County Health Department, if a new structure is built on the site the applicant will be required to bring the site into compliance with all applicable requirements outlined by the Utah County Health Department. Those requirements will include the construction of a new septic tank. If the existing structure is only remodeled, the existing septic tank would be allowed to remain.

Prior to granting a variance, additional information is needed to determine several issues pertaining to this property. These include:

The ordinance (Section 10-4-4 *Permit Review Procedures)* requires verification of the actual elevation of all new or substantially improved floodproof structures in relation to mean sea level to which the structure has been floodproofed.

In addition, Section 10-5-2 (*Specific Standards)* requires new construction and substantial improvement of any residential structure to have the lowest floor, including basement, elevated to one foot above the base flood elevation and a certification provided by a registered professional engineer, architect, or land surveyor to certify that this requirement is satisfied. This would require the applicant to hire a professional as outlined above to determine the base flood elevation in order to certify that any new construction would be the one foot above base flood requirement. The applicant has indicated the cost for this study is between $10,000 - $15,000.

Finally, the engineered plans must also show that the improvements, including any addition or new structure, shall demonstrate that the encroachment will not result in any increase in flood levels during the occurrence of the base flood discharge as required in Section 10-5-1(H).

Based on the above requirements and before the applicant completes the study, the applicant has requested a discussion with the Board of Adjustment before hiring a professional engineer to determine the base flood elevation and certify the proposed elevation of the existing structure and/or proposed structure. The applicant understands this is a requirement prior to the Board granting any variance for this property. Staff supports a discussion with the board. However, staff would require the base flood elevation determination before recommending that a variance be granted to not require a connection to the City's sanitary sewer system.

Chapter 10 also outlines specific factors the Board of Adjustment must consider in the determination for granting variances to Chapter 10. The applicant has addressed these questions and the information provided is part of the staff report for your review.

Section 10-4-5:

"G. Prerequisites for granting variances:

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
2. Variances shall only be issued upon:

a. showing a good and sufficient cause;
b. a determination that failure to grant the variance would result in exceptional hardship to the applicant, and
c. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, the creation of nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

3. Any application 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 base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

Variances may be issued by the Board of Adjustment for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

H. 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."

Based on the factors outlined above the Board of Adjustment must decide whether the request for a variance meets the strict requirements for granting a variance in a flood plain.

Additional information will be provided by the applicant at a future Board of Adjustment based on the outcome of the discussion. Additional items would include:

1. Engineered drawings of the base flood elevation and supporting documentation supporting the determination.

2. An application to the Utah County Health Department for a new septic system, if a new structure or an addition is proposed.

3. Review by the Provo Water Users and/or other affected parties related to a new septic system, if applicable.

**RECOMMENDATION:** Staff recommends the Board of Adjustment review and discuss the potential for granting a variance to Chapter 10 as outlined in the staff report. An additional meeting will be scheduled once the additional information is provided by the applicant and staff has an opportunity to determine compliance with all applicable ordinances.

# DRC Application
## *Variance*

| Applicant Information: | | | | | |
|---|---|---|---|---|---|
| Name: | Sean Hadlock | Phone: | 801-473-3462 | | |
| Address: | 6119 W 10550 N | City: | Highland | | |
| Email: | sean.hadlock@gmail.com | State: | UT | Zip: | 84042 |

| Project Information: | |
|---|---|
| Project Name: | Hadlock Variance |
| Project Address: | 2501 E Provo Canyon Road , Orem, UT 84097 |

| Fees: | | |
|---|---|---|
| All Variance Proposals | ☒ Variance Fee | $906 |
| | ☐ Neighborhood Notice Fee | TBD |
| | **Total:** | |

**Deadline:**

Except in the case of a holiday, the deadline for DRC Applications is **Monday at 12pm**. Please call Development Services to determine the deadline in the event of a holiday.

| Contact Person: | | |
|---|---|---|
| Contact Person: | Phone: | Email: |
| Sean Hadlock | 801-473-3462 | sean.hadlock@gmail.com |

| Office Use Only: | | |
|---|---|---|
| Project ID Number: | Date Paid: | Received By: |
| 14047 | 5.23.22 | CV |

2022.364490

## Please briefly describe your project. Why do you need a variance?

My wife and I have recently purchased the lot located at 2501 E Provo Canyon Road, Orem, UT 84097.

There is a small approximately 300 square foot cabin on the lot. There is water, electricity and a functioning plumbing system on a septic tank.

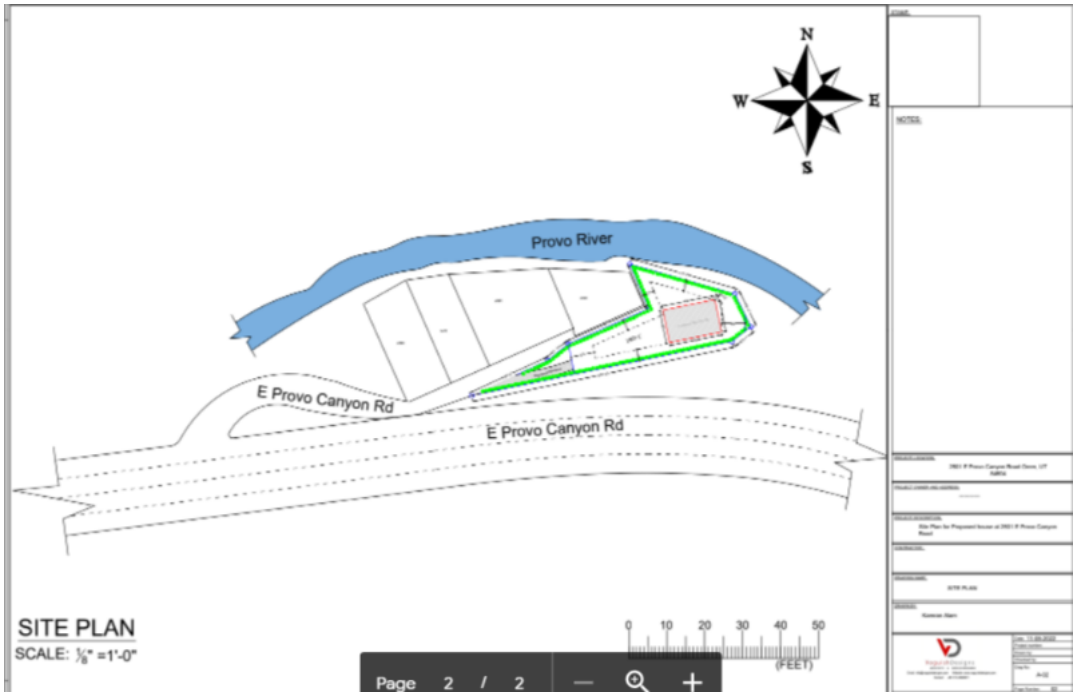
The lot is oddly shaped, but following the city setback requirements we can build an approximately 1455 square foot home on the property.

We are asking for a variance that would allow us to build on the lot without connecting to the city sewer system. The sewer system does not reach this area and Orem city has no current plans of providing sewer to this part of the city.

Without a variance allowing us to connect to the existing septic system we could not build on the lot or bring the existing cabin up to code.

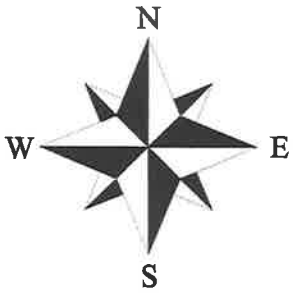
(Ord. No. 661, Revised, 04/10/90)
New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters. All new construction shall be required to connect to City's sanitary sewer system.

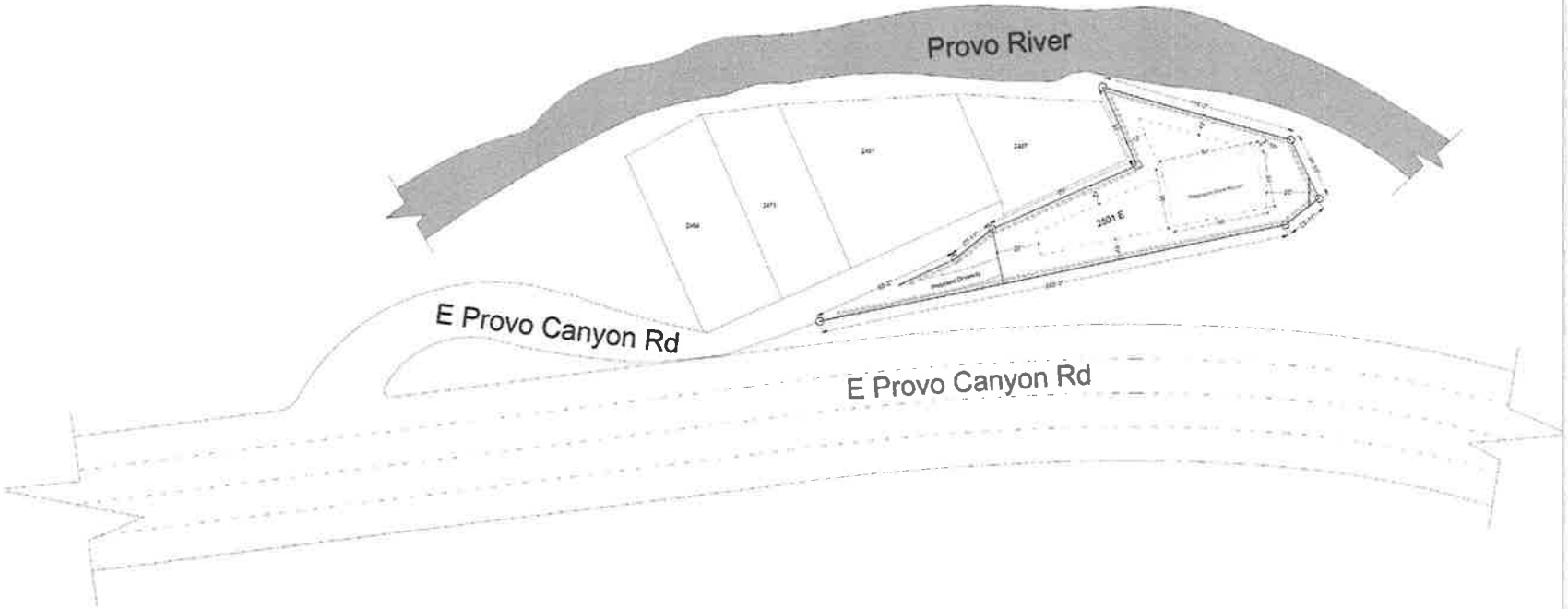
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-2020-0011, Amended 5/16/2020)
On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.



**DEPARTMENT REVIEW**

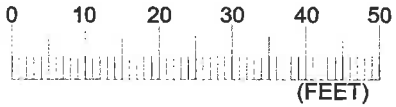
SEWER____/DATE_____
WATER____/DATE_____
STORM DRAIN ____/DATE_____
TRAFFIC _____/DATE_____
STREET LIGHTS____/DATE_____
FIRE MARSHAL____/DATE_____
STREETS____/DATE_____




# SITE PLAN

SCALE: 1/8" =1'-0"




STAMP:

NOTES:

PROJECT LOCATION:
2501 E Provo Canyon Road Orem, UT 84604

PROJECT OWNER AND ADDRESS:

PROJECT DESCRIPTION:
Site Plan for Proposed house at 2501 E Provo Canyon Road

CONTRACTOR:

DRAWING NAME:
SITE PLAN

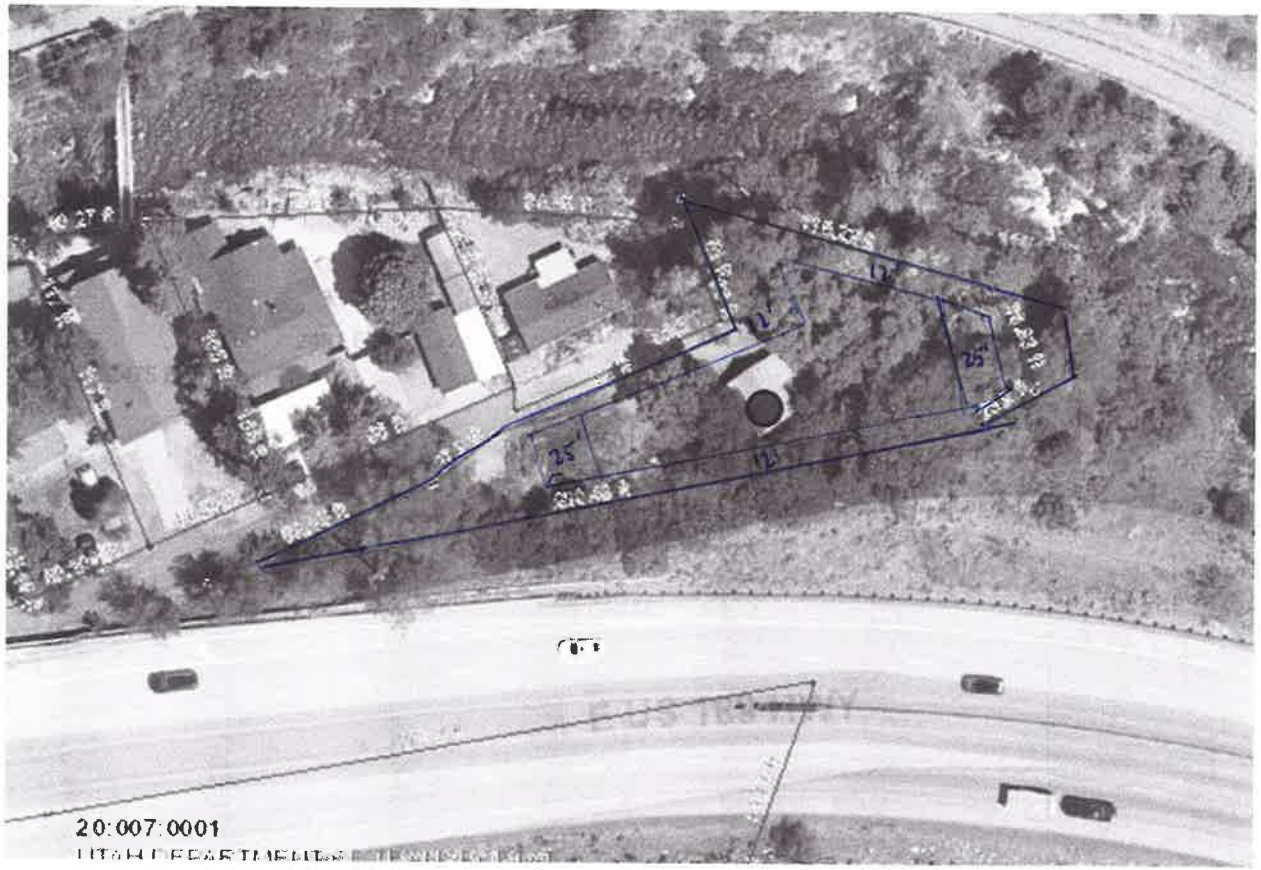
DRAWN BY:
Kamran Alam

VoguishDesigns

Date: 11-05-2022
Project number
Drawn by:
Checked by:
Dwg No: A-02
Page Number: 02

Received
Date: 05/23/2022
By: CV

# SITE PLAN




## 2501 E Provo Canyon Road
## Orem, UT 84604

STAMP:

NOTES:

PROJECT LOCATION:
2501 E Provo Canyon Road Orem, UT 84604

PROJECT OWNER AND ADDRESS:

PROJECT DESCRIPTION:
Site Plan for Proposed house at 2501 E Provo Canyon Road

CONTRACTOR:

DRAWING NAME:
SITE PLAN

DRAWN BY:
Kamran Alam

VoguishDesigns

Date: 11-05-2022
Project number:
Drawn by:
Checked by:
Dwg No:
A-01
Page Number: 01

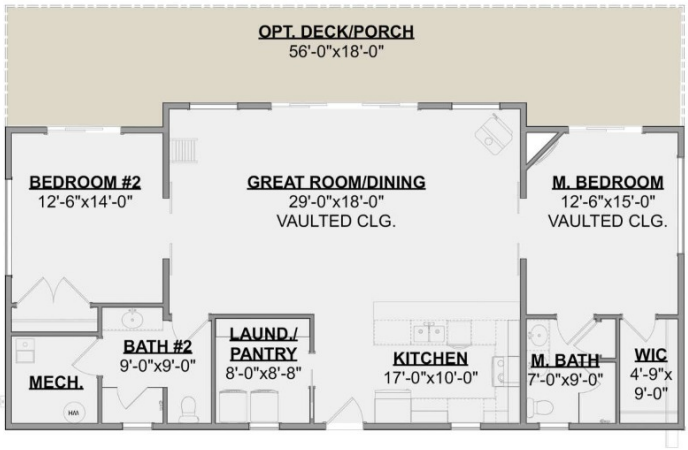
Use the space below to prove why your proposal meets the following State requirement:

*"Literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance. In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship, the Board of Adjustment may not find an unreasonable hardship unless the alleged hardship. (1) is located on or associated with the property for which the variance is sought; and (2) comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood. The hardship cannot be self-imposed or economic."*

Literal enforcement of the zoning ordinance 10-5-1-E, stating "All new construction shall be required to connect to the city's sanitary sewer system", would cause an unreasonable hardship in that it would make this lot unusable until the city extended its sanitary sewer system into the canyon to reach this subdivision. Because Orem city has not extended the sanitary sewer system to this area, enforcement of ordinance 10-5-1-E would preclude any new construction or substantial improvements to our property at 2501 E Provo Canyon Road.

The existing on-site waste disposal system is a 1,000-gallon Duracrete tank and functioning drain field in good working condition. The current location of the septic system will protect against damage and contamination in the case of a flood.





Use the space below to prove why your proposal meets the following State requirement:

*"There are special circumstances attached to the property that do not generally apply to other properties in the same zone. The Board of Adjustment may find that special circumstances exist only if the special circumstances: (1) relate to the hardship complained of; and (2) deprive the property of privileges granted to other properties in the same zone."*

It could be there are areas in a flood zone inside Orem city that have access to the city's sewer system, however, because this property does not have access to the sewer system, a unique situation has been created which puts this property at a distinct disadvantage, that deprives us of a substantial property right that includes developing and improving the property.

We've had the septic and drain field-tested, repairing a small section of the sewer pipe from the house to the septic, which will further protect the area from contamination.





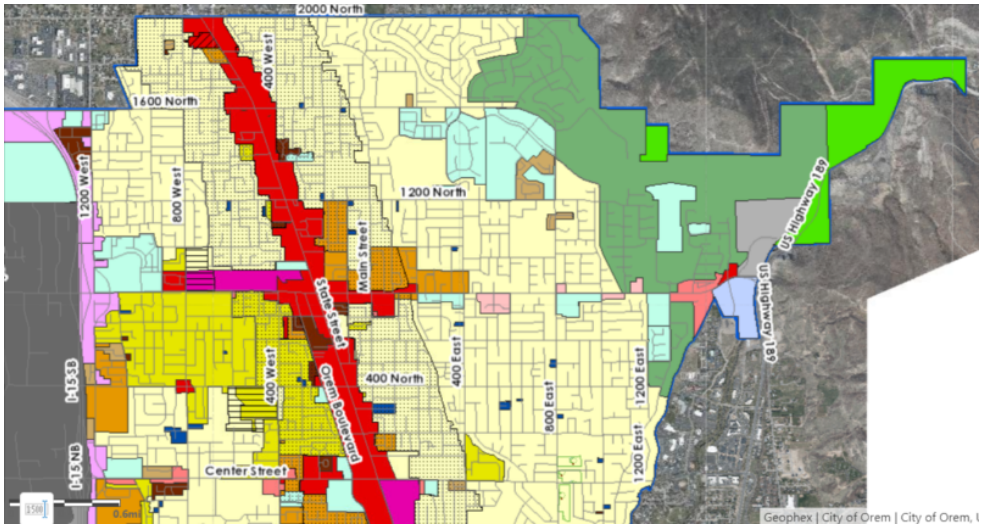


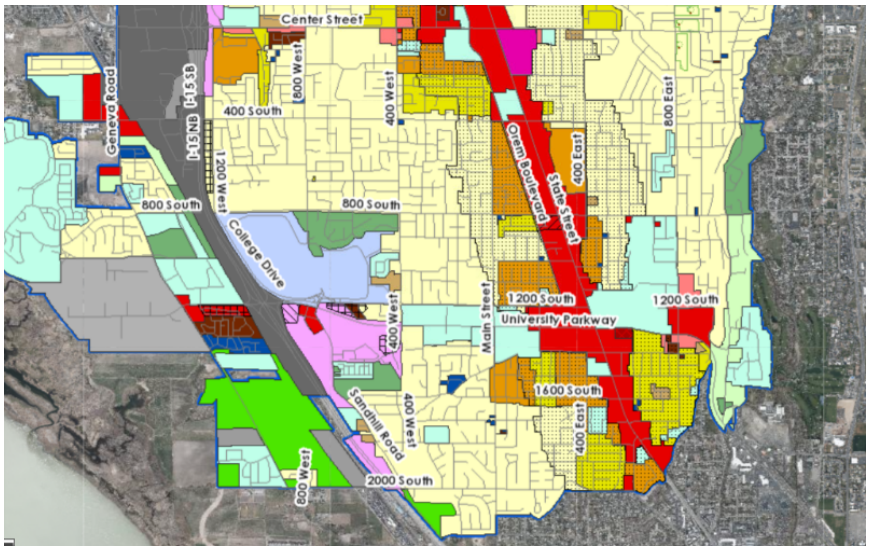
Use the space below to prove why your proposal meets the following State requirement:

*"Granting the variance is essential to the enjoyment of a substantial property right possessed by other properties in the same zone...."*

Without a variance exempting us from connecting to the city's sanitary sewer system, we cannot improve or build on this lot. This will make the lot virtually unusable and put us at a disadvantage in relation to other property owners in the same zone, who can improve and build on their property.

Based on the new construction in and around OS5 zones in SW Orem (800 W 200 S) it stands to reason that the city sewer system is available for homeowners to connect to.



Use the space below to prove why your proposal meets the following State requirement:

*"The variance will not substantially affect the General Plan and will not be in contrary to the public interest...."*

The variance will not substantially affect the General Plan and will not be contrary to the public interest as the existing small home on the property is utilizing an on-site waste disposal system (septic tank + drain field), as are the neighboring 4 homes on the street. A variance will only affect my home on a small dead-end street in Provo Canyon without any space for future expansion beyond the existing homes. Building a new home on the property and connecting to the existing septic system will not negatively impact Orem city or its residents.



Use the space below to prove why your proposal meets the following State requirement:

*"The spirit of the zoning ordinance is observed and substantial justice is done."*

We are not opposed to connecting to the city's sanitary waste system if it were possible. The costs associated with a private citizen contracting to have the sewer system extended to the property if it could be approved by the various municipal and state authorities, would be prohibitive in relation to the scope of the project, that being the building of an approximately 1455 square foot home.

We aren't attempting to avoid an otherwise achievable zoning ordinance, but rather we simply wish to utilize the property in a way that is beneficial and enjoyable and in a way other property owners best use their property. This isn't possible if we are required to connect To the city sanitary sewer system.

# DRC Checklist
*Variance*

This checklist must be filled out completly in order to apply for DRC. Each individual item must be checked off. If for some reason, you feel that a particular item is not applicable to you, you must explain why in writing.

**Disclaimer:** This information is an abridged version of Utah State Code 10-9-707. This information is for the benefit of the developer/applicant to help follow the required review and approval process for your project. **This checklist does not release the developer/applicant from the responsibility of reading and following all provisions listed in Utah State Code.**

## ☐ Concept Plan

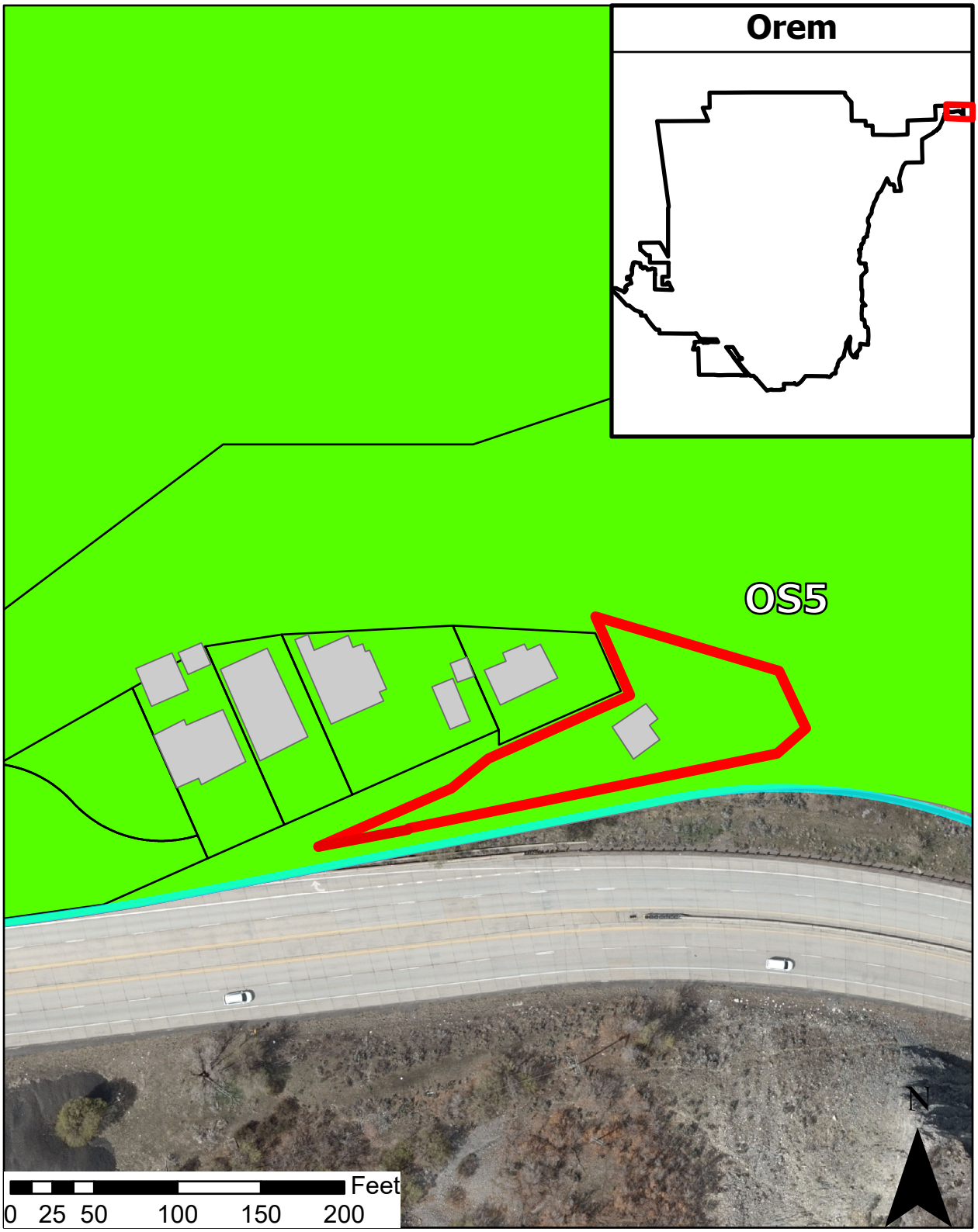
- ☐ Drawings musts be to scale and include the following:
- ☐ All property lines with dimensions.
- ☐ Locations, dimensions, and labels of all structures existing and proposed.
- ☐ Dimensions from structures to property lines.
- ☐ Locations and dimenstions of parking areas, driveways, and landscaped areas that are existing and proposed.
- ☐ Topographical information that may be necessary in determining the variance.
- ☐ **Specific information pertaining to the variance sought.**

## ☐ Submit with Application

- ☐ Payment of non-refundable Application Fee ($906)
- ☐ Completed Development Review Committee (DRC) application and Questionnaire.
- ☐ Legal description of parcel(s) for which the variance is requested.


2451 E
2469 E
2481 E
2487 E
2501 E

# University Place Marriott Courtyard




Variance
OS5

Legend
2501 E Provo Canyon
Road
Parcels




2501


2501


2501


FOR SALE
801-906-1963 -Steve
FOR

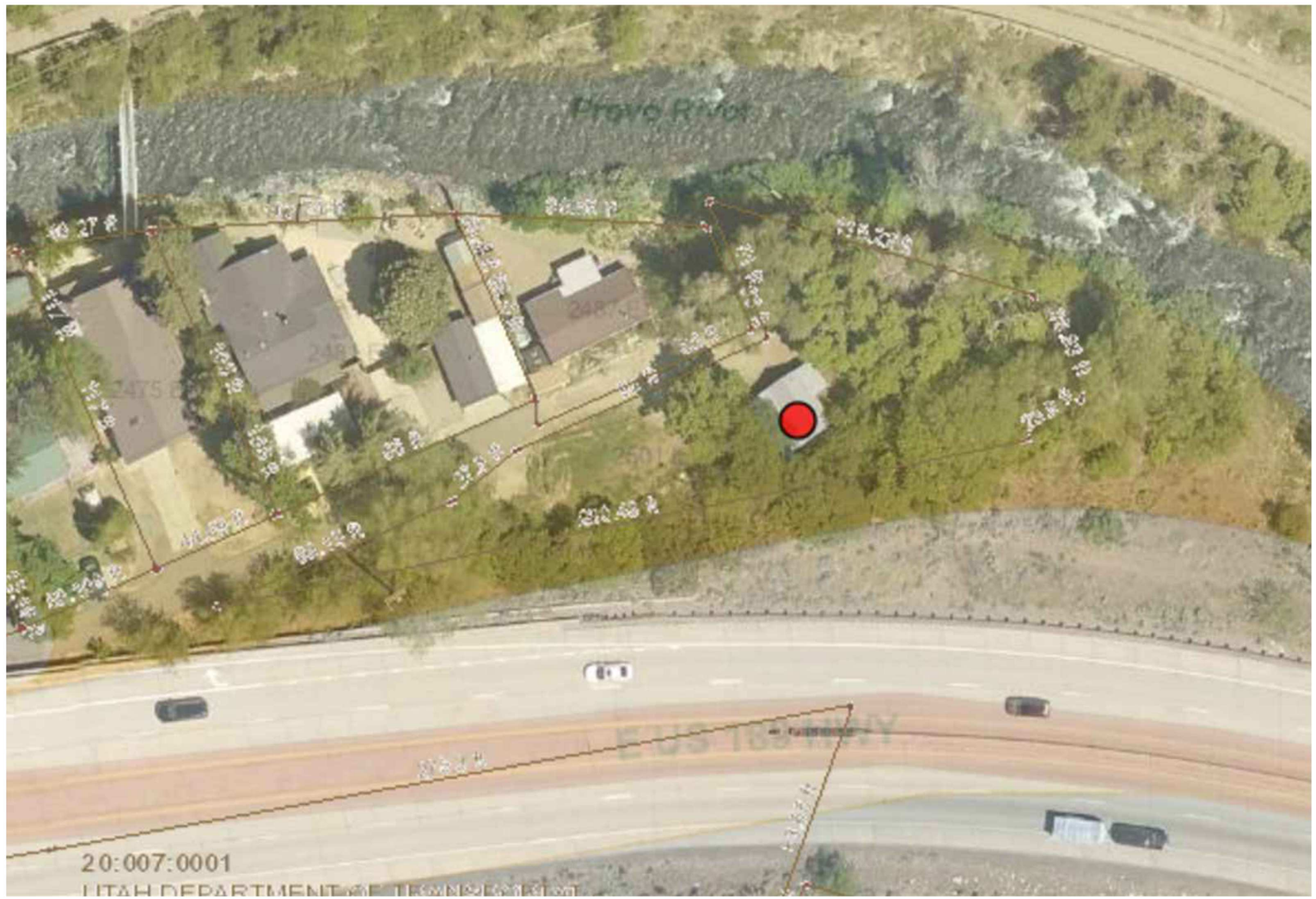








# SITE PLAN




# 2501 E Provo Canyon Road
# Orem, UT 84604

STAMP:

NOTES:

PROJECT LOCATION:
2501 E Provo Canyon Road Orem, UT 84604

PROJECT OWNER AND ADDRESS:
---

PROJECT DESCRIPTION:
Site Plan for Proposed house at 2501 E Provo Canyon Road

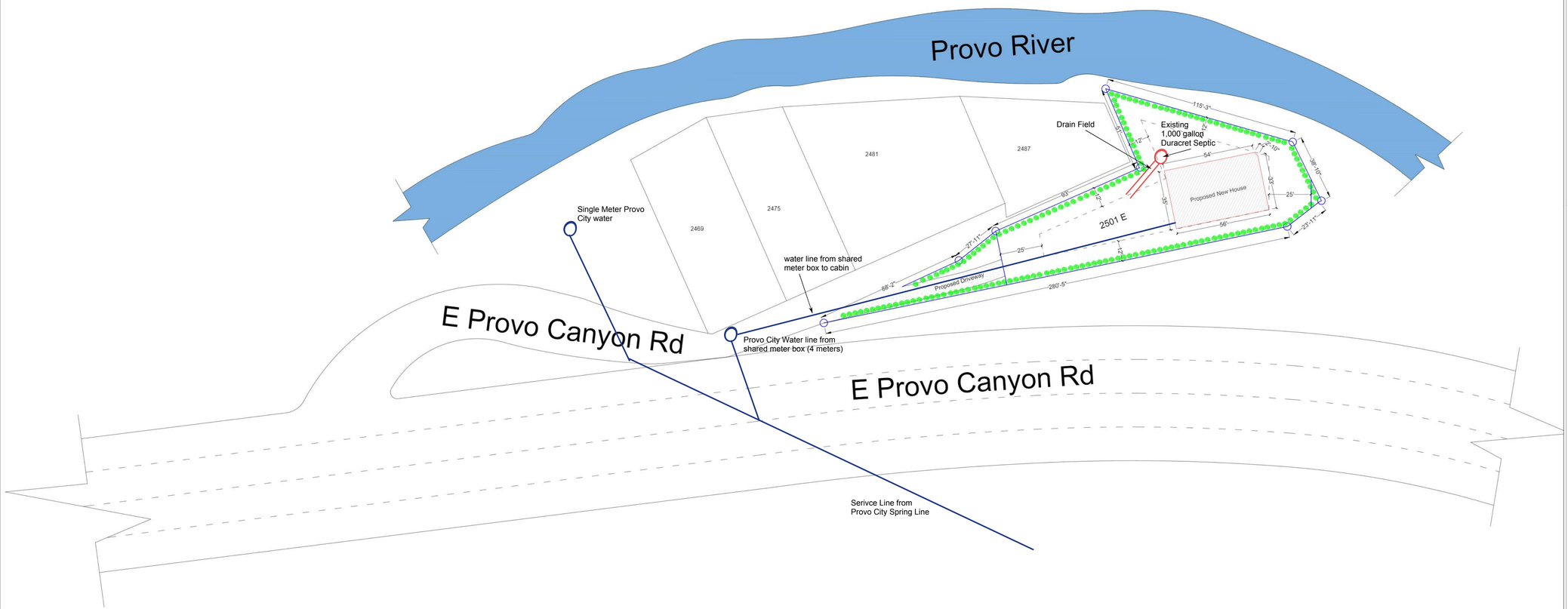
CONTRACTOR :

DRAWING NAME:
SITE PLAN

DRAWN BY:
Kamran Alam

VoguishDesigns
ARCHITECTS & INTERIOR DESIGNERS
Email: info@voguishdesigns.com Website: www.voguishdesigns.com
Contact: +92 315 4062921

| | |
|---|---|
| Date: | 11-05-2022 |
| Project number: | |
| Drawn by: | |
| Checked by: | |
| Dwg No: | A-01 |
| Page Number: | 01 |




# SITE PLAN

SCALE: 1/8" =1'-0"

0 10 20 30 40 50

(FEET)

N

W E

S

STAMP:

NOTES:

PROJECT LOCATION:

2501 E Provo Canyon Road Orem, UT 84604

PROJECT OWNER AND ADDRESS:

----------

PROJECT DESCRIPTION:

Site Plan for Proposed house at 2501 E Provo Canyon Road

CONTRACTOR :

DRAWING NAME:

SITE PLAN

DRAWN BY:

Kamran Alam

VoguishDesigns
ARCHITECTS & INTERIOR DESIGNERS
Email: info@voguishdesigns.com Website: www.voguishdesigns.com
Contact: +92 315 4062921

| | |
|---|---|
| Date: | 11-05-2022 |
| Project number: | |
| Drawn by: | |
| Checked by: | |
| Dwg No: | A-02 |
| Page Number: | 02 |

# Alta Excavating – North Star Development, LLC

435.640.0546 917 Lake Pines Dr, Heber City, UT 84032

To whom it may concern,

Alta excavating/North Star Development LLC was contracted to locate, expose, and attach risers to the surface of the existing septic tank located at 2501 E Provo Canyon Rd.

Upon opening the inspection/pumping port we discovered the tank had an intrusion of roots that had displaced the inlet sewer pipe to gain entry to the tank. The roots were removed, a further inspection of the tank revealed it was in excellent condition, baffles in place and no apparent history of malfunctions.

The inlet existing SDR 35 PVC sewer pipe and fitting was replaced and the inlet around the pipe was grouted with hydraulic cement to avoid future root intrusion.

I have attached the engineered drawings of the tank furnished by the manufacturer, Duracrete, which are also still on file with the State of Utah.

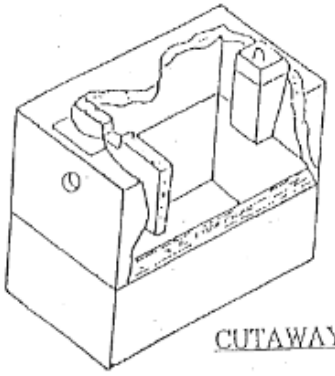
If you have any additional questions please do not hesitate to call.

Scott Johansson
CEO Alta Excavating/North Star Development, LLC
435.640.0546

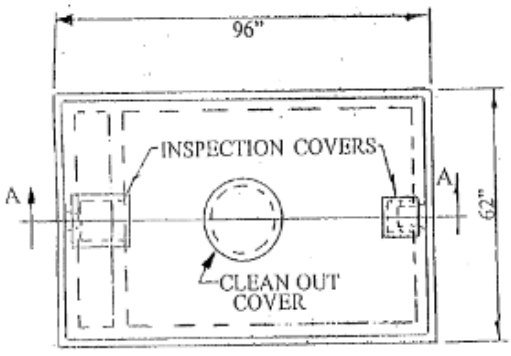
# 1000 GALLON SEPTIC TANK

DURA-CRETE, INC.

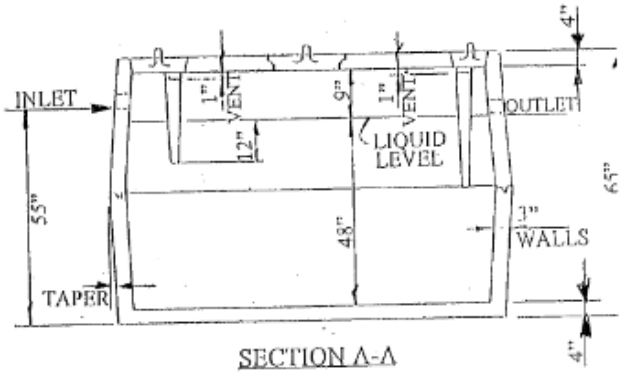
NOTE:
WEIGHT: 8000 POUNDS
EXCAVATION DIMS: 7'X 10'
FLOW LINE: 4'8"
SEALED WITH BUTYL ROPE & REINFORCED
WITH 6X6-6X6 WELDED WIRE FABRIC



CUTAWAY ISOMETRIC




TOP VIEW




SECTION A-A

P.O. Box 65489 ● Salt Lake City, UT 84165-0489 ● (801) 972-8686 ● Fax (801) 972-6140

## NOTES TO USERS

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The **community map repository** should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where **Base Flood Elevations** (BFEs) and/or **floodways** have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

**Coastal Base Flood Elevations** shown on this map apply only landward of 0.0' North American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations table in the Flood Insurance Study Report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations table should be used for construction, and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the **floodways** were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by **flood control structures**. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures in this jurisdiction.

The **projection** used in the preparation of this map was Universal Transverse Mercator (UTM) Zone 12 N. The **horizontal datum** was NAD83, GRS80 spheroid. Differences in datum, spheroid, projection or UTM zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same **vertical datum**. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at https://www.ngs.noaa.gov or contact the National Geodetic Survey at the following address:

NGS Information Services
NOAA, N/NGS12
National Geodetic Survey, SSMC-3, #9202
1315 East-West Highway
Silver Spring, Maryland 20910-3282
(301) 713-3242

To obtain current elevation, description, and/or location information for **bench marks** shown on this map, please contact the Information Services Branch of the National Geodetic Survey at **(301) 713-3242**, or visit their website at https://www.ngs.noaa.gov/.

**Base map** information shown on this FIRM was derived from multiple sources. This information was compiled from the U.S. Geological Survey, 1989, Utah Automated Geographic Reference Center (AGRC), 1985, 2003, and 2009, National Geodetic Survey, 2005, and USDA Farm Service Agency Aerial Photography Field Office, 2011.

This map reflects more detailed and up-to-date **stream channel configurations** than those shown on the previous FIRM for this jurisdiction. The floodplains and floodways that were transferred from the previous FIRM may have been adjusted to conform to these new stream channel configurations. As a result, the Flood Profiles and Floodway Data tables in the Flood Insurance Study report (which contains authoritative hydraulic data) may reflect stream channel distances that differ from what is shown on this map.

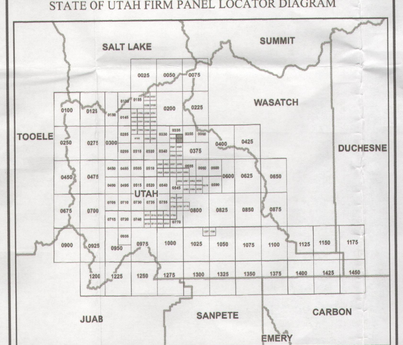
**Corporate limits** shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

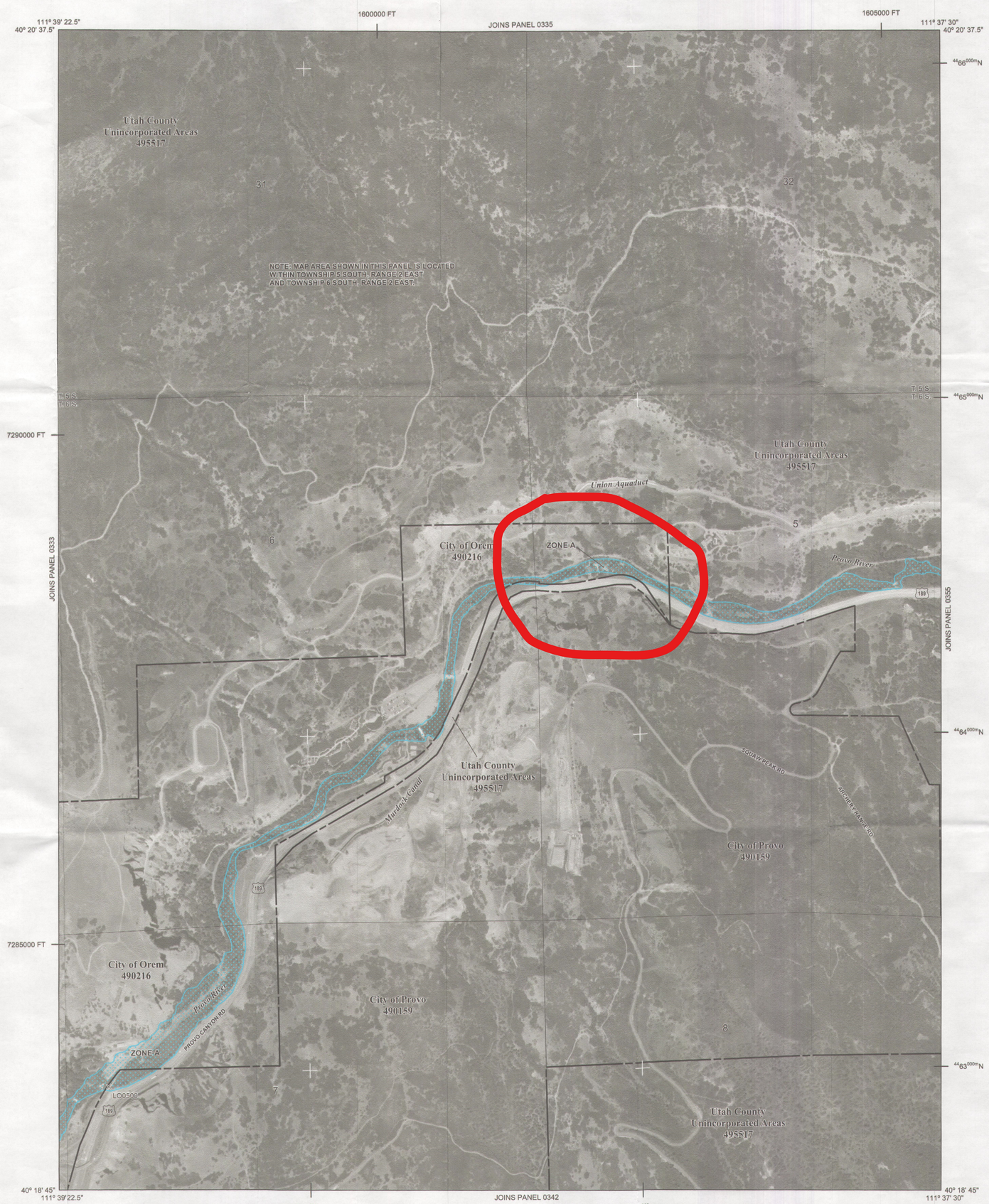
Please refer to the separately printed **Map Index** for an overview map of the county showing the layout of map panels; community map repository addresses; and a Listing of Communities table containing National Flood Insurance Program dates for each community as well as a listing of the panels on which each community is located.

For information on available products associated with this FIRM visit the **Map Service Center (MSC)** website at https://msc.fema.gov. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the MSC website.

If you have **questions about this map**, how to order products or the National Flood Insurance Program in general, please call the **FEMA Map Information eXchange (FMIX)** at **1-877-FEMA-MAP** (1-877-336-2627) or visit the FEMA website at https://www.fema.gov/business/nfip.

STATE OF UTAH FIRM PANEL LOCATOR DIAGRAM




## LEGEND

SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

| | |
|---|---|
| ZONE A | No Base Flood Elevations determined. |
| ZONE AE | Base Flood Elevations determined. |
| ZONE AH | Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined. |
| ZONE AO | Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined. |
| ZONE AR | Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood. |
| ZONE A99 | Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined. |
| ZONE V | Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined. |
| ZONE VE | Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined. |

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

| | |
|---|---|
| ZONE X | Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood |

OTHER AREAS

| | |
|---|---|
| ZONE X | Areas determined to be outside the 0.2% annual chance floodplain. |
| ZONE D | Areas in which flood hazards are undetermined, but possible. |

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

1% annual chance floodplain boundary

0.2% annual chance floodplain boundary

Floodway boundary

Zone D boundary

CBRS and OPA boundary

Boundary dividing Special Flood Hazard Area Zones and boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.

513 — Base Flood Elevation line and value; elevation in feet*

(EL 987) — Base Flood Elevation value where uniform within zone; elevation in feet*

A — A — Cross section line

23 — 23 — Transect line

Bridge

Culvert

87°07'45", 32°22'30" — Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere

4376000mN — 1000-meter Universal Transverse Mercator grid values, zone 12

600000 FT — 5000-foot grid ticks: Utah State Plane coordinate system, Central zone (FIPSZONE 4302), Transverse Mercator Projection

DX5510 × — Bench mark (see explanation in Notes to Users section of this FIRM panel)

M1.5 — River Mile

*Referenced to the North American Vertical Datum of 1988

MAP REPOSITORIES
Refer to Map Repositories list on Map Index.

EFFECTIVE DATE OF COUNTYWIDE
FLOOD INSURANCE RATE MAP PANEL
June 19, 2020

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

MAP SCALE 1" = 500'

250 0 500 1000 FEET

150 0 150 300 METERS

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0334F

# FIRM

FLOOD INSURANCE RATE MA

## UTAH COUNTY, UTAH
AND INCORPORATED AREAS

PANEL 334 OF 1450

(SEE MAP INDEX FOR FIRM PANEL LAYOUT

CONTAINS:

| COMMUNITY | NUMBER | PANEL | SUF |
|---|---|---|---|
| OREM, CITY OF | 490216 | 0334 | F |
| PROVO, CITY OF | 490159 | 0334 | F |
| UTAH COUNTY | 495517 | 0334 | F |

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

MAP NUMB
49049C033

EFFECTIVE DA
JUNE 19, 20

Federal Emergency Management Agen

# CODE OF ORDINANCES

## CHAPTER 10. FLOOD DAMAGE PREVENTION

**Contents:**


**Article 10-1. Purposes.**

**Article 10-2. Definitions**

**Article 10-3. General Provisions**

**Article 10-4. Administration**

**Article 10-5. Provisions for Flood Hazard Reduction**


## Article 10-1. Purposes.

**Contents:**


**10-1-1. Statement of Purpose and Authorization**

**10-1-2. Methods of Reducing Flood Losses.**

**10-1-3. Statutory Authorization.**

**10-1-4. Findings of Fact.**


### 10-1-1. Statement of Purpose and Authorization

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

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize blight to future flood-prone areas;
7. To ensure that potential buyers are notified that property is in an area of special flood hazard; and,
8. To ensure that those who occupy the areas of special flood hazards assume responsibility for their actions.

B. The City of Orem elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) which is a voluntary program administered by the Federal Emergency Management Agency (FEMA), a component of the U.S. Department of Homeland Security, and the City of Orem has 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 City of Orem have a special flood hazard identified by FEMA, and that floodplain management measures should be applied in such flood hazard areas. Furthermore, the City of Orem may elect to administer the Flood Damage Prevention Ordinance to areas not identified as Special Flood Hazard Areas (SFHAs) by FEMA on the City's effective Flood Insurance Rate Map (FIRM), if the City has documentation to support that there is an inherent risk of flooding in such areas.

**(Ord. No. 661, Revised, 04/10/90; Ord. No. O-2020-0011, Amended 5/16/2020)**

Effective on: 4/10/1990

## 10-1-2. Methods of Reducing Flood Losses.

A. In order to accomplish its purposes, this Chapter includes methods and provisions for:
   1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
   2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
   3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
   4. Controlling filling, grading, dredging, and other development which may increase flood damage; and,
   5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

**(Ord. No. 661, Revised, 04/10/90)**

## 10-1-3. Statutory Authorization.

Utah Code - Section 10-9a-505 authorizes a municipality to enact an ordinance regulating land use and development in a floodplain to protect life and to prevent substantial damage or loss to real property.

**(Ord. No. O-2020-0011, Enacted 5/16/2020)**

## 10-1-4. Findings of Fact.

A. The flood hazard areas of the City of Orem 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.

**(Ord. No. O-2020-0011, Enacted 5/16/2020)**

## Article 10-2. Definitions

**Contents:**

**10-2-1. Definitions.**

### 10-2-1. Definitions.

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application. As used in this Chapter, the terms below shall have the following meanings:

**Area of shallow flooding** shall mean a designated AO, AH, AR/AO, AR/AH, or VO zone on the City'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.

**(Ord. No. 20-2020-0011, Enacted 5/16/2020)**

**Areas of special flood hazard** is the land in the flood plain within the City subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Floor Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, 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, VO, 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".

**(Ord. No. O-2020-0011, Amended 5/16/2020)**

Effective on: 4/10/1990

**Base flood** shall mean the flood having a one percent chance of being equaled or exceeded in any given year.

**Base Flood Elevation (BFE)** is the water surface elevation of the one (1) percent annual chance flood. 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.

**(Ord. No. O-2020-0011, Enacted 5/16/2020)**

**Development** shall mean any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, demolition of buildings or structures, fences, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

**(Ord. No. O-2020-0011, Amended 5/16/2020)**

Effective on: 4/10/1990

**Existing construction** means for the purposes of determining rates, structures for which the "start of construction" occurred before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

**(Ord. No. O-2020-0011, Enacted 5/16/2020)**

**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.

**(Ord. No. O-2020-0011, Enacted 5/16/2020)**

**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).

**(Ord. No. O-2020-0011, Enacted 5/16/2020)**

**Flood or flooding** shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.
3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (2) of this definition 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.

**(Ord. No. O-2020-0011, Amended 5/16/2020)**

Effective on: 4/10/1990

**Flood Insurance Rate Map (FIRM)** shall mean an official map of a community on which the Flood Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

**(Ord. No. O-2020-0011, Amended 5/16/2020)**

Effective on: 4/10/1990

**Flood Insurance Study 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.

**(Ord. No. O-2020-0011, Enacted 5/16/2020)**

**Flood proofing** means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. Wet floodproofing includes permanent or contingent measures applied to a structure or its contents that prevent or provide resistance to damage from flooding while allowing floodwaters to enter the structure or area and may be applied to residential or non-residential structures. Dry floodproofing is making a structure watertight below the level that needs flood protection to prevent floodwaters from entering. Making the structure watertight requires sealing the walls with waterproof coatings, impermeable membranes, or a supplemental layer of masonry or concrete and can only be used for non-residential structures.

**(Ord. No. O-2020-0011, Enacted 5/16/2020)**

**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.

**(Ord. No. O-2020-0011, Enacted 5/16/2020)**

**Highest adjacent grade** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**(Ord. No. O-2020-0011, Enacted 5/16/2020)**

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 which 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.

**(Ord. No. O-2020-0011, Enacted 5/16/2020)**

**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.

**(Ord. No. O-2020-0011, Enacted 5/16/2020)**

**Manufactured home** shall mean a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

**(Ord. No. O-2020-0011, Amended 5/16/2020)**

Effective on: 4/10/1990

**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.

**(Ord. No. O-2020-0011, Enacted 5/16/2020)**

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

**(Ord. No. O-2020-0011, Enacted 5/16/2020)**

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.

**(Ord. No. O-2020-0011, Enacted 5/16/2020)**

**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.

**(Ord. No. O-2020-0011, Enacted 5/16/2020)**

**Special flood hazard area**: see “area of special flood hazard”.

**(Ord. No. O-2020-0011, Enacted 5/16/2020)**

**Special hazard area** means an area having special flood, mudslide (i.e., mudflow), or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, A99, AH, VO, V1-30, VE, V, M, or E.

**(Ord. No. O-2020-0011, Enacted 5/16/2020)**

**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.

**(Ord. No. O-2020-0011, Enacted 5/16/2020)**

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

**(Ord. No. O-2022-0011, Amended 5/16/2020)**

Effective on: 4/10/1990

**Structure for insurance purposes**, means:

A. A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site;

B. A manufactured home (“a manufactured home,” also known as a mobile home, is a structure - built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or

C. A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.

For the latter purpose, “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.

**(Ord. No. O-2020-0011, Enacted 5/16/2020)**

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

**(Ord. No. O-2020-0011, Enacted 5/16/2020)**

**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 either:

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

B. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**(Ord. No. 661, Revised, 04/10/90; Ord. No. O-2020-0011, Amended 5/16/2020)**

Effective on: 4/10/1990

**Violation** means the failure of a structure or other development to be fully compliant with the provisions of this Chapter 10 and/or the failure to obtain and maintain the elevation certificate, other certifications, or other evidence of compliance for a structure or other development.

**(Ord. No. O-2020-0011, Enacted 5/16/2020)**

## Article 10-3. General Provisions

**Contents:**


**10-3-1. Application of this Chapter.**

**10-3-2. Basis for establishing the areas of Special Flood Hazard.**

**10-3-3. Compliance.**

**10-3-4. Abrogation and Greater Restrictions.**

**10-3-5. Interpretation.**

**10-3-6. Warning and Disclaimer of Liability.**

**10-3-7. Severability**


### 10-3-1. Application of this Chapter.

This Chapter shall apply to all areas of special flood hazards identified by FEMA within the City of Orem.

**(Ord. No. 661, Revised, 04/10/90; Ord. No. O-2020-0011, Amended 5/16/2020)**

Effective on: 4/10/1990

## 10-3-2. 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 Utah County and Incorporated Communities," dated June 19, 2020, with accompanying FIRMs, and any revisions thereto are hereby automatically adopted by reference and declared to be a part of this ordinance.

**(Ord. No. 661, Revised, 04/10/90; Ord. No. O-2020-0011, Amended 5/16/2020)**

**Annexation.** This Chapter 10 shall be applicable to any land annexed into the City.

**(Ord. No. O-2020-0011, Enacted 5/16/2020)**

## 10-3-3. Compliance.

No structure or land shall hereafter be constructed, located, extended, or altered or have its use changed without full compliance with the terms of this Chapter and other applicable regulations.

**(Ord. No. 661, Revised, 04/10/90; Ord. No. O-2020-0011, Amended 5/16/2020)**

Effective on: 4/10/1990

## 10-3-4. Abrogation and Greater Restrictions.

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

**(Ord. No. 661, Revised, 04/10/90)**

## 10-3-5. Interpretation.

In the interpretation of this Chapter, all provisions shall be:

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit nor repeal any other powers granted under State statutes.

**(Ord. No. 661, Revised, 04/10/90)**

Effective on: 4/10/1990

## 10-3-6. Warning and Disclaimer of Liability.

This Chapter is not intended to and shall not create liability on the part of the City of Orem, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder including, but not limited to, a decision related to the enforcement or non-enforcement of the provisions of this Chapter. This Chapter shall not be construed to create any duties on the part of the City, FEMA or any of the employees and officers of either to any private person or entity. The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

**(Ord. No. 661, Revised, 04/10/90; Ord. No. O-2020-0011, Amended 5/16/2020)**

Effective on: 4/10/1990

### 10-3-7

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.

**(Ord. No. O-2020-0011, Enacted 5/16/2020)**

## Article 10-4. Administration

**Contents:**


**10-4-1. Designation of the Floodplain Administrator**

**10-4-2. Duties & Responsibilities of the Floodplain Administrator**

**10-4-3. Establishment of Development Permit.**

**10-4-4. Permit Review Procedures.**

**10-4-5. Variance Procedures**


### 10-4-1

The Development Services Director or his/her designee is hereby appointed the Floodplain Administrator to implement the provisions of this Chapter and other applicable sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

**(Ord. No. O-2020-0011, Enacted 5/16/2020)**

### 10-4-2

Floodplain Administrator shall:

A. Maintain and hold open for public inspection all records pertaining to the provisions of this Chapter.

B. Review permit applications to determine whether proposed building sites, including the placement of manufactured homes, will be reasonably safe from flooding.

C. Review, approve or deny all applications for development permits required by adoption of this ordinance.

D. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

E. 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.

F. Notify, in riverine situations, adjacent communities and the State Coordinating Agency, which is the Utah Division of Emergency Management, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

G. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

H. When base flood elevation data has not been provided, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of this ordinance.

I. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the City's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the City.

J. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a City may approve certain development in Zones A1-30, AE, AH, on the City's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the City first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision).

**(Ord. No. O-2020-0011, Enacted 5/16/2020)**

## 10-4-3. Establishment of Development Permit.

A. A development permit (a preliminary plat, site plan and or building permit as applicable) shall be obtained before construction or development begins within any area of special flood hazard established in Section 10-3-2. Application for a development permit shall be made on forms furnished by the City of Orem and may include, but not be limited to:

1. Plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the construction of fences, and the location of the foregoing in relation to areas of special flood hazard and areas of special erosion hazard;

2. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;

3. Elevation in relation to mean sea level to which any structure has been floodproofed;

4.

Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria in Section 10-5-2(B); and

5.

Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

B.

A record of all of the above information shall be maintained by Floodplain Administrator.

**(Ord. No. 661, Revised, 04/10/90; Ord. No. O-2020-0011, Amended 5/16/2020)**

Effective on: 4/10/1990

## 10-4-4. Permit Review Procedures.

A. The Development Review Committee shall review all development permits to determine:
   1. That the permit requirements of this Chapter have been satisfied.
   2. That all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
   3. If the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For the purposes of this Chapter, "adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.
      a. If it is determined that there is no adverse effect and the development is not a building, then the permit shall be granted without further consideration.
      b. If it is determined that there is an adverse effect, then technical justification, such as a registered professional engineer's certification, for the proposed development shall be required.
      c. If the proposed development is a building, then the provisions of this Chapter shall apply.

**(Ord. No. 661, Revised, 04/10/90)**

B. When base flood elevation data has not been provided in accordance with Section 10-3-2, the Development Review Committee shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring that new construction, substantial improvements, or other development in Zone A are administered in accordance with Section 10-5-2 of this Chapter.

**(Ord. No. 661, Revised, 04/10/90)**

C. The following information shall be furnished to the City and kept on file with each development permit:
   1. The actual elevation in relation to mean sea level of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

2. For all new or substantially improved floodproofed structures verification of the actual elevation in relation to mean sea level to which the structure has been floodproofed.
3. Verification that adjacent communities and the Utah State Coordinator for Emergency Management have been notified prior to any alteration or relocation of a watercourse. Evidence of such notification shall be furnished to the Federal Emergency Management Agency.

**(Ord. No. 661, Revised, 04/10/90)**

D. The developer shall provide maintenance within the altered or relocated portion of such watercourse, described in subparagraph (3) above, so that the flood carrying capacity is not diminished.

**(Ord. No. 661, Revised, 04/10/90)**

E. The Development Review Committee shall make interpretations, where 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.

**(Ord. No. 661, Revised, 04/10/90)**

Effective on: 4/10/1990

## 10-4-5

The Board of Adjustment shall hear and render judgment on requests for variances from the requirements of this Chapter.

A. Any person or persons aggrieved by the decision of the Board of Adjustment may appeal such decision to courts of competent jurisdiction.
B. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency and the State Office of Emergency Management upon issuing a variance.
C. 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 section 10-4-3 of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
D. Upon consideration of the factors noted above and the intent of this ordinance, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance.
E. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
F. 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.
G. Prerequisites for granting variances:
    1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
    2. Variances shall only be issued upon:
        a. showing a good and sufficient cause;

b. a determination that failure to grant the variance would result in exceptional hardship to the applicant, and

c. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, the creation of nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

3. Any application 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 base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

Variances may be issued by the Board of Adjustment for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

H. 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.

**(Ord. No. O-2020-0011, Enacted 5/16/2020)**

## Article 10-5. Provisions for Flood Hazard Reduction

**Contents:**


**10-5-1. General Standards.**

**10-5-2. Specific Standards.**

**10-5-3. Standards for Subdivision Proposal.**

**10-5-4. Standard for Areas of Shallow Flooding (AO/AH Zones).**

**10-5-5. Floodways.**

**10-5-6. Penalties for Violation**


### 10-5-1. General Standards.

General Standards. The following are required for all new construction and substantial improvements in areas of special flood hazards.

A. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure and resulting from hydrostatic and hydrodynamic loads, including the effect of buoyancy.

**(Ord. No. 661, Revised, 04/10/90; Ord. No. O-2020-0011, Amended 5/16/2020)**

B. All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. 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. Specific requirements may be:

1. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than fifty feet (50') long requiring one additional tie per side.

2. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty feet (50') long requiring four additional ties per side.
3. All components of the anchoring system be capable of carrying a force of 4,800 pounds.
4. Any additions to the manufactured home be similarly anchored.

**(Ord. No. 661, Revised, 04/10/90)**

C. All new construction and substantial improvements shall be constructed:
1. With materials and utility equipment resistant to flood damage.
2. Using methods and practices that minimize flood damage.
3. 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.

**(Ord. No. 661, Revised, 04/10/90)**

D. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

**(Ord. No. 661, Revised, 04/10/90)**

E. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters. All new construction shall be required to connect to City's sanitary sewer system.

**(Ord. No. 661, Revised, 04/10/90; Ord. No. O-2020-0011, Amended 5/16/2020)**

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

**(Ord. No. 661, Revised, 04/10/90)**

G. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres, whichever is less. All subdivision proposals shall:
1. Be consistent with the need to minimize flood damage.
2. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
3. Have adequate drainage provided to reduce exposure to flood damage.

**(Ord. No. 661, Revised, 04/10/90)**

H. Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited in any floodway unless a technical evaluation demonstrates that the encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge. No solid walls, solid fences, or other structures that could disrupt flowing water in an area of special flood hazard shall be constructed in a position or direction contrary to the direction of flowing water.

**(Ord. No. 661, Revised, 04/10/90; Ord. No. O-2020-0011, Amended 5/16/2020)**

## 10-5-2. Specific Standards.

In all areas of special flood hazards where base flood elevation data has been provided as required by this Chapter, the following standards are required:

A. Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standards of this ordinance are satisfied.

**(Ord. No. 661, Revised, 04/10/90; Ord. No. O-2020-0011, Amended 5/16/2020)**

B. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to the level of one foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water.
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph. Such certifications shall be provided to the official as set forth in Section 10-4-4(C). A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

C. Enclosed Areas – including enclosures, crawlspaces, subgrade crawlspaces, and attached garages - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to:

1.

Automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

2.

Flood vents meeting ICC-ES standards may be used with the bottom of all openings no higher than one foot above grade and a minimum of two openings, or

3.

Vents certified by a registered professional engineer or architect must meet or exceed the following minimum criteria:

a.

A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

b.

The bottom of all openings shall be no higher than one foot above grade.

c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Enclosures are areas that have a height greater than five feet from the enclosure floor to the finish floor elevation above.

Crawlspaces have at least one side of the crawlspace floor at or above the exterior grade. The crawlspace floor must be less than 5 feet from the finish floor elevation above.

Subgrade crawlspaces have an exterior grade that cannot be more than 2’ above crawlspace floor elevation and a finish floor elevation of floor immediately above cannot be more than 5’ above the crawlspace floor.

D. Manufactured Homes -

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

E. Recreational Vehicles - Recreational vehicles placed on sites within Zones A1-30, AH, and AE on the City's FIRM shall either:

1. be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or
2. meet the permit requirements of Section 10-4-2 and the elevation and anchoring requirements for "manufactured homes" of this section.

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.

**(Ord. No. 661, Revised, 04/10/90; Ord. No. O-2020-0011, Amended 5/16/2020)**

Effective on: 4/10/1990

## 10-5-3. Standards for Subdivision Proposal.

A. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with the provisions of this Chapter 10.

B. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet the Development Permit requirements of this Chapter 10.

C. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which are greater than 50 lots or 5 acres, whichever is less.

D. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

E. 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.

**(Ord. No. O-2020-0011, Amended 5/16/2020)**

## 10-5-4. Standard for Areas of Shallow Flooding (AO/AH Zones).

Located within the areas of special flood hazard established in section 10-3-2, 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 in areas designated as shallow flooding:

A. All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade a height equal to or greater than the depth number specified in feet on the City's FIRM (at least two feet if no depth number is specified).

B. All new construction and substantial improvements of non-residential structures;

   1. Shall have the lowest floor (including basement) elevated above the highest adjacent grade a height equal to or greater than the depth number specified in feet on the City's FIRM (at least two feet if no depth number is specified), or;

   2. 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.

C. A registered professional engineer shall submit a certification to the Floodplain Administrator that the standards of section 10-4-3 are satisfied.

D. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

   1. FIRMs may also identify areas of shallow flooding hazards with an average depth less than 1 foot deep (shaded Zone X). These areas may be between the flood hazard boundaries defined for the 1- and 0.2-percent chance-annual-flood or associated with base flood depths less than 1 foot where a clearly defined

channel does not exist and where the path of flooding is unpredictable and where velocity may be evident. Such flooding is generally characterized by sheet flow; therefore

a. all new construction or substantial improvements of residential and nonresidential structures in such areas shall:
    i. have the lowest floor (including basement) elevated above the estimated depth of the base flood and above the highest groundwater level that is anticipated to occur during periods of flooding.
    ii. within shaded X zones, have positive ground slopes away from structures and adequate drainage paths around structures on sloping ground to guide flood water around and away from proposed structures.

A registered professional engineer shall submit certification to the Floodplain Administrator that the standards of this Section are satisfied.

**(Ord. No. O-2020-0011, Enacted 5/16/2020)**

## 10-5-5. Floodways.

Floodways located within areas of special flood hazard established in Article 10-3 are extremely hazardous areas due to the velocity of flood waters which carry debris, potential projectiles and erosion potential.

A. All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Article 10-5. A designated regulatory floodway may not increase the Base Flood level more than 1 foot.

B. Encroachments are prohibited in floodways, including fill, new construction, substantial improvements and other development within an 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 in flood levels within the City during the occurrence of the base flood discharge.

C. The Floodplain Administrator may, pursuant to the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the City first applies for a conditional FIRM and floodway revision through FEMA.

**(Ord. No. O-2020-0011, Enacted 5/16/2020)**

## 10-5-6. Penalties for Violation.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Chapter 10 and other applicable regulations. Violation of any provision of this Chapter 10 (including violations of conditions and safeguards established in connection with conditions) shall constitute a Class C misdemeanor. Nothing contained herein shall prevent the City from taking such other lawful action as is necessary to prevent, or remedy or abate any violation.

**(Ord. No. O-2020-0011, Enacted 5/16/2020)**

For more information, contact Rachel Stevens at
(801) 229-7239 or rlstevens@orem.org

City Council Chambers, 56 N State Street

Board of Adjustment
Wed, Jun 22, 2022
6:00 pm

## *** IMPORTANT DEVELOPMENT NOTICE ***

The applicant requests the Board of Adjustment consider granting a variance for the property located at 2501 E Provo Canyon Road in the OS5 zone. This meeting will be held for discussion only, no formal decisions will be made. An additional meeting will be held in the future to determine if a variance will be granted.

There is currently a 285 square foot cabin at 2501 E Provo Canyon Road that was built in 1924. The cabin has water, electricity, and a plumbing system via a septic tank. The applicant would like to replace the cabin with a new home that is approximately 1,008 square feet. The larger home would require updated utilities and a larger septic tank.

JEFF LAMBSON
156 E 1060 N
OREM, UT 84057

For more information, contact Rachel Stevens at
(801) 229-7239 or rlstevens@orem.org

City Council Chambers, 56 N State Street

Board of Adjustment
Wed, Jun 22, 2022
6:00 pm

*** IMPORTANT DEVELOPMENT NOTICE ***

The applicant requests the Board of Adjustment consider granting a variance for the property located at 2501 E Provo Canyon Road in the OS5 zone. This meeting will be held for discussion only, no formal decisions will be made. An additional meeting will be held in the future to determine if a variance will be granted.

There is currently a 285 square foot cabin at 2501 E Provo Canyon Road that was built in 1924. The cabin has water, electricity, and a plumbing system via a septic tank. The applicant would like to replace the cabin with a new home that is approximately 1,008 square feet. The larger home would require updated utilities and a larger septic tank.

LANAE MILLETT
288 W 1500 N
OREM, UT 84057

For more information, contact Rachel Stevens at
(801) 229-7239 or rlstevens@orem.org

City Council Chambers, 56 N State Street

Board of Adjustment
Wed, Jun 22, 2022
6:00 pm

## *** IMPORTANT DEVELOPMENT NOTICE ***

The applicant requests the Board of Adjustment consider granting a variance for the property located at 2501 E Provo Canyon Road in the OS5 zone. This meeting will be held for discussion only, no formal decisions will be made. An additional meeting will be held in the future to determine if a variance will be granted.

There is currently a 285 square foot cabin at 2501 E Provo Canyon Road that was built in 1924. The cabin has water, electricity, and a plumbing system via a septic tank. The applicant would like to replace the cabin with a new home that is approximately 1,008 square feet. The larger home would require updated utilities and a larger septic tank.

JASON BENCH
1911 N MAIN STREET
OREM, UT 84057-2101

For more information, contact Rachel Stevens at
(801) 229-7239 or rlstevens@orem.org

City Council Chambers, 56 N State Street

Board of Adjustment
Wed, Jun 22, 2022
6:00 pm

*** IMPORTANT DEVELOPMENT NOTICE ***

The applicant requests the Board of Adjustment consider granting a variance for the property located at 2501 E Provo Canyon Road in the OS5 zone. This meeting will be held for discussion only, no formal decisions will be made. An additional meeting will be held in the future to determine if a variance will be granted.

There is currently a 285 square foot cabin at 2501 E Provo Canyon Road that was built in 1924. The cabin has water, electricity, and a plumbing system via a septic tank. The applicant would like to replace the cabin with a new home that is approximately 1,008 square feet. The larger home would require updated utilities and a larger septic tank.

KRISTIE SNYDER
56 N STATE STREET
OREM, UT 84057

For more information, contact Rachel Stevens at
(801) 229-7239 or rlstevens@orem.org

City Council Chambers, 56 N State Street

Board of Adjustment
Wed, Jun 22, 2022
6:00 pm

## *** IMPORTANT DEVELOPMENT NOTICE ***

The applicant requests the Board of Adjustment consider granting a variance for the property located at 2501 E Provo Canyon Road in the OS5 zone. This meeting will be held for discussion only, no formal decisions will be made. An additional meeting will be held in the future to determine if a variance will be granted.

There is currently a 285 square foot cabin at 2501 E Provo Canyon Road that was built in 1924. The cabin has water, electricity, and a plumbing system via a septic tank. The applicant would like to replace the cabin with a new home that is approximately 1,008 square feet. The larger home would require updated utilities and a larger septic tank.

DAVE YOUNG
173 S COUNTRYSIDE LANE
OREM, UT 84058

For more information, contact Rachel Stevens at
(801) 229-7239 or rlstevens@orem.org

City Council Chambers, 56 N State Street

Board of Adjustment
Wed, Jun 22, 2022
6:00 pm

*** IMPORTANT DEVELOPMENT NOTICE ***

The applicant requests the Board of Adjustment consider granting a variance for the property located at 2501 E Provo Canyon Road in the OS5 zone. This meeting will be held for discussion only, no formal decisions will be made. An additional meeting will be held in the future to determine if a variance will be granted.

There is currently a 285 square foot cabin at 2501 E Provo Canyon Road that was built in 1924. The cabin has water, electricity, and a plumbing system via a septic tank. The applicant would like to replace the cabin with a new home that is approximately 1,008 square feet. The larger home would require updated utilities and a larger septic tank.

DEBBY LAURET
641 S 1920 W
OREM, UT 84059

For more information, contact Rachel Stevens at
(801) 229-7239 or rlstevens@orem.org

City Council Chambers, 56 N State Street

Board of Adjustment
Wed, Jun 22, 2022
6:00 pm

## *** IMPORTANT DEVELOPMENT NOTICE ***

The applicant requests the Board of Adjustment consider granting a variance for the property located at 2501 E Provo Canyon Road in the OS5 zone. This meeting will be held for discussion only, no formal decisions will be made. An additional meeting will be held in the future to determine if a variance will be granted.

There is currently a 285 square foot cabin at 2501 E Provo Canyon Road that was built in 1924. The cabin has water, electricity, and a plumbing system via a septic tank. The applicant would like to replace the cabin with a new home that is approximately 1,008 square feet. The larger home would require updated utilities and a larger septic tank.

RYAN CLARK
1405 N. 1430 WEST
PLEASANT GROVE, UT 84062

For more information, contact Rachel Stevens at
(801) 229-7239 or rlstevens@orem.org

City Council Chambers, 56 N State Street

Board of Adjustment
Wed, Jun 22, 2022
6:00 pm

*** IMPORTANT DEVELOPMENT NOTICE ***

The applicant requests the Board of Adjustment consider granting a variance for the property located at 2501 E Provo Canyon Road in the OS5 zone. This meeting will be held for discussion only, no formal decisions will be made. An additional meeting will be held in the future to determine if a variance will be granted.

There is currently a 285 square foot cabin at 2501 E Provo Canyon Road that was built in 1924. The cabin has water, electricity, and a plumbing system via a septic tank. The applicant would like to replace the cabin with a new home that is approximately 1,008 square feet. The larger home would require updated utilities and a larger septic tank.

DAVID SPENCER
899 NORTH 550 EAST
OREM, UT 84097

For more information, contact Rachel Stevens at
(801) 229-7239 or rlstevens@orem.org

City Council Chambers, 56 N State Street

***** IMPORTANT DEVELOPMENT NOTICE *****

Board of Adjustment
Wed, Jun 22, 2022
6:00 pm

The applicant requests the Board of Adjustment consider granting a variance for the property located at 2501 E Provo Canyon Road in the OS5 zone. This meeting will be held for discussion only, no formal decisions will be made. An additional meeting will be held in the future to determine if a variance will be granted.

There is currently a 285 square foot cabin at 2501 E Provo Canyon Road that was built in 1924. The cabin has water, electricity, and a plumbing system via a septic tank. The applicant would like to replace the cabin with a new home that is approximately 1,008 square feet. The larger home would require updated utilities and a larger septic tank.

GARRICK, CHAD H & AMY E
--OR CURRENT RESIDENT--
2481 E CANYON RD
OREM, UT 84097

For more information, contact Rachel Stevens at
(801) 229-7239 or rlstevens@orem.org

City Council Chambers, 56 N State Street

***** IMPORTANT DEVELOPMENT NOTICE *****

Board of Adjustment
Wed, Jun 22, 2022
6:00 pm

The applicant requests the Board of Adjustment consider granting a variance for the property located at 2501 E Provo Canyon Road in the OS5 zone. This meeting will be held for discussion only, no formal decisions will be made. An additional meeting will be held in the future to determine if a variance will be granted.

There is currently a 285 square foot cabin at 2501 E Provo Canyon Road that was built in 1924. The cabin has water, electricity, and a plumbing system via a septic tank. The applicant would like to replace the cabin with a new home that is approximately 1,008 square feet. The larger home would require updated utilities and a larger septic tank.

TERRY PETERSON
1125 LYNNWOOD DRIVE
OREM, UT 84097

For more information, contact Rachel Stevens at
(801) 229-7239 or rlstevens@orem.org

City Council Chambers, 56 N State Street

Board of Adjustment
Wed, Jun 22, 2022
6:00 pm

## *** IMPORTANT DEVELOPMENT NOTICE ***

The applicant requests the Board of Adjustment consider granting a variance for the property located at 2501 E Provo Canyon Road in the OS5 zone. This meeting will be held for discussion only, no formal decisions will be made. An additional meeting will be held in the future to determine if a variance will be granted.

There is currently a 285 square foot cabin at 2501 E Provo Canyon Road that was built in 1924. The cabin has water, electricity, and a plumbing system via a septic tank. The applicant would like to replace the cabin with a new home that is approximately 1,008 square feet. The larger home would require updated utilities and a larger septic tank.

THOMAS MACDONALD
489 NORTH PALISADES DR
OREM, UT 84097

For more information, contact Rachel Stevens at
(801) 229-7239 or rlstevens@orem.org

City Council Chambers, 56 N State Street

Board of Adjustment
Wed, Jun 22, 2022
6:00 pm

*** IMPORTANT DEVELOPMENT NOTICE ***

The applicant requests the Board of Adjustment consider granting a variance for the property located at 2501 E Provo Canyon Road in the OS5 zone. This meeting will be held for discussion only, no formal decisions will be made. An additional meeting will be held in the future to determine if a variance will be granted.

There is currently a 285 square foot cabin at 2501 E Provo Canyon Road that was built in 1924. The cabin has water, electricity, and a plumbing system via a septic tank. The applicant would like to replace the cabin with a new home that is approximately 1,008 square feet. The larger home would require updated utilities and a larger septic tank.

ROOS, BONNIE & RAYMOND
--OR CURRENT RESIDENT--
2469 E PROVO CANYON
OREM, UT 84097

For more information, contact Rachel Stevens at
(801) 229-7239 or rlstevens@orem.org

City Council Chambers, 56 N State Street

***** IMPORTANT DEVELOPMENT NOTICE *****

Board of Adjustment
Wed, Jun 22, 2022
6:00 pm

The applicant requests the Board of Adjustment consider granting a variance for the property located at 2501 E Provo Canyon Road in the OS5 zone. This meeting will be held for discussion only, no formal decisions will be made. An additional meeting will be held in the future to determine if a variance will be granted.

There is currently a 285 square foot cabin at 2501 E Provo Canyon Road that was built in 1924. The cabin has water, electricity, and a plumbing system via a septic tank. The applicant would like to replace the cabin with a new home that is approximately 1,008 square feet. The larger home would require updated utilities and a larger septic tank.

RENNER, KATHERINE M (ET AL)
--OR CURRENT RESIDENT--
2475 E PROVO CANYON
OREM, UT 84097

For more information, contact Rachel Stevens at
(801) 229-7239 or rlstevens@orem.org

City Council Chambers, 56 N State Street

***** IMPORTANT DEVELOPMENT NOTICE *****

Board of Adjustment
Wed, Jun 22, 2022
6:00 pm

The applicant requests the Board of Adjustment consider granting a variance for the property located at 2501 E Provo Canyon Road in the OS5 zone. This meeting will be held for discussion only, no formal decisions will be made. An additional meeting will be held in the future to determine if a variance will be granted.

There is currently a 285 square foot cabin at 2501 E Provo Canyon Road that was built in 1924. The cabin has water, electricity, and a plumbing system via a septic tank. The applicant would like to replace the cabin with a new home that is approximately 1,008 square feet. The larger home would require updated utilities and a larger septic tank.

TURNER, JACQUELINE L (ET AL)
--OR CURRENT RESIDENT--
2487 E PROVO CANYON RD
OREM, UT 84097

For more information, contact Rachel Stevens at
(801) 229-7239 or rlstevens@orem.org

City Council Chambers, 56 N State Street

***** IMPORTANT DEVELOPMENT NOTICE *****

Board of Adjustment
Wed, Jun 22, 2022
6:00 pm

The applicant requests the Board of Adjustment consider granting a variance for the property located at 2501 E Provo Canyon Road in the OS5 zone. This meeting will be held for discussion only, no formal decisions will be made. An additional meeting will be held in the future to determine if a variance will be granted.

There is currently a 285 square foot cabin at 2501 E Provo Canyon Road that was built in 1924. The cabin has water, electricity, and a plumbing system via a septic tank. The applicant would like to replace the cabin with a new home that is approximately 1,008 square feet. The larger home would require updated utilities and a larger septic tank.

NILSEN, HARRIET H & YVONNE W
--OR CURRENT RESIDENT--
2501 E PROVO CANYON RD
OREM, UT 84097

For more information, contact Rachel Stevens at
(801) 229-7239 or rlstevens@orem.org

City Council Chambers, 56 N State Street

***** IMPORTANT DEVELOPMENT NOTICE *****

Board of Adjustment
Wed, Jun 22, 2022
6:00 pm

The applicant requests the Board of Adjustment consider granting a variance for the property located at 2501 E Provo Canyon Road in the OS5 zone. This meeting will be held for discussion only, no formal decisions will be made. An additional meeting will be held in the future to determine if a variance will be granted.

There is currently a 285 square foot cabin at 2501 E Provo Canyon Road that was built in 1924. The cabin has water, electricity, and a plumbing system via a septic tank. The applicant would like to replace the cabin with a new home that is approximately 1,008 square feet. The larger home would require updated utilities and a larger septic tank.

UTAH STATE DEPT OF NATURAL RESOURCES
%DIVISION OF STATE LANDS AND FORESTRY
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116

For more information, contact Rachel Stevens at
(801) 229-7239 or rlstevens@orem.org

City Council Chambers, 56 N State Street

***** IMPORTANT DEVELOPMENT NOTICE *****

Board of Adjustment
Wed, Jun 22, 2022
6:00 pm

The applicant requests the Board of Adjustment consider granting a variance for the property located at 2501 E Provo Canyon Road in the OS5 zone. This meeting will be held for discussion only, no formal decisions will be made. An additional meeting will be held in the future to determine if a variance will be granted.

There is currently a 285 square foot cabin at 2501 E Provo Canyon Road that was built in 1924. The cabin has water, electricity, and a plumbing system via a septic tank. The applicant would like to replace the cabin with a new home that is approximately 1,008 square feet. The larger home would require updated utilities and a larger septic tank.

UTAH DEPARTMENT OF TRANSPORTATION
4501 S 2700 W
SALT LAKE CITY, UT 84119

For more information, contact Rachel Stevens at
(801) 229-7239 or rlstevens@orem.org

City Council Chambers, 56 N State Street

***** IMPORTANT DEVELOPMENT NOTICE *****

Board of Adjustment
Wed, Jun 22, 2022
6:00 pm

The applicant requests the Board of Adjustment consider granting a variance for the property located at 2501 E Provo Canyon Road in the OS5 zone. This meeting will be held for discussion only, no formal decisions will be made. An additional meeting will be held in the future to determine if a variance will be granted.

There is currently a 285 square foot cabin at 2501 E Provo Canyon Road that was built in 1924. The cabin has water, electricity, and a plumbing system via a septic tank. The applicant would like to replace the cabin with a new home that is approximately 1,008 square feet. The larger home would require updated utilities and a larger septic tank.

ROOS, BONNIE & RAYMOND
2870 N 2050 E
LOGAN, UT 84341

For more information, contact Rachel Stevens at
(801) 229-7239 or rlstevens@orem.org

City Council Chambers, 56 N State Street

***** IMPORTANT DEVELOPMENT NOTICE *****

Board of Adjustment
Wed, Jun 22, 2022
6:00 pm

The applicant requests the Board of Adjustment consider granting a variance for the property located at 2501 E Provo Canyon Road in the OS5 zone. This meeting will be held for discussion only, no formal decisions will be made. An additional meeting will be held in the future to determine if a variance will be granted.

There is currently a 285 square foot cabin at 2501 E Provo Canyon Road that was built in 1924. The cabin has water, electricity, and a plumbing system via a septic tank. The applicant would like to replace the cabin with a new home that is approximately 1,008 square feet. The larger home would require updated utilities and a larger septic tank.

PROVO CITY
PO BOX 1849
PROVO, UT 84603

For more information, contact Rachel Stevens at
(801) 229-7239 or rlstevens@orem.org

City Council Chambers, 56 N State Street

***** IMPORTANT DEVELOPMENT NOTICE *****

Board of Adjustment
Wed, Jun 22, 2022
6:00 pm

The applicant requests the Board of Adjustment consider granting a variance for the property located at 2501 E Provo Canyon Road in the OS5 zone. This meeting will be held for discussion only, no formal decisions will be made. An additional meeting will be held in the future to determine if a variance will be granted.

There is currently a 285 square foot cabin at 2501 E Provo Canyon Road that was built in 1924. The cabin has water, electricity, and a plumbing system via a septic tank. The applicant would like to replace the cabin with a new home that is approximately 1,008 square feet. The larger home would require updated utilities and a larger septic tank.

RENNER, KATHERINE M (ET AL)
2475 E PROVO CANYON RD
PROVO, UT 84604

For more information, contact Rachel Stevens at
(801) 229-7239 or rlstevens@orem.org

City Council Chambers, 56 N State Street

***** IMPORTANT DEVELOPMENT NOTICE *****

Board of Adjustment
Wed, Jun 22, 2022
6:00 pm

The applicant requests the Board of Adjustment consider granting a variance for the property located at 2501 E Provo Canyon Road in the OS5 zone. This meeting will be held for discussion only, no formal decisions will be made. An additional meeting will be held in the future to determine if a variance will be granted.

There is currently a 285 square foot cabin at 2501 E Provo Canyon Road that was built in 1924. The cabin has water, electricity, and a plumbing system via a septic tank. The applicant would like to replace the cabin with a new home that is approximately 1,008 square feet. The larger home would require updated utilities and a larger septic tank.

GARRICK, CHAD H & AMY E
2481 E PROVO CANYON RD
PROVO, UT 84604

For more information, contact Rachel Stevens at
(801) 229-7239 or rlstevens@orem.org

City Council Chambers, 56 N State Street

***** IMPORTANT DEVELOPMENT NOTICE *****

Board of Adjustment
Wed, Jun 22, 2022
6:00 pm

The applicant requests the Board of Adjustment consider granting a variance for the property located at 2501 E Provo Canyon Road in the OS5 zone. This meeting will be held for discussion only, no formal decisions will be made. An additional meeting will be held in the future to determine if a variance will be granted.

There is currently a 285 square foot cabin at 2501 E Provo Canyon Road that was built in 1924. The cabin has water, electricity, and a plumbing system via a septic tank. The applicant would like to replace the cabin with a new home that is approximately 1,008 square feet. The larger home would require updated utilities and a larger septic tank.

TURNER, JACQUELINE L (ET AL)
2487 E PROVO CANYON RD
PROVO, UT 84604

For more information, contact Rachel Stevens at
(801) 229-7239 or rlstevens@orem.org

City Council Chambers, 56 N State Street

***** IMPORTANT DEVELOPMENT NOTICE *****

Board of Adjustment
Wed, Jun 22, 2022
6:00 pm

The applicant requests the Board of Adjustment consider granting a variance for the property located at 2501 E Provo Canyon Road in the OS5 zone. This meeting will be held for discussion only, no formal decisions will be made. An additional meeting will be held in the future to determine if a variance will be granted.

There is currently a 285 square foot cabin at 2501 E Provo Canyon Road that was built in 1924. The cabin has water, electricity, and a plumbing system via a septic tank. The applicant would like to replace the cabin with a new home that is approximately 1,008 square feet. The larger home would require updated utilities and a larger septic tank.

RMR HOLDINGS LLC
1840 N STATE # 100
PROVO, UT 84604

For more information, contact Rachel Stevens at
(801) 229-7239 or rlstevens@orem.org

City Council Chambers, 56 N State Street

***** IMPORTANT DEVELOPMENT NOTICE *****

Board of Adjustment
Wed, Jun 22, 2022
6:00 pm

The applicant requests the Board of Adjustment consider granting a variance for the property located at 2501 E Provo Canyon Road in the OS5 zone. This meeting will be held for discussion only, no formal decisions will be made. An additional meeting will be held in the future to determine if a variance will be granted.

There is currently a 285 square foot cabin at 2501 E Provo Canyon Road that was built in 1924. The cabin has water, electricity, and a plumbing system via a septic tank. The applicant would like to replace the cabin with a new home that is approximately 1,008 square feet. The larger home would require updated utilities and a larger septic tank.

NILSEN, HARRIET H & YVONNE W
%NILSEN, BRADLEY
14626 N 45TH PL
PHOENIX, AZ 85032



**orem.org/planning** under "Current Planning (Public Hearing Notices)" tab



**orem.org/planning** under "Current Planning (Public Hearing Notices)" tab

PROVO CITY
PO BOX 1849
PROVO, UT 84603

KRISTIE SNYDER
56 N STATE STREET
OREM, UT 84057

JEFF LAMBSON
156 E 1060 N
OREM, UT 84057

DAVE YOUNG
173 S COUNTRYSIDE LANE
OREM, UT 84058

LANAE MILLETT
288 W 1500 N
OREM, UT 84057

THOMAS MACDONALD
489 NORTH PALISADES DR
OREM, UT 84097

DEBBY LAURET
641 S 1920 W
OREM, UT 84059

DAVID SPENCER
899 NORTH 550 EAST
OREM, UT 84097

TERRY PETERSON
1125 LYNNWOOD DRIVE
OREM, UT 84097

RYAN CLARK
1405 N. 1430 WEST
PLEASANT GROVE, UT 84062

UTAH STATE DEPT OF NATURAL RESOURCES
%DIVISION OF STATE LANDS AND FORESTRY
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116

RMR HOLDINGS LLC
1840 N STATE # 100
PROVO, UT 84604

JASON BENCH
1911 N MAIN STREET
OREM, UT 84057-2101

ROOS, BONNIE & RAYMOND
--OR CURRENT RESIDENT--
2469 E PROVO CANYON
OREM, UT 84097

RENNER, KATHERINE M (ET AL)
--OR CURRENT RESIDENT--
2475 E PROVO CANYON
OREM, UT 84097

RENNER, KATHERINE M (ET AL)
2475 E PROVO CANYON RD
PROVO, UT 84604

GARRICK, CHAD H & AMY E
--OR CURRENT RESIDENT--
2481 E CANYON RD
OREM, UT 84097

GARRICK, CHAD H & AMY E
2481 E PROVO CANYON RD
PROVO, UT 84604

TURNER, JACQUELINE L (ET AL)
--OR CURRENT RESIDENT--
2487 E PROVO CANYON RD
OREM, UT 84097

TURNER, JACQUELINE L (ET AL)
2487 E PROVO CANYON RD
PROVO, UT 84604

NILSEN, HARRIET H & YVONNE W
--OR CURRENT RESIDENT--
2501 E PROVO CANYON RD
OREM, UT 84097

ROOS, BONNIE & RAYMOND
2870 N 2050 E
LOGAN, UT 84341

UTAH DEPARTMENT OF TRANSPORTATION
4501 S 2700 W
SALT LAKE CITY, UT 84119

NILSEN, HARRIET H & YVONNE W
%NILSEN, BRADLEY
14626 N 45TH PL
PHOENIX, AZ 85032

**CITY OF OREM**
**DRAFT BOARD OF ADJUSTMENTS MINUTES**
**July 17, 2019**

**STUDY SESSION**

**Place:** City Council Conference Room

At 5:30 p.m. Chair Robison called the Study Session to order.

**Those present:** Mickey Cochran, Karl Gadd, Leslie Nelson and Gene Robison, Board of Adjustment members; Jason Bench, Planning Division Manager; Grant Allen, Planner; Steve Earl, Legal Counsel; Cheryl Vargas, Minutes Secretary

**Those excused:** Meredith Seaver, Board of Adjustment member

The Board members and staff reviewed the agenda items and August 29, 2018 minutes, and adjourned at 5:55 p.m. to the City Council Chambers for the regular meeting.

**REGULAR MEETING**

**Place:** City Council Chambers

At **6:00 p.m**. Chair Robison called the meeting to order and asked Mr. Gadd to give the invocation.

**Those present:** Mickey Cochran, Karl Gadd, Leslie Nelson and Gene Robison, Board of Adjustment members; Jason Bench, Planning Division Manager; Grant Allen, Planner; Steve Earl, Legal Counsel; Cheryl Vargas, Minutes Secretary

**Those excused:** Meredith Seaver, Board of Adjustment member

Chair Robison asked Jason Bench to introduce **Agenda Item 3.1**.

Mr. Bench introduced **Agenda Item 3.1** as follows:

**Agenda Item 3.1** is a request by Knight West Builders, LLC for the Board of Adjustment to grant a variance from the maximum setback requirement as required by Section 22-8-8(B) at 1901 North State in the C2 zone.

**Staff Presentation:** The item was continued at the last meeting to allow the applicant time to come up with alternative proposals that would work and still reflect the spirit of the ordinance. The applicant would like to construct a building on the property just to the east of the Legacy House. However, due to the location of the drive access installed as part of the Legacy House development, which takes up about 50% of the frontage and the configuration of the subject lot with the angles of the lot as it connects with State Street, the applicant contends that compliance with the new State Street development standards would constitute an unreasonable hardship.

The State Street Development standards allow a maximum setback of 10 feet (or 20 feet where combined with a "space open to the public") which is intended to bring buildings up closer to State Street. The applicant claims that if it were to meet that standard, a significant portion of the building would be unusable.

The applicant requests a variance from the maximum setback requirement to allow the applicant to build a new 10,000 square foot building on the property. Under the applicant's proposal, the northeast corner of the building would be set back 20 feet with an increasing setback for the southerly portion of the building. Under this configuration, the northeast corner would be in compliance with the maximum setback requirement, but a variance would be required for the increasing setback for the southerly portions of the building. The applicant proposes to install a large "space open to the public" in front of the building in an effort to meet the intent and spirit of the maximum setback requirement.

**Recommendation:** Staff recommends the Board of Adjustment approve the request of Knight West Builders for a variance from the maximum setback requirement as necessary to allow it to construct a new building at 1901 North State Street as shown on the proposed concept plan subject to a requirement that a "space open to the public" as defined in Orem City Code Section 22-2-1 be constructed and maintained as part of the site as shown in the proposed concept plan.

Chair Robison asked if the Board had any questions for Mr. Bench and said he was assuming that the parking will be shared parking and it meets the requirements for the size of the building. Mr. Bench said the parking indicated is their own parking and they do have what is required for this building.

Chair Robison invited the applicant to come forward. Bill West, Knight West Builders LLC and Paul Washburn introduced themselves. Mr. Gadd asked regarding the northeast corner that is the twenty foot setback, has moving the building forward to meet a ten foot setback been considered. Mr. Washburn said they are trying to put the entrance to the building as close to the center as possible to get the best spatialization. Because of the existing driveway, there are conflicts as the building is moved further east.

Mr. Gadd asked what is planned for the southside landscaping. Mr. Washburn said it will be a combination of grass, tall grass and xeriscaping. It will be well landscaped and well cared for. They want to have something nice to get a better return.

Chair Robison asked if the Board had any more questions for the applicant or staff. When no one did, he called for a motion.

Mr. Earl said a resolution was drafted that he suggested be incorporated into the motion.

**Board of Adjustment Action:** Mr. Cochran moved to approve a variance from the maximum setback requirement to allow the construction of a building at 1901 North State Street that conforms to the location, setbacks and dimensions shown in Exhibit "A" which is attached hereto and by reference is made a part hereof. The variance is subject to the requirement that a "space open to the public" as defined in Orem City Code Section 22-2-1 be constructed and maintained as part of the site as shown in Exhibit "A". Ms. Nelson seconded the motion. Those voting aye: Mickey Cochran, Karl Gadd, Leslie Nelson and Gene Robison. The motion passed unanimously.

**Minutes**: Chair Robison called for a motion to approve the draft minutes of the August 29, 2018 meeting. Ms. Nelson moved to approve the meeting minutes for August 29, 2018. Mr. Gadd seconded the motion. Those voting aye: Mickey Cochran, Karl Gadd, Leslie Nelson and Gene Robison. The motion passed unanimously.

**Adjourn:** Chair Robison called for a motion and moved to adjourn. Mr. Cochran seconded the motion. Those voting aye: Mickey Cochran, Karl Gadd, Leslie Nelson and Gene Robison. The motion passed unanimously.

**Adjourn:** 6:15 **p.m.**

_____

Jason Bench

Approved: