

IRON COUNTY ORDINANCE 2023-5

AN ORDINANCE OF THE BOARD OF IRON COUNTY COMMISSIONERS, PROVIDING FOR AMENDMENTS TO CHAPTER 15.12 – FLOOD DAMAGE PREVENTION (RELATIVE TO QUICHAPA LAKE AREA DEVELOPMENT REGULATIONS); AND PROVIDING FOR AN EFFECTIVE DATE.

Whereas, the Board of Iron County Commissioners has determined that in order to best protect property, to provide for prudent development around Quichapa Lake, and clarify the regulations and opportunities to protect property and reduce risk associated with flooding in the Quichapa area, there should be established appropriate updates in the land management code of Iron County; and

Whereas, the Iron County Commission finds it promotes the general welfare of the citizens of Iron County by adopting the proposed amendments to further the orderly and efficient development of property in Iron County; and

Whereas, the County Commission finds that it is in the best interest of the County after taking into consideration the citizen's health, safety and welfare, to amend the following ordinances; and

Whereas, the Planning Commission of Iron County has held a duly advertised and noticed public hearing on the proposed amendment to the Zoning Ordinance of Iron County, Utah and has carefully and thoroughly reviewed and considered the comments received, and has voted to forward the proposed ordinance to the Iron County Commission with a recommendation for approval; and,

Whereas, the Iron County Commission has held a duly advertised and noticed public hearing on the proposed ordinance and after considering the public comments and the language of the proposed ordinance, the County Commission concludes that the proposed ordinance appropriately considers and balances all interests in accordance with the purposes and goals of the County Land Use, Development, and Management Act; the Iron County General Plan; and, the Iron County Zoning Ordinance.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH AS FOLLOWS:

SECTION 1. Within **Section 15.12.180 – Quichapa Flood Hazard Area**, of the Iron County Code, shall be, and hereby is, added to read as follows:

15.12.180– Quichapa Lake Special Flood Hazard Area. In conjunction with, and in addition to, other sections of this Chapter (15.12 – Flood Damage Prevention), the special flood hazard area, known as the “Quichapa Flood Hazard Area” shall be subject to the following designations and regulations:

The map entitled “Quichapa Flood Damage Prevention Map” is prepared and maintained on the Iron County Website for future reference and regulation, with the following four designations:

1. No Build Area
2. Inundation Area
3. Provisional Build Area
4. Setback Area

Map irregularities may exist where actual surveyed elevations differ from the official “Quichapa Flood Damage Prevention Map.” In such cases, uses and building regulations may be applied based on actual elevations, rather than the mapped designation areas.

Notification and assumption of risk. These regulations do not assume that properties developed according to the provisions of this ordinance will not flood or incur damage resulting from water accumulating in the Quichapa Lake area in the future. This ordinance was adopted from best available information. Notice is hereby given that the land surrounding the Quichapa Lake area is the lowest elevation for that part of Cedar Valley and has the potential for continued flooding.

A. No Build Area.

1. Designated and mapped for a water elevation of 5450’ above sea level or lower.
2. No buildings or structures allowed in the No Build Area.
3. No development of water systems from individual wells or site sewer systems allowed in the No Build Area.
4. Recreation and agricultural uses are allowed consistent with the zoning uses for properties within this flood damage protection area.

B. Inundation Area.

1. Designated and mapped for a water elevation greater than 5450’ and less than or equal to 5453’ above sea level.
2. No habitable structures are allowed within this flood damage prevention area. Agricultural or accessory buildings or structures may be allowed. The property owner assumes and recognizes the risk of regular or periodic flooding.
3. Wastewater systems shall be designed in compliance with Utah regulation for flood areas ((Department of Environmental Quality/Water Quality Division).
4. Water supply outlets or wellhead elevations must be above 5462’.
5. Recreation and agricultural uses and associated accessory buildings or structures are allowed consistent with the zoning uses for properties within this flood damage protection area.

C. Provisional Build Area

1. Designated and mapped for a water elevation greater than 5453’ and less than or equal to 5460’ above sea level.
2. Habitable structures are allowed within this flood damage prevention area with foundations or finished slab elevation at, or above, 5462’. No basements or habitable

space allowed with an elevation less than 5462'. All roads (ingress and egress ways) must be built with a finished elevation at, or above, 5462'. The property owner assumes and recognizes the risk of intermittent flooding.

3. Wastewater systems shall be designed in compliance with Utah regulation for flood areas (Department of Environmental Quality/Water Quality Division).
4. Water supply outlets or wellhead elevations must be above 5462'.

D. Setback Area

1. Designated as a horizontal separation distance of 500' from the boundary of the Provisional Development Area, which is mapped at an elevation of 5460', or below a basement or crawl space floor elevation of 5466'.
2. An appropriate de-watering plan must be approved by the County Engineer and implemented if a habitable structure basement or crawl space is planned to be lower than the groundwater elevation when determined by signs of mottling evident during a soil hydrology investigation.
3. Wastewater systems shall be designed in compliance with Utah regulation for flood areas (Department of Environmental Quality/Water Quality Division).
4. Water supply outlets or wellhead elevations must be two feet above finished grade.

Remainder of this Chapter remains unchanged

SECTION 2. General Provision.

Sections of the Iron County Code identified in this ordinance, shall be, and are hereby added with the express intent to regulate the development of dwellings and habitable structures in order to provide for the safe and prudent use of property within the flood damage prevention area of Quichapa Lake and the immediate surrounding area. Properties within these areas are private and public lands, with roads, recreational and agricultural uses. Historically the area has flooded regularly and intermittently causing damage to property and risk to the public, isolating dwellings and causing limited use on the lands affected by this ordinance. For the greater public good, there should be established appropriate updates in the land management code of Iron County, as determined by the Iron County Commission and in accordance with Utah State law and Iron County ordinances.

SECTION 3. Severability.

Should any portion of this ordinance be found for any reason to be unconstitutional, unlawful, or otherwise void or unenforceable, the balance of the ordinance shall be severable therefrom, and shall survive such declaration, remaining in full force and effect.

SECTION 4. Effective Date.

This ordinance shall become effective immediately after the required publication thereof, as set forth in Utah Code §17-53-208.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 23rd day of October, 2023.

BOARD OF COUNTY COMMISSIONERS
IRON COUNTY, UTAH

By: _____
Paul Cozzens, Chair

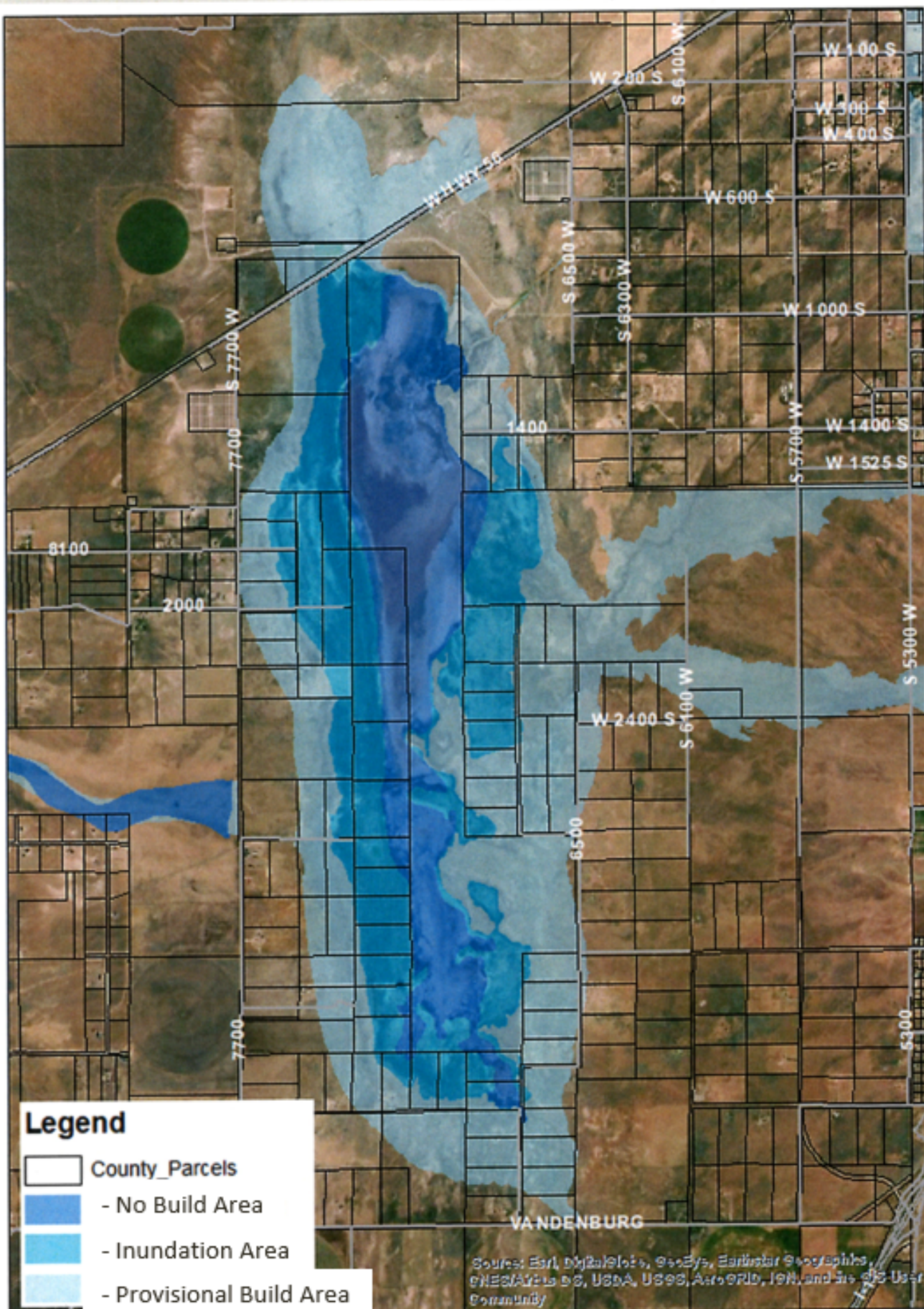
ATTEST:

Jonathan T. Whittaker,
County Clerk

VOTING:

Michael Bleak	_Aye_
Paul Cozzens	_Aye_
Marilyn Wood	_Aye_

Quichapa Lake Flood Damage Prevention Map



Quichapa Lake Area – Regulations Summary

Designation Area	Water Elevation (feet)	Building Regulation	Comments/Regulations
“No Build Area” (1986 FEMA Flood Map) Dark Blue	≤5450	No Buildings/Structures	Recreational & Agricultural Uses <ul style="list-style-type: none"> No water or sewer systems
“Inundation Area” (USFWS Inundation designation) Medium Blue	>5450 - 5453	No Habitable Structures - No floor elevation requirement “builder beware”	<ul style="list-style-type: none"> Recreational & Agricultural Uses Wastewater system designed to State regulation for flood area – DEQ/WQD Water supply/wellhead ≥5462
“PBA” (2005 documented high waterline) Provisional Build Area Light Blue	>5453 - 5460	<ul style="list-style-type: none"> Habitable Structures require footings or finished slab elevation 2 feet above (5462’) No basements Access road ≥5462 	<ul style="list-style-type: none"> Wastewater system designed to State regulation for flood area – DEQ/WQD Water supply/wellhead ≥5462
“Setback Area” (Outside Provisional Build Area – De-watering plan for groundwater)	>5460 + 500’ horizontal separation or 5466’ basement or crawl space floor elevation	<ul style="list-style-type: none"> De-watering plan if basement or crawl space floor is 5466’ or lower <u>and</u> evidence of groundwater level is higher than basement or crawl space floor elevation 	<ul style="list-style-type: none"> Wastewater system designed to State regulation for flood area – DEQ/WQD Water supply/wellhead ≥ two feet above finished grade