1. July 8, 2020 Town Council Agenda

   Documents:

   070820TCA.COURTESY.REV.PDF

2. July 8, 2020 Packet Materials

   Documents:

   ITEM B2 - TRUST FOR PUBLIC LANDS REPORT.PDF
   ITEM C1 - ORDINANCE 2020-04 EROSION HAZARD ZONE.PDF

118 Lion Blvd PO Box 187 Springdale UT 84767 * 435-772-3434 fax 435-772-3952

TOWN COUNCIL NOTICE AND AGENDA

THE SPRINGDALE TOWN COUNCIL WILL HOLD AN ELECTRONIC REGULAR MEETING ON WEDNESDAY, JULY 8, 2020, BEGINNING AT 5:00PM

This Council meeting will not have an anchor location and will be conducted entirely via electronic means. Council members will connect remotely. The meeting will be available for live public viewing. If you do not have access to the internet, you can join the audio via telephone.
****Please see electronic login information below.**

Amended agenda moves Item A3 to Item B2 as an Administrative Action Item

Approval of the meeting agenda

A. Announcements/Information

1. General announcements
2. Zion National Park update – Superintendent Bradybaugh
3. ~~Trust for Public Lands report on Springdale conservation finance options – Conor Hall~~
4. Council Department reports
5. Community questions and comments

B. Administrative Action Items

1. Discussion and possible action concerning the required use of face coverings in Springdale
2. Trust for Public Lands report on Springdale conservation finance options and possible action concerning preparations for an open space bond – Conor Hall

C. Legislative Action Items

1. Continued from June 10, 2020 - Ordinance 2020-04 – Addition of the Erosion Hazard Zone, establishing regulations for development in erosion hazard risk areas

D. Administrative Non-Action Items

1. General Council Discussion

E. Consent Agenda

1. Review of monthly invoices
2. Minutes: June 10th and June 24th

F. Adjourn

*****Persons interested in accessing the meeting can login using the following link:***
https://us02web.zoom.us/j/86923975384?pwd=S21oUjFrVGFBVzAvUlpZMWM5UUR1dz09

Meeting ID: 869 2397 5384
Password: 286364
One tap mobile
+16699009128,,86923975384#,,,,0#,,286364# US (San Jose)
+12532158782,,86923975384#,,,,0#,,286364# US (Tacoma)

Dial by your location
+1 669 900 9128 US (San Jose)
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 646 558 8656 US (New York)
+1 301 715 8592 US (Germantown)
+1 312 626 6799 US (Chicago)
Meeting ID: 869 2397 5384
Password: 286364
Find your local number: https://us02web.zoom.us/u/keE2fYCsMM

This notice is provided as a courtesy to the community and is not the official notice for this meeting/hearing. This notice is not required by town ordinance or policy. Failure of the Town to provide this notice or failure of a property owner, resident, or other interested party to receive this notice does not constitute a violation of the Town's noticing requirements or policies.

The Town of Springdale complies with the Americans with Disabilities Act by providing accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these accommodations for Town-sponsored public meetings, services, programs, or events should call Springdale Town Clerk Darci Carlson at 435-772-3434 at least 24 hours before the meeting.

Packet materials for agenda items will be available by 5:00pm on July 2, 2020:
http://www.springdaletown.com/town-council/council-packet-materials/

THE TRUST FOR PUBLIC LAND

emorandu

To: Town of Springdale
From: Conor Hall and Andrew du Moulin
Re: Research on Springdale conservation finance options
Date: June 2020

Local governments in Utah have several options for funding capital purchases and improvements, such as the conservation of land for parks, trails, and open space or construction of new playgrounds or recreational areas. Common funding sources outlined in this memorandum include general obligation bonds and the property tax. Bond propositions for parks and open space have enjoyed widespread support at the ballot. Since 1996, 22 finance measures for parks and open space have been considered by voters in local jurisdictions around Utah, 16 of which were approved for a 73 percent success rate at the ballot.[1]

General Obligation Bonds

In Utah, local governments have the authority to issue general obligation (GO) bonds for a variety of purposes, including for recreational facilities of every kind without limitation.[2] Property or facilities acquired with bond funds need not lie within the limits of the local political subdivision.[3] For the most part, general obligation bond proceeds are limited to capital projects and may not be used for operations or maintenance purposes.[4]

GO bonds in Springdale

Based on the 2019 total property value of $329 million, the Town of Springdale's total debt limit is approximately $13.1 million. The town currently has no general obligation debt outstanding.[5]

Springdale Legal Debt Margin Calculation	
2019 Total Taxable Value	$328,668,977
Debt Limit (4 % of TV)	$13,146,759
Oustanding applicable debt	$0
Additional debt capacity	$13,146,759

[1] Trust for Public Land, LandVote database.
[2] §11-14-103(1) (b)(v).
[3] §11-14-103(2) and §10-8-2(1)(iii) A municipal legislative body may…purchase, receive, hold … real and personal property for the benefit of the municipality, whether the property is within or without the municipality's corporate boundaries, if the action is in the public interest and complies with other law. For example, Salt Lake City actively acquires watershed lands in the Wasatch Mountains.
[4] Federal regulations governing the issuance of tax-exempt bonds limit the use of proceeds to capital purposes such that only a small fraction (up to five percent) of bond funds may be used for operation and maintenance directly related to the funded facilities. Treasury Reg. 1.148-6(d)(3)(ii)(A)(5). Utah Statutes further limit the use of bond funds for maintenance and operations to a period of one year. State and local laws may further limit the use of bond proceeds. §§11-14-103(4) a.
[5] Town of Springdale 2018 Comprehensive Annual Financial Report.

Issuing GO bonds for conservation

The table to the right illustrates the estimated annual debt service, required property tax rate and annual household cost of various general obligation bond issue amounts for open space and trails purposes. For example, a $500,000 bond would add approximately $37,000 to the town's annual debt service and would cost the typical homeowner an average of $28 per year over the life of the bond (20 years).

Springdale Bond Financing Costs			
Assumes a 20-year bond issue at 4.0% Interest Rate			
2019 Net Taxable Valuation = $329 million			
Bond Issue	**Annual Debt Svce**	**Tax Increase**	**Cost/ Ave./ Household***
200,000	$14,716	0.000045	$14
300,000	$22,075	0.000067	$17
500,000	$36,791	0.000112	$28
1,000,000	$73,582	0.000224	$57
Taxable value data provide by Washington County Auditor			
**Based on 2019 average estimated sale price of $551,900 (U.S. Census) with 45% exemption.*			

The Trust for Public Land's bond cost calculations provide an estimate of debt service, tax increase, and cost to the average homeowner in the community of potential bond issuance for land conservation. Assumptions include the following: the entire debt amount is issued in the first year and payments are equal until maturity; 20-year maturity; and 4 percent interest rate. Property tax estimates assume that the county would raise property taxes to pay the debt service on bonds, however other revenue streams may be used. The cost per household represents the average annual impact of increased property taxes levied to pay the debt service. The estimates do not take into account growth in the tax base due to new construction and annexation over the life of the bonds. The jurisdiction's officials, financial advisors, bond counsel and underwriters would establish the actual terms of any bond.

Process for implementation

Pursuant to the Local Government Bonding Act, the issue of general obligation bonds must be authorized by resolution of the local governing body and approved by a majority of voters in an election.[6] In no event may any municipality become indebted to an amount exceeding 4 percent of the value of the taxable property in the jurisdiction.[7] [8]

A proposition for the issuance of bonds or debt may be submitted to voters at a regular general election, municipal general election, or at a special election called by and adopted by two-thirds majority of the County Commission or Town Council through an ordinance or resolution designating the date and purpose of the local special election.[9] A municipal general election may be held on the first Tuesday after the first Monday in November of each odd-numbered year[10] and a special election may be held only on the first Tuesday after the first Monday in November.[11]

At least 75 days before the date of election (August 20, 2020 for the 2020 general election), the governing body must approve a resolution submitting the question of the issuance of the bonds to the voters of that local political subdivision, and must provide a copy of the resolution to the lieutenant governor and the

[6] §§11-14-201 to -208.
[7] Const. Art. XIV, § 4. The debt limit is 4% for cities, towns, school district, and other municipal corporations.
[8] §§11-14-201 to -208.
[9] §20A-1-203(5)(a) and (c); §11-14-203(2)(a).
[10] §20A-1-202(1).
[11] §20A-1-204(1)(d).

appropriate election officer.[12] Persons within the county may also submit a general obligation bond measure to the voters via the initiative[13] or referendum process.

The ballot proposition must include the maximum principal amount of the bonds the maximum number of years from the issuance of the bonds to final maturity, and the general purpose for which the bonds are to be issued. The purpose of the bonds may be stated in general terms. The proposition does not need to specify the particular projects for which the bonds are to be issued or the specific amount of bond proceeds to be used for each project. If the bonds are to be paid in part using tax proceeds and in part using operating revenues of the local political subdivision, or from any combination of tax proceeds and operating revenues, the bond proposition shall indicate those payment sources, but does not need to specify how payment will be divided between those sources.[14]

If issuing the bonds will require increase of the property tax imposed upon the average value of a residence by $15 or more per year, the following information must be included in similar format:

> PROPERTY TAX COST OF BONDS:
> If the bonds are issued as planned, an annual property tax to pay debt service on the bonds will be required over a period of _____ years in the estimated amount of $_____ on a (insert the average value of a residence in the taxing entity rounded to the nearest thousand dollars) residence and in the estimated amount of $_____ on a business property having the same value.
> [If applicable] If there are other outstanding bonds, an otherwise scheduled tax decrease may not occur if these bonds are issued.
>
> The foregoing information is only an estimate and is not a limit on the amount of taxes that the governing body may be required to levy in order to pay debt service on the bonds. The governing body is obligated to levy taxes to the extent provided by law in order to pay the bonds.
> Finally, the bond proposition shall be followed by the words, "For the issuance of bonds" and "Against the issuance of bonds," with boxes in which the voter may indicate his choice.

Election Notice

When the debt service on the bonds to be issued will increase the property tax imposed upon the average value of a residence by $15 or more per year, the governing body shall prepare and mail a voter information pamphlet at least 15 days but not more than 45 days before the bond election to each household containing a registered voter who is eligible to vote on the bonds. Notice must include the date of the election, the title and text of the proposition, an explanation of the property tax impact, and a description of the purpose, plus the remaining principal balance and maturity date of any outstanding general obligation bonds of the issue, and any additional information that the governing body determines may be useful to explain the property tax impact of issuance of the bonds.[15]

Property Tax

Property taxes are a significant revenue source for local governments, including school districts, which have independent tax raising authority. On average, schools receive about 55 percent of local property tax revenue and, therefore, constitute the largest portion of an individual's property tax bill.

County assessors establish taxable values for most properties within their counties. All taxable property is appraised on an annual basis. The taxable value of a property is 100 percent of its fair market value, less

[12] §11-14-201.
[13] Art. VI, §1, UT Const.; §§20A-7-102, 105, 402, 501-511.
[14] §11-14-206.
[15] §11-14-202. Local governments should contact bond counsel for precise requirements.

any exemptions that may be permitted. Most notably, 45 percent of the fair market value of primary residential properties is exempt from property taxation.[16] For example, a primary residence with a fair market value of $100,000 would be valued for property tax purposes at $55,000. Rental properties are eligible for this exemption while secondary homes and business properties are not eligible. Exemptions for veterans, the indigent, and the blind are also provided in Utah.

Property tax revenues are limited by Utah's Truth-in-Taxation law. Truth-in-Taxation is a revenue-driven system, not a tax rate cap. Generally, as property valuations increase, property tax rates decrease. This automatic reduction in property tax rates, called the certified tax rate, prevents governments from collecting a windfall when market values increase.

Truth-in-Taxation does not prevent local governments from raising taxes. Once the certified tax rate has been calculated by the Utah State Tax Commission, local governments have the option of exceeding the certified tax rate. When local governments decide to exceed the certified tax rate, they must go through the Truth-in-Taxation notification and hearing process. Annually, about half of school districts increase their rates above the certified tax rate, and about 20 percent of counties and 10 percent of cities increase their rates above the certified tax rate. Though several district/jurisdictions in Washington County in did increase their property taxes in 2019, Springdale did not.[17]

The property tax in Springdale

The approved tax rate for the 2019 town budget was 0.000236 per taxable dollar of property value. Anticipated revenue from the property tax was $71,904.[18]

Using the property tax for conservation

The Town of Springdale could create a revenue stream for open space and trails by raising the property tax for that purpose. The table to the right illustrates the estimated revenue that could be generated from various property tax levies and the cost to the average homeowner for each levy rate. For example, a tax of 0.00020 per taxable dollar of property value would generate approximately $67,000 annually and cost the average homeowner in the city about $62 a year.

Springdale Estimated Revenue & Cost of Property Tax Levy

Tax Increase	Taxable Valuation	Annual Revenue	Cost /Year/ Avg. Home *
0.00015	$328,668,977	$47,986	$44
0.00020	$328,668,977	$67,182	$62
0.00025	$328,668,977	$82,167	$76
0.00030	$328,668,977	$98,601	$91

Taxable value data provide by Washington County Auditor

**Based on 2019 average estimated sale price of $551,900 (U.S. Census) with 45% exemption.*

Process for implementing a property tax increase

Voter approval is not required to increase the property tax. In order to increase property taxes for land conservation the Town of Springdale must follow Utah's "Truth in Taxation" law, passed in 1985. This law imposes specific public notice and public hearing requirements that are triggered when a taxing entity proposes to increase its property tax revenues above those collected in the previous year (tax revenues generated by "new growth" in an entity's tax base are exempt from the disclosure requirements). The

[16] Utah Const. Art. XIII, §2; §59-2-103.
[17] https://www.sltrib.com/news/politics/2019/10/29/property-taxes-went-up/
[18] https://propertytax.utah.gov/tax-rates/approved-rates/budgetratesbyentity2019.pdf

public hearings are required to allow elected officials to explain the reasons for the proposed increase and allow citizens to comment.

Two forms of public notice are required when an entity proposes a tax increase. First, the county auditor must send a "Notice of Property Valuation & Tax Change" to every property owner. The notice discloses the property's current year's and previous year's market values, the potential tax impact of the proposed revenue increase, instructions for appealing the property market value, and the date, time, and place of any public hearings where proposed increases will be discussed. In addition, a taxing entity must advertise any proposed increase. The form and content of the advertisement are specified in the law.

Taxpayers during the public hearings can make their cases for no property tax increases and can sway local officials into lowering some proposed increases. In 2019, one of every nine proposed tax hikes in Utah were lowered after required Truth in Taxation hearings.

A proposed increase must be advertised in each of the two weeks preceding the public hearing, with the first publication being at least seven days in advance of the hearing. The advertisement must contain information about the impact of the proposed increase on an average home and business, the amount and percentage change in the entity's property tax revenues and the date, time and place of the public hearing. The form and content of the advertisement is set forth in Sections 59-2-918 and 59-2-919 of the Utah Code.

In 2019, about one of every 7 local governments in Utah — 83 of about 520 — proposed property tax increases, according to data compiled by the Utah Tax Commission.[19]

Election Analysis

The Town of Springdale will be holding their next municipal election in November 2021, to elect three Town Council Members for four-year terms, including the mayor. These seats are presently held by Mayor Stanley J. Smith, and Council Members Randy Aton and Adrian Player.

Election History

In 2016 the Town supported Secretary Hillary Clinton with 47 percent support.

Over the past seven years, Springdale voters have decided several local referenda by which to gauge their support for public spending. In November 2018, Town voters approved a $125 million Washington County School District bond with 62 percent. The measure passed countywide with 52 percent support. In November 2016, county voters rejected a sales tax increase for transportation projects. The Town voted in support of the measure.

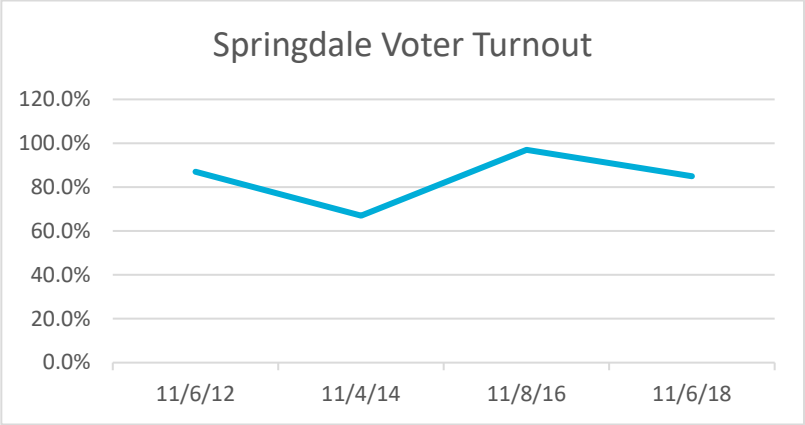
Springdale Election Results				
Election Date	**Description**	**Result**	**% Town Yes**	**% County Yes**
Nov-18	Countywide $125 million Washington County School District Bond	Passed	62%	52%
Nov-16	Countywide .25 percent sales tax increase for transportation	Fail	58%	48%
Nov-14	Countywide .1 percent recreation, arts, and parks sales tax (RAPS)	Passed	57%	51%
Nov-13	Countywide $185 million Washington County School District Bond	Passed	45%	54%

[19] https://www.sltrib.com/news/politics/2019/10/29/property-taxes-went-up/

Finally, in 2004, a statewide citizen initiative proposed to increase the state sales tax to support conservation. The measure failed statewide with 45 percent support and failed in Washington County by the same percentage. The measure did pass in Springdale and the neighboring town of Rockville, who shared the same voting precinct, by 71 percent.

Voter Registration and Turnout

Springdale has 377 active registered voters. 87 voters are labeled as "private". Of the remaining 290 voters, 99 are affiliated with the Republican Party, and 82 are affiliated with Democrats.



Federal Partnerships

A partnership that joins the desires and goals of multiple levels of government to protect natural resources encourages coordinated actions that further open space preservation. State and federal partnerships broaden the base of support for land conservation goals and leverage scarce conservation resources. Federal partners include the National Oceanic and Atmospheric Administration, Natural Resources Conservation Service, U.S. Fish and Wildlife Service, U.S. Forest Service, and U.S. National Park Service.

Several federal programs have a cost-share requirement, including:

- Agricultural Land Easements (Natural Resources Conservation Service)
- Forest Legacy Program (U.S. Forest Service)
- Cooperative Endangered Species Conservation Program "Section 6" (U.S. Fish and Wildlife Service)
- Readiness and Environmental Protection Integration (U.S. Department of Defense)
- State & Local Assistance (National Park Service)

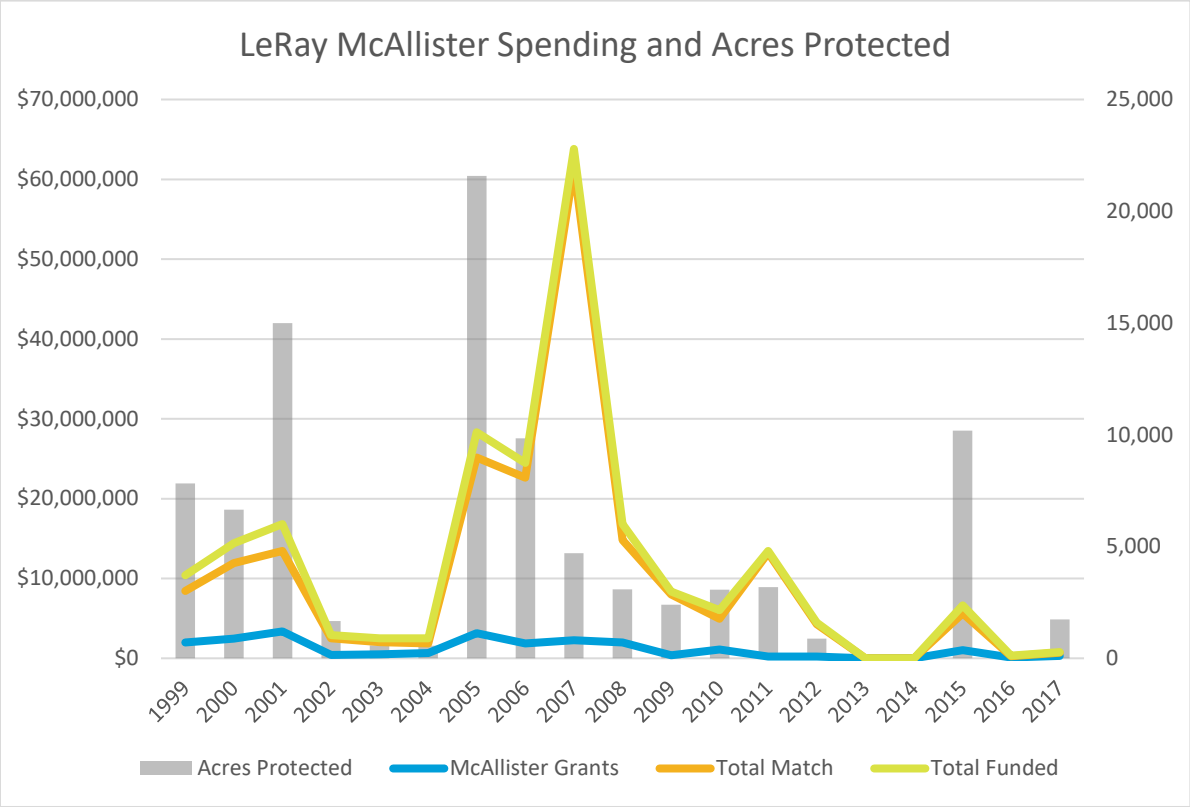
State Partnerships

LeRay McAllister Critical Land Conservation Program

The LeRay McAllister Critical Land Conservation Program was established by the Utah Quality Growth Act of 1999. It provides grants to local governments, state agencies and nonprofit organizations to conserve, or restore, important agricultural lands, wildlife habitat, watershed, recreational lands, and culturally or historically important lands. The fund is administered by the Utah Quality Growth Commission, and staff for the Commission and the fund is provided by the Governor's Office of Management and Budget (GOMB).

Since 1999, the Commission has approved over 109 projects to conserve or restore more than 90,000 acres of Utah's critical lands. In that time, it spent about $23 million from the LeRay McAllister Program. This amount was matched by more than $200 million from local, state and federal governments, and private donations, nearly a 9:1 ratio. These grants have been made in 22 of Utah's 29 counties.[20]

The program is funded by state budget appropriations and was appropriated $1 million in the 2015-2016 budget, earmarked for sage grouse habitat. In the 2017-2018 budget, the program received $500,000 for trail creation, park creation, conservation easements, and preservation. In the state's 2018-2019 budget, the Utah Legislature removed all funding from the LeRay McAllister program, depleting the remaining $292,000. In 2020, the legislature made $2 million available from the fund, where a match is required.



[20] https://le.utah.gov/interim/2016/pdf/00004182.pdf

Department of Natural Resources
The Utah Department of Natural Resources is one of the state's largest agencies and helps ensure the quality of life of Utah residents by managing and protecting the state's abundant natural resources. The department includes seven divisions: State Parks and Recreation; Oil, Gas and Mining; Forestry, Fire and State Lands; Water Resources; Water Rights; Wildlife Resources and the Utah Geological Survey.

DNR protects Utah's natural resources through active management, which includes engaging state, county and local officials, collaborating with community members, organizations and groups and coordinating with federal partners. Active management of resources, like watersheds, wildlife, oil and gas, minerals, and water, allows the state to forecast challenges, solve complex opportunities, and anticipate and meet future needs.

Decreased water use is also critical to Utah if it is to meet the future needs and population growth of the state. Utah is making significant strides toward achieving Governor Herbert's goal of 25 percent water conservation by 2025. This is happening by working closely with water conservancy districts to "Slow the Flow."[21]

Watershed Restoration Initiative
The Watershed Restoration Initiative is a partnership-based program designed to improve high priority watersheds throughout Utah. Since 2006, WRI partners have completed over 2,000 projects, treating nearly 1.8 million acres statewide. Restoring watersheds protect and rehabilitate vital habitat for wildlife; reduces catastrophic wildfire risks in treated areas; increases water quality and quantity; increases forage for sustainable agriculture and provides economic benefits for local communities.

Maintaining a healthy watershed requires substantial strategic planning and cooperative effort. As of 2020, over 500 agencies, organizations and individuals have contributed to WRI projects by providing funding or in-kind assistance. Restored and rehabilitated acres are only made possible through a diverse partnership of state and federal government agencies working together with non-government organizations, industry, elected officials and private landowners.[22]

Utah's Wildlife Action Plan
The State Wildlife Grants (SWG) program was created by Congress in 2001 to provide states with federal dollars to support proactive conservation aimed at preventing federal listings under the Endangered Species Act (ESA). To ensure that grant funds are spent effectively and to prevent the need for additional ESA listings, states were required to develop Comprehensive Wildlife Conservation Strategies. SWG programs now serve as the nation's core effort to prevent fish and wildlife from needing protections under ESA and attempts to help species and their associated habitat conservation issues before they are designated as threatened or endangered.

Utah's Action Plan was approved by the federal government and finalized in October 2005. It identifies 141 species of greatest conservation need (animals only), of which 18 are federally listed under ESA. There are 43 total federally listed species in Utah, 18 animals and 25 plants. The purpose of the plan is to direct the integration and implementation of ongoing and planned management actions that will conserve native species, thereby prevent the need for federal listings. SWG funds must be matched with state, local

[21] https://naturalresources.utah.gov/about
[22] https://naturalresources.utah.gov/watershed-restoration-initiative

or private money. In Utah, the Endangered Species Mitigation Fund is the primary source of funding used for the required match for federal dollars distributed through SWG.[23]

Endangered Species Mitigation Fund

The Endangered Species Mitigation Fund (ESMF) was created during the general session of the 1997 State Legislature (Utah Code 63-34-14) and is administered by the Utah Department of Natural Resources (Department), Recovery Programs Office. The purpose of the ESMF is to serve as a species protection account "to protect any plant or animal species identified as sensitive by the state or as threatened or endangered under the Endangered Species Act of 1973 [ESA]" by providing funding to facilitate the conservation of sensitive species and their habitats in need of protection. The primary objective of ESMF is to direct funds towards the protection of federally listed and state sensitive species, to promote their recovery and conservation thereby making progress toward down-listing or de-listing federally listed species and precluding the need for listing additional species under the ESA. ESMF is funded through a portion of a 1/16th percent sales tax on water and by a tax provided for in the Brine Shrimp Royalty Act (Title 59, Chapter 23). A total of up to $3 million is available on an annual basis.[24]

[23] https://naturalresources.utah.gov/endangered-species-mitigation-fund
[24] https://naturalresources.utah.gov/wp-content/uploads/ESMFguidelines2014forwebsite.pdf

Appendix A: Technical Assistance Letter

SPRINGDALE
Utah

April 8, 2020

Conor Hall, Director of Conservation Finance—Intermountain West
The Trust for Public Land
1410 Grant St., Suite D210
Denver, CO 80203

Greg Hiner, State Director Arizona, New Mexico and Utah
The Trust for Public Land
607 Cerrillos Road, Suite F-1
Santa Fe, New Mexico 87505

Dear Mr. Hall and Mr. Hiner:

The Town of Springdale requests technical advice and assistance from The Trust for Public Land in connection with our efforts to develop and sustain reliable, ongoing sources of funding for parks, trails, open spaces and land conservation.

As part of your advice and assistance, I understand you will conduct research with affected groups to develop recommendations for the Town of Springdale on strategies for supporting dedicated, ongoing sources of public funds for land conservation.

We are interested not only in the factual information that you can provide, but also your opinions and recommendations on public funding measures available to us and strategies to enact such measures. That would include understanding the public's priorities and attitudes concerning land and water conservation, outdoor recreation and natural areas, and how the public would respond to different methods of presenting those issues.

Although your submissions will be directed to the Town Council's attention, I understand that your responses to this request will be for the general use of the Town of Springdale.

This request will continue in effect for any advice you offer or presentations you submit related to such matters. In addition, we would like to take this opportunity to request that you continue to be available to provide technical advice and assistance in this area and on related matters in the future.

Thank you.

Sincerely,

Stanley J. Smith
Mayor

PO Box 187, Springdale, UT 8473 www.springdaletown.com (435)772-3434

Appendix B: Local Conservation Finance Measures

Utah Local Conservation Finance Measures, 1996-present							
Jurisdiction Name	**Date**	**Finance Mechanism**	**Description**	**Status**	**% Yes**	**Conservation Funds Approved**	**Total Funds Approved**
Midway	11/6/18	Bond	Bond for land preservation including conservation easements	Pass	54.68%	$5,000,000	$5,000,000
Park City	11/6/18	Bond	Bond for the acquisition of two conservation properties	Pass	78.10%	$48,000,000	$48,000,000
Wasatch County	11/6/18	Bond	Bond for land preservation	Pass	57.80%	$10,000,000	$10,000,000
Lehi	11/8/16	Bond	Bond for parks and open space	Fail	39.22%		
Park City	11/8/16	Bond	Bond for the preservation of land in area known as Bonanza Flats	Pass	70.44%	$25,000,000	$25,000,000
South Salt Lake City	11/3/15	Bond	Bond for parks, open space, trails, and recreational facilities	Fail	48.59%		
Snyderville Basin Special Recreation District	11/4/14	Bond	Bond for open space, trails and recreational facilities	Pass	71.76%	$15,000,000	$25,000,000
Park City	11/6/12	Sales tax	.5 percent Resort Communities Sales and Use Tax increase to fund open space acquisitions and capital-improvement projects	Pass	58.65%	$20,000,000	$64,000,000
Salt Lake County	11/6/12	Bond	Bond for regional parks and trails	Pass	56.14%	$5,000,000	$47,000,000
Snyderville Basin Special Recreation District	11/2/10	Bond	Bond for the preservation of open space and trails	Pass	72.25%	$20,000,000	$20,000,000
West Valley	11/2/10	Bond	Bond for parks and open space	Fail	43.20%		
American Fork	11/4/08	Bond	Bond for open space, parks and trails	Fail	28.86%		
Cache County	11/4/08	Bond	Bond for the protection of farmland, recreational lands, watersheds, wildlife habitat and trails	Fail	41.34%		
Park City	11/7/06	Bond	Bond for the purchase of open space and recreational lands	Pass	81.98%	$20,000,000	$20,000,000
Salt Lake County	11/7/06	Bond	Bond for the purchase of open space, parks, and trails	Pass	71.20%	$48,000,000	$48,000,000
Alpine City	11/8/05	Bond	Bond for open space, wildlife habitat, and watershed protection	Fail	24.93%		
Draper	11/2/04	Bond	Bond for watershed protection	Pass	58.98%	$7,000,000	$7,000,000

Snyderville Basin Special Recreation District	11/2/04	Bond	Proposition 2, Bond issued for the purchase of open space in western Summit County	Pass	67.36%	$10,000,000	$10,000,000
West Jordan	5/4/04	Bond	Bond for open space, park, and recreational lands	Pass	50.50%	$4,170,000	$4,170,000
Salt Lake City	11/4/03	Bond	City Proposition No. 4, Bond for open spaces, parks, recreational lands	Pass	71.21%	$5,400,000	$5,400,000
Park City	11/5/02	Bond	Parks and Open Space; Bond measure for parks, open space	Pass	79.52%	$10,000,000	$10,000,000
Park City	11/3/98	Bond	Bond for Parks, Recreation	Pass	77.59%	$10,000,000	$10,000,000
Salt Lake County	11/5/96	Sales tax	County Proposal 1, 1/10 Cent Sales Tax Increase for Parks, Recreation, Open Space, Trails	Pass	57.87%	$3,900,000	$13,000,000
St. George	4/30/96	Bond	Bond for Open Space	Pass	68.70%	$18,000,000	$18,000,000
Source: The Trust for Public Land's LandVote database							

Appendix C: Ballot Language Examples

Utah Local Conservation Finance Ballot Language Examples				
Jurisdiction Name	**Date**	**Status**	**% Yes**	**Ballot Language**
Midway	11/6/2018	Pass	55%	PROPOSITION Shall Midway City, Utah (the "City"), be authorized to issue General Obligation Bonds in an amount not to exceed Five Million Dollars ($5,000,000) (the "Bonds") for the purposes of partnering with willing landowners, private organizations, land preservation foundations, governmental agencies and private donors, all at the discretion of the City Council, to pay all or a portion of the costs to preserve open space (as open space is defined and is consistent with the Midway City General Plan and as permitted by the laws of the State of Utah) and related improvements, within the proposed annexation boundaries of the City as established in the land use map of the City dated December 13, 2017, including but not limited to acquisition of land, development rights, conservation easements, maintenance of use agreements, or related start-up expenses; said Bonds to be due and payable in not to exceed twenty-one (21) years from the date of issuance of the Bonds? Property Tax Cost of Bonds: if the Bonds are issued all at once an annual property tax to pay debt service on the Bonds will be required over a period of twenty-one (21) years in the estimated amount of $110.76 per year on a $440,000 residence and in the estimated amount of $201.39 per year on a business property having the same value. The foregoing information is only an estimate and is not a limit on the amount of taxes that the City may be required to levy in order to pay debt service on the Bonds. The City is obligated to levy taxes to the extent provided by law in order to pay the Bonds. The amounts are based on various assumptions and estimates, including estimated debt service on the Bonds and current taxable values of property in the City. Voting Options: FOR THE ISSUANCE OF BONDS (YES) AGAINST THE ISSUANCE OF BONDS (NO)
Park City	11/6/2018	Pass	78%	PARK CITY OPEN SPACE BOND Shall Park City, Utah be authorized to issue general obligation bonds to acquire, improve and forever preserve open space, park and recreational land located in Treasure Hill and Armstrong/Snow Ranch Pasture in order to protect the conservation values thereof, to eliminate any future commercial or residential development, and to make limited improvements for public access, trailhead parking and use, in an amount not to exceed $48,000,000 and to mature in no more than 16 years from the date or dates of such bonds? PROPERTY TAX COST OF BONDS If the bonds are issued as planned, an annual property tax to pay debt service on the bonds will be required over a period of 16 years in the estimated amount of $194 on a primary residence with an assessed value of $800,000, and in the estimated amount of $353 on a business property having the same assessed value. The foregoing is only an estimate and is not a limit on the amount of taxes that the governing body may be required to levy in order to pay debt service on the bonds. The governing body is obligated to levy taxes to the extent provided by law in order to pay the bonds. FOR THE ISSUANCE OF BONDS AGAINST THE ISSUANCE OF BOND

Wasatch	11/6/2018	Pass	58%	WASATCH COUNTY OPEN SPACE BOND PROPOSITION Shall Wasatch County, Utah (the "County"), be authorized to issue General Obligation Open Space Bonds in the amount not to exceed Ten Million Dollars ($10,000,000) for the purpose of paying all or a portion of the costs to acquire, preserve, or protect the permanent protection of open space within the County using all available land preservation tools, including but not limited to acquisition of land, development rights, conservation easements, maintenance of use agreements, or related operation, maintenance or start-up expenses; said Bonds to be due and payable in not to exceed thirty-one (31) years from the date of issuance of the Bonds? Property Tax Cost of Bonds: If the bonds are issued (without regard to the currently planned issuance of Bonds in phases over time), an annual property tax to pay debt service on the Bonds will be required over a period of thirty-one (31) years in the estimated amount of $19.97 per year on a $300,000 residence and in the estimated amount of $36.30 per year on a business property having the same value. The foregoing information is only an estimate and is not a limit on the amount of taxes that the County may be required to levy in order to pay debt service on the Bonds. The County is obligated to levy taxes to the extent provided by law in order to pay the Bonds. The amounts are based on various assumptions and estimates, including estimated debt service on the Bonds and taxable values of property in the County. Voting Options: FOR THE ISSUANCE OF BONDS (YES) AGAINST THE ISSUANCE OF BONDS (NO)

Memorandum

To: Town Council
From: Thomas Dansie, Director of Community Development
Date: **July 2, 2020**
Re: **July 8, 2020 Town Council Meeting**
Erosion Hazard Zone Ordinance

The Council recently reviewed a proposal to add the Erosion Hazard Zone to the Town ordinance. This zone will add standards for new development near the Virgin River intended to reduce the risk of erosion hazard and to preserve the natural function of the river. The Council expressed support for the ordinance, but requested changes to text of the ordinance.

The Council was concerned that under the ordinance as originally drafted, minor projects (gardens, small improvements) would require extensive and expensive review and analysis. The Council requested changes to the text that would allow minor improvement projects in the erosion hazard area without the need for an engineering analysis and costly permitting process.

Staff has worked with Rosenberg Associates (the consultant advising on this process) to make the changes.

Staff recommends the Council adopt the Erosion Hazard Zone ordinance, as amended in the attached packet material, as well as the erosion hazard maps and erosion hazard permit fee ($750 for regular EHZ permits, $25 for minor land disturbance permits). The Council may wish to form a motion similar to the language below:

1) *Based on the findings in the preamble language, the Council adopts ordinance 2020-04, Erosion Hazard Zone.*
2) *The Council adopts the erosion hazard map as presented in the packet material.*
3) *The Council establishes the fee for an erosion hazard permit at $750, and the fee for a minor land disturbance erosion hazard permit at $25.*

ORDINANCE # 2020-04 :

EROSION HAZARD OVERLAY

WHEREAS, the Springdale Virgin River Management Plan, adopted 2019, identifies the necessity for land use regulation as a resource to preserve and protect the Virgin River, and

WHEREAS, as development increases in and around the river corridor, both threats to the natural functions of the river and the potential of property damage from erosion also increase, and

WHEREAS, the Erosion Hazard Zone creates standards for new development located in areas at risk from erosion hazard, and

WHEREAS, the standards of the Erosion Hazard Zone are intended to ensure new development is constructed in such a way as to minimize risk of damage from erosion, maintain the natural function of the river system, and ensure no negative impacts are created on upstream or downstream properties; and

WHEREAS, the analysis of potential erosion risk zones in the Erosion Hazard Zone Map were established by licensed engineers in the state of Utah, natural channel design experts, and professional geologists with experience in river functions, flooding, erosion hazards etc., and

WHEREAS, the Town of Springdale currently does not have a comprehensive Erosion Hazard Zone which protects existing development, Town infrastructure, new development, and the natural function of the Virgin River;

NOW THEREFORE, be it ordained by the Town Council that the Erosion Hazard Overlay Zone and Erosion Hazard Map be adopted as follows:

10-13E-1: STATUTORY AUTHORIZATION:

The Legislature of the State of Utah has in Utah Code Annotated section 10-3-701 et seq., delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. A significant portion of flood losses are a result of bank erosion damage. Therefore, the Town Council of Town of Springdale, Utah, does ordain as follows:

10-13E-2: FINDINGS OF FACT:

A. Properties adjacent to the Virgin River within of Town of Springdale are subject to periodic periods of flooding resulting in erosion damage, loss of life and property,

health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for erosion protection and relief, all of which adversely affect the public health, safety and general welfare.

B. These erosion hazard areas are created by the cumulative effect of large flood events, the presence of erosive soils in the existing banks, historic disturbance to the natural river process, and changes in vegetation thereby resulting in bank erosion.

1-13E-3: STATEMENT OF PURPOSE:

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

A. Protect human life and health;

B. Minimize expenditure of public money for costly bank erosion protection projects;

C. Minimize the need for rescue and relief efforts associated with bank erosion and generally undertaken at the expense of the general public;

D. Minimize prolonged business interruptions;

E. Minimize damage to public facilities and utilities such as water mains, electric, telephone and sewer lines, streets and bridges located in erosion hazard zones;

F. Help maintain a stable tax base by providing for the sound use and development of property within erosion hazard zones in such a manner as to minimize future blight areas; and

G. Ensure that potential buyers are notified that property is in an erosion hazard zone.

1-13E-4: METHODS OF REDUCING BANK EROSION LOSSES:

In order to accomplish its purposes, this ordinance includes methods and provisions for:

A. Establishing erosion hazard zone delineations for erosion hazard management and land use regulation purposes;

B. Regulating proposed land disturbance and development within erosion hazard zones to prevent adverse impact on adjacent properties;

C. Adopting river management policies that support preservation of the natural river systems, promote land uses that are compatible with a natural river system, and limit construction of structural improvements inside the erosion hazard zone, except to protect structures needed for public safety such as bridges and existing buildings, or

where the channel threatens to move outside of the established erosion hazard zone;

D. Requiring a special use permit to regulate all land disturbance and development within the erosion hazard zones.

10-13E-5: DEFINITIONS:

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

LAND DISTURBANCE: Includes but is not limited to: 1- construction of buildings or other structures. 2- construction of erosion protection improvements. 3- construction of new subdivisions, utilities (other than utility service to a single residence), roadways or bridges. 4- mining or dredging operations. 5- removal of riparian zone native vegetation 6- earthwork such as filling, grading, excavation or contouring land which totals more than 1,000 square feet. 7- any other activity similar to those listed above which has the potential to impact the natural function of the river. Notwithstanding, the following activities are not a "land disturbance" for purposes of this Chapter: (1) Preparing a small garden; or (2) constructing or installing a storage shed of 150 square feet or less.

MINOR LAND DISTURBANCE: Any activity that is defined as "land disturbance" and also meets all of the following criteria:

1) No riparian zone native vegetation is removed as part of the land disturbance,
2) There is no building or structure proposed as part of the land disturbance,
3) The total land disturbance area measures less than 2,000 square feet,
4) The land disturbance is not part of an erosion protection improvement, and
1)5) The Director of Community Development has determined the land disturbance has minimal potential to increase erosion hazard risk on the same or adjacent properties.

EROSION HAZARD ZONE (EHZ): Areas adjacent to a natural alluvial river or stream subject to the risks associated with the natural erosion and sedimentation process of the watershed, either sudden or gradual, by which material from riverbanks may be moved away causing a river channel to move laterally as denoted by detailed engineering analysis.

HIGH RISK EROSION HAZARD ZONE (HREHZ): Areas within the designated EHZ where the risks of riverbank erosion are increased, including active floodplains, floodways and areas where previous land disturbance has impacted the natural river process increasing the risks of riverbank erosion and lateral channel migration damage to improved property or infrastructure.

10-13 E-6: ESTABLISHMENT OF EROSION HAZARD ZONES

A. The Erosion Hazard Zone (EHZ) and the High Risk Erosion Hazard Zone (HREHZ) are established with the boundaries indicated on the Town of Springdale's Erosion Hazard Boundary Map, which is on file at the Town Office.

10-13 E-7: LAND DISTURBANCE WITHIN EROSION HAZARD ZONES

A. No person may cause any land disturbance within the EHZ or HREHZ unless the land disturbance is specifically authorized under a valid Erosion Hazard Zone permit that is issued in accordance with this Chapter.

B. Except as noted below, ~~T~~the Planning Commission reviews applications for an Erosion Hazard Zone permit. The Planning Commission will grant an Erosion Hazard Zone permit only if the Planning Commission finds that the applicant has complied with the requirements of this Chapter and that the proposed land disturbance minimizes the risk of flood and erosion damage to adjacent properties and the watercourse.

1. The Director of Community Development reviews applications for an Erosion Hazard Zone Permits for minor land disturbance. Applications for EHZ permits for minor land disturbance are not subject to the requirements of paragraph C of this section. The Town Council shall establish, by resolution, a small administrative fee for the minor land disturbance EHZ permit. The DCD shall review the permit application and approve the application only after finding the minor land disturbance has minimal potential to increase erosion hazard on the same or adjacent properties, and the minor land disturbance will not negatively impact the natural function or character of the river. The DCD may refer any application for an EHZ permit for minor land disturbance to the Planning Commission for review subject to the standards in paragraph C of this section if he or she finds the proposed land disturbance will result in more than a minor increase in erosion hazard, or will negatively impact the natural function or character of the river.

~~B.~~C. An application for an Erosion Hazard Zone permit must include an engineering analysis that meets the requirements of this Subsection C. The engineering analysis must be completed by a professional engineer who is licensed in the State of Utah with experience in floodplain management, river mechanics, sediment transport, riverine erosion, river restoration, hydraulics, hydrology and geomorphology. The analysis must include the following elements:

1. Impacts on Adjacent Properties. Identify the potential impacts of the proposed land disturbance on adjacent properties.

2. Regulatory Floodplain/Floodway Impacts. If any changes are proposed to the river channel or floodplain geometry by the proposed land disturbance, hydraulic modeling of the pre- and post-project channel and floodplain conditions must be included in the analysis and approved by the Town

Floodplain Administrator to document the following:

a. Floodplain: Changes in the 100-year water surface elevation must be less than one foot within the property limits and no changes in the 100-year water surface elevation may occur on adjacent properties.

b. Floodway: No changes in the regulatory floodway elevation are permitted, either within or adjacent to the proposed project limits.

3. Stream Stability Impacts. Engineering analyses must be submitted to document all impacts on adjacent properties due to the proposed land disturbance activities. It is the applicant's responsibility to demonstrate that any such impacts are minimal, justified, and consistent with the goals and objectives of the Virgin River Management Plan, and will not cause adverse or detrimental conditions on adjacent, upstream, or downstream properties.

4. Erosion Protection Improvements. Bioengineering techniques combining natural vegetation and live materials to provide a stable streambank as envisioned by the Virgin River Management Plan (VRMP) are required for all erosion protection improvements, unless an engineering analysis demonstrates such techniques are not feasible. All erosion protection improvements shall be as minimally impactful to the natural function and appearance of the river system and riparian area as possible. Structural erosion protection improvements such as rock riprap, concrete or gabion structures, etc. may only be used to protect existing or planned structures and infrastructure located within the High Risk Erosion Hazard Zone, and only after the Town Engineer has validated an applicant's engineering analysis documenting bioengineering is not a feasible option. If structural erosion protection improvements are proposed, the engineering analysis shall include the design assumptions, plans, specifications and details for construction of the improvements. Structural erosion protection shall be designed to be as minimally visual impactful as possible and to blend as much as possible with the natural character of the river corridor in the nearby area. Where possible and feasible, stone for rip rap and gabion baskets shall resemble stone naturally found in Springdale in appearance.

5. Maintenance: The owner of property where erosion protection improvements are located shall inspect all erosion protection improvements at least annually and immediately after major flooding events to assess damage and determine if repairs are necessary. The Town of Springdale has the right to inspect all erosion protection improvements as often as the Town deems necessary. If the Town's inspection reveals necessary repairs to the erosion protection improvements, the property owner shall make the required repairs as soon as feasibly possible after being noticed in writing by the Town. All proposed erosion protection measures shall require a perpetual private easement to be recorded providing unobstructed access for inspection and maintenance of the erosion protection improvements. The costs to inspect, repair and maintain

these improvements shall be the sole responsibility of the applicant or property owner. Required maintenance and repairs shall be completed within a reasonable time at no cost to the Town of Springdale.

6. Vegetation Mitigation. Any proposed disturbance to existing vegetation on the riverbank or within the floodplain must be mitigated by replacing the disturbed vegetation with native riparian plants in accordance with the approved plant list. The replacement vegetation shall be selected to best enhance the natural function of the river system (e.g. flexible species closest to the river, large woody vegetation farther from the river on upper flood terraces). The engineering analysis shall include a section describing the required vegetation mitigation and planting requirements.

7. Statement of Methodologies and Findings. The analysis must include a summary of the methodologies used to support the impact analysis. The engineering analysis and findings shall be summarized in an Engineering Report including all assumptions, computations and other documentation supporting the analyses and conclusions. The report shall include the engineer's professional opinion that when the land disturbance activities and mitigation measures, if any, are implemented, the proposed land disturbance will not adversely affect reaches or properties upstream, downstream, and across the river from the proposes project. The report must also include the engineer's opinion that the proposed land disturbance minimizes the risk of flood and erosion damage to adjacent properties and the watercourse.

D. All proposed site grading activities shall comply with the applicable provisions of the building code currently adopted by the Town regarding slope setbacks, grading, drainage and compaction of fills. A Grading Permit may be required for the proposed grading activities.

E. All land disturbance proposals shall include and comply with the Federal Clean Water Act and obtain Section (404) permits from the United States Army Corps of Engineers, and Stream Alteration permits from the office of the Utah State Engineer where required prior to beginning any construction activity clearing riparian vegetation.

F. Applicants and property owners shall hold the Town of Springdale harmless from all claims resulting from erosion or any other flood related damage from land disturbance activities within the Erosion Hazard Zone by executing a "Flood and Erosion Hazard Disclaimer of Liability and Agreement". New land subdivisions shall include a "Notice of Hazard" on the final plat describing the flooding and erosion hazard risks.

G. All land disturbance proposals involving new land subdivisions or commercial development shall locate and construct public utilities and facilities such as

sewer, gas, electrical and water systems to minimize the risk of flood and erosion damage.

H. All land disturbance proposals shall comply with the recommendations of the Virgin River Management Plan. Copies are available from the Town Planning Department.

I. All land disturbance proposals within the Special Flood Hazard Area shall require a Floodplain Development Permit approved by the Town Floodplain Administrator.

10-13 E-8: PENALTIES FOR NONCOMPLIANCE:

A person who violates any part of this Chapter is guilty of an infraction. Violation of the provisions of this ordinance may be enforced pursuant to section 1-4 of the Town Code. Nothing herein contained shall prevent the Town of Springdale from taking such other lawful action as is necessary to prevent or remedy any violation.

PASSED AND ADOPTED by the Springdale Town Council the _____ day of _____, 2020. This ordinance shall be effective upon passage and posting.

_____

Mayor Stanley J. Smith

_____

Attest: Town Clerk Darci Carlson

EROSION HAZARD BOUNDARY - VIRGIN RIVER
FOR
TOWN OF SPRINGDALE
SPRINGDALE, UTAH
DRAFT 2/24/2020
NOTES
1. AERIAL IMAGE (2018 SPRING)
LEGEND
EFFECTIVE 100 YEAR FLOODPLAIN (2009 WASH CO & RECENT LOMRS)
EFFECTIVE FLOODWAY (2009 WASHINGTON CO. FIS)
EROSION HAZARD BOUNDARY MODERATE HAZARD (2019 STUDY)
EROSION HAZARD BOUNDARY HIGH HAZARD (2019 STUDY)
GEOLOGIC UNIT BOUNDARIES (J. HAYDEN 2020)
Qafc
Qath
0 200' 400'
SCALE: 1"=200'
ROSENBERG ASSOCIATES
CIVIL ENGINEERS • LAND SURVEYORS
352 East Riverside Drive, Suite A-2,St. George, Utah 84790
Ph (435) 673-8586 Fx (435) 673-8397 - WWW.RACIVIL.COM
DWG: VIRGIN RIVER EHZ
DATE: 2/24/2020
DRAWN: RWN
JOB NUMBER: 11545-19
SCALE: 1" = 200'
CHECKED: JWB

118 Lion Blvd PO Box 187 Springdale UT 84767 435-772-3434

APPLICATION FOR EROSION HAZARD ZONE DEVELOPMENT PERMIT

Application is hereby made to the Springdale Planning Commission for an Erosion Hazard Zone development permit pursuant to Section 10-13E of the Springdale Town Code for the following:

APPLICANT INFORMATION:

Name:_____
Street Address:_____
Mailing Address:_____
Email Address:_____
Phones
(Home)_____ (Cell)_____ (Business)_____

SITE INFORMATION

Street Address: _____
Parcel ID Number:_____ Zone:_____
Flood Hazard Area: _____

PROJECT DESCRIPTION

Briefly describe the proposed development: _____

_____

_____

_____

ADDITIONAL INFORMATION

Please attach the following information to this application:

A. Plans and drawings, to scale, showing the proposed development as required for Design/Development Review, Subdivision, Building Permit, or Grading Permit, as applicable.
B. An engineering analysis completed by a professional engineer who is licensed in the State of Utah with experience in floodplain management, river mechanics, sediment transport, riverine erosion, river restoration, hydraulics, hydrology and geomorphology. This analysis must include the following:
    a. Impacts on adjacent properties
    b. Regulatory floodplain/floodway impacts. If any changes are proposed to the river channel or floodplain geometry by the proposed land disturbance, hydraulic modeling of the pre- and post-project channel and floodplain conditions must be included in the analyses and approved by the Town Floodplain Administrator and include the following:
        i. Floodplain: Changes in the 100-year water surface elevation must be less than one foot within the property limits and no changes in the 100-year water surface elevation may occur on adjacent properties.
        ii. Floodway: No changes in the regulatory floodway elevation are permitted, either within or adjacent to the proposed project limits.
    c. Stream Stability Impacts. Demonstrate that all impacts are minimal and consistent with the goals and objectives of the VRMP.
    d. Erosion Protection Improvements. Bioengineering techniques combining bioengineering as envisioned by the VRMP.
    e. Vegetation replacement plan. Should existing vegetation on the riverbank or within the floodplain be disturbed, it must be mitigated by replacing the disturbed vegetation with native riparian plants in accordance with the approved plant list.
    f. Statement of methodologies and findings. A summary of the methodologies used to support the impact analysis.

DEVELOPMENT PERMIT STANDARDS

Approval or denial of a Development Permit by the Planning Commission shall be based on all of the provisions of the Erosion Hazard Zone Ordinance and the following relevant factors:

1. The protection to human life and health;
2. Minimize expenditure of public money for costly bank erosion protection projects;
3. Minimize the need for rescue and relief efforts associated with bank erosion and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions

4. Minimize damage to public facilities and utilities such as water mains, electric telephone and sewer lines, streets and bridges located in erosion hazard zones;
5. Help maintain a stable tax base by providing for the sound use and development of property within erosion hazard zones in such a manner as to minimize future blight areas;
10. Ensure potential buyers are notified that property is in an erosion hazard zone.

APPLICANT CERTIFICATION AND FEE

Application fee: $750

I certify that the information contained in this application is true and correct.

Printed Name: _____

Signature: _____ Date: _____

PUBLIC COMMENT LETTER - Kavarra Corr

Tom, I have been very busy this week. This is a quick perusal of the Erosion Hazard Zone ordinance.
I hope my insights are useful to the Planning Committee Best, Kavarra

Comments on Ordinance Erosion Control

1. Why is this ordinance being constructed only under the category of Flood control? Is there no preservation of the ecology, river riparian area, beautification, or Virgin River designated as a wild river ordinance option?
   Placing this ordinance solely in the context of Flood Control is not the main goal of the need to keep the river corridor healthy and puts the river at odds with the people and makes the river a destroyer rather than the center of health and well being for the residents and flora and fauna of the Zion Canyon.

   Also if the federal government via the army corps can control the river channel and the state can control width of riparian area high vs low water levels in what context can a local municipality control and protect areas of its town that contribute significantly to the economic health, environmental health and well being of the town via water supply as well as other down river towns' water supplies etc. in short what legal rights do towns have to widen the protected river riparian zone? Why is it only in the context of erosion or flood control? Can the ordinance be in written in the context of protection of the river for the town tourist economy, beauty, well being and public health ie water source protection, etc?

   Findings of Fact B should , "historic disturbance to the natural river process" read Historic "human" disturbance to the natural river process

1-3: STATEMENT OF PURPOSE states only human context and nothing about the Health of the flora and fauna of the riparian zone or the maintaining of a healthy geomorphology of the river channel or flood plain or healthy amount of river bank being available to the river for seasonal changes in water levels.

This section only focuses on human relationship to the river and appears to exclude the ecology of the riparian area. To strengthen the ordinance the health of the river needs to be written into the ordinance otherwise the human view will see the river as a menace and therefore will find a way to do any structural change that support and validate the human use, property and money loss values of the river rather than what the river provides in cleaning water, providing clean air , limiting climate changes providing habitat tourist economy etc. The ordinance as written seems to leave out the initial concern for this ordinance the Virgin River and protecting its riparian area.

1-4: METHODS OF REDUCING BANK EROSION LOSSES:

A. Establishing erosion hazard zone delineations for floodplain management and land use regulation purposes; **these delineations of the floodplain and land use should include**

historic movement of the geomorphology of the floodplain not just recent outlines as the river moves across an area depending on climate conditions and flow rates over time

B. B. Regulating proposed land disturbance and development within erosion hazard zones to prevent adverse impact on adjacent properties; **why is this only about adjacent properties what about the adverse effect on bank loss trees and willow and brush loss habitat loss for birds, beavers, fish etc. also it is often opposite properties that are affected as the swing of the river flow is affected by opposing banks often as much or more as to adjacent properties.**

C, s, or where the channel threatens to move outside of the established erosion hazard zone; **again the hazard zone needs to include long term at least to 1900 historical river movement to allow for variable stream flow that in one short instance could go beyond the hazard zone but then not again for 100 years. This type of unique erosion is very common on the Virgin River watershed due to the unique and long term documented precipitation pattern of cloud burst aka as micro burst style of weather events in Utah.**

2-1: DEFINITIONS:

Land Disturbance could include with " removal of riparian zone vegetation;: could add and riparian **zone river banks of all composition**

HIGH RISK EROSION HAZARD ZONE (HREHZ): last line could include in addition to" to improved property or infrastructure." Again does not include the river, trees habitat so could include Virgin River riparian area and the flora and fauna within it…

LAND DISTURBANCE WITHIN EROSION HAZARD ZONES

B can there be added a " biological analysis"? Why is it only an engineering analysis again this eliminates the Virgin River riparian area and makes all analysis within the human need structural engineering context rather than the Virgin River need biological context

A general comment of the remainder of the ordinance: Think on this
Will adjacent or opposing property owners get together and say well my erosion mitigation will affect your property but we can then mitigate the erosion on both of our properties and well if this affects the property across the river we will talk to them and do it all together so then the engineering analysis says three ensemble mitigations which could include rip rap here and there could possibly be scattered all over the river yet be within the effected adjacent property concern, It could be legal and totally mitigate the erosion but not At all be biologically or preservationally sound for the Virgin River.
Think of the wash adjacent to the school or the LA river? These were totally cemented because this is ultimately one efficient way to cut down on erosion. It might be important to make sure no cementing of the river banks is allowed for any reason.

So somewhere in the ordinance must be a limit that properties cant get together and make a huge erosion control project on the Virgin River in Springdale. We have many wealthy people and investors moving to town who have enormous amounts of money and enjoy "big projects" in their retirement or for investment and perhaps would be excited about mitigating the erosion of their properties with partnerships that could end up with many varied legal and reactionary Virgin River Bank mitigations that result in rip rap etc all over the Virgin River erosion zones. A part of the ordinance needs to address this possibility.