

16-14-050 GEOLOGIC HAZARDS

1. Applicability. The regulations contained in this Chapter shall apply to all lands in Morgan County considered geologic hazards within the Sensitive Area District as defined above.

2. Disputes. Property owners desiring to have their property removed from the geologic hazards areas of the Sensitive Area District may remove the overlay by completing the following:

- A. The person disputing the overlay boundary or the presence of mapped or unmapped hazard(s) within a particular area shall submit technical and geologic evidence to support their claim to Morgan County in the form of a site-specific geologic hazards report.
 - B. Morgan County may request the Utah Geological Survey, U.S. Forest Service, and/or other experts to review the evidence (third-party review) prior to hearing the request in a public meeting. The cost of the third-party review shall be paid by the person disputing the map.
 - C. Morgan County shall rezone the property by removing it from the Sensitive Area District if evidence is provided by the applicant that demonstrates that the geologic hazards designation location is incorrect, or that the mapped hazards are not present within a particular area.
- 3. Studies and reports required.** Any applicant requesting development approval on a parcel of land within a geologic hazard area of the Sensitive Area District shall submit three copies of a site-specific geologic hazard study and report to the Morgan County Community Development Department. On a lot of record within the geologic hazard area of the Sensitive Area District, and for consideration of a building permit, the Morgan County Building Official and/or the Morgan County Engineer may require an additional site specific study prior to the issuance of a building permit where evidence suggests that the overall development study may not have identified specific hazards applicable to the lot.

4. Requirements in Geologic Hazard Areas.

- A. No critical facility (excluding transportation lines or utilities, which by their nature may cross active faults) or structures designed for human occupancy shall be built astride an active fault. A fault study must be prepared prior to final approval of the land use or applicable building permits. If a fault is discovered in the excavation, a special study must be performed to determine if the fault is active. If the fault is determined to be active, the procedures set forth in Chapter 16-14-070 shall be followed. The fault study report shall establish a fault setback on either side of the fault within which no critical facilities or structures for human occupancy shall be placed.
- B. No structure designed for human occupancy shall be built on a fault scarp. Footing setbacks from a fault scarp shall meet the requirements as recommended and approved pursuant to Chapter 16-14-070 or the requirements of the adopted Building Code, whichever is more stringent. The Building Official may increase footing setback requirements where information from a geotechnical report indicates slope conditions warrant a greater setback distance.
- C. Fault setback requirements do not apply to accessory buildings.
- D. Every lot in a proposed land subdivision must have a building site safe for the intended use. Each building site must also have access free of geologic hazards. Any geologic hazards which must be removed in order to provide a building site and access must be mitigated before the tract or parcel may be recorded.

5. Disclosure when a geologic hazards report is required.

- A. Whenever a geologic hazards report is required under this chapter, the owner of the parcel shall record a notice running with the land in a form satisfactory to Morgan County prior to the approval of any development or subdivision of such parcel. Disclosure will include signing a Disclosure and Acknowledgment Form provided by the County, which will include the following:
 - i. Notice that the parcel is located within a geologic hazard area of the Sensitive Area District as shown on the Morgan County Zoning map or otherwise defined in Chapter 16-14-040;
 - ii. Notice that a geologic hazards report was prepared and is available for public inspection in Morgan County's files.
- B. Where geologic hazards and related setbacks are delineated in a subdivision, the owner shall also place additional notification on the plat stating the above information, prior to final approval of the plat.

6. Warning and disclaimer. The geologic hazard areas of the Sensitive Area District represent only those hazardous areas known to the County, and should not be construed to include all possible potential hazard areas. The provisions of this chapter do not in any way assure or imply that areas outside the identified geologic hazard areas of the Sensitive Area District boundaries will be free from the possible adverse effects of geologic hazards. This chapter shall not create liability on the part of Morgan County or any officer or employee thereof for any damages from geologic hazards that result from reliance on this chapter or any administrative requirement or decision lawfully made hereunder.

7. Change of use. No change in use which results in the conversion of a building or structure from one not used for human occupancy to one that is so used shall be permitted unless the building or structure complies with the provisions

of this chapter.

8. Conflicting regulations. In cases of conflict between the provisions of existing zoning classifications, building code, subdivision ordinance, or any other ordinance of Morgan County and the Sensitive Area ordinance codified in this chapter, the most restrictive provision shall apply.