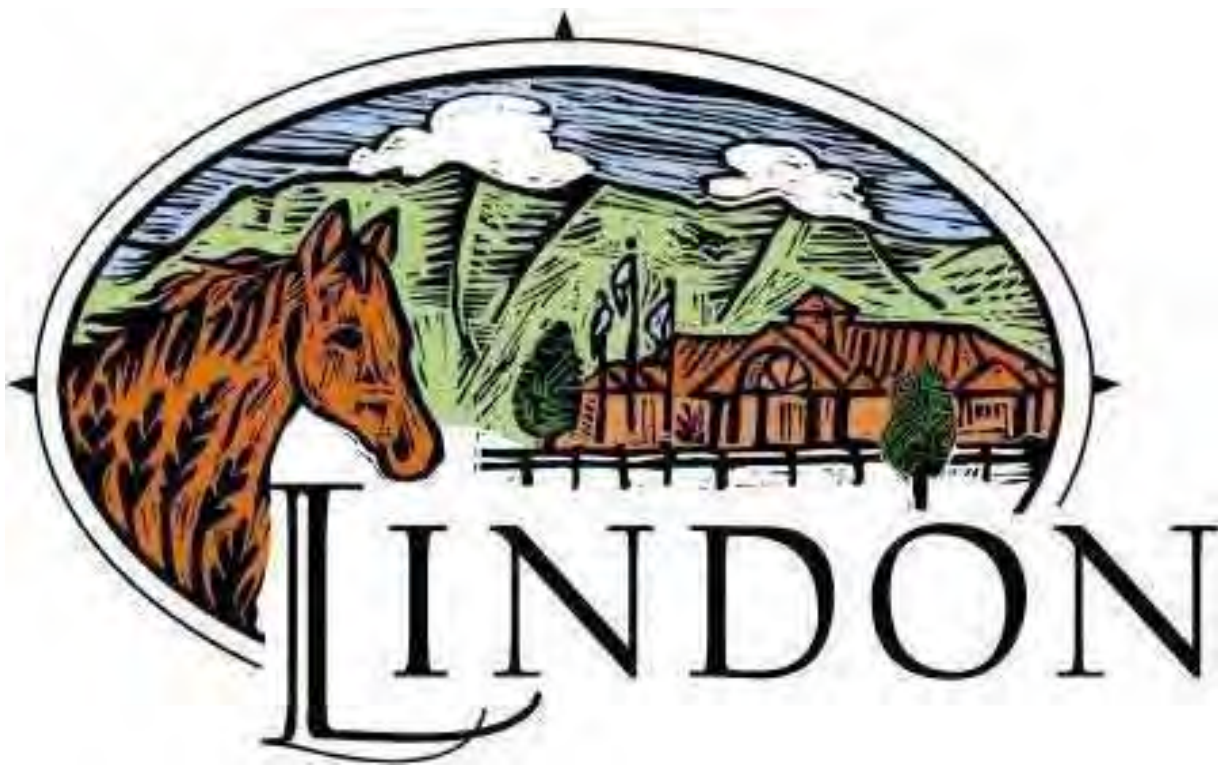


# **Lindon City Planning Commission Staff Report**



November 28, 2023

**Notice of Meeting**  
***Lindon City Planning Commission***



**Item 1 – Call to Order**

Sharon Call  
Mike Marchbanks  
Rob Kallas  
Steve Johnson  
Scott Thompson  
Jared Schauers  
Karen Danielson

# Notice of Meeting

## Lindon City Planning Commission



The Lindon City Planning Commission will hold a regularly scheduled meeting on **Tuesday, November 28, 2023**, in the Council Room of Lindon City Hall, 100 North State Street, Lindon, Utah. The meeting will begin at **6:00 p.m.** This meeting may be held electronically to allow a commissioner to participate by video or teleconference. Meetings are broadcast live at [www.youtube.com/LindonCity](http://www.youtube.com/LindonCity). The agenda will consist of the following items:

### Agenda

Invocation: By Invitation

Pledge of Allegiance: By Invitation



Scan or click here for link to download agenda & staff report materials.

#### 1. Call to Order

#### 2. Approval of minutes

Planning Commission 11/14/2023

#### 3. Public Comment

**4. Plat Amendment Approval – Kirkland Estates Plat R – 1040 E. 50 S.** The applicant requests a plat amendment to combine two contiguous lots at 1040 E. 50 S. (10 minutes)

**5. Public hearing for a recommendation to the Lindon City Council to amend the Lindon Standard Land Use Table.** The applicant requests a recommendation to the Lindon City Council to make indoor gun ranges a conditional use in the Heavy Industrial zone. (10 minutes)

**6. Conditional Use Permit Approval – Wheel Pro Customs – 1279 W. 300 S., Suite 2&3.** The applicant requests conditional use permit approval to operate an auto repair and powder coating business at 1279 W 300 S, Suite 2&3. (45:241:0026) (20 minutes)

**7. Conditional Use Permit Approval – UT Perma Coat – 1505 W. 500 N.** The applicant is requesting conditional use permit approval to operate a powder coating business at 1505 W. 500 N. (47:283:0003) (20 minutes)

**8. Public hearing for a recommendation to the Lindon City Council to amend the Lindon Definitions, City Council Review, Subdivision, Land Use Authority, and Plat Amendment Code (17.02, 17.08, 17.32, 17.09, & 17.33).** Lindon City requests a recommendation to the Lindon City Council to amend the definitions, city council review, subdivision, land use authority and plat amendment codes in the Lindon City Code to bring the Lindon City code into compliance with Utah State Code (SB 174). (30 minutes)

#### 9. Planning Director Report

- General City Updates

### Adjourn

Staff Reports and application materials for the agenda items above are available for review at the Lindon City Planning Department, located at 100 N. State Street, Lindon, UT. For specific questions on agenda items, our Staff may be contacted directly at (801) 785-7687. City Codes and ordinances are available on the City website found at [www.lindoncity.org](http://www.lindoncity.org). The City of Lindon, in compliance with the Americans with Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these accommodations for City-sponsored public meetings, services programs, or events should call Kathy Moosman at 785-5043, giving at least 24 hours' notice.

The above notice/agenda was posted in three public places within Lindon City limits and on the State <http://www.utah.gov/pmn/index.html> and City [www.lindoncity.org](http://www.lindoncity.org) websites.

**\*The duration of each agenda item is approximate only**

**Posted By:** Kathryn Moosman, City Recorder

**Date:** 11/22/2023 **Time:** 5:00 pm

**Place:** Lindon City Center, Lindon Police Station, Lindon Community Center

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**  
3 **November 14, 2023 beginning at 6:00 p.m.** at the Lindon City Center, City Council Chambers,  
4 100 North State Street, Lindon, Utah.

**REGULAR SESSION – 6:00 P.M.**

6 Conducting: Sharon Call, Chairperson  
8 Invocation: Karen Danielson, Commissioner  
9 Pledge of Allegiance: Scott Thompson, Commissioner

10 **PRESENT**

11 Sharon Call, Chairperson  
12 Rob Kallas, Commissioner  
13 Mike Marchbanks, Commissioner  
14 Steven Johnson, Commissioner  
15 Scott Thompson, Commissioner  
16 Jared Schauers, Commissioner  
17 Karen Danielson, Commissioner  
18 Michael Florence, Community Development Director  
19 Britni Laidler, Deputy Recorder

**EXCUSED**

Mary Barnes, Associate Planner

22 1. **CALL TO ORDER** – The meeting was called to order at 6:00 p.m.

24 2. **APPROVAL OF MINUTES** –The minutes of the regular meeting of the Planning  
25 Commission meeting of October 10, 2023 were reviewed.

26 COMMISSIONER SCHAUERS MOVED TO APPROVE THE MINUTES OF THE  
27 REGULAR MEETING OF OCTOBER 10, 2023 AS PRESENTED. COMMISSIONER  
28 THOMPSON SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE  
29 MOTION CARRIED.

30 3. **PUBLIC COMMENT** – Chairperson Call called for comments from any audience  
31 member who wishes to address any issue not listed as an agenda item.

32 **Mark Davis:** Mr. Davis addressed the commission in hopes of encouraging the city to initiate  
33 discussion with the church and Alpine School District to allow access to the Temple through the  
34 200 South open field. Mr. Davis is concerned with all the traffic that will come to Center Street  
35 when the Temple opens, noting the schools that are along Center Street. He pointed out that  
36 Center Street is where a good portion of the students walk to and from school. He then noted that  
37 approximately 70% of temple visitors will be coming from the Orem side of 200 South,  
38 potentially using 900 East to get to the Temple. He stated that the traffic from Center Street and  
39 on 900 East upon the Temple opening will further put pedestrians at risk with the added traffic.  
40 Mr. Davis stated that he is hopeful that the city will work with the Alpine School District and the  
41 Church to come back to the table to figure this out and make a road from 200 South to go  
42 through the current field next to the Temple and behind Oak Canyon Jr. High School.

2 **CURRENT BUSINESS –**

4 **4. Conditional Use Permit Review – Hurt So Good Massage, 515 W. 550 N.** The  
planning commission will review compliance of the conditional use permit granted to  
6 Hurt So Good massage on October 11, 2022.

8 Mike Florence, Community Development Director presented this item noting that the  
applicant, Bridget Carpenter is present for this agenda item. Mr. Florence began with a history on  
this item, stating on October 11, 2022, the planning commission granted a conditional use permit  
10 to the applicant, with the condition of a 12-month review by the planning commission to ensure  
all other conditions are being followed. Ms. Carpenter has been operating her one-employee  
12 massage therapy business within Vero Health Chiropractic and Wellness Clinic for the past year  
and has indicated that business has been great.

14 Mr. Florence let the commission know that the applicant has been a great addition to the  
Lindon City business community and has continued to meet all the requirements for a Massage  
16 Establishment Business license. The applicant is also working towards ensuring that she meets  
all the conditions in the conditional use permit. It is expected that this business will continue to  
18 have minimal impact and will be compatible with the wellness and chiropractic clinic that it will  
be associated with.

20 There was then some general discussion by the commission regarding this item. They  
were in agreement that Ms. Carpenter appears to be in compliance with the conditional use  
22 permit granted for her business.

24 Chairperson Call called for any further discussion or comments from the commission.  
Hearing none she moved on to the next agenda item.

26 **5. Discussion and Work Item – Commercial Farm Zone** City Staff and the planning  
commission will discuss a potential ordinance amendment and feedback from the June  
28 19, 2023 city council meeting.

30 Mr. Florence also presented this item stating on June 19, 2023, the Lindon City Council  
approved the ordinance amendment for Bed and Breakfast uses in the Commercial Farm Zone.  
32 At that meeting the city council reviewed the current list of permitted and conditional uses  
allowed in the Commercial Farm Zone. The city council asked that the ordinance be reviewed to  
34 see if regulations and uses allowed in the zone need to be “tightened up” to ensure the original  
intent of the ordinance is met, with focus on the conditional use permits. At the city council  
36 meeting, there was discussion about adding additional standards to encourage strong agricultural  
uses to meet the intent of the zone. Mr. Florence noted that Mr. Jorgensen of Walker Farms, and  
38 Mr. Colledge of Wadley Farms were in attendance to help give input. Topics of discussion of the  
Planning Commission included the following:

- 40
- 42 1. Ensuring that the 40% open space/agricultural requirement in the Commercial  
Farm zone is one of the primary focuses of the zone. While the city does not audit  
44 or regulate the income from the 40% agricultural requirement the ordinance  
requires that there be a reasonable expectation of profit.

2 a) At the city council meeting, there was discussion about adding  
4 additional standards to encourage strong agricultural uses to meet the  
intent of the zone.

6 2. Reviewing the conditional uses that are allowed in the Commercial Farm zone. As  
8 the ordinance is currently written, a property owner in the Commercial Farm zone  
could obtain conditional use permit approval and incorporate each use within the  
zone. The following commercial uses are allowed by conditional use:

- 10 a) Caretaker's or farm-help accessory dwelling unit; commercial horse  
12 stables; farmers' market; greenhouses; plant or garden nursery; garden  
center; bed and breakfast guestroom units; educational programs and  
14 associated facilities; reception center; conference center; boutique; cafe;  
restaurant; veterinary clinic; and food manufacturing (not to exceed two  
16 thousand (2,000) square feet of processing and production area)
- 18 b) A property owner would need to meet the parking requirements for each  
use. Parking requirements would be reviewed with each conditional use  
application.
- 20 c) The city council did remove amphitheater uses from the zone as part of  
their review to protect surrounding neighborhoods.
- 22 d) The Commercial Farm zone, as it is currently written, requires a  
minimum of 40% agricultural area be preserved and limits the maximum  
24 building coverage of the site to 40%.
- 26 e) In regarding the uses how best should the city regulate those:
- 28 i. By building square footage
  - 30 ii. Reduce the percentage of allowable building coverage in the zone.
    - 32 a. Wadley Farms has an approximate building coverage of  
34 5%. A 40% building coverage would allow up 318,859  
square feet of building coverage.
    - 36 b. Walker Farms has an approximate building coverage of  
38 9%. A 40% building coverage would allow up to 105,589  
square feet of building coverage.
    - 40 c. Most likely neither commercial farm zone would meet their  
allowed building coverage due to parking requirements.
  - iii. Regulating the overall number of uses
  - iv. Regulating the number of uses by acreage
  - v. Follow something similar to the animal code where a property  
owner is allowed to have a certain number and type of uses  
depending on the overall acreage and type of uses

Mr. Florence went on to discuss the topic of conditional uses. He stated they wanted the  
commission to make sure that those listed are still appropriate and that they are evaluated to help  
protect the neighborhoods. Mr. Florence reminded the commission that once terms for  
conditional uses are listed, the city would have a hard time regulating them later on.  
Commissioner Thompson stated that he did note that the council removed the amphitheater use,  
Mr. Florence let the commission know that that the City Council wanted to make sure  
neighborhoods are protected in terms of noise.

2

Chairperson Call asked about the restaurant terms and voiced her thoughts on restaurant verses café. She also voiced concern with the idea of a Vet Clinic, and how that could look in the future. Discussion on the Vet Clinic ensued. Mr. Florence then asked if the commission was happy with allowing all the uses as listed, or if they wanted to cap the limit on the number of uses on properties. Commissioner Marchbanks stated he didn't see a problem having all those options on their property, and that they will only do what fits on their property and fits their needs.

10 Following some general discussion Commissioner Kallas asked for any suggestions from the current owners with the Commercial Farm Zone.

12

**Alan Colledge:** Mr. Colledge stated he helped work with the city years ago on how to preserve agriculture within the city. At that time, it was forward thinking, and what they thought they may see in 10 years. He stated that in trying to preserve Lindon, the conditional uses are what will help maintain those open spaces with the owners ability to supplement. He noted that he isn't sure what the future will hold, but these conditional uses will allow open spaces to remain. He stated that he didn't see any concern with the conditional uses as listed due to the city having input in making sure that any new Commercial Farms stay in compliance.

20

**Mike Jorgensen:** Mr. Jorgensen noted that their property isn't near the size of Wadley Farms, so they are somewhat limited in what they can do. He voiced that the Farm Zone is more about open space, but you can't make a profit on farming now as you used to be able to. Mr. Jorgensen then stated it's important to keep the open space, to avoid another subdivision. He stated that if a conditional use is listed, the actual property size of the commercial farm zone may not allow for some of them, so he saw no issue with the conditional list as is.

28 **Tanner Colledge** – Mr. Tanner Colledge noted he is the Project Manager at Wadley Farms. He thought that perhaps having any proposed uses go before the commission and council would help control any potential issues in the future instead of trying to predict the future. Mr. Florence gave his input that sticking with the amendment process would be better and give more control in the future.

34 **DeAnne Terry:** Ms. Terry asked the commission about adding something about storing unused or unusable items on the farm zone. Mr. Colledge stated that the current Commercial Farm Zone has a stipulation for fencing to help with this that is already in place.

38 Following some general discussion, the commission moved on to the discussion of whether or not to tighten up the 40% agricultural requirement. Chairperson Call asked Ms. Jill Jorgensen about the production they do on Walker Farms. Ms. Jorgensen let the commission know they produce yarn from their alpacas and that they do make some revenue from it. Discussion on reasonable revenue versus profit followed.

44 Commissioner Johnson wanted to have a clearer definition of intent of the city to preserve open space or to preserve production. Mr. Florence stated his feeling from the City Council meeting was the city wants to align more with its agricultural focus, with other purposes to help supplement. Discussion on changing the order of the ordinance to allow better

2 understanding was then discussed. Commissioner Schauers stated he would like more  
4 opportunities to visit these properties besides just weddings. He likes the idea of grabbing donuts  
6 and cider on the way home from work, or something like that which allows for people to enjoy  
the experience not only during weddings or events.

8 Mr. Florene then addressed the last item he would like to discuss with the commission on  
the 40% building coverage limit. He presented what 40% would look like on Wadley Farms and  
Walker Farms, and voiced concern with it taking up too much space on the lots. Following some  
10 general discussion, the commission found that the previous standards of 40% agricultural and the  
parking lot requirements will help control the amount of actual building coverage on a property.

12 Adjustments the commission decided on regarding this agenda item are as follows: 1) The  
14 commission did not want to change the list of conditional uses. They felt they were self-  
regulating with the parking and acreage requirements; 2) They recommended changing the word  
16 from profit to revenue in 17.51.015. Look at making this section more the focus so when a new  
application comes to the city that the primary focus will be evaluating the agricultural use first;  
18 3) Move the agricultural requirement ahead of the allowed commercial conditional uses; and 4)  
Clarify the building coverage if it applies to just commercial buildings or to all areas of the  
20 property including the agricultural areas.

22 Mr. Jorgensen then addressed the Commission asking about putting in a greenhouse on their  
property where planter boxes are currently located. Following some discussion regarding setback  
24 requirements it was decided that Mr. Jorgensen would need to file for an ordinance amendment  
with the city.

26 Following some additional discussion by the commission, Chairperson Call called for any  
28 further discussion or comments. Hearing none she moved on to the next agenda item.

30 **6. Discussion and Work Item – Subdivision, Zone and Land Development Policies,  
Standards Specifications and Drawings Manual.** City staff and the planning  
32 commission will discuss a proposed ordinance amendment and feedback to the Lindon  
City subdivision, zoning ordinances and Land Development Policies, Standards and  
34 Drawings

36 Mr. Florence presented this item. He stated that during the 2023 State of Utah legislative  
session the legislature passed SB 174 which establishes a new process for subdivision review and  
38 approval. One of the main points of the legislation is that it prohibits a city council from  
reviewing and approving a subdivision for single-family homes, two-family dwellings, or  
40 townhomes. He noted that that SB 174 stated Municipalities must adopt the provisions of SB 174  
by February 1, 2024. So that the city is consistent, staff is proposing that the planning  
42 commission is the administrative land use authority for all types of preliminary subdivisions.

44 The Development Review Committee, which consists of city engineers and city planners  
will continue to be the final land use authority and finalize all technical reviews. Some terms of  
46 this includes that the planning commission may only hold one public hearing, and City staff may  
only have four review cycles for each application. City staff must also ensure each time that the



2 applicant has responded to each review, or the city does not accept the review. The city then has  
15 days to review a preliminary subdivision application and 20 days for final subdivision review  
4 after application submittal. He noted Lindon City has an internal policy of 10 days for plan  
reviews.

6  
Mr. Florence then stated the legislation set up a new appeal process during the plan review  
8 phase where a dispute arises over a public improvement or engineering standard. The applicant  
has the right to appear to a panel of experts which would be made up of one licensed engineer  
10 designated by the municipality, one licensed engineer designated by the land use applicant and  
one licensed engineer that has no interest in the application in question in which both parties  
12 agree upon. The applicant will be required to pay 50% of the total cost of the panel, and the  
municipality will pay the remaining 50%. He noted that the panel's decision is final unless the  
14 municipality or applicant petition for district court review within 30 days after written decision.

16 Mr. Florence then noted that in addition, the Utah legislature also passed HB 406 and went  
over some of the changes that brings. Some of the highlights of those changes are: 1) defines  
18 residential roadway and 2) reduce the pavement for a residential roadway from 34' to 32'. He  
then brought up the topic of making any changes for Flag Lots making it easier for Flag Lots, the  
20 commission agreed they would like to make changes to those requirements. Mr. Florence let the  
commission know that in 2 weeks at the next meeting they will be presented the new ordinance  
22 and address the topics earlier discussed.

24 There was then some general discussion by the commission regarding this issue.  
Chairperson Call called for any further discussion or comments. Hearing none she moved on to  
26 the next agenda item.

#### 28 **7. Planning Director Updates – General city updates**

- General City Updates
- Lindon City Christmas Party in December

#### 32 **NEW BUSINESS**

34 Commissioner Thompson let the commission know that the City Council will be  
discussing the bond on Monday and encouraged anyone with input to attend. Commissioner  
36 Danielson asked for clarification at the last meeting which she was unable to attend, regarding an  
agenda item on accessory apartments in the Anderson Farms area. Mr. Florence explained the  
38 terms to Ms. Danielson. Commissioner Johnson addressed a topic of the training they had, and  
the topic of public hearings. Mr. Florence stated he spoke with the City Attorney, and we are  
40 fine doing the public hearing, however it is up to the commission on whether to keep it or change  
it. The commission decided to change the format to open a public hearing after presentations.  
42 Mr. Florence then gave the Commission an update on the Tim Clyde property, stating the  
ombudsman stated the applicant would have the option to do 20 ft of landscaping with a standard  
44 fence or a 7 ft wall could go on the property line. He stated Mr. Clyde went with 7ft wall and it  
was recently approved by the city.

#### 46 **ADJOURN –**

2 COMMISSIONER JOHNSON MADE A MOTION TO ADJOURN THE MEETING AT  
8:25 PM. COMMISSIONER KALLAS SECONDED THE MOTION. ALL PRESENT VOTED  
4 IN FAVOR. THE MOTION CARRIED.

6 Approved, November 28, 2023

8  
10 

---

Sharon Call, Chairperson

12  
14 

---

Michael Florence, Community Development Director

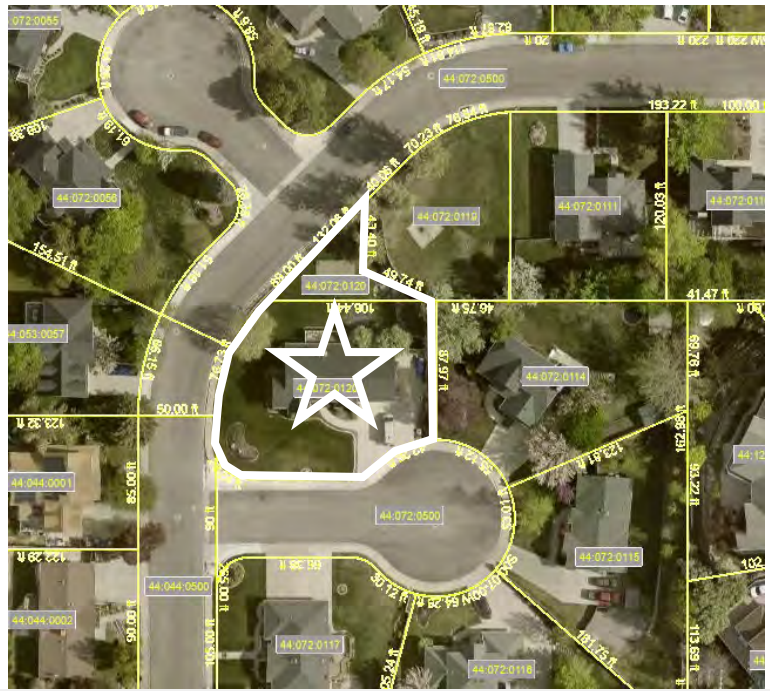
## Item 4: Plat Amendment – Kirkland Estates Plat R

**Date:** November 28, 2023

**Applicant:** Lance Anderson  
**Presenting Staff:** Mary Barnes

**General Plan:** Medium Density Residential  
**Current Zone:** Residential R1-12  
**Parcel IDs:** 44:072:0120

**Type of Decision:** Administrative  
**Council Action Required:** No  
**City File Number:** 23-041-10



### **OVERVIEW**

- The applicant owns the two lots located at 1040 E. 50 S., and is petitioning plat amendment approval to combine the two lots into one lot. The current subdivision plat is Kirkland Estates Plat K.
  - The reason is so that the applicant can add to his house without having to worry about the current property line that runs through the middle of both properties.
- The smaller northern lot used to be a part of the retention pond lot (lot 112 in the previous Plat K).
  - Lindon City is the owner of the retention pond.
  - In 2001, a quit-claim deed was recorded between Lindon City and the previous owners of 1040 E. 50 S., which effectively transferred ownership to the owners of 1040 E. 50 S.
  - It was determined in 2001 that the city did not need the entire area for the retention pond so a portion of the property was sold.
  - This plat amendment will remove the property line separating the main 1040 E. 50 S. lot and the smaller northern lot. Please see Exhibit 1 for the context of the lot.

### **Motion**

I move to [(*approve, deny, continue*) the applicant's request for plat amendment approval of the Kirkland Estates Plat R subdivision with the following conditions:

1. The applicant will continue to work with City staff to make all technical corrections as necessary to the plat before recording;
2. Before plat recording, the applicant will update the final plat Mylar to include notarized signatures of owners' consent to dedication; and obtain signatures of all entities indicated on the subdivision plat attached hereto; and
3. All items of the staff report

### **Subdivision Standards**

Lindon Minor Subdivision requirements are listed below. In addition, Lindon City Code 17.32.070 references the Utah State Code for requirements amending a subdivision plat. Under Utah Code 10-9a-608, an applicant may petition the Land Use Authority (Planning Commission) to join two or more of the petitioner fee owner's contiguous lots.

**10-9a-608. Vacating, altering, or amending a subdivision plat.**

(2) The public hearing requirement of Subsection (1)(d) does not apply and a land use authority may consider at a public meeting an owner's petition for a subdivision amendment if:

(a) the petition seeks to:

(i) join two or more of the petitioner fee owner's contiguous lots;

(ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of a land use ordinance or a development condition;

(iii) adjust the lot lines of adjoining lots or parcels if the fee owners of each of the adjoining lots or parcels join in the petition, regardless of whether the lots or parcels are located in the same subdivision;

(iv) On a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the local political subdivision; or

(v) alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not:

(A) owned by the petitioner; or

(B) designated as a common area; and

(b) notice has been given to adjacent property owners in accordance with any applicable local ordinance.

### **Findings of Fact**

- Michelle and Lance Anderson own both lots located at 1040 E. 50 S., parcel number 44:072:0120.
- The plat amendment creates one lot that meets the Lindon City minimum lot size, frontage, and area requirements.
- The proposed plat amendment is located in the Residential R1-12 zone. The following table reviews the subdivision and lot requirements for a residential lot in the R1-20 zone:

<b>Required</b>	<b>Compliant</b>
No single lot shall be divided by municipal or county boundary lines, roads, alleys, or other lots	Yes
All residential lots shall front a public street	Yes
Side lot lines shall be at right angles or radial to street lines, except where justified by the subdivider and approved by the Planning Commission	Yes
Easements shall follow rear and side lot lines whenever practical and shall have a minimum total width of ten feet (10'), apportioned equally in abutting properties.	The current plat for these lots, Kirkland Plat K, does not show any public utility easements on the rear lot line or the eastern side lot lines. Therefore, staff did not require PUE's to be added.
No lot shall be created which is more than three times as long	Yes
Minimum lot size: 12,000 square feet	Yes, the combined lot will be 16,643 sq ft.

### **Engineering Requirements**

The City Engineer has reviewed the plat and is working on any final technical changes.

### **Staff Analysis**

The city supports this subdivision and plat amendment. The proposed plat amendment meets the city subdivision and zoning requirements.

### **Exhibits**

1. Aerial image
2. Subdivision Plat
3. Previous subdivision plat (Kirkland Estates Plat K)

4. QCD from 2001

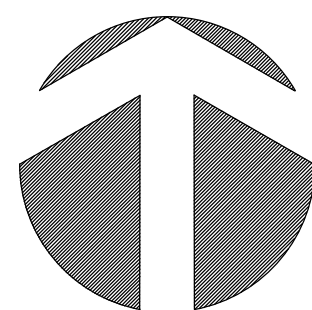


Exhibit 1: Aerial Image

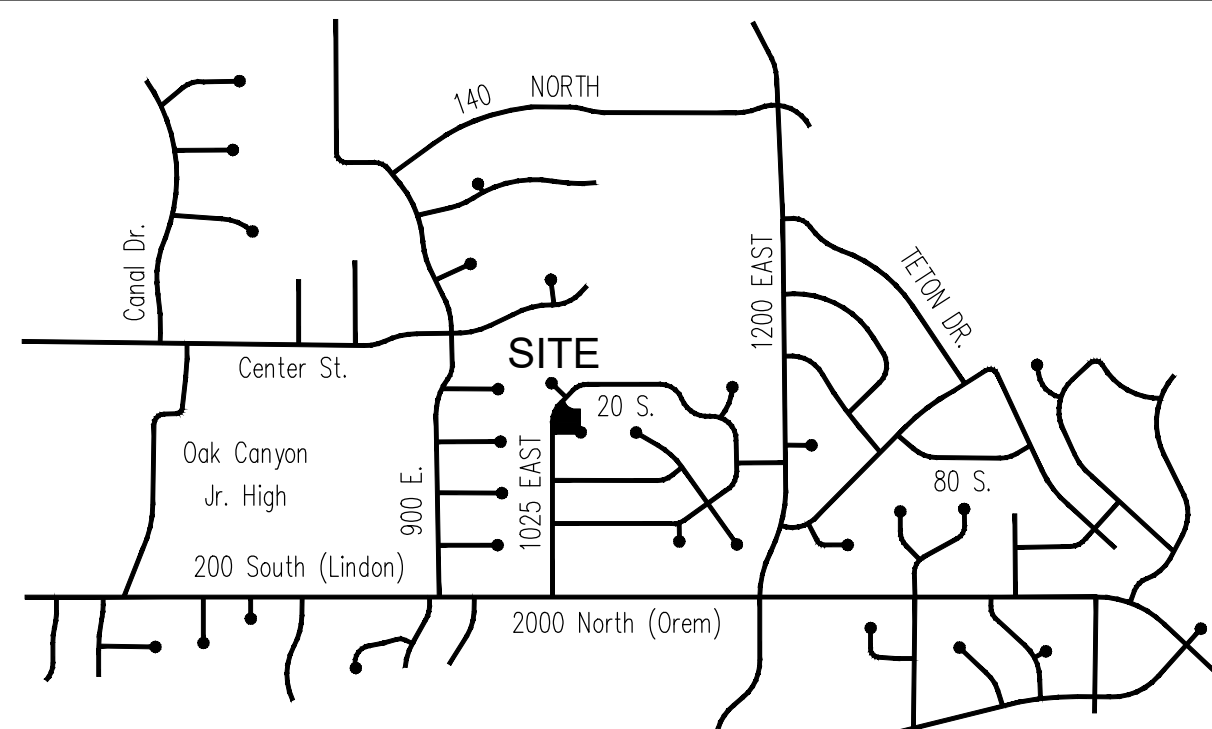
# Kirkland Estates Plat "R"

Including a Vacation of Lot 113, Plat "K" and a portion of Lot 112, Plat "K", Kirkland Estates Subdivision

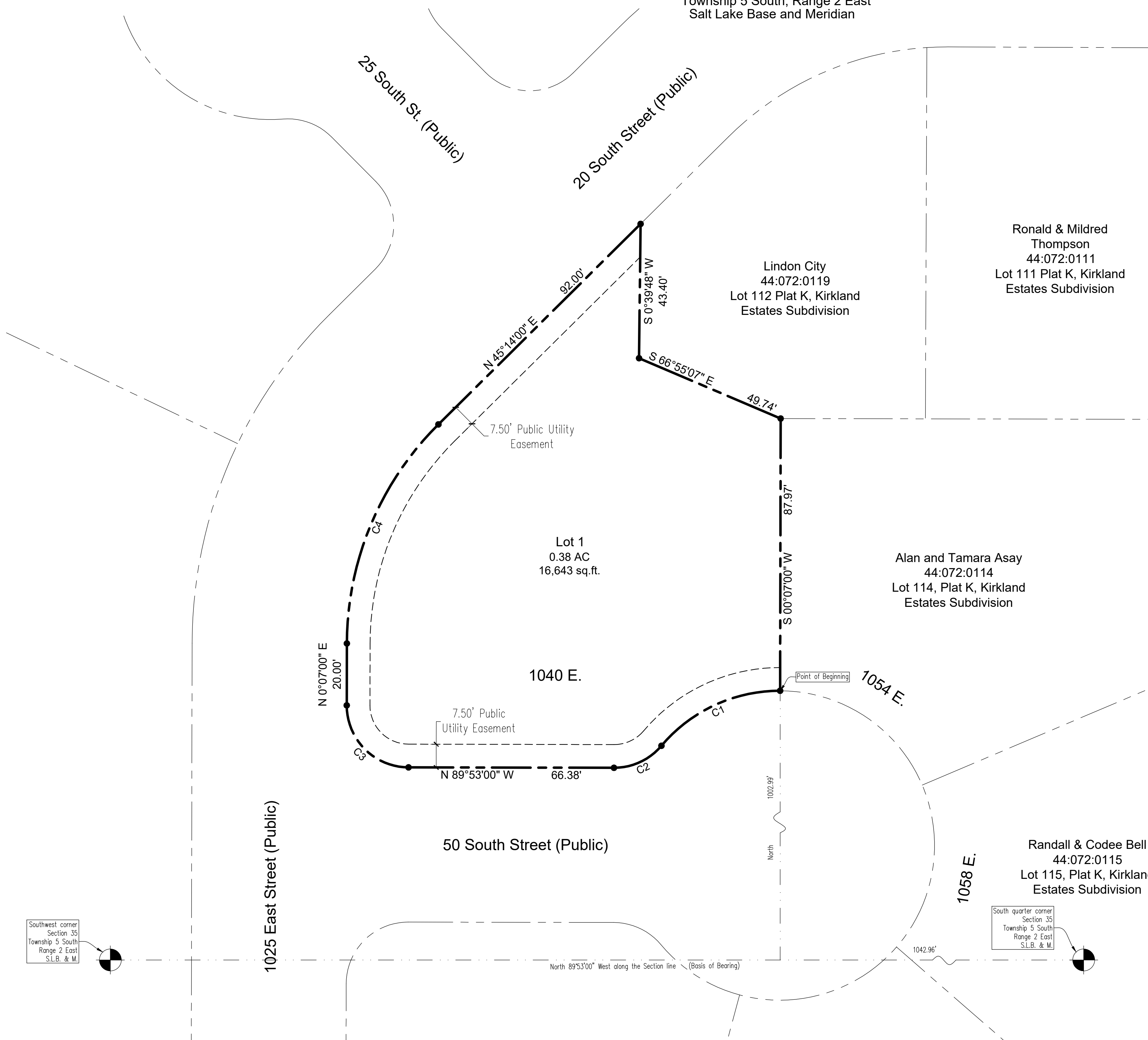
Located in the Southwest quarter of Section 35, Township 5 South, Range 2 East Salt Lake Base and Meridian



NORTH  
1" = 20'



VICINITY MAP



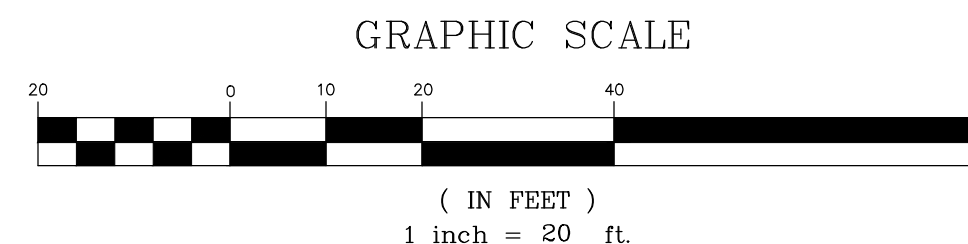
Ronald & Mildred Thompson  
44:072:0111  
Lot 111 Plat K, Kirkland Estates Subdivision

Lindon City  
44:072:0119  
Lot 112 Plat K, Kirkland Estates Subdivision

Alan and Tamara Asay  
44:072:0114  
Lot 114, Plat K, Kirkland Estates Subdivision

Randall & Codee Bell  
44:072:0115  
Lot 115, Plat K, Kirkland Estates Subdivision

Curve Data Table					
Curve	Radius	Length	Chord	Bearing	Delta
C1	50.00'	43.63'	42.26'	S 65°07'28" W	50°00'12"
C2	20.00'	17.45'	16.90'	S 65°07'09" W	49°59'41"
C3	20.00'	31.42'	28.24'	N 44°53'00" W	90°00'00"
C4	100.00'	78.75'	76.73'	N 22°40'30" E	45°07'00"



### Notice of Lindon City Housing Ordinance

All potential buyers of lots within this plat are hereby notified of the Lindon City R2 Overlay Ordinance. Under this ordinance there is potential for small, localized multifamily housing projects in this neighborhood consisting of single family planned unit developments, duplexes, triplexes and accessory apartments. Conditions Covenants and Restrictions (C.C.&R.s) which prohibit this type of housing in specific subdivisions are considered illegal and in violation of Lindon City Code. Please contact the Lindon City Planning Department at (801) 785-7687 for details regarding this Ordinance.

### Plat Vacation Notice

The City of Lindon is satisfied that neither the public nor any person will be materially injured by the Vacation of Lot 113, Plat "K" and a portion of Lot 112, Plat "K", Kirkland Estates Subdivision. Lot 113, Plat "K" and a portion of Lot 112, Plat "K", Kirkland Estates Subdivision is hereby Vacated.

### Surveyor's Certificate

I, Roger D. Dudley, do hereby certify that I am a registered land surveyor, and that I hold certificate No. 147082 in accordance with Utah Code, Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act. I further certify, that at the request of the owner of the below-described land, I performed a survey of said land in accordance with Section 17-23-17 of the Utah Code; that the boundary description below correctly describes the land surface upon which will be constructed PLAT A, WATSONS COVE SUBDIVISION, that I have verified all measurements, and that the reference markers shown on said plat are located as shown and are sufficient to readily retrace or reestablish this survey.

### Boundary Description

Commencing at Southwest corner of Lot 114, Plat "K", Kirkland Estates Subdivision as shown on file in the office of the Utah County Recorder, said a point being located North 89°53'00" West along the Section line 1042.96 feet and North 1002.99 feet from the found Southwest corner of Section 35, Township 5 South, Range 2 East, Salt Lake Base and Meridian; thence along 50 South Street the following three (3) courses: along the arc of a 50.00 foot radius curve to the left 43.63 feet (chord bears South 65°07'09" West 42.26 feet), along the arc of a 20.00 foot radius curve to the right 17.45 feet (chord bears South 65°07'09" West 16.90 feet), North 89°53'00" West 66.38 feet; thence along the arc of a 20.00 foot radius curve to the right 31.42 feet (chord bears North 44°53'00" West 28.24 feet); thence along 1025 East Street the following three (3) courses: North 00°07'00" East 20.00 feet, along the arc of a 100.00 foot radius curve to the right 78.75 feet (chord bears North 22°40'30" East 76.73 feet), North 45°14'00" East 92.00 feet; thence South 00°39'48" West 43.40 feet; thence South 66°55'07" East 49.74 feet more or less to the Northeast corner of Lot 113, Plat "K", Kirkland Estates Subdivision; thence South 00°07'00" West along said Lot 113, 87.97 feet more or less to 50 South Street to the point of beginning.

Area - 16,643 sq.ft. or 0.38 Acres

DATE

PROFESSIONAL LAND SURVEYOR  
(See Seal Below)

Basis of Bearing is North 89°53'00" West along the Section line from the South quarter corner to the Southwest corner of said Section 35.

### Owner's Dedication

The undersigned owners ("owner" without regard to number or gender) of the above-described land hereby certifies that: owner has caused a survey to be made of said land and to be prepared for PLAT R, KIRKLAND ESTATES SUBDIVISION, Owner hereby consents to the concurrent recordation of the plat and Declaration and hereby submits the described land to the provisions and requirements of the declaration, owner hereby dedicates any public streets reflected on the map for the use by the general public.

In witness hereof we have hereunto set our hands this \_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_.

Michele Campbell Anderson

Lance Walling Anderson Jr.

### Acknowledgement

STATE OF UTAH } S.S.  
COUNTY OF UTAH }

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, who represented that he is the owner of the above-described property and has the authority to execute this instrument.

My Commission Number \_\_\_\_\_ Signed (a Notary Public Commissioned in Utah)

My Commission Expires \_\_\_\_\_ Print name of Notary

### Acknowledgement

STATE OF UTAH } S.S.  
COUNTY OF UTAH }

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, who represented that he is the owner of the above-described property and has the authority to execute this instrument.

My Commission Number \_\_\_\_\_ Signed (a Notary Public Commissioned in Utah)

My Commission Expires \_\_\_\_\_ Print name of Notary

### Acceptance by Legislative Body

The City of Lindon, County of Utah, approves this Subdivision subject to the Conditions and Restrictions stated herein, and hereby accepts the dedication of all streets, easements and other parcels of land intended for perpetual use of the public this \_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_.

Mayor \_\_\_\_\_ Planning Commission Chair \_\_\_\_\_

Community Development Director \_\_\_\_\_ City Engineer \_\_\_\_\_

City Attorney \_\_\_\_\_ City Recorder \_\_\_\_\_

### Conditions of Approval

### Plat "R"

# Kirkland Estates

Including a Vacation of Lot 113, Plat "K" and a portion of Lot 112, Plat "K", Kirkland Estates Subdivision

Located in the Southwest quarter of Section 35, Township 5 South, Range 2 East Salt Lake Base and Meridian  
Lindon City, Utah County, Utah  
Scale: 1" = 20 Feet

### Prepared by:

Dudley and Associates, Inc.  
353 East 1200 South  
Orem, Utah 84058  
office 801-224-1252  
fax 801-224-1264

### Occupancy Restriction Notice

It is unlawful to occupy any building within this subdivision without first having obtained a certificate of occupancy issued by the City.

A Geotechnical study was not performed for this Subdivision.

### Approved as to Form

City Attorney \_\_\_\_\_ Date \_\_\_\_\_

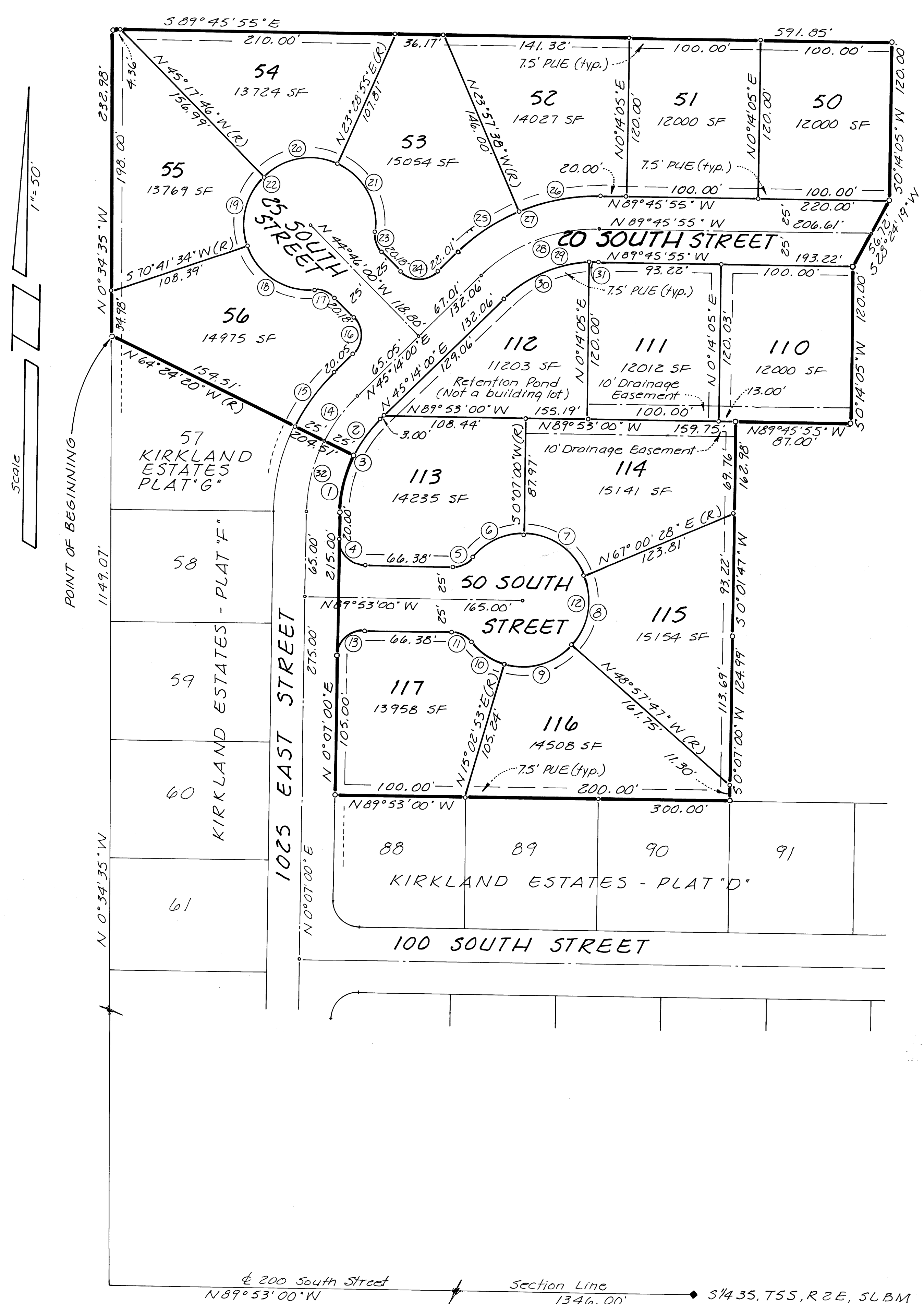
SURVEYOR'S SEAL

NOTARY PUBLIC SEAL

CITY ENGINEER SEAL

CLERK-RECORDER SEAL

COUNTY RECORDER

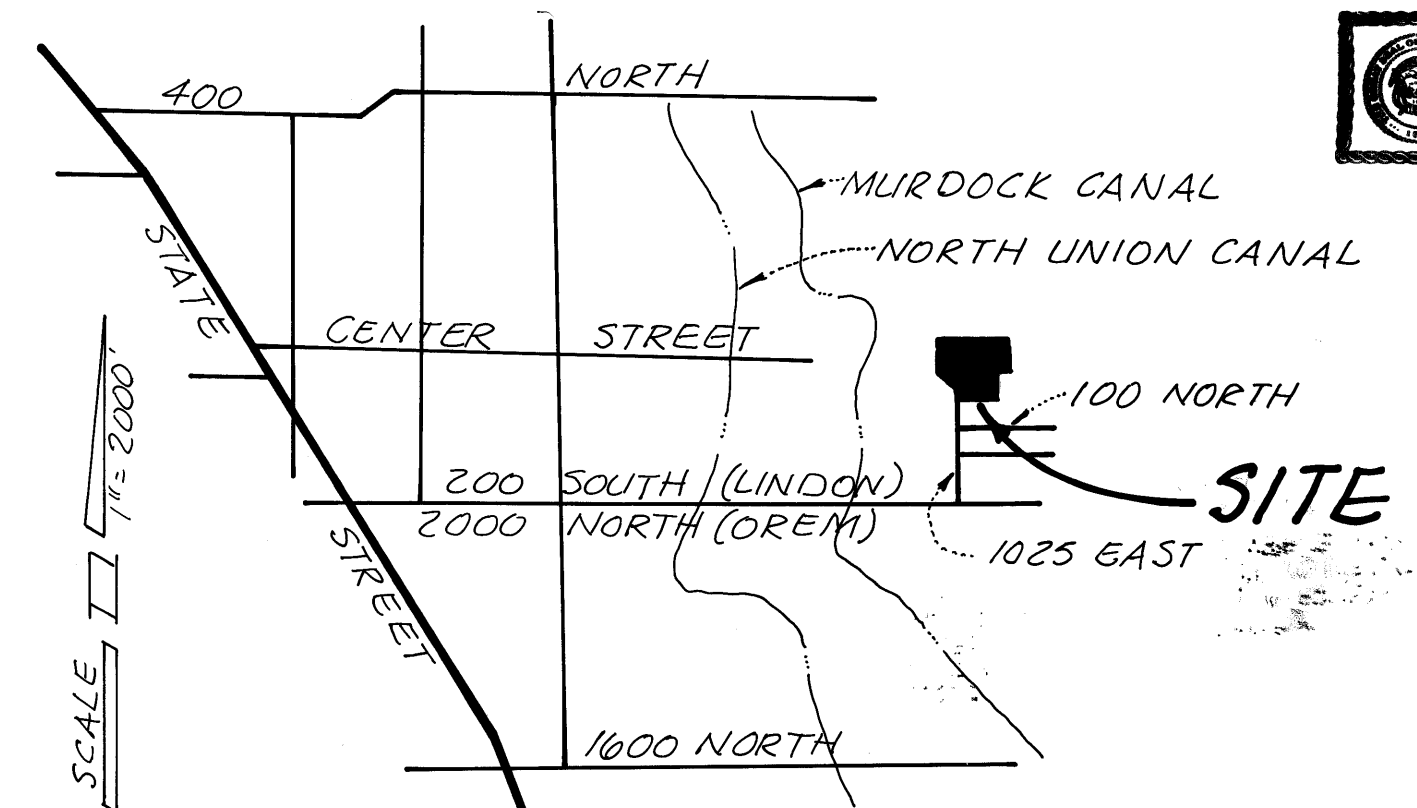


CURVE DATA CHART

R	Δ	L	C	C.BRNG.	
1	100.00	25°28'40"	44.47	44.10	N12°51'20"E
2	100.00	19°38'20"	34.28	34.11	N35°24'50"E
3	100.00	45°07'00"	78.75	76.73	N22°40'30"E
4	20.00	90°00'00"	31.42	28.24	N44°53'00"W
5	20.00	49°59'41"	17.45	16.90	N65°07'09"E
6	50.00	49°59'41"	43.63	42.26	N65°07'09"E
7	50.00	66°53'28"	58.37	55.11	N56°26'16"W
8	50.00	64°01'45"	55.88	53.01	N9°01'21"E
9	50.00	64°00'40"	55.86	53.00	N73°02'33"E
10	50.00	35°03'48"	30.60	30.12	N57°25'13"W
11	20.00	49°59'41"	17.45	16.90	N64°53'09"W
12	50.00	279°59'22"	244.34	64.29	N0°07'00"E
13	20.00	90°00'00"	31.42	28.28	N45°07'00"E
14	125.00	19°38'20"	42.85	42.64	N35°24'50"E
15	150.00	19°38'20"	51.41	51.16	N35°24'50"E
16	20.00	90°00'00"	31.42	28.28	N0°14'00"E
17	20.00	49°59'41"	17.45	16.90	N69°45'51"W
18	50.00	75°27'15"	65.85	61.19	N57°02'04"W
19	50.00	64°00'40"	55.86	53.00	N12°41'54"E
20	50.00	68°46'41"	60.02	56.48	N79°05'35"E
21	50.00	71°44'46"	62.61	58.60	N30°38'42"W
22	50.00	279°59'22"	244.34	64.29	N45°14'00"E
23	20.00	49°59'41"	17.45	16.90	N19°46'09"W
24	20.00	90°00'00"	31.42	28.28	N89°46'00"W
25	150.00	20°48'22"	54.47	54.17	N55°38'11"E
26	150.00	24°11'43"	63.34	62.87	N78°08'13"E
27	150.00	45°00'05"	117.81	114.81	N67°44'03"E
28	125.00	45°00'05"	98.18	95.67	N67°44'03"E
29	100.00	45°00'05"	78.54	76.54	N67°44'03"E
30	100.00	41°06'57"	71.76	70.23	N88°17'31"E
31	100.00	3°53'08"	6.78	6.78	N88°17'31"E
32	125.00	25°28'40"	55.58	55.13	N12°51'20"E

CITY ATTORNEY APPROVAL  
 Approved this 23 day of April, 1992, by the  
 Landon City Attorney

OWNER'S SIGNATURES  
 Harold J. Hawkins Limited Family Partnership:  
 Harold J. Hawkins  
 LaRae K. Hawkins  
 Glen W. Chugg Limited Family Partnership:  
 Glen W. Chugg  
 Elna Dawn Chugg  
 Lee K. Kirk Limited Family Partnership:  
 Lee K. Kirk  
 LaRae M. Kirk



SURVEYOR'S CERTIFICATE  
 I, Donald Clair Allen, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 4608 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, BLOCKS, STREETS, AND EASEMENTS AND THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT AND THAT THIS PLAT IS TRUE AND CORRECT.

BOUNDARY DESCRIPTION  
 COMMENCING N 89°53'00" W 1346.00' along section line and N 0°34'35" W 1149.07' along West line of Kirkland Estates Plats A, C, and F from the South quarter corner of Sec. 35, T55, R2E, SALT LAKE BASE & MERIDIAN; THENCE AS FOLLOWS:

COURSE	DISTANCE	REMARKS
N 0°34'35" W	232.98	
S 89°45'55" E	591.85	
S 0°14'05" W	120.00	
S 28°24'19" W	56.72	
S 0°14'05" W	120.00	
N 89°45'55" W	87.00	
S 0°01'47" W	162.98	
S 0°01'00" W	124.99	
N 89°53'00" W	300.00	along Plat "D"
N 0°07'00" E	44.47	along Plat "F"
arc	44.47	R = 100.00, Δ = 25°28'40", along Plat "G"
N 64°24'20" W	204.51	along Plat "G" to the point of beginning.

BASIS OF BEARING = N 89°53'00" W along section line as shown hereon  
 24 February, 1992  
 DATE  
 Donald Clair Allen  
 SURVEYOR  
 (See Seal Below)

OWNERS' DEDICATION  
 KNOW ALL MEN BY THESE PRESENTS THAT WE, ALL OF THE UNDERSIGNED OWNERS OF ALL OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON AND SHOWN ON THIS MAP, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, BLOCKS, STREETS AND EASEMENTS AND DO HEREBY DEDICATE THE STREETS AND OTHER PUBLIC AREAS AS INDICATED HEREON FOR PERPETUAL USE OF THE PUBLIC.  
 IN WITNESS WHEREOF WE HAVE HERETO SET OUR HANDS THIS 11  
 DAY OF March, A.D. 1992

ACKNOWLEDGEMENT  
 STATE OF UTAH } S.S.  
 COUNTY OF UTAH }  
 ON THE 11 DAY OF March, A.D. 1992 PERSONALLY APPEARED BEFORE ME THE SIGNERS OF THE FOREGOING DEDICATION WHO DULY ACKNOWLEDGED TO ME THAT THEY DID EXECUTE THE SAME.  
 MY COMMISSION EXPIRES 6-1-94  
 NOTARY PUBLIC  
 (See Seal Below)

ACCEPTANCE BY LEGISLATIVE BODY  
 THE CITY COUNCIL OF LINDON CITY  
 COUNTY OF UTAH, APPROVES THIS SUBDIVISION AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS, AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC THIS 15 DAY OF APRIL, A.D. 1992

APPROVED [Signatures]  
 ENGINEER (See Seal Below)  
 ATTEST [Signatures]  
 CLERK/RECORDER (See Seal Below)

BOARD OF HEALTH  
 APPROVED SUBJECT TO THE FOLLOWING CONDITIONS: connects to existing Lindon City sewer and water systems

PLANNING COMMISSION APPROVAL  
 APPROVED THIS 11th DAY OF March, A.D. 1992, BY THE PLANNING COMMISSION  
 [Signatures]  
 DIRECTOR-SECRETARY CHAIRMAN, PLANNING COMMISSION

PLAT "K"  
 ENT 21167 MAP 4493  
 WITH 8 REID UTAH CO RECORDER BY ME  
 1992 APR 30 4:56 PM FEE 27.50  
 RECORDED FOR LINDON CITY  
 KIRKLAND ESTATES

LINDON CITY SUBDIVISION  
 SCALE: 1" = 50 FEET  
 UTAH COUNTY, UTAH

ACKNOWLEDGEMENT (CORPORATE)  
 STATE OF UTAH } S.S.  
 COUNTY OF UTAH }  
 ON THE \_\_\_ DAY OF \_\_\_\_\_, 1992, PERSONALLY APPEARED BEFORE ME, \_\_\_\_\_ AND \_\_\_\_\_, WHO BEING BY ME DULY SWORN DID SAY, EACH FOR HIMSELF, THAT HE, THE SAID \_\_\_\_\_ IS THE PRESIDENT AND HE THE SAID \_\_\_\_\_ IS THE SECRETARY OF \_\_\_\_\_ CORPORATION, AND THAT THE WITHIN AND FOREGOING INSTRUMENT WAS SIGNED IN BEHALF OF SAID CORPORATION BY AUTHORITY OF A RESOLUTION OF ITS BOARD OF DIRECTORS AND SAID \_\_\_\_\_ EACH DULY ACKNOWLEDGED TO ME THAT SAID CORPORATION EXECUTED THE SAME AND THAT THE SEAL AFFIXED IS THE SEAL OF SAID CORPORATION.  
 MY COMMISSION EXPIRES: \_\_\_\_\_ NOTARY PUBLIC RESIDING AT: \_\_\_\_\_

4493-57

ENT 112304:2001 PG 1 of 4  
RANDALL A. COVINGTON  
UTAH COUNTY RECORDER  
2001 Nov 01 11:38 am FEE 0.00 BY JRD  
RECORDED FOR LINDON CITY

When Recorded, Mail To:

Lindon City  
c/o Ott Dameron, City Administrator  
100 North State Street  
Lindon, Utah 84042

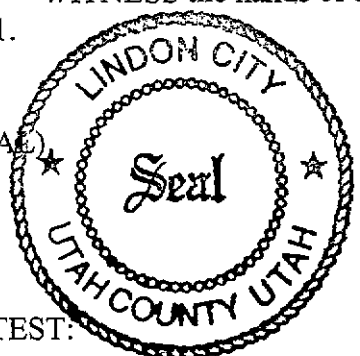
**QUIT-CLAIM DEED**

For Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, LINDON CITY CORPORATION, a Utah Municipal Corporation, with its principal offices located at 100 North State Street, Lindon City, County of Utah, State of Utah 84042 ("**Grantor**"), hereby Quit-Claims to Robert S. Conner and Rachelle Conner as Joint Tenants, owners of Lot 113 of Kirkland Estates Plat "K" ("**Grantee**") the following described parcel of real property located in Lindon City, Utah County, State of Utah, more particularly described as follows:

COMMENCING AT THE NORTHEAST CORNER OF LOT 113, PLAT "K", KIRKLAND ESTATES SUBDIVISION, LINDON, UTAH; THENCE NORTH 89 DEGREES 53 MINUTES 00 SECONDS WEST 108.44 FEET, THENCE NORTH 45 DEGREES 14 MINUTES 00 SECONDS EAST ALONG 20 SOUTH STREET 89.00 FEET, THENCE SOUTH 00 DEGREES 39 MINUTES 48 SECONDS WEST 43.40 FEET, THENCE SOUTH 66 DEGREES 55 MINUTES 07 SECONDS EAST 49.74 FEET TO THE POINT OF BEGINNING. (0.06 ACRE)

WITNESS the hands of the Grantor, this 25<sup>th</sup> day of OCTOBER, 2001.

(SEAL)



LINDON CITY CORPORATION

By:

Larry A. Ellertson  
Larry A. Ellertson, Mayor

ATTEST:

Ott H. Dameron  
Ott H. Dameron, City Recorder



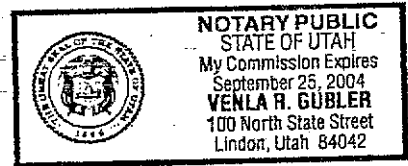
STATE OF UTAH )  
 )  
 ) :ss  
 )  
COUNTY OF UTAH )

On this the 25<sup>th</sup> day of October, 2001, personally appeared before me Larry A. Ellertson, personally known to me to be the Mayor of Lindon City and the authorized agent for Lindon City Corporation, who acknowledged to me that he signed the foregoing instrument as Authorized agent for said corporation, that the seal impressed on the within instrument is the seal of said corporation, and the said Larry A. Ellertson acknowledged to me that the said Corporation executed the same.

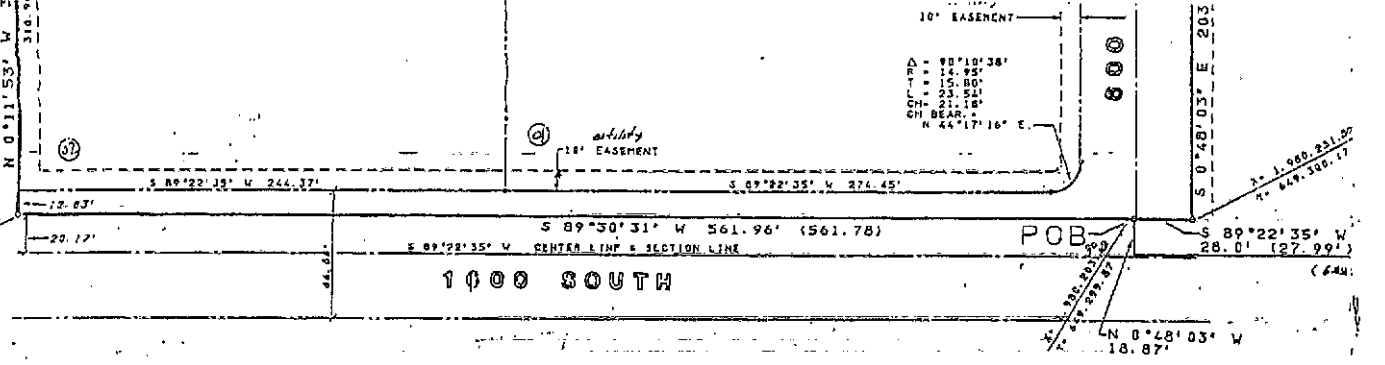
Venla R. Gubler  
Notary Public for Utah

Commission Expires: 9/25/2004

Address: Utah County



1-800-345-3454



ENT 112304:2001 PG 3 of 4

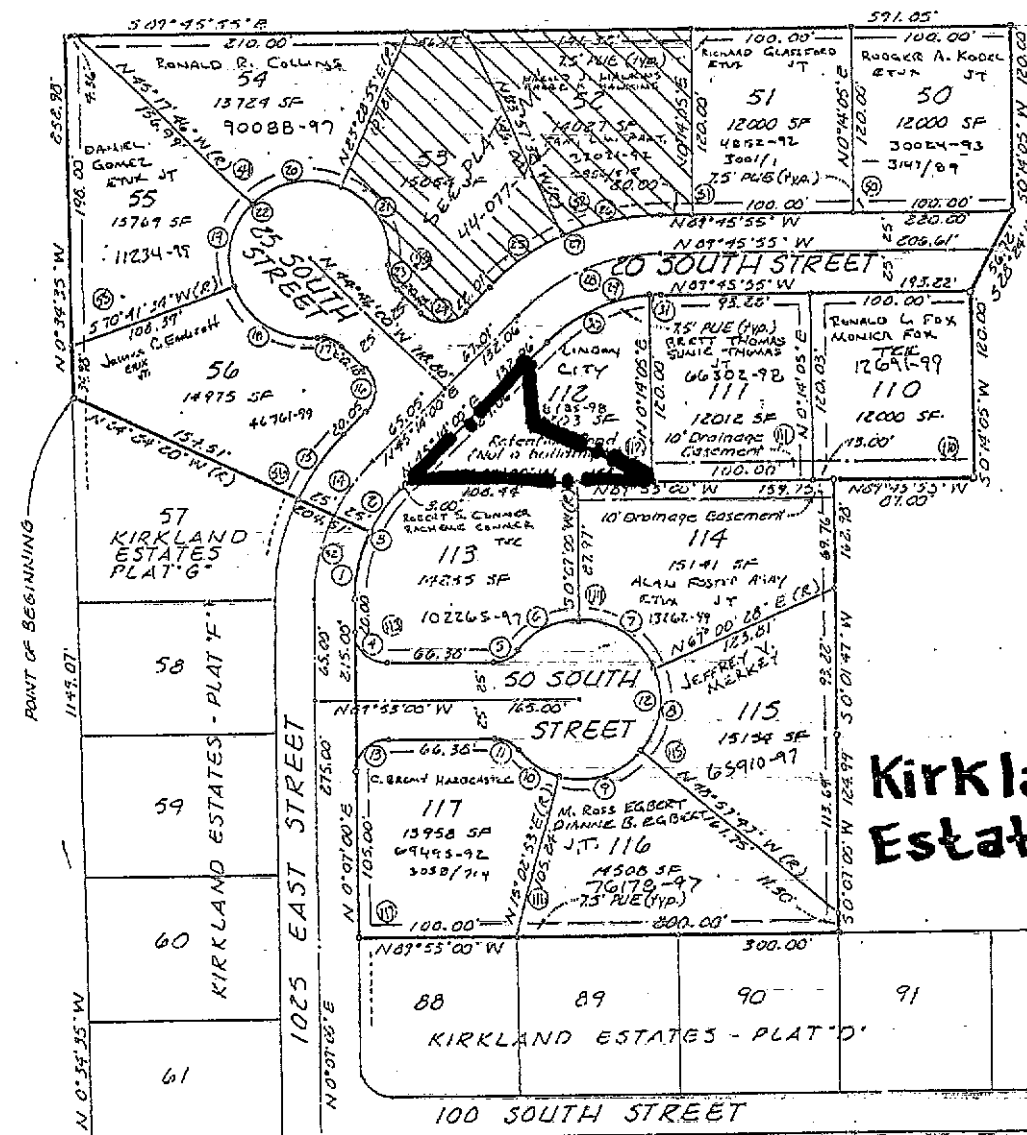
72

44-072.Pinal  
Tu-080

SCALE 1/2" = 100'



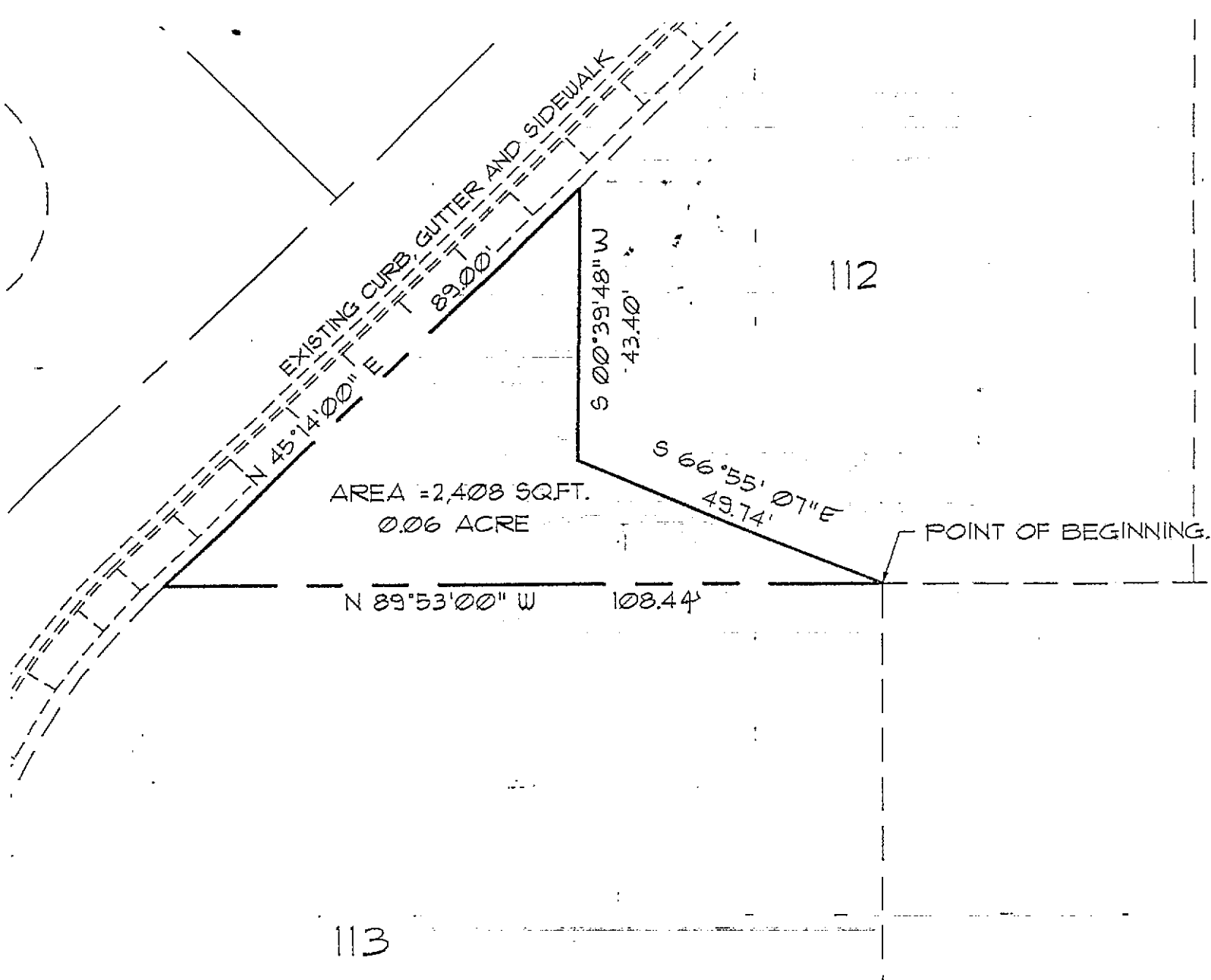
1-800-345-7334



CITY ATTORNEY  
 Approved this 23rd  
 Lincoln City, Oregon  
 [Signature]  
 Lincoln City Attorney

**Kirkland  
 Estates "K"**

Map-4493  
 Ann-57



EXISTING CURB, GUTTER AND SIDEWALK  
89.00'

N 45°14'00" E

AREA = 2,408 SQ.FT.  
0.06 ACRE

S 00°39'48" W  
43.40'

S 66°55'07" E  
49.74'

POINT OF BEGINNING.

N 89°53'00" W 108.44'

112

113

## Item: 5 - Ordinance Amendment – Indoor Volleyball Land Use

**Date:** November 28, 2023  
**Applicant:** Justin Jacobson  
**Presenting Staff:** Mary Barnes

**Type of Decision:** Legislative

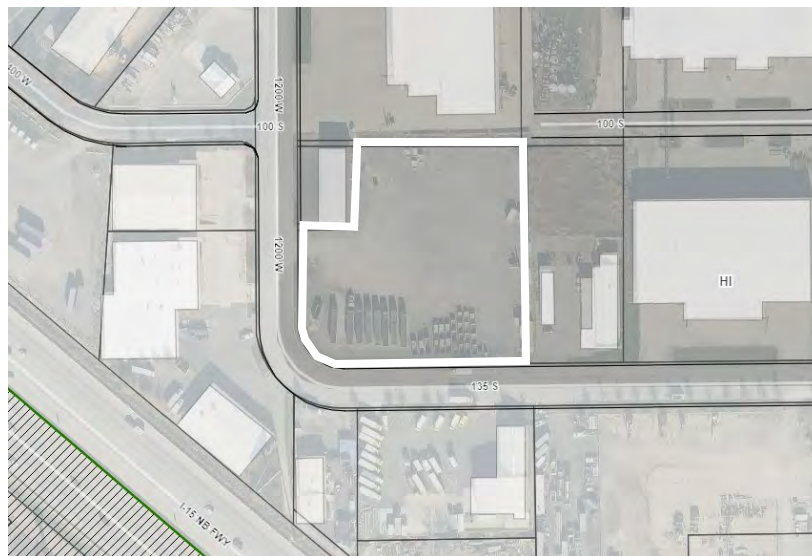
**Council Action Required:** Yes, the planning commission is the recommending body on this application.

### **MOTION**

I move to recommend to (*approve, deny, continue*) ordinance amendment 2023-23-O (*as presented, or with changes*).

### **Overview:**

- Justin Jacobson, on behalf of Utah Airguns, is proposing an ordinance amendment to make gun ranges a conditional use in the Heavy Industrial (HI) zone. They are currently not permitted.
- Utah Airguns wants to build its main facilities in Lindon at approximately 120 S. 1200 W, which is within the HI zone, as shown below. This facility will include a warehouse, showroom, and shooting range for customers. A conceptual site plan is attached to this staff report.



- The shooting range and facilities will only be used for air-powered guns.
- Currently, the Standard Land Use Table conditionally allows gun ranges in the Light Industrial, Commercial General, and Mixed Commercial zones.
  - Staff does not know why gun ranges are not permitted in the Heavy Industrial zone. But it may be because the HI zone was specifically created to cater to heavy industrial uses.
  - An ordinance amendment like this would only allow gun ranges with a conditional use permit.

### **General Plan**

The 2023 general plan states the purpose of the HI zone:

Heavy industrial uses support intensive, high-impact industrial activities such as manufacturing, warehousing, assembly, and outdoor storage involving large-scale machinery and structures. A single district is located in the city on the west side of Geneva Road. Uses should be designed and implemented to minimize impact on the community, taking into account the preservation of natural resources and viewsheds, and minimizing use-generated

impacts such as pollution, noise, and traffic. The application of transitional land uses along the edges of this district and the application of physical buffering techniques, such as walls and landscape screens, will help offset the impacts of heavy industry to adjacent and nearby uses.

### **Staff Analysis**

Indoor gun ranges are conditional in almost every other zone in the city, except for the planned commercial, research and business, and residential zones. In light industrial zones, which almost completely surrounds the Heavy Industrial zone, this is a conditional use. Staff believes that allowing indoor gun ranges as a conditional use in the HI zone will have a minimal impact on the HI community.

Staff believes that allowing gun ranges as a conditional use will help Lindon to diversify its business base, and provide a new, experiential business. Because indoor gun ranges are a conditional use, if a new business with actual firearms and an indoor gun range wants to locate within the Heavy Industrial zone, staff will be able to recommend conditions that will mitigate possible repercussions.

### **Exhibits**

1. Aerial Image of approximately 120 N 1200 W
2. Utah Airguns Business Description
3. Standard Land Use Table Amendment
4. Concept site plan



Exhibit 1: Aerial Image of 183 N State St

## Exhibit 2: Utah Airguns Business Description

Utah Airguns is looking to build their main facilities in Lindon UT. The majority of this concrete tilt building will be a warehouse, but there will also be a showroom and "shooting range" for their customers. This property is zoned as Heavy Industrial. Lindon City allows shooting ranges in the Light Industrial Zones but not in the Heavy Industrial zones. We are requesting that this Heavy Industrial zone allow this shooting range. It should also be noted that the "shooting range" that Utah Airguns is proposing will not accommodate any actual firearms that use powder to send the projectile downrange. The Utah Airguns range will only accommodate air powered guns.

ORDINANCE NO. 2023-23-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING APPENDIX A, THE STANDARD LAND USE TABLE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Lindon City Council is authorized by state law to enact and amend ordinances establishing land use regulations; and

WHEREAS, the proposed amendment is consistent with the goal of the general plan to expand the range of retail and commercial goods and services available within the community; and

WHEREAS, the proposed amendment is consistent with the goal of the general plan to attract destination/experiential-based businesses to the community; and

WHEREAS, the proposed amendment is consistent with the goal of the general plan to evaluate the quality of potential commercial and retail business to ensure that they will have a positive impact on the city; and

WHEREAS, the Lindon City Council finds that it is in the best interest of the City to conditionally allow for indoor gun ranges in the Heavy Industrial zone; and

WHEREAS, on November 28, 2023, the Planning Commission held a properly noticed public hearing to hear testimony regarding the ordinance amendment; and

WHEREAS, after the public hearing, the Planning Commission further considered the proposed ordinance amendment and recommended that the City Council adopt the attached ordinance;

WHEREAS, the Council held a public hearing on \_\_\_\_\_, 2023, to consider the recommendation and the Council received and considered all public comments that were made therein.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lindon, Utah County, State of Utah, as follows:

**SECTION I:           Amendment of the Lindon City Land Use Table**

The indoor gun range land use is amended in the Lindon City Standard Land Use Table as follows:

Parking Group	Permitted Primary Use	Residential	Mix Rec.		Commercial							Industrial			R/B
		R1-12, R1-20, R3, AFPD	RMU -W	RUM -E	PC -1	PC -2	CG	CG -A	CG A8	CG -S	MC	HI	LI	LI W	
7100	Indoor Gun Ranges	N	C	C	N	N	C	C	C	C	C	<del>N</del> C	C	N	N

**SECTION II:           Severability.**

Severability is intended throughout and within the provisions of this ordinance. If any section, subsection, sentence, clause, phrase or portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

**SECTION III:      **Effective Date.****

This ordinance shall take effect immediately upon its passage and posting as provided by law.

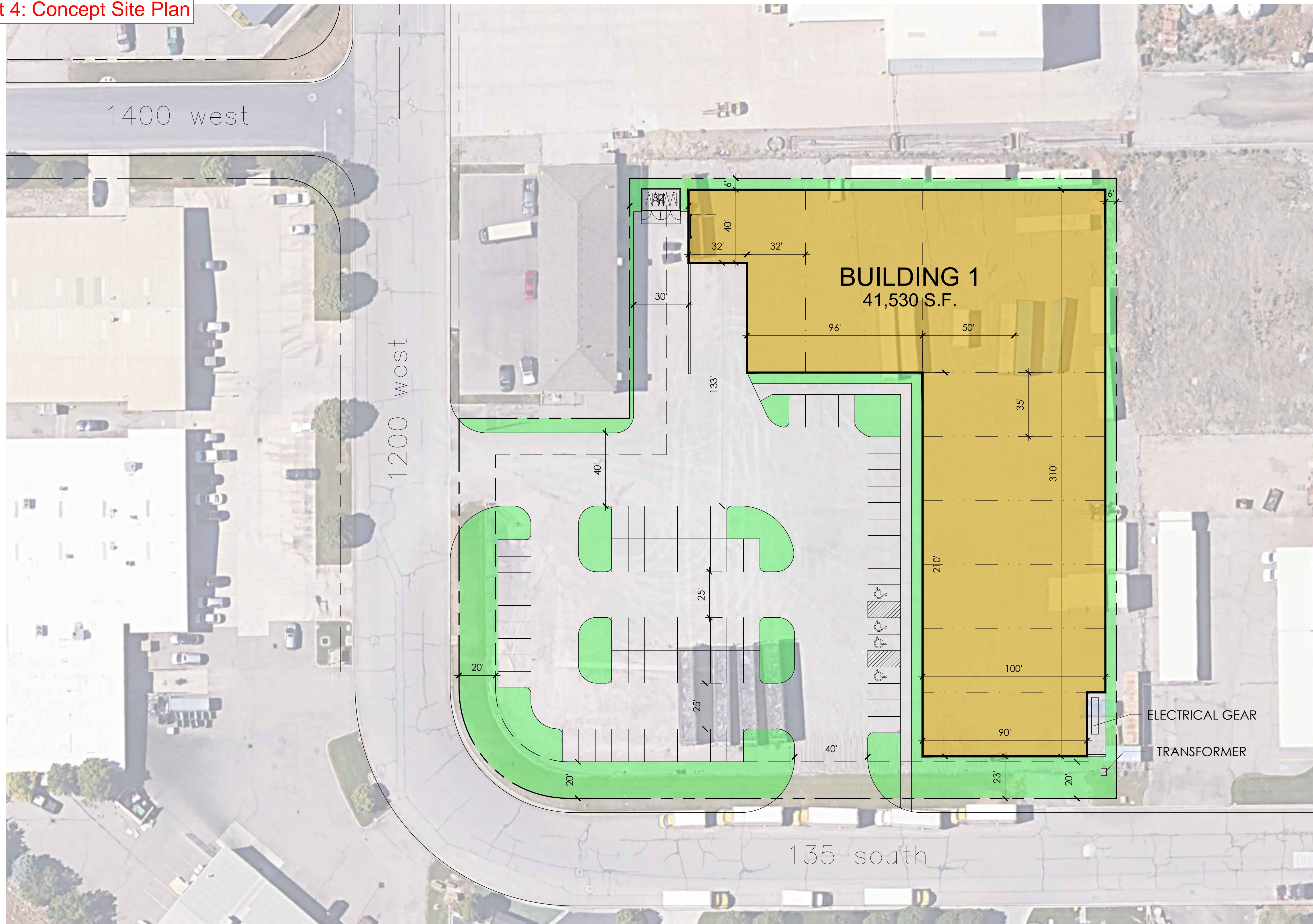
PASSED AND APPROVED AND MADE EFFECTIVE by the City Council of Lindon City,  
Utah, this \_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_,  
CAROLYN LUNDBERG  
Lindon City Mayor

ATTEST:

\_\_\_\_\_,  
Kathryn Moosman  
City Recorder





**PARKING/BUILDING DATA**

<b>BUILDING 1</b>	<b>41,530 SF</b>
<b>TOTAL PARKING</b>	<b>74 SPACES</b>
<b>RATIO</b>	<b>178/1,000 S.F.</b>

<b>LANDSCAPING</b>	<b>18.84%</b>
--------------------	---------------

**CITY ZONING REQUIREMENTS**

Jurisdiction	Lindon UT
Zoning	H-1
Setbacks	F 20' S 0 or 20' to street R 0 or 40 to residential
Height	50'
Parking	9X18 26
	Office 1/350 OR 2.85/1,000 Retail 1/350 OR 2.85/1,000 Manufacturing 1.33/1000 Warehouse 1/1000

Landscaping 10%

For land uses not codified in the Stand Land Use Table

A classification of New and Unlisted Land Uses. It is recognized that new types of land uses will develop and various forms of land uses not anticipated may seek to locate in Lindon. This provision of Appendix A, of the Lindon City Code, shall be to provide a mechanism to classify land uses not codified in the Standard Land Use Table. The Planning Commission and City Council shall review unlisted and uncodified land uses based on specific criteria established in the Compatibility Standard of this Appendix and determine whether or not the use is permitted, conditional or not permitted.

The Planning Commission and City Council shall adhere to specific compatibility standards set forth herein and assure that the proposed unlisted use is similar in character and impact to the uses listed in the zone where an unlisted land use is proposed. Unlisted and/or uncodified land uses must be compatible and harmonious with the zone and geographic area in which they want to locate in the following areas:

1. Volume and type of sales, retail, wholesale; size and type of items sold and nature of inventory on the premises;
2. Any processing done on the premises; assembly, manufacturing, smelting, warehousing shipping and distribution; and dangerous, hazardous, toxic or explosive materials used in processing;
3. The nature and location of storage and outdoor display of merchandise; enclosed, open, inside or outside the principal building and predominant types of items stored; Business vehicles, work in process, inventory and merchandise, construction materials, scrap and junk, and bulk materials, ores, powders and liquids;
4. Number and density of employees and customers, per unit area of site and buildings in relation to business hours and operation shifts;
5. Business hours the use is in operation or open for business, ranging from seven days a week, 24 hours a day to once to several times a year, such as sports stadiums or fairgrounds;
6. Transportation requirements, including modal split for people and freight, by volume, type and characteristics of traffic generation to and from the site, trip purposes, and whether trip purposes can be shared with other uses on the site;
7. Parking characteristics, turn over and generation, ration of the number of spaces required per unit area or activity, and potential for shared parking with other uses;
8. Predilection of attracting or repelling criminal activities to, from or other premises;
9. Amount and nature of nuisances generated on the premises -noise, smoke, odor, glare, vibration radiation, and fumes; and
10. Any special public utility requirements for serving the use -water supply, waste water output, pretreatment of wastes and emissions recommended or required, and any significant power structures and communication towers or facilities.

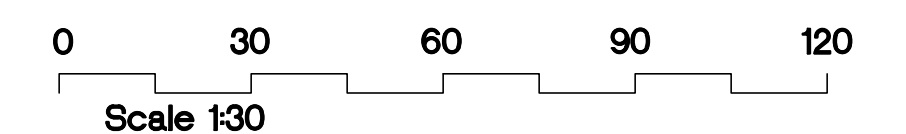
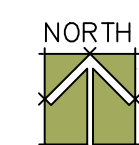
At such time as the Planning Commission finds a proposed land use "compatible and harmonious" with the zone in which it is to locate, they shall make a recommendation to the City Council. The Council shall then consider the application based on the criteria as established herein and the Planning Commission's recommendation. Decisions based on the Compatibility Standard shall only be valid for the specific site and application. Future applicants shall be required to submit a new application. If the Planning Commission finds that a specific land use should be added to the Standard Land Use Table after applying the Compatibility Standard, they shall do so in a recommendation to the City Council.

**Lindon 17.49.070 Architectural design.**

All buildings in the LI and HI zone shall be aesthetically pleasing, well-proportioned buildings, which blend with the surrounding property and structures. The following criteria shall be applied to all buildings and/or structures constructed in the LI, HI and T zones and any other construction requiring a building permit in the LI, HI and T zones as per the currently adopted building code for Lindon City:

1. Twenty-five percent (25%) minimum of the exterior of all buildings (except as permitted in 17.49.070(4)) shall be covered with brick, decorative block, stucco, wood, or other similar materials as approved by the Planning Commission. Precast concrete or concrete tilt-up buildings also meet the architectural treatment requirement, subject to the standards in section 17.49.070(2). (These architectural treatment standards are not applicable in the HI zone.)
  - a. With the consent of the property owner, the Planning Commission may allow some or all of the required architectural treatment on a proposed building or addition to be transferred to a pre-existing building or structure or transferred to one or more sides of a proposed structure, which may be more visible from a public street. Said transfer of architectural treatment would need to improve the overall visual character of the area in a greater manner than if the treatment is only applied to the less visible building, addition, or side of the structure being considered. No net loss of treatment should occur. When considering a transfer of the architectural treatment, the Planning Commission should be conscious of visual site lines of adjacent buildings and properties to determine if they would be negatively impacted by a Planning Commission decision to allow transfer of the architectural treatment on the proposed structures.
2. Precast concrete or concrete tilt-up buildings are permitted in the LI zone and meet the architectural treatment requirement in subsection 1 above, subject to the following standards:
  - a. Bare concrete exteriors are permitted if the concrete color is consistent and if the building is also finished with additional architectural details such as entrance canopies, wrought iron railings and finishes, shutters, multi-level porches, metal shades, and metal awnings.
  - b. Painted or colored concrete exteriors are also permitted if the shade of each color is consistent and if the building is also finished with additional architectural details such as entrance canopies, wrought iron railings and finishes, shutters, multi-level porches, metal shades, and metal awnings.
3. All exterior building materials in the LI, HI and T zones shall be earth-tone colors. A sample color palette of acceptable earth-tone colors is found in the Appendix of the Lindon City Commercial Design Guidelines.
4. The Planning Commission may approve ribbed, metal, flat-faced, stucco embossed, metal sandwich panel buildings when the Planning Commission finds that the building is aesthetically pleasing, adequately trimmed, contrasted with different colors, is well proportioned, blends in with surrounding property, and has a similar look to that achieved by 17.49.070(1). The exterior appearance of such buildings shall primarily be of earth tone colors. Applicants desiring to apply for this type of construction may consider the Lindon City Public Works building located at 946 West Center Street and the building located at 375 North 700 West in Pleasant Grove as examples of structures in compliance with this architectural design standard. (Ord. 2015-6, amended, 2015; Ord. 2008-8, amended, 2008; Ord. 2008-4, amended, 2008; Ord. 2003-1, amended, 2003; Ord. 98-9, amended, 2000)

CONCEPTUAL SITE PLAN  
THIS SITE PLAN IS FOR CONCEPTUAL PLANNING.  
THE SITE WILL NEED TO BE SURVEYED TO  
ACCURATELY DEFINE ALL BOUNDARIES,  
EASEMENTS, UTILITY EASEMENTS, RIGHT-OF-WAYS,  
CONFIRM ACCESS LOCATIONS, AND WETLANDS.



## Item 6: Conditional Use Permit – Wheel Pro Customs – 1279 W 300 S, Suite 2 & 3

**Date:** November 28, 2023  
**Applicant:** Jordan Quinney  
**Presenting Staff:** Mary Barnes

**General Plan:** Light Industrial  
**Current Zone:** Light Industrial

**Property Owner:** LCD Lamoreaux LLC  
**Address:** 1279 W 300 S, Suite 2 & 3  
**Parcel ID:** 45:241:0026  
**Lot Size:** 2.214 acres

**Type of Decision:** Administrative  
**Council Action Required:** No  
**City File Number:** 23-043-1



### **SUMMARY OF KEY ISSUES**

To review a conditional use permit for an auto repair and powder coating business and conditions to mitigate the impacts of a proposed use.

### **MOTION**

I move to (*approve, deny, continue*) the applicant's request for a conditional use permit to use the property located at 1279 W 300 S, Suites 2&3, for an auto repair and powder coating business, with the following conditions:

1. Vehicles may not be stored outdoors for longer than 72 hours unless the owner is waiting on delivery of parts;
2. No automobile parts will be stored outside of the building;
3. The applicant will comply with all of the Light Industrial Special Provisions requirements found in section 17.49.090 of the Lindon City Code;
4. The applicant will work with the Lindon City Building Official to ensure that the paint/filtered powder spray booth meets building code requirements;
5. Vehicle or wheel repairs will not be done in parking stalls or vehicle access lanes. All work will be done within the building; and
6. All items of the staff report.

### **OVERVIEW**

1. Jordan Quinney originally applied for a conditional use permit for Wheel Pro Customs at 1545 W 200 S, Unit 500 in 2020. His conditional use permit was approved at that time.

- a. Wheel Pro Customs recently moved to this new location, necessitating a new conditional use permit.
  - b. At the previous location on 200 S, Wheel Pro did have a code enforcement case regarding the amount of parking, and the storage of inoperable vehicles outside of the building. The previous building had a total of 12 parking spots with 6 units. The new building will have more room for Wheel Pro to work on cars inside, and has 18 parking spots for 6 units.
2. A conditional use permit was granted in 2021 for an auto repair business called Willis Diesel at 1279 W 300 S Suite 5. The motion for Willis Diesel's CUP specifically states that this conditional use permit is for suite 5. Because Wheel Pro will be located within Suites 2&3, they will need to update their conditional use permit. They are not able to use the conditional use permit for Suite 5.
  - a. Conditions of approval 1-4 for Wheel Pro are the exact same as the ones that Willis Diesel had in 2020.
3. The Standard Land Use Table requires that all businesses doing auto repair in the Light Industrial Zone obtain a Conditional Use Permit.
4. The purpose of the Light Industrial (LI) district is to provide areas in appropriate locations where light manufacturing, industrial processes, and warehousing not producing objectionable effects may be established, maintained, and protected. The regulations of the district are designed to protect the environmental quality of the district and adjacent areas.
5. The proposed business, Wheel Pro, will perform all work indoors and within their unit. City staff added condition 5 because in the previous location Wheel Pros had issues with other tenants because they were repairing vehicles in parking stalls.
6. This lot was originally approved for four buildings in 2013. Building B is the only building that has been built, and it was issued a certificate of occupancy in 2020.
  - a. Building B has 6 suites, with 18 total parking spaces.
7. Notices were mailed on November 17, 2023, to adjoining property owners in accordance with Lindon City Code Section 17.14.50 Third Party Notice. Staff has received no public comment(s) at this time.

### **SURROUNDING ZONING AND LAND USE**

North: **LI** – Industrial office/warehouse

East: **LI** – Industrial office/warehouse and outdoor storage

South: **Vineyard City Flex Office & Industry** – Office/warehouse and the Lindon Heritage Trail

West: **LI** – Industrial office/warehouse and outdoor storage

### **DEVELOPMENT STANDARDS**

#### **Building and Site**

Wheel Pro Customs will be using one of 6 commercial units in the building at 1279 West 300 South. The property is in the Lindon Harbor Industrial Park Plat "A" Subdivision. This subdivision was recorded in August 1997 and the building was completed in November 2020. The building official is requiring more information regarding the filtered powder spray booth, to ensure that it doesn't need a building permit. A condition regarding the spray booth was added to the motion.

If the applicant does decide to make additions or changes to the building in the future, a building permit will need to be applied for and approved.

**Parking**

There are seven parking stalls available on the property that are allotted to this business unit. The business will have 1-2 employees working at the property. Customers will only come to the property to drop off and pick up vehicles.

**Landscaping Standards**

This site was originally approved for three phases and four different office/warehouse buildings. Those three phases included the phased landscaping of the site. So far, only the front 20 ft landscaping strip, north of the first building, has been landscaped.

<b>Required</b>	<b>Existing</b>
20-foot landscaping strip	20 ft landscaping strip with grass
1 tree in the existing landscaping strip (1 tree every 30 feet)	0 trees

This site has not completed its landscaping requirements. The remaining landscaping will be installed in phase 2.

**LCC 17.49.090 Special Provisions**

Condition #3 references LCC 17.49.090. Please see the language from this section of code below:

1. Every site shall conform to the approved conditional use permit, site plan, or amended site plan. No structures or improvements may be added to a site that are not included on the approved site plan, original or amended. All emanates from the movement of motor vehicles. Premises shall be maintained in such a manner so as to avoid unreasonable interference with adjacent uses and to avoid public nuisances. Improvements shown on the approved site plan or amended site plan shall be maintained in a neat and attractive manner. Failure to complete or maintain a site in accordance with this chapter and with the approved site plan shall be a violation of this section. The City may initiate criminal and/or civil legal proceedings against any person, firm or corporation, whether acting as principal, agent, property owner, lessee, and employee or otherwise, for failure to complete or maintain a site in accordance with this chapter and with the approved site plan. Any violation of this chapter or any division thereof is punishable by a class B misdemeanor.
2. No person shall store junk, partially or completely dismantled vehicles, or salvaged materials in any industrial, manufacturing, or research and development zone, except as authorized by the Planning Commission or City Council, and as shown on an approved site plan, amended or original, meeting the following standards.
  - a. Any such authorized storage shall be done entirely within a building or an area enclosed by a site obscuring fence no less than six feet (6') in height.
  - b. None of these materials shall be stacked in a manner to exceed the fence height.
  - c. In all zones the Planning Commission may approve a landscaping screen in lieu of a fence, a fence other than a site obscuring fence or approve a fence height greater than six feet (6') if it makes the following findings:
    - i. The proposed fence/landscape screen provides an adequate buffer for the adjoining residential use;
    - ii. The appearance of the fence/landscape screen will not detract from the residential use and /or non-residential use of the property;
    - iii. The proposed fence/landscape screen will shield the residential use from noise, storage, traffic or any other characteristic of the non-residential use that is incompatible with residential uses.
    - iv. The Planning Commission may waive or adjust this fence/screening requirement upon findings that the fence is not needed to protect adjacent residential uses

from adverse impacts and that such impacts can be mitigated in another appropriate manner.

3. All solid waste storage facilities shall be located at the rear of the main building or within an area enclosed with a sight-obscuring fence or wall measuring one (1) foot higher than the height of the solid waste container. The minimum access width to a solid waste storage facility shall be fifteen (15) feet.
4. No excessive dust, offensive odor, smoke, intermittent light, or noise shall be emitted which is discernible beyond the site or parcel boundary lines in question, except that which
5. No trash, rubbish, or weeds shall be allowed to accumulate on any lot in the LI or HI zones. The space around buildings and structures in the LI and HI zones shall be kept free from refuse, debris, and weeds. All waste shall be concealed from view from adjacent property.

### **Code Enforcement Case**

Lindon City's code enforcement pursued a case against Wheel Pro in January 2023. The complaint was regarding the repair of inoperable vehicles within customer and employee parking areas, and overflowing parking issues. Wheel Pro was storing customer cars with no wheels on car jacks in the parking lot, and taking up the parking spaces for other units with customer and employee cars. This violated their 2020 conditional use permit, specifically with condition 3. Wheel Pro worked with code enforcement and brought their business into compliance with their conditional use permit by the end of February.

This new building will have more parking spots available for Wheel Pro for their customers and employees, and the increased size of the shop will allow customer cars to be stored within the shop while Wheel Pro is working on the tires. The 3<sup>rd</sup> and 5<sup>th</sup> conditions of approval will help to ensure that this requirement is met.

### **STAFF ANALYSIS**

Based on the provided business description, and with the associated conditions of approval, it is expected that this business will have a minimal impact on surrounding properties and will be compatible with other uses in the Light Industrial Zone. Wheel Pro Customs will only work on cars inside the actual building, and will not store inoperable vehicles in the parking lot.

### **EXHIBITS**

1. Aerial photo
2. Updated business description
3. Floor Plan
4. 2020 Wheel Pro CUP approval
5. Original 2013 site plan
6. Site plan for all phases



Exhibit 1: Aerial Photo

## Exhibit 2: Updated Business Description

### Wheel Pro LLC Description of Proposed Use for Conditional Use Permit

Wheel Pro is an alloy wheel repair and customization shop. Our services include welding cracked wheels, powder coating, painting and straightening bends on wheels. All the painting is done in the mobile trailers. The shop will not have the paint booth indoors.

Customers will be able to pull their car in the shop where the wheels will be removed and we will provide the services needed. Customers will be by appointment, which will help keep the parking lot clear.

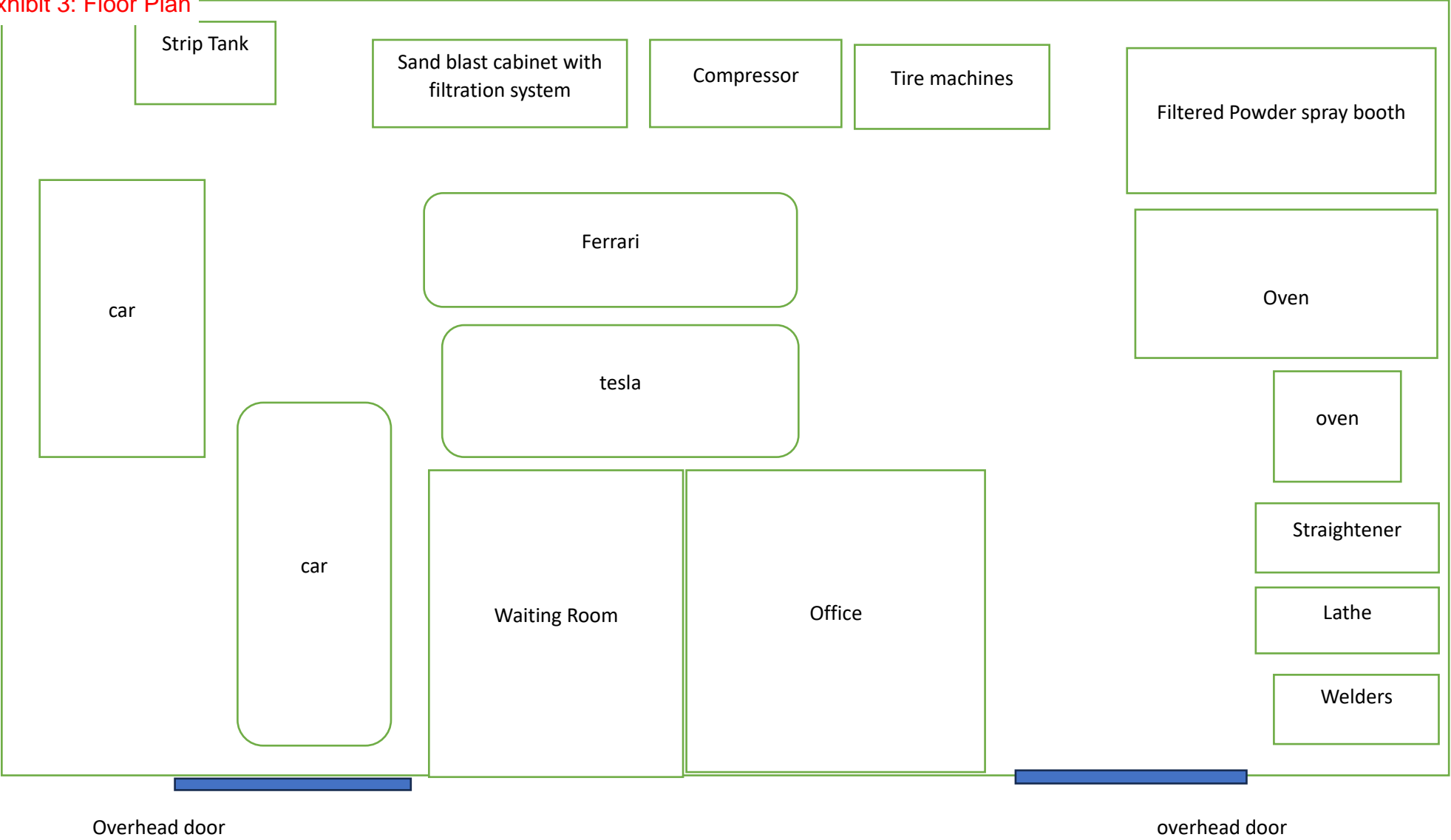
Hours of operation will be 8:30-4:30, Monday through Friday. Only one or two workers will be at the shop each day.

We do have a website, [wheelprocustoms.com](http://wheelprocustoms.com) that gives some visuals of the type of work we do.

Wheel Pro was established in November of 2014, and has until now, only been mobile. All of the work was done in mobile trailers throughout Utah, Salt Lake, and Davis counties. Our previous location on 200 S was getting a little tight, and we needed room to grow. So, we moved to the new location. We are excited to be able to expand our services and grow our business through use of this shop.

Before we moved into the 200 S location in 2020, I had done powder coating, painting, and welding in a metal shed in my backyard, often late at night and not once have I had any complaints of any kind. I use that as an example to show the minimal impacts our services will have on surrounding businesses and the environment. The Powder booth and paint booth have filtration systems that comply with industry standards to minimize dust from powder or paint.

Exhibit 3: Floor Plan



\*Strip tank – sits inside a room that vents steam outside by use of a fan outside through a vent going through the side of the building at the highest point and upwards. B17e by Benco ecofriendly and economical powdercoat stripper. Non methylene chloride. Must be heated which causes the steam.





Lindon City  
100 North State Street  
Lindon, UT 84042-1808

**CONDITIONAL USE PERMIT APPROVAL**

**Date: 10/27/2020**  
**Applicant: Jordan Quinney (Wheel Pro)**  
**Location and Parcel Number: 1545 W 200 S Unit 500, 35:581:0001**  
**Zoning District: Light Industrial (LI)**  
**Fee Title Owner: BAN Properties LLC**  
**City File Number: 20-046-1**

---

At a public meeting held on October 27, 2020, the Lindon City Planning Commission gave Jordan Quinney with Wheel Pro Conditional Use Permit Approval to use the property located at 1545 W. 200 S. Unit 500 for an auto repair and powder coating business, with the following conditions:

1. Vehicles may not be stored outdoors for longer than 72 hours unless the owner is waiting on delivery of parts;
2. No automobile parts will be stored outside of the building;
3. The applicant will comply with all of the Light Industrial Special Provisions requirements found in section 17.49.090 of the Lindon City Code; and
4. All items of the staff report.

FOR THE CITY:

\_\_\_\_\_  
Michael Florence

APPLICANT:

Jordan Quinney  
Print Name

Jordan Quinney  
Signature

Please take notice of the following as per Lindon City Code:

17.20.030 - In the event any person holding a conditional use permit pursuant to this chapter violates the terms of the permit, or conducts or carries on such site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood of the property of the permittee, a temporary suspension may be made effective immediately upon notification by the zoning administrator.

**PHASE 1 - SITE PLAN - FOR CONSTRUCTION OF PHASE 1**

**Site Information:**

**Owner / Developer:**  
LCD Lamoreaux, LLC  
235 North 200 East, Linton, UT 84042  
1-801-373-2677  
Lyle Lamoreaux

**Surveyor / Engineer:**  
A.L.M. & Associates, Inc  
2230 North University Parkway, 6D  
Provo, Utah 84604  
801-374-6262  
Mark S. Greenwood - Engineer  
mgreenwood@almonline.com

**Parcel Number:** 45:421:0005

**Address:** 1279 West 300 South, Linton Utah 84042

**Current Zone:** LI (Light Industrial)

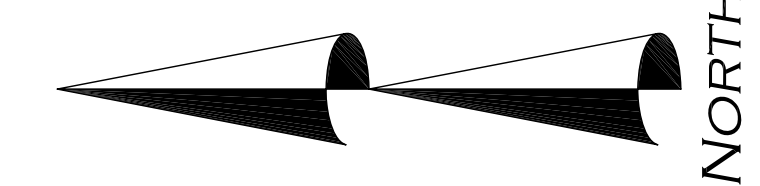
**Type of Building:** Steel

**Type of Occupancy:** Office with Warehouse Area - Rental / Condo Units

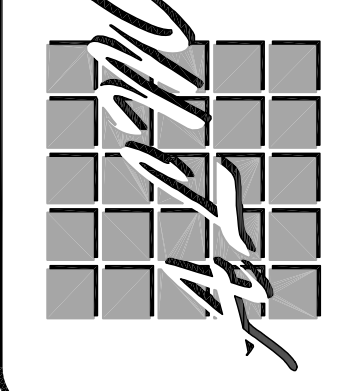
**Automatic Fire Sprinkler:** N

**Boundary Description:**

Lot 2, Linton Harbor Industrial Park II Subdivision Plat



**A.L.M. & ASSOCIATES, INC.**  
ENGINEERING • SURVEYING • DEVELOPMENT • PLANNING  
2230 NORTH UNIVERSITY PARKWAY, BUILDING 6D, PROVO, UTAH 84604 PH: (801) 374-6262

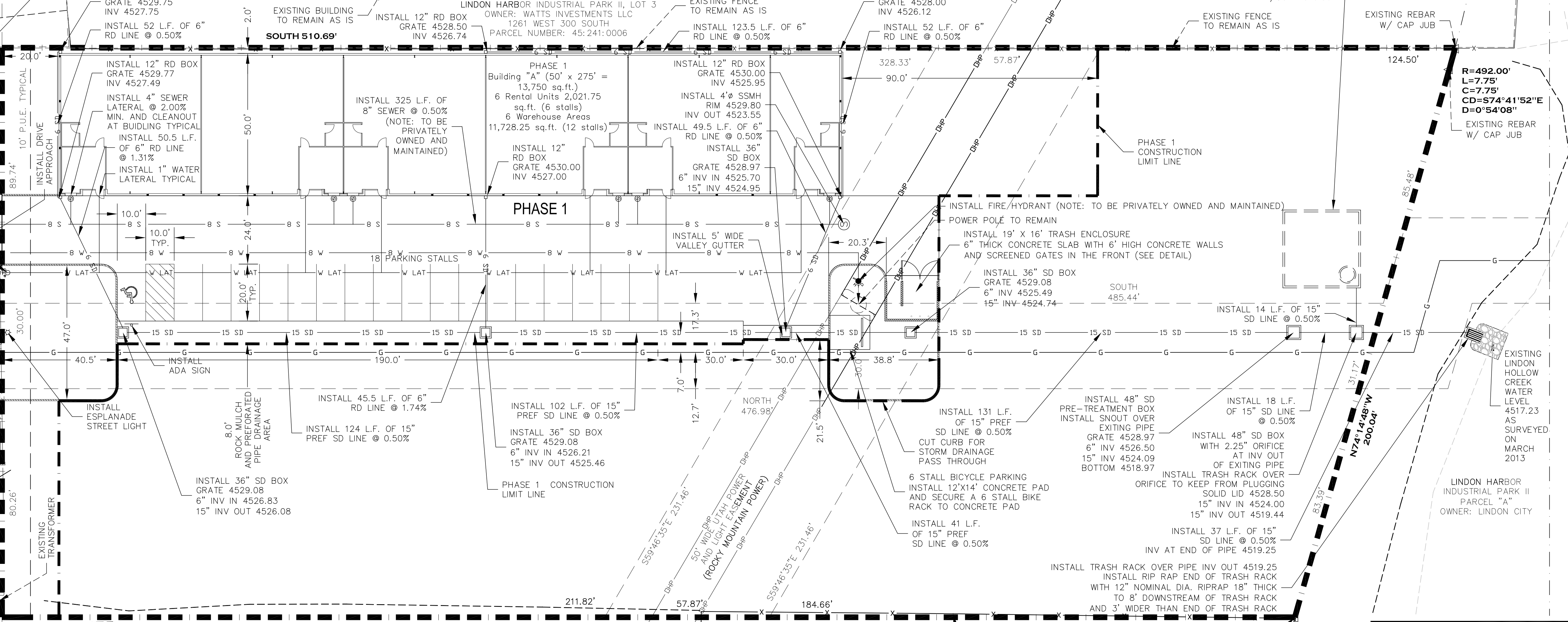


LOT 2, LINTON HARBOR IND. PARK II  
1279 W. 300 S., LINTON, UT  
**PHASE 1 - SITE PLAN**

NO.	REVISION	DATE

**2**  
OF 16 SHEETS  
PROJ # 920 - 1680

BENCHMARK (SINKER IN CURB)  
NGVD29 ELEV: 4529.31  
BASED OFF OF THE N 1/4  
OF SECTION 5 TIE SHEET 51-24



**Site Note:**

- The applicant is responsible for compliance with all requirements of the "Americans with Disabilities Act" ADA.
- Detailed fire protection plans shall be submitted with the building plans. Additional requirements may be identified during the plan review by the fire department, which may be mandated by the Uniform Fire Code. Plan reviews must be completed prior to the building permit being issued.
- All landscaped areas shall have an automatic, underground sprinkling system with a back flow prevention device and a back flow prevention device to the building, unless landscaping is served by the secondary water system.
- Telecommunication conduit shall be installed to serve this site. Run the conduit to the site from an existing service box at a nearby site as shown in the UTOPIA design. Run the conduit within the public right-of-way or secure easements to run it on private property. Lay the conduit at a minimum depth of cover of 24".
- Install one orange 3/4" diameter SDR-11 HDPE conduit meeting ASTM 3035, or in different quantities and sized as shown in the UTOPIA design. A twelve (12) gauge solid THHN tracer wire shall be installed inside all conduits according to NESC standards. Telecommunications conduit shall include a 3" caution tape installed in the pipeline trench approximately 12" below the ground surface, with the words "CAUTION: FIBER OPTIC CABLE" printed on it.
- Water meters are to be located behind back of walk or back of curb in an area that is accessible, not located behind fenced area or under covered parking.
- Contact Blue Stake twenty-four (24) hours before digging.
- Linton Standard Specifications and Drawings apply to construction of public improvements that will be owned or maintained by Linton City and take precedence over other standards.
- ADA striped with 4 inch solid blue lines and regular stalls striped with 4 inch solid white lines.
- There will be no other floor drains in the buildings except for floor drains installed in the toilets.
- The Geotechnical Engineer recommends that prior to placement of additional structural fill or concrete the existing fill soils be removed/reworked to a depth of at least five (5) feet below the existing ground surface or a minimum of two (2) feet below the bottom of footings/foundations, whichever is greater.

**Building Design Criteria:**

2006 IBC Use and Occupancy Classification:  
M (Mercantile)  
2006 IBC Building Type Category:  
II (Not occupancy category I, III, IV)

**Building Use Area:**

Building "A" (50' x 275' = 13,750 sq.ft.)  
6 Rental Units 2,021.75 sq.ft. (6 stalls)  
6 Warehouse Areas 11,728.25 sq.ft. (12 stalls)

Front Setback: 20.00'  
Side & Rear Setback: 0.00'  
Maximum Structure Height: 48.00'

**Parking:**

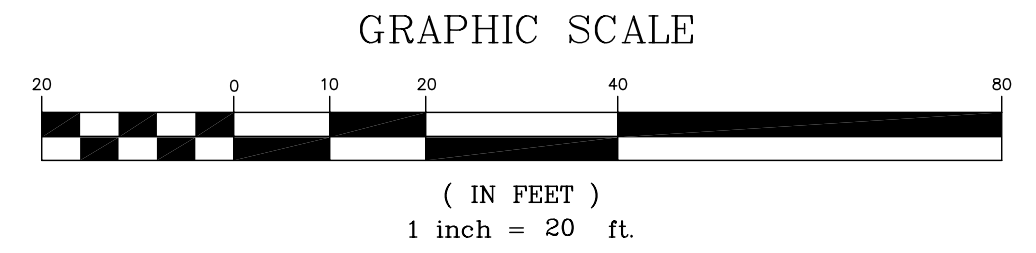
Building "A" Required Parking - 18 spaces  
(1 stall/350 sq.ft. of Office and 1 stall/1,000 sq.ft. of Storage/Service Area)

Total Required - 18 spaces  
Total Shown - 18 space (1 ADA)

**Site Area Tabulations:**

Phase 1 Area: 40,183.02 sq.ft. / 0.923 ac. (41.64% of Total Area)  
  
Building Area: 13,750 sq.ft. / 0.316 ac. - 14.25%  
Impervious Area: 13,861.85 sq.ft. / 0.318 ac. - 14.36%  
Landscape Area along Street: 3,497.81 sq.ft. / 0.080 ac. - 3.62%  
Landscape Interior Parking Area: 2,321.74 sq.ft. / 0.053 ac. 2.41%  
Landscape Side and Rear Area: 5,230.62 sq.ft. / 0.120 ac. - 5.42%  
Drainage Area between Parking: 1,520 sq.ft. / 0.350 ac. - 1.58%  
Undeveloped Area (Phase 2 & 3): 56,326.34 sq.ft. / 1.293 ac. - 58.36%

Total Area: 96,509.36 sq.ft. / 2.216 AC. - 100.00%



**SYMBOL LEGEND**

---	BOUNDARY LINE
- - -	EASEMENT LINE
S	SEWER LINE
W	WATER LINE
OHP	OVERHEAD POWER
SD	STORM DRAIN LINE
G	GAS LINE
FO	FIBER OPTIC LINE
□	SD CURB INLET
⊙	SD MANHOLE (SDMH)
⊙	SEWER MANHOLE
⊙	SEWER CLEANOUT
⊙	WATER VALVE
⊙	FIRE HYDRANT

300 SOUTH

**COVER SHEET - FOR CONSTRUCTION OF ALL THREE PHASES**

**Site Information:**

**Owner / Developer:**  
LCD Lamoreaux, LLC  
235 North 200 East, Lindon, UT 84042  
1-801-373-2677  
Lyle Lamoreaux

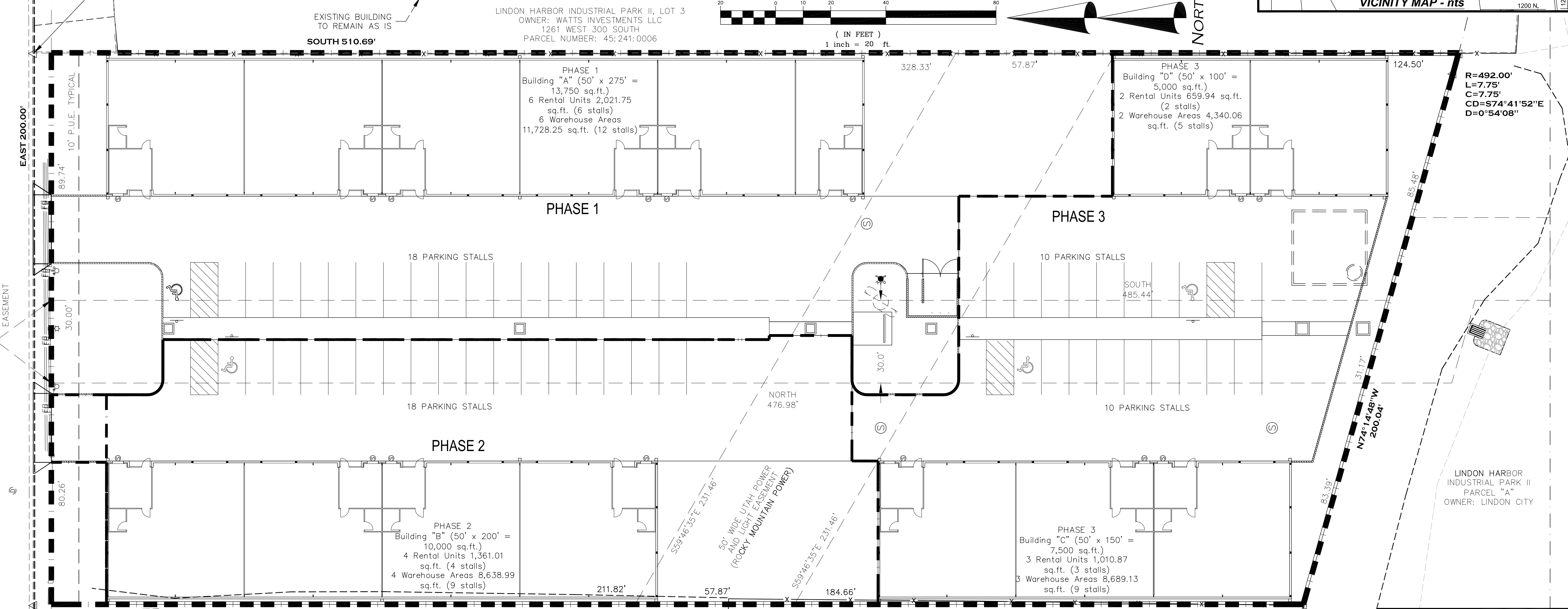
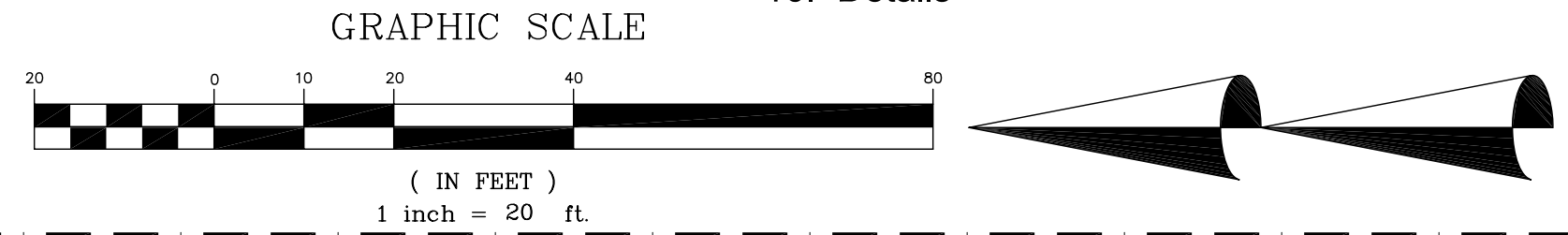
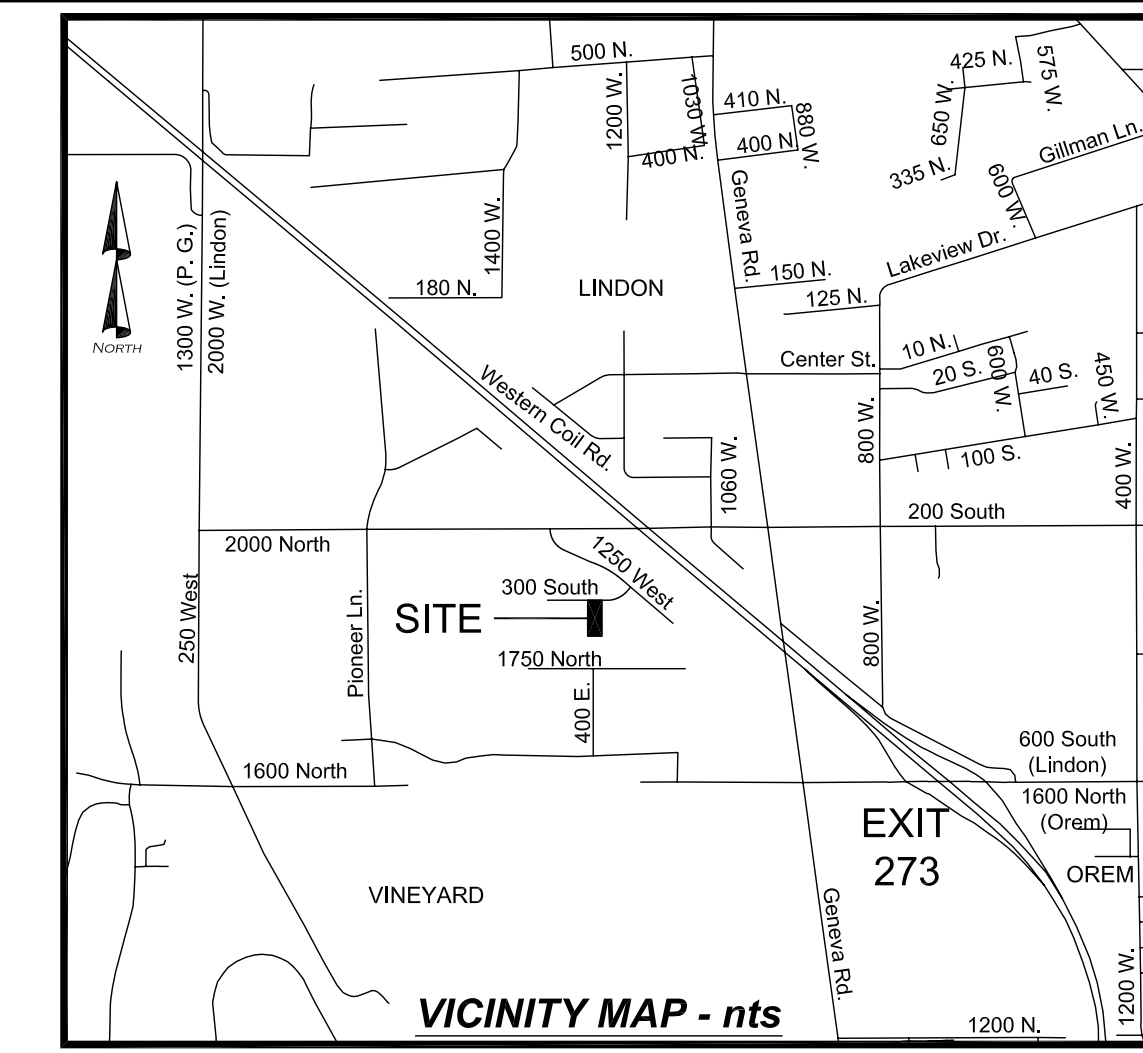
**Surveyor / Engineer:**  
A.L.M. & Associates, Inc  
2230 North University Parkway, 6D  
Provo, Utah 84604  
801-374-6262  
Mark S. Greenwood - Engineer  
mgreenwood@almonline.com

**Parcel Number:** 45:421:0005  
**Address:** 1279 West 300 South, Lindon Utah 84042  
**Current Zone:** LI (Light Industrial)  
**Type of Building:** Concrete & Steel  
**Type of Occupancy:** Office with Warehouse Area - Rental / Condo Units  
**Automatic Fire Sprinkler:** N  
**Boundary Description:**

Lot 2, Lindon Harbor Industrial Park II Subdivision Plat

**Sheet Index:**

- Cover Sheet
- Phase 1 - Site Plan
- Phase 2 - Site Plan
- Phase 3 - Site Plan
- Grading and Drainage Plan
- N.S. Site Cross Section
- W.E. Site Cross Section
- LANDSCAPING PLAN
- Phase 1 - SWPP (Pre & Const.)
- Phase 2 - SWPP (Pre & Const.)
- Phase 2 - SWPP (Pre & Const.)
- SWPP Details (Pre & Const.)
- SWPP (Post)
- SWPP Details (Post)
- Details
- Details



**Site Note:**

- The applicant is responsible for compliance with all requirements of the "Americans with Disabilities Act" ADA.
- Detailed fire protection plans shall be submitted with the building plans. Additional requirements may be identified during the plan review by the fire department, which may be mandated by the Uniform Fire Code. Plan reviews must be completed prior to the building permit being issued.
- All landscaped areas shall have an automatic, underground sprinkling system with a back flow prevention device and a back flow prevention device to the building, unless landscaping is served by the secondary water system.
- Telecommunication conduit shall be installed to serve this site. Run the conduit to the site from an existing service box at a nearby site as shown in the UTOPIA design. Run the conduit within the public right-of-way or secure easements to run it on private property. Lay the conduit at a minimum depth of cover of 24".
- Install one orange 3/4" diameter SDR-11 HDPE conduit meeting ASTM 3035, or in different quantities and sized as shown in the UTOPIA design. A twelve (12) gauge solid THHN tracer wire shall be installed inside all conduits according to NESC standards. Telecommunications conduit shall include a 3" caution tape installed in the pipeline trench approximately 12" below the ground surface, with the words "CAUTION: FIBER OPTIC CABLE" printed on it.
- Water meters are to be located behind back of walk or back of curb in an area that is accessible, not located behind fenced area or under covered parking.
- Contact Blue Stake twenty-four (24) hours before digging.
- Lindon Standard Specifications and Drawings apply to construction of public improvements that will be owned or maintained by Lindon City and take precedence over other standards.
- ADA striped with 4 inch solid blue lines and regular stalls striped with 4 inch solid white lines.
- There will be no other floor drains in the buildings except for floor drains installed in the toilets.
- The Geotechnical Engineer recommends that prior to placement of additional structural fill or concrete the existing fill soils be removed/reworked to a depth of at least five (5) feet below the existing ground surface or a minimum of two (2) feet below the bottom of footings/foundations, whichever is greater.

**Building Design Criteria:**  
2006 IBC Use and Occupancy Classification: M (Mercantile)  
2006 IBC Building Type Category: II (Not occupancy category I, III, IV)

**Building Use Areas:**  
Phase 1 Building "A" (50' x 275' = 13,750 sq.ft.)  
6 Rental Units 2,021.75 sq.ft. (6 stalls)  
6 Warehouse Areas 11,728.25 sq.ft. (12 stalls)

Phase 2 Building "B" (50' x 200' = 10,000 sq.ft.)  
4 Rental Units 1,361.01 sq.ft. (4 stalls)  
4 Warehouse Areas 8,638.99 sq.ft. (9 stalls)

Phase 3 Building "C" (50' x 150' = 7,500 sq.ft.)  
3 Rental Units 1,010.87 sq.ft. (3 stalls)  
3 Warehouse Areas 8,689.13 sq.ft. (9 stalls)

Phase 3 Building "D" (50' x 100' = 5,000 sq.ft.)  
2 Rental Units 659.94 sq.ft. (3 stalls)  
2 Warehouse Areas 4,340.06 sq.ft. (5 stalls)

Front Setback: 20.00'  
Side & Rear Setback: 0.00'  
Maximum Structure Height: 48.00'

**Parking:**  
Phase 1 Building "A" Required Parking - 18 spaces (1 stall/350 sq.ft. of Office and 1 stall/1,000 sq.ft. of Storage/Service Area)  
Phase 2 Building "B" Required Parking - 13 spaces (1 stall/350 sq.ft. of Office and 1 stall/1,000 sq.ft. of Storage/Service Area)  
Phase 3 Building "C" Required Parking - 12 spaces (1 stall/350 sq.ft. of Office and 1 stall/1,000 sq.ft. of Storage/Service Area)  
Phase 3 Building "D" Required Parking - 7 spaces (1 stall/350 sq.ft. of Office and 1 stall/1,000 sq.ft. of Storage/Service Area)

Total Required - 50 spaces  
Total Shown - 56 space (4 ADA)

**Floor Drains:**  
There will be no other floor drains in the buildings except for floor drains installed in the toilets.

**Site Area Tabulations:**  
Total Area: 96,509.36 sq.ft. / 2.216 ac. - 100.00%  
Phase 1-3 Building Area: 36,250 sq.ft. / 0.832 ac. - 38.00%  
Impervious Area: 39,627.12 sq.ft. / 0.910 ac. - 41.00%  
Landscape Area along Street: 2,997.81 sq.ft. / 0.069 ac. - 3.00%  
Landscape Interior Parking Area: 2,321.74 sq.ft. / 0.053 ac. 2.50%  
Landscape Side and Rear Area: 12,912.69 sq.ft. / 0.296 ac. - 13.00%  
Drainage Area between Parking: 2,400.00 sq.ft. / 0.055 ac. - 2.50%

**SYMBOL LEGEND**

---	BOUNDARY LINE
- - -	EASEMENT LINE
S	SEWER LINE
W	WATER LINE
OHP	OVERHEAD POWER
SD	STORM DRAIN LINE
G	GAS LINE
FO	FIBER OPTIC LINE
□	SD CURB INLET
⊙	SD MANHOLE (SDMH)
⊙	SEWER MANHOLE
⊙	SEWER CLEANOUT
⊙	WATER VALVE
⊙	FIRE HYDRANT



**A.L.M. & ASSOCIATES, INC.**  
ENGINEERING • SURVEYING • DEVELOPMENT • PLANNING  
2230 NORTH UNIVERSITY PARKWAY, BUILDING 6D, PROVO, UTAH 84604 PH: (801) 374-6262

LOT 2, LINDON HARBOR IND. PARK II  
1279 W. 300 S., LINDON, UT  
**COVER SHEET**

NO.	REVISION	DATE

**1**  
OF 16 SHEETS  
PROJ # 920 - 1680

# Item 7: Conditional Use Permit – UT Perma Coat – 1505 W. 500 N.

**Date:** November 28, 2023  
**Applicant:** Dave Allison  
**Presenting Staff:** Mary Barnes

**General Plan:** Light Industrial  
**Current Zone:** Light Industrial

**Property Owner:** 1505 W 500 N, LLC  
**Address:** 1505 W. 500 N.  
**Parcel ID:** 47:283:0003  
**Lot Size:** 0.074 acres

**Type of Decision:** Administrative  
**Council Action Required:** No  
**City File Number:** 23-040-1



## SUMMARY OF KEY ISSUES

To review a conditional use permit for a powder coating business in a Mixed Commercial zone and conditions to mitigate the impacts of a proposed use.

## MOTION

I move to (*approve, deny, continue*) the applicant's request for a conditional use permit to use the property located at 1505 W. 500 N., for a powder coating business, with the following conditions:

1. All products, materials, and equipment will be stored inside of the building;
2. The applicant will comply with all of the Mixed Commercial Maintenance of Premise requirements found in section 17.50.100 of the Lindon City Code;
3. The applicant will work with the Lindon City Building Official to ensure that the paint booth meets building code requirements;
4. When Units 6-9 are built, the applicant's delivery trailer must be parked either within Unit 3 or in one of the parking stalls assigned to Unit 3; and
5. All items of the staff report.

## OVERVIEW

1. UT Perma Coat first applied for a business license at 1505 W. 500 N. in 2019. The city planner at the time sent a letter to the applicant to request a conditional use permit. The letter was returned due to the apparent lack of a mailbox on the premises. However, we do have a record of a conversation between the City Planner and Karen Allison, where the requirements for a CUP were related. After no reply, the business license official at that time denied the business license in August 2020.
  - a. UT Perma Coat re-applied in March 2023. After the same issues with mailing, staff was able to reach the applicant and have him apply for a conditional use permit.

2. UT Perma Coat is a powder coating company that coats small metal parts with 2 part-time employees plus the owner, who works full-time.
3. 1505 W. 500 N. is within a unique Mixed Commercial development, which is located between the Creekside Retirement subdivision and Ivory Homes' Anderson Farms. It is surrounded by residential. However, staff has no record of any nuisance complaints associated with UT Perma Coat.
  - a. The business description states that the noise is minimal, and there is no odor.
4. The Standard Land Use Table requires that all businesses doing powder coating in the Mixed Commercial Zone obtain a Conditional Use Permit.
5. The purpose of the Mixed Commercial (MC) district is to provide areas within the City where low-intensity light industrial, research and development, professional and business services, retail, and other commercial-related uses may be located.
6. UT Perma Coat performs all its business operations inside the unit.
7. Newbury Business Park was originally approved for three buildings with a total of 13 units in 2007. Units 1-3 and 10-13 are the only built units. UT Perma Coat is located within Unit 3.
  - a. There are currently 10 striped parking spaces in the parking lot for the first building, and three spaces in front of the overhead doors of each unit that are also used for parking. 4 parking spots are specifically designated for Unit 3, including the space in front of the overhead door.
  - b. Because units 6-9 have not been built, the businesses in the built units have been using the empty area and parking lot for extra parking.
  - c. When the site plan was approved, this property was zoned Light Industrial (LI). Since then, the zone has been changed to MC.
8. Notices were mailed on November 17, 2023, to adjoining property owners within 800 ft of the property, in accordance with Lindon City Code Section 17.14.50 Third Party Notice. Staff has received no public comment(s) at this time.

### **SURROUNDING ZONING AND LAND USE**

North: **R3** – Creekside Meadows SFHs

East: **AFPD** – Anderson Farms SFHs

South: **MC** – Office/warehouse

West: **R3** – Creekside Retirement Duplexes

### **DEVELOPMENT STANDARDS**

#### **Building and Site**

UT Perma Coat will be using one of 3 commercial units in the building at 1505 W 500 N. The property is in the Newbury Business Park Plat "A" Subdivision. This subdivision was recorded in January 2008 and the building was completed in 2018. The building official is requiring more information regarding the paint booth, to ensure that it doesn't need a building permit. A condition regarding the paint booth was added to the motion.

If the applicant does decide to make additions or changes to the building in the future, a building permit will need to be applied for and approved.

### **Parking**

There are 4 parking stalls available on the property that are allotted to this business unit. The owner works full-time and has two part-time employees working at the property. The part-time employees are rarely around at the same time, they mostly alternate. The applicant has stated that they never use more than 4 parking spots at a time. When deliveries come for UT Perma Coat, the delivery vehicle simply pulls into one of the parking spots and unloads, then leaves. Customers do not regularly come to the business because UT Perma Coat is a business-to-business company that delivers its products.

UT Perma Coat has a trailer that is used for their deliveries. This trailer is currently parked in the area where Unit 6 will be when it gets built. A condition of approval has been added stating that when the third and last building is built, UT Perma Coat must park the trailer either inside their unit or in one of their parking stalls.

### **Landscaping Standards**

This site was originally approved for three office/warehouse buildings in the Light Industrial zone. In later years, the zoning was changed to MC. Therefore, the approved site plan meets most of the LI landscaping standards, but not the current MC landscaping requirements. Please see the original staff report for the zoning at the time.

<b><i>Required</i></b>	<b><i>Existing</i></b>
20-foot landscaping strip	17-24 ft landscaping strip with grass
5 trees in the existing landscaping strip (1 tree every 30 feet)	2 trees
15% of the lot must be in landscaped open space	The final site plan showed 28% of the site in landscaped open space. Currently, approximately 4% of the site is in maintained landscaping. Most of the designated landscaping area has not been maintained.
A 5' landscaping perimeter around each building	This perimeter is not shown in the original site plan. It was not required in 2007 when this site plan was approved because the zone at that time was LI, and the LI zone does not require a landscaping perimeter.

This site has not completed its landscaping requirements. Staff will ensure that the remaining landscaping will get installed with the construction of the last building.

### **LCC 17.50.100 Maintenance of Premise**

Condition #2 references LCC 17.50.100. Please see the language from this section of the code below:

1. No excessive or offensive noise, dust, odor, smoke, or light, shall be emitted which is discernible beyond the site or parcel boundary lines in question, except that which emanates from the movement of motor vehicles. Premises shall be maintained in such a manner so as to avoid unreasonable interference with adjacent uses and to avoid public nuisances.
2. No person shall store junk, unlicensed and/or inoperable vehicles, partially or completely dismantled vehicles, or salvaged materials in the MC zone outside a building.
3. All solid waste storage facilities shall be enclosed with a block wall. The minimum access width to a solid waste storage facility shall be fifteen (15) feet.

4. No trash, rubbish, or weeds shall be allowed to accumulate on any lot in the MC zone. The space around buildings and structures shall be kept free from refuse, debris, and weeds. All waste shall be concealed from view from adjacent property.
5. The architecture, appearance, and aesthetics of all buildings, structures, and edifices in the MC zone shall be maintained to reasonable upkeep and maintenance standards.

#### **STAFF ANALYSIS**

Based on the provided business description, the lack of complaints over the years, and the associated conditions of approval, it is expected that this business will have a minimal impact on surrounding properties and will be compatible with other uses in the Light Industrial Zone. UT Perma Coat's operations will continue to be completely within their unit.

#### **EXHIBITS**

1. Aerial photo
2. Business description
3. Floor Plan
4. Original 2007 site plan
5. Original 2007 staff report
6. Subdivision Plat





## UT Perma Coat Business Description

Powder coating metal parts. Two part-time employees plus owner. Working hours are approximately 30 hrs/wk. All exhaust air from spraying is filtered and recirculated within the shop space. There is a shared parking lot available for the 3 businesses that share the building.

### Additional Questions

What are the processes of your business?

- We wash and paint metal parts that are smaller than 24" x 24" using the typical powder coating process (prep, apply paint, bake)

Have you seen any impact on the existing business park or neighborhood, caused by your business?

- No. We don't have noise or odor.

Do you have business hours? Or is it a situation where you and your employees work whenever possible for 30 hours a week?

- There are no set hours. We work as needed and that's usually around 30 hours/wk

What are the noise levels like with your processes?

- We run hand sanders occasionally and we have a compressor that runs intermittently. There is no noise that is noticeable outside our space.

How many parking spaces are in the parking lot?

- 13 striped parking spaces. We have 4 that are designated for our space. We never use all of those at the same time so the adjacent businesses often use them.

Do you get deliveries?

- We have a supplier that brings us powder and another that brings plastic bags. They come about 2-3 times/month (each).

Do you make deliveries?

- Yes. 1-2 times/wk we deliver parts that we have painted.

Where do those delivery vehicles park?

- We have a trailer that we park in the dirt area south of the marked asphalt

Are there floor drains in the building? Is there anything going down those drains?

- There are 2 floor drains. One in the bathroom (nothing going down that drain unless we mop the floor). Second one is connected to a wash sink. We use "Simple green" and "Dawn dish soap" to wash off the parts we are painting.

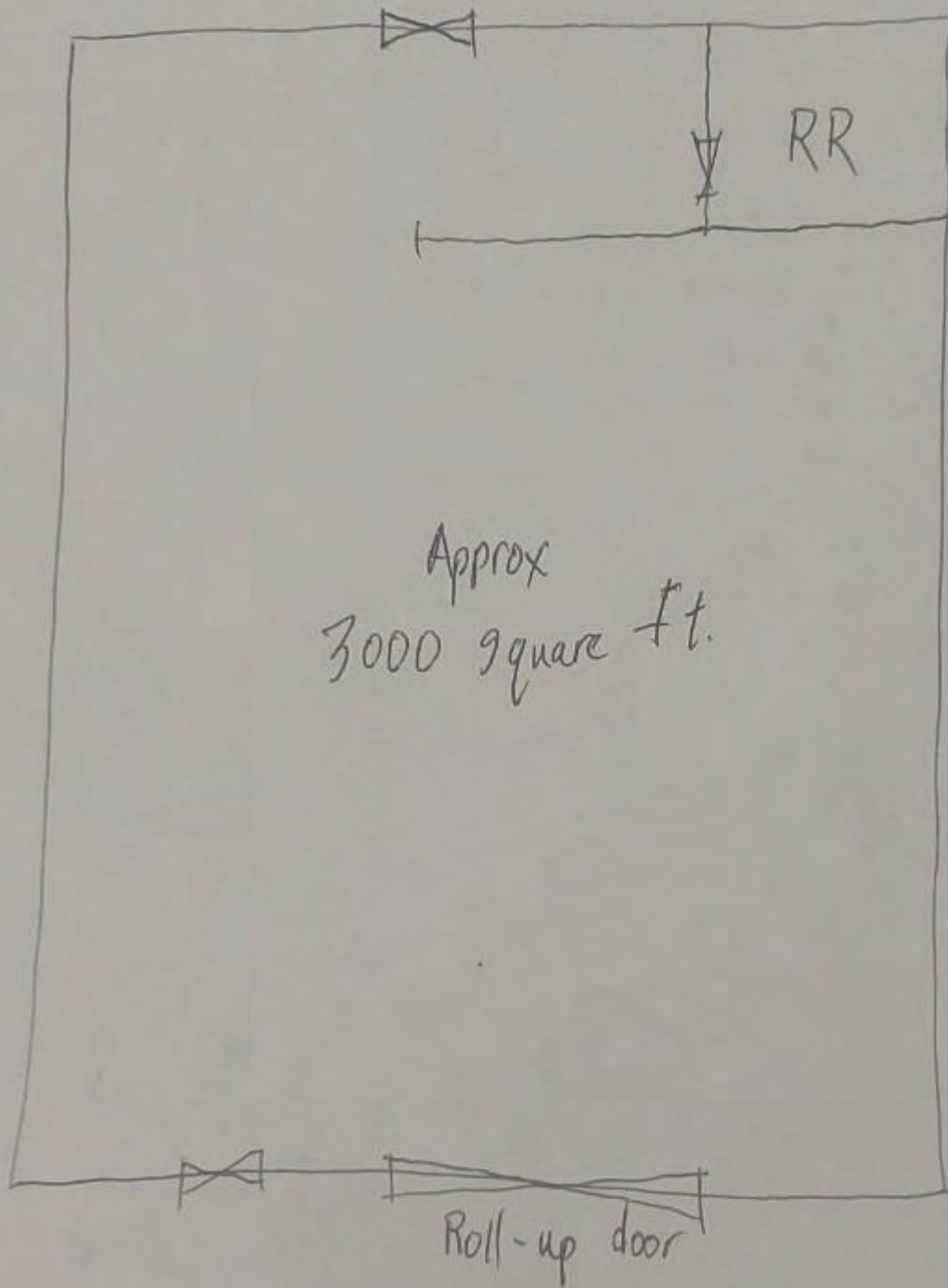
Do any customers come to the building?

- Very rarely--less than 10 visits per year. All our work is business to business so we have established relationships with our customers. We go to their locations to pick up the work and then deliver to them after completion. They don't have any reason to come to our location.

Do your two part-time employees alternate? Or are they usually both there at the same time?

- They are occasionally there at the same time but mostly alternate. We've never used more than 4 parking spots at the same time.

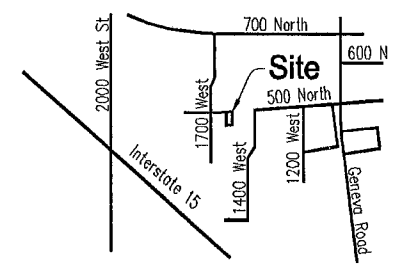
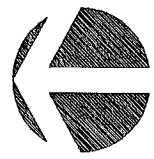
500 N



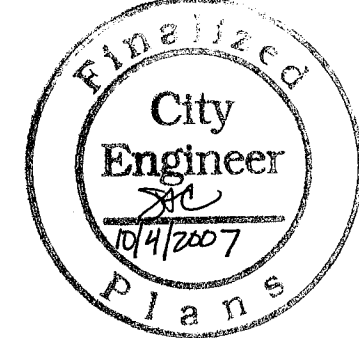
Parking lot

# Newbury Business Park

Lindon, Utah



Vicinity Map



- Notes:
- The Applicant is responsible for compliance with all requirements of the "Americans With Disabilities Act" (ADA)
  - All landscaped areas shall have an automatic underground sprinkling system with a backflow prevention device to the building, unless landscaping is served by the secondary water system.
  - Water meters are to be located behind back of walk or back of curb in an area that is accessible, not located behind fenced areas or under covered parking.

Developer:

Dyreg / West  
 Jeff West  
 12 West 100 North Suite 201-D  
 American Fork, Utah  
 801-756-3392

Engineer:

Dudley and Associates, Inc.  
 353 East 1200 South  
 Orem, Utah 84058  
 801-224-1252

Site Data:

Zone = Light Industrial  
 Total Area = 95605 S.F. or 2.18 Acres  
 Total number of Units = 13

Parking Requirements =  
 Office = 1/350 Warehouse 1/1000  
 Total Office Area = 9100 S.F.  
 Total Warehouse Area 29741 S.F.  
 Spaces required = 58  
 Spaces provided = 57  
 ADA Spaces provided = 4

IBC Occupancy Type B office Type S Warehouse  
 International Fire Code Construction Type 5

	Square Footage	Acres	Percent of total
Total Area	95605	2.18	100
Total Building / Pad Area	38323	0.88	40
Total Hard Surface Area	30213	0.69	32
Total Impervious Area	68536	1.57	72
Total Landscaped Area	27069	0.62	28

Tabulation Table

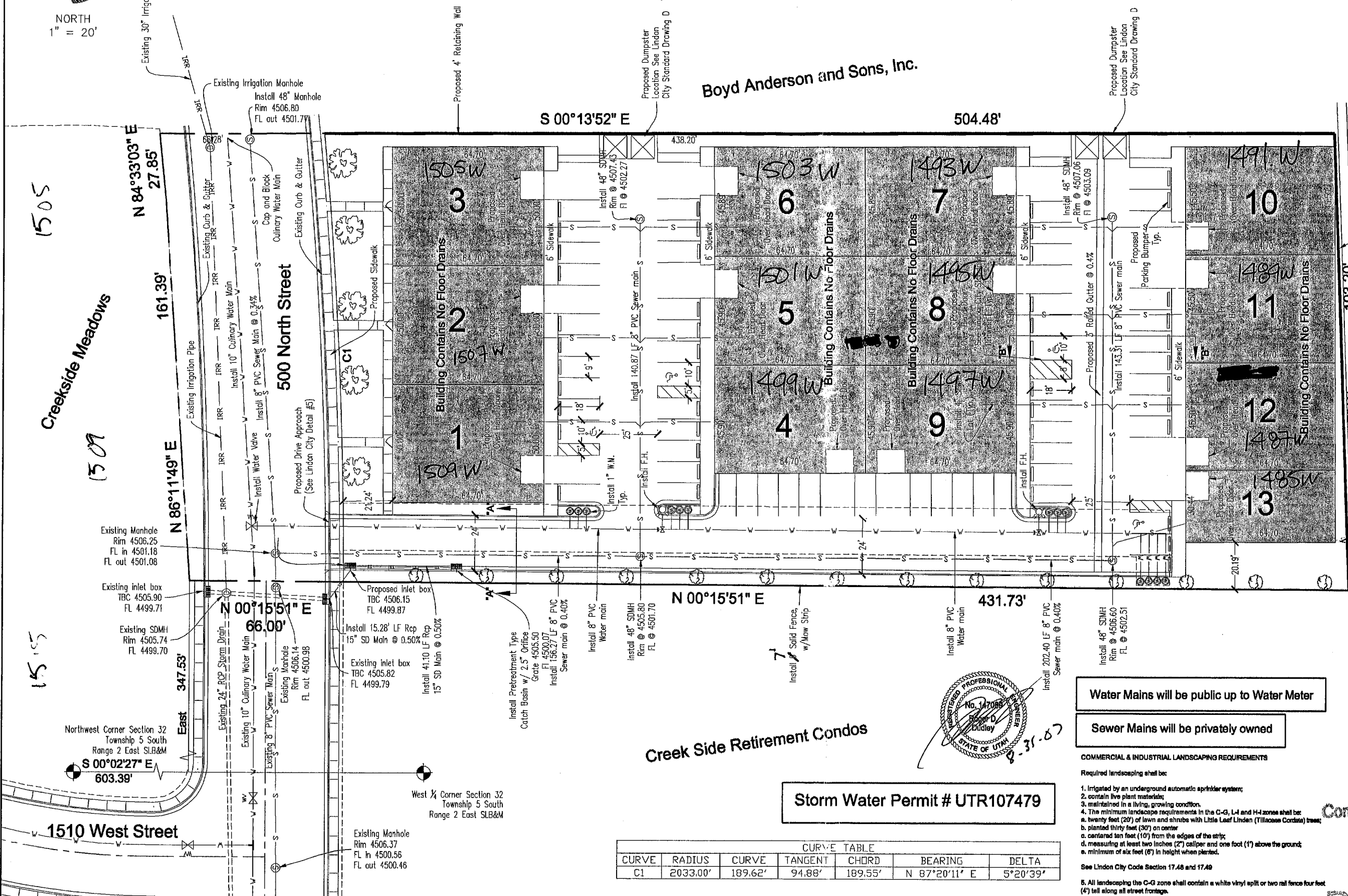
SEP 17 2007

COMMUNITY DEVELOPMENT  
 LINDON, UTAH

RECEIVED SHEET 1 OF 7

Boyd Anderson and Sons, Inc.

Boyd Anderson and Sons, Inc.



Creek Side Retirement Condos

Storm Water Permit # UTR107479

Water Mains will be public up to Water Meter

Sewer Mains will be privately owned

COMMERCIAL & INDUSTRIAL LANDSCAPING REQUIREMENTS

Required landscaping shall be:

- Irrigated by an underground automatic sprinkler system;
- contain live plant material;
- maintained in a living, growing condition.
- The minimum landscape requirements in the C-G, L-I and H-I zones shall be:
  - a. twenty feet (20') of lawn and shrubs with Little Leaf Linden (Tiliacoe Cordate) trees;
  - b. planted thirty feet (30') on center
  - c. centered ten feet (10') from the edges of the strip;
  - d. measuring at least two inches (2") caliper and one foot (1') above the ground;
  - e. minimum of six feet (6') in height when planted.

See Lindon City Code Section 17.48 and 17.49

- All landscaping the C-G zone shall contain a white vinyl spill or two rail fence four feet (4') tall along all street frontage.

CURVE TABLE						
CURVE	RADIUS	CURVE TANGENT	CHORD	BEARING	DELTA	
C1	2033.00'	189.62'	94.88'	189.55'	N 87°20'11" E	5°20'39"

**DUDLEY & ASSOCIATES**  
 ENGINEERS PLANNERS SURVEYORS  
 OREM, UTAH 801-224-1252

Newbury Business Park  
**Site Plan**

DATE : 2-12-07  
 SCALE : 1" = 30'  
 DRAWN BY : TD  
 DWG NAME : Jeff West  
 TRACING NO. : L-13122

REVISIONS




**Item 7: Site Plan Review**

**(30 Minutes)**

**Newberry Business Park  
Approximately 1500 West 500 North**

**APPLICANT:** Dyreng West, LLC.  
**APPLICATION DATE:** March 28, 2007  
**MASTER PLAN LAND USE DESIGNATION:** Light Industrial  
**ZONING DESIGNATION:** LI  
**MINIMUM LOT SIZE:** 1-acre (43,560 sq/ft)

**Summary:** This is a request by Dyreng West, LLC for approval of a 13-unit office / warehouse facility in the LI zone. This site is located off of 500 North adjacent and to the east of the Creekside Meadows Retirement subdivision.

One issue of note: This site technically borders the R3 Overlay residential zone and the standard 40' setback from any non-residential building to a residential zone is not applicable due to commitments to adjacent property owners and standards set in the R3 Overlay ordinance which state that the adjacent non-residential zones can have buildings within 20' of the R3 zone. Homes in the R3 zone must also have a 20' setback from any non-residential zone...therefore any home will be at least 40' from any non-residential building.

Items to discuss and clarify:

- Architectural features on the sides and rear of the buildings. Must have 25% arch. treatment on all sides.
- Fencing along the west side is proposed as 'Mity Fence' (stamped poly-fence that looks like stacked rock fencing). The retirement community developers are technically required to install a site obscuring fence along this boundary – and area planning to install a per-cast stamped concrete fence...but the applicants want to just see if the Mity Fence would be permitted instead of the masonry fence. We'll bring fence samples to the meeting – also see this type of fence in Pheasant Brook Park on 800 West in Lindon. Here's the company website: [www.mityfence.com](http://www.mityfence.com)
- Note: the site needs to be filled to bring it up to the road grade level, and they are proposing a 4' retaining wall on the east and south sides of the property to retain the fill on the lot.

**MOTION:** I move to (approve, deny, continue) the Newberry Business Park site plan, and recommend (approval, denial) to the City Council with the following conditions:

---

*Motion by:* \_\_\_\_\_ *Second by:* \_\_\_\_\_  
*No. voting aye:* \_\_\_\_\_ *No. voting nay:* \_\_\_\_\_  
*Absent:* \_\_\_\_\_

Dyren West, LLC  
1535 W. 500 N.

700 NORTH

800 West

GENEVA

500 NORTH

500 NORTH

1200 WEST

1000 WEST

410 NORTH

800 WEST

400 NORTH

325 NORTH

1500 WEST

240 North

I-45

100 NORTH

1800 WEST

1000 WEST

GENEVA

**GENERAL  
COMMERCIAL**

**MIXED  
COMMERCIAL**

PF  
PF  
PF

**R3-0**

Dyren West, LLC  
1535 W. 500 N.

**LIGHT  
INDUSTRIAL**

**LIGHT  
INDUSTRIAL**

**HEAVY  
INDUSTRIAL**

PF

**R1-20**

700 NORTH

500 NORTH

500 NORTH

410 NORTH

325 NORTH

150 NORTH

1800 WEST

1200 WEST

1030 WEST

880 WEST

240 NORTH

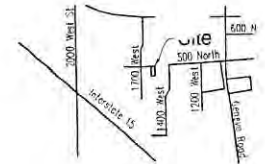
500 NORTH

Newberry Business Park  
1535 West 500 North



# Newbury Business Park

Lindon, Utah

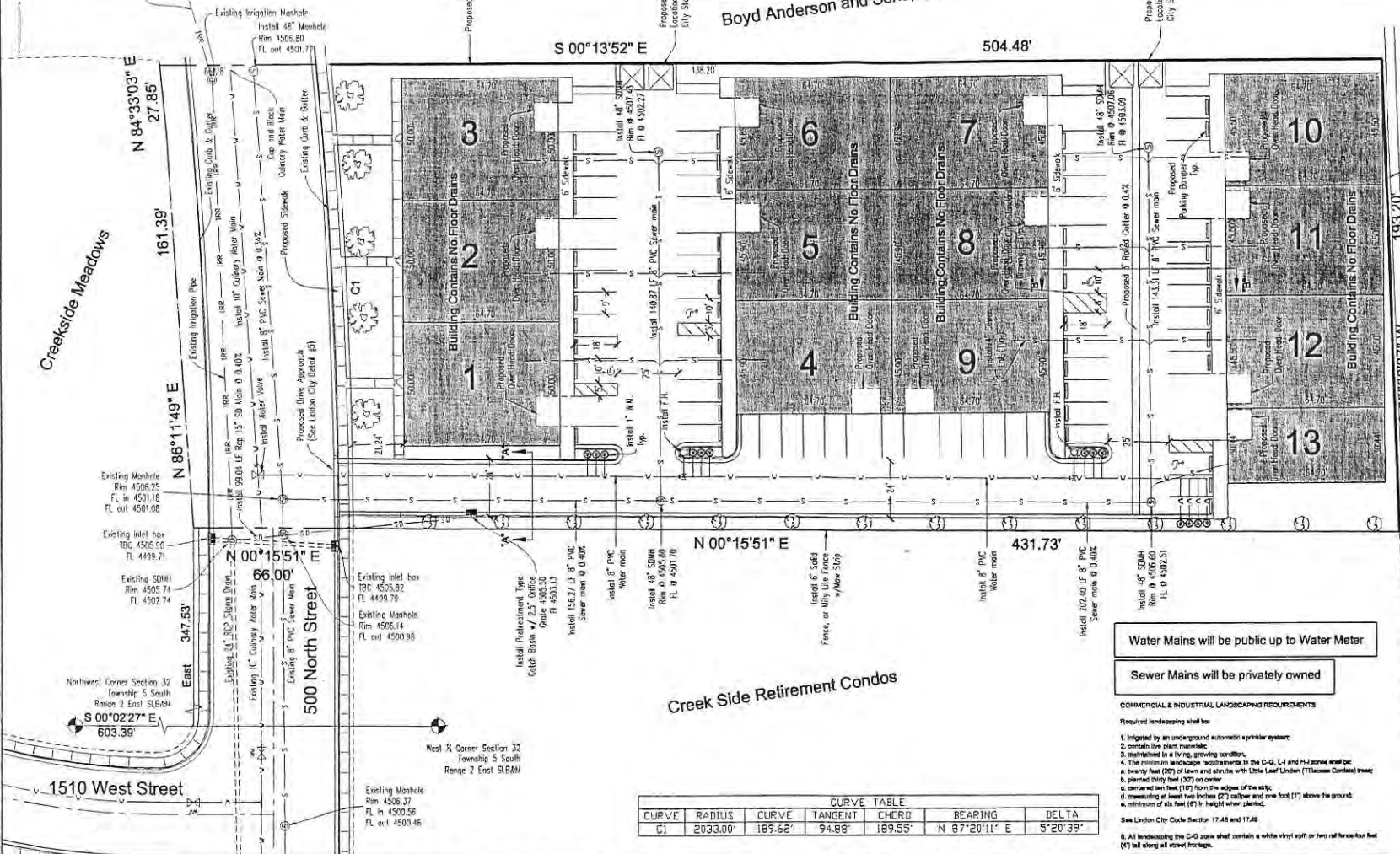


Vicinity Map



NORTH  
1" = 20'

Boyd Anderson and Sons, Inc.



Boyd Anderson and Sons, Inc.

- Notes:**
1. The Applicant is responsible for compliance with all requirements of the Americans With Disabilities Act (ADA).
  2. All landscaped areas shall have an automatic underground sprinkling system with a backflow prevention device to the building unless landscaping is watered by the secondary water system.
  3. Water meters are to be located behind back or wall or back of curb in an area that is accessible, not located behind fence or other covered parking.

**Developer:**  
Dyring West  
Jeff West  
12 West 100 North Suite 201-D  
American Fork, Utah  
801-756-3392

**Engineer:**  
Dudley and Associates, Inc.  
353 East 1200 South  
Orem, Utah 84058  
801-224-1252

**Site Data:**  
Zone = Light Industrial  
Total Area = 95605 S.F. or 2.19 Acres  
Total number of Units = 13

**Parking Requirements =**  
Office = 1350 Warehouse 1/1000  
Total Office Area = 9100 S.F.  
Total Warehouse Area 29741 S.F.  
Spaces required = 58  
Spaces provided = 57  
ADA Spaces provided = 4

IBC Occupancy Type B Office Type S Warehouse  
International Fire Code Construction Type 5

	Square Footage	Acres	Percent of total
Total Area	95605	2.19	100
Total Building / Paved Area	38323	0.88	40
Total Hard Surface Area	30213	0.69	32
Total Impervious Area	68536	1.57	72
Total Landscaped Area	27069	0.62	28

Community Land Tabulation Table

JUN 13 2007

SHEET 1 OF 7

CURVE	RADIUS	CURVE	TANGENT	CHORD	BEARING	DELTA
C1	2033.00'	189.62'	94.88'	189.55'	N 87°20'11" E	S 2°20'39"

Water Mains will be public up to Water Meter

Sewer Mains will be privately owned

COMMERCIAL & INDUSTRIAL LANDSCAPING REQUIREMENTS

- Required landscaping shall be:
1. Irrigated by an underground automatic sprinkler system;
  2. contain live plant material;
  3. maintained in a living, growing condition;
  4. The minimum landscape requirements in the C-G, L4 and H-zones shall be:
    - a. twenty feet (20') of lawn and shrubs with Little Leaf Linden (Tilacora Cordata) tree;
    - b. planted fifty feet (50') on corner;
    - c. oriented ten feet (10') from the edge of the strip;
    - d. measuring at least two inches (2") caliper and one foot (1') above the ground;
    - e. minimum of six feet (6') in height when planted.
- See Utah City Code Section 17.68 and 17.69
6. All landscaping in the C-G zone shall contain a white vinyl soft or hard roll fence four feet (4') tall along all street frontages.

**DUDLEY & ASSOCIATES**  
ENGINEERS PLANNERS SURVEYORS  
OREM, UTAH 801-224-1252

Newbury Business Park  
**Site Plan**

RECEIVED	DATE: 11-25-07
	SCALE: 1" = 30'
	DRAWN BY: TD
	DWG NAME: J Jeff West
UTAH	TRACING NO.: L-13122

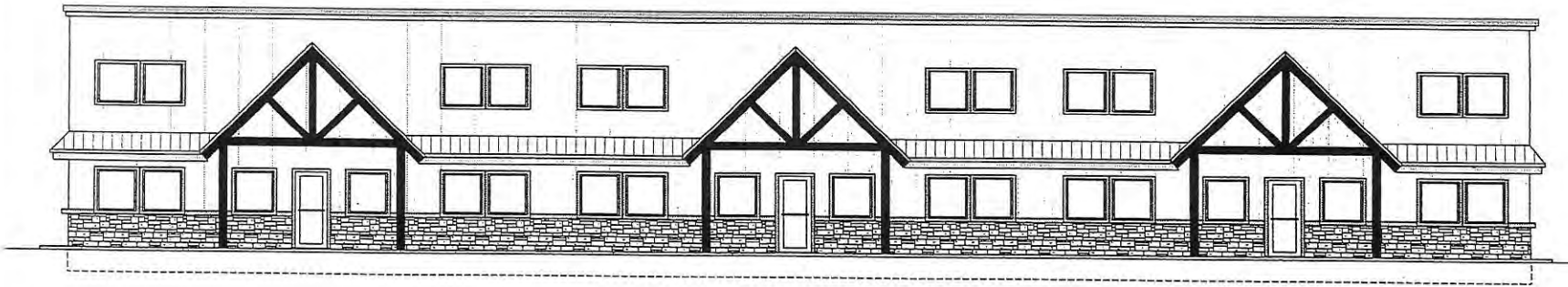
REVISIONS



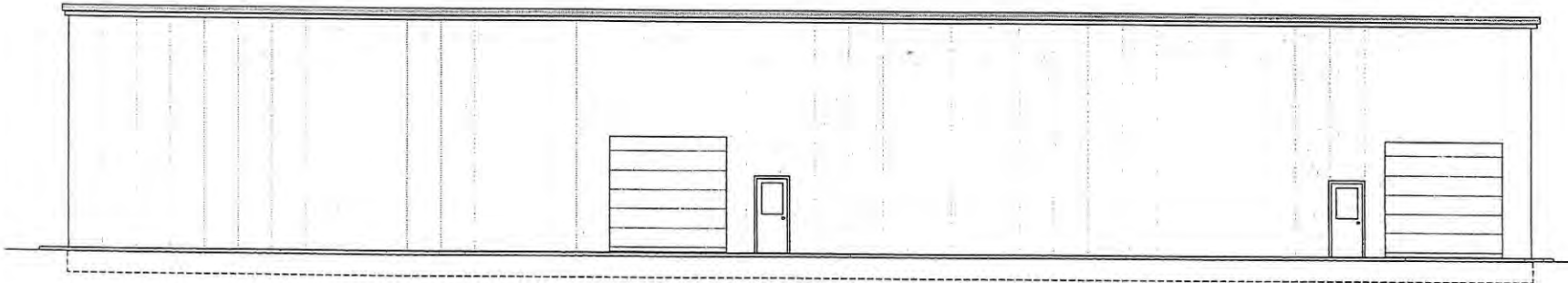
NORTH  
1" = 20'



THIS PRINT AND ALL INFORMATION HEREON IS THE PROPERTY OF KEVIN MADSON & ASSOCIATES INC. AND SHALL NOT BE USED ON ANY OTHER JOB WITHOUT WRITTEN PERMISSION OF THE ARCHITECT



**FRONT ELEVATION VIEW - 3/16"=1'-0"**



**REAR ELEVATION VIEW - 3/16"=1'-0"**

Community Development  
Lindon City


JUN - 6 2007

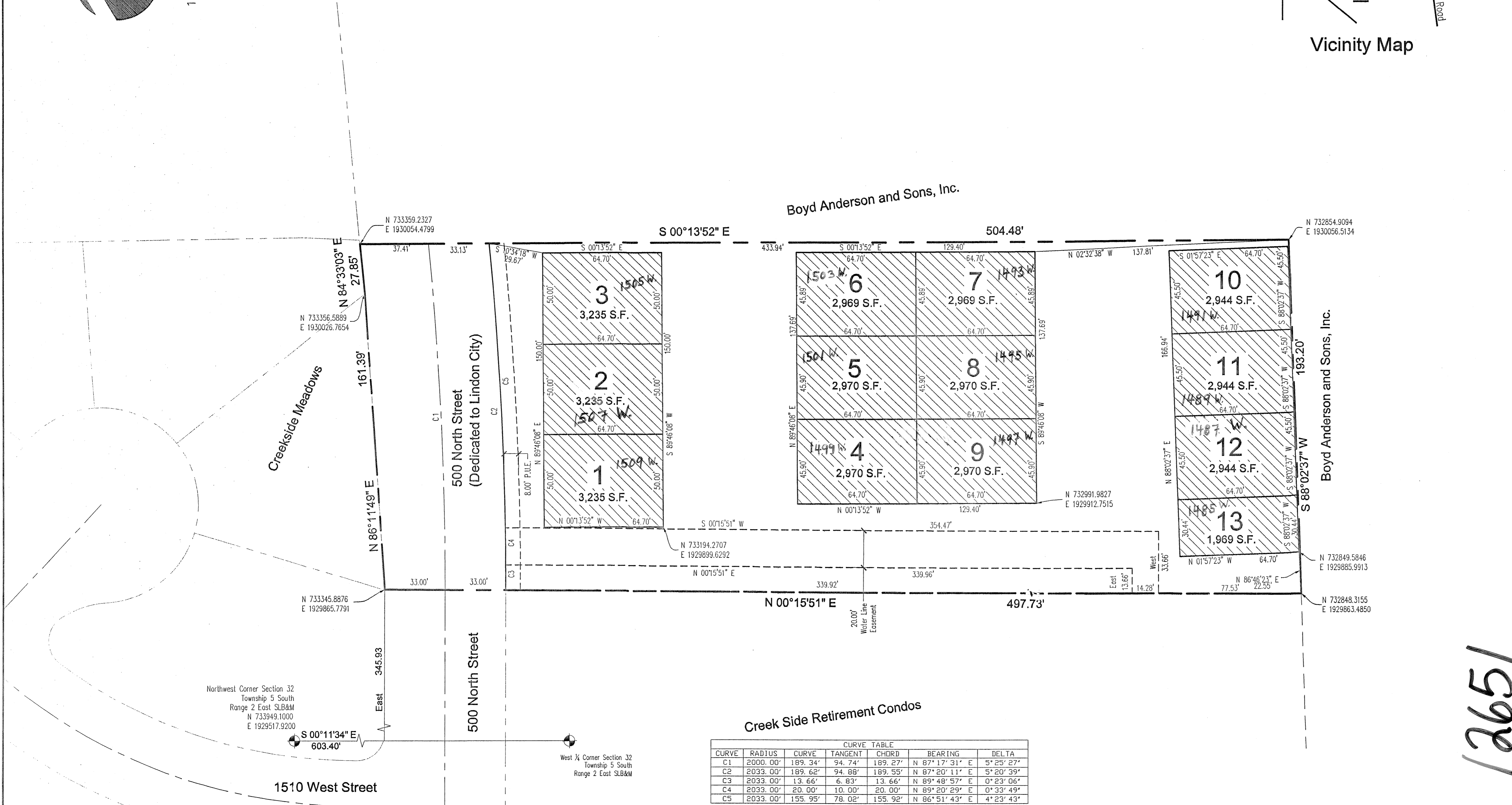
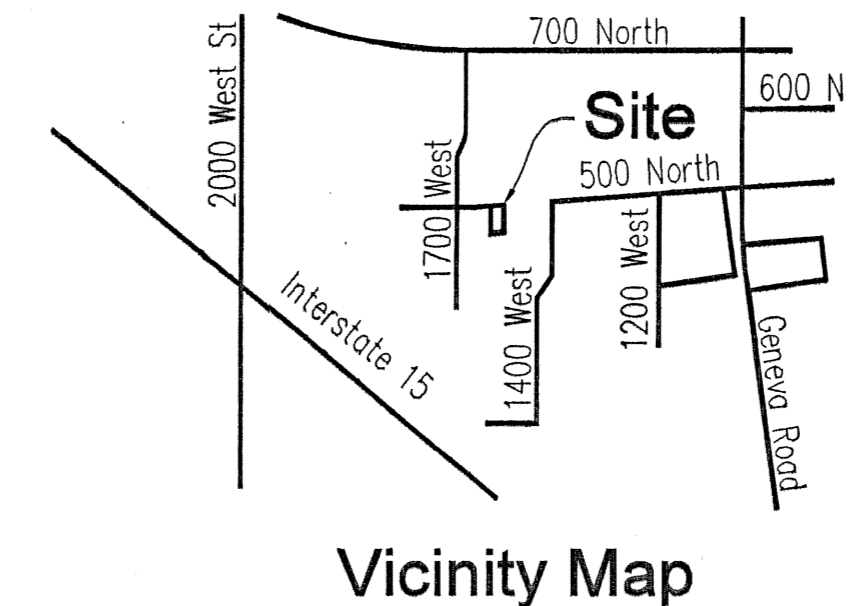
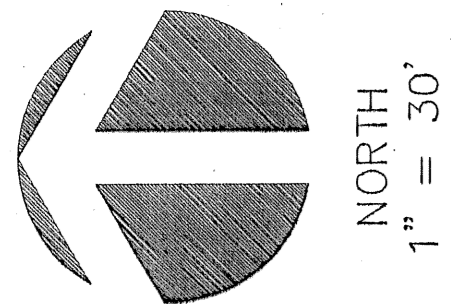
RECEIVED

KEVIN MADSON &  
ASSOCIATES INC.  
ARCHITECTURE & PLANNING  
195 EAST 100 NORTH PROVO, UTAH 84606

**KMA**

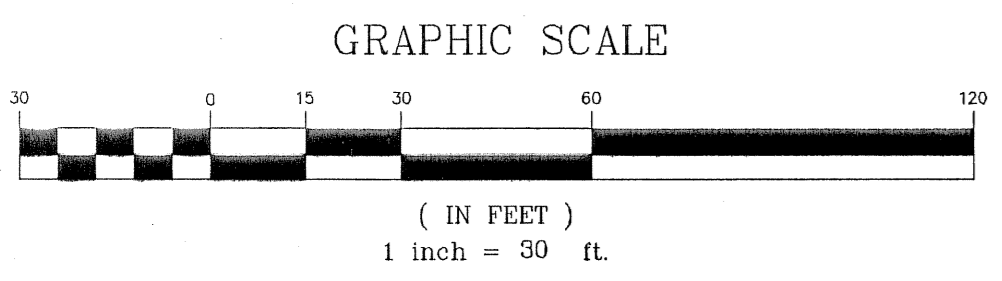
REVISIONS
PROJECT TITLE
DRAWN BY
DATE
CHECKED





CURVE	RADIUS	CURVE	TANGENT	CHORD	BEARING	DELTA
C1	2000.00'	189.34'	94.74'	189.27'	N 87° 17' 31" E	5° 25' 27"
C2	2033.00'	189.62'	94.88'	189.55'	N 87° 20' 11" E	5° 20' 39"
C3	2033.00'	13.66'	6.83'	13.66'	N 89° 48' 57" E	0° 23' 06"
C4	2033.00'	20.00'	10.00'	20.00'	N 89° 20' 29" E	0° 31' 49"
C5	2033.00'	155.95'	78.02'	155.92'	N 86° 51' 43" E	4° 23' 43"

Common Area  
Private Area



**Surveyor's Certificate**  
I, Roger D. Dudley, do hereby certify that I am a registered land surveyor, and that I hold certificate No. 147089 in accordance with Utah Code, Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act. I further certify that at the request of the owner of the below-described land, I performed a survey of said land in accordance with Section 17-23-17 of the Utah Code; that the boundary description below correctly describes the land surface upon which will be constructed the Newbury Business Park; that I have verified all measurements, and that the reference markers shown on said plat are located as shown and are sufficient to readily retrace or reestablish this survey.  
Date JAN 10, 2008  
(Registered Land Surveyor (see seal below))

**BOUNDARY DESCRIPTION**  
COMMENCING S 00°11'34" E Along the Section line 603.40' & East 345.93' from the Northwest Corner Section 32  
TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE & MERIDIAN; THENCE AS FOLLOWS

BEARING	DISTANCE	REMARKS
N 86°11'49" E	161.39'	
N 84°33'03" E	27.85'	
N 73°35'56.5889" E	193.0026.7654	
N 86°11'49" E	345.93'	
S 00°11'34" E	603.40'	
S 00°13'52" E	504.48'	
N 00°15'51" E	497.73'	
N 86°46'23" E	72.55'	
N 88°02'37" W	193.20'	
N 02°32'38" W	137.81'	
S 01°57'23" E	64.70'	
S 88°02'37" W	45.50'	
S 88°02'37" W	193.20'	
N 00°15'51" E	497.73'	
N 00°15'51" E	497.73'	
Area: 95,605 sq. ft. 2.19 acres		

Area: 95,605 sq. ft. 2.19 acres

BASE OF BEARING = S 00°11'34" E Along the Section line

**Owner's Certificate and Dedication**  
The undersigned owners ("owner" without regard to number or gender) of the above-described land hereby certifies that: owner has caused a survey to be made of said land and have caused this plat and Declaration of Covenants Conditions and Restrictions (Declaration) to be prepared for the Newbury Business Park. Owner hereby consents to the concurrent recordation of the plat and Declaration and hereby submits the described land to the provisions and requirements of the declaration, including the creation of the Newbury Business Park ASSOCIATION; owner hereby dedicates any public streets reflected on the map for the use by the general public and declares all other driveways or private streets reflected on the map to be private and intend for use only by members of the Newbury Business Park ASSOCIATION, their guests and invitees, as reflected in the provisions of the Declaration.

Owner: DYRENG WEST DEVELOPMENT LLC  
By: Jeffrey A. West member  
By: David M. Dyrheng member

**STATE OF UTAH } S.S.**  
**COUNTY OF UTAH }**  
On the 15 day of January, A.D. 2008, personally appeared before me the signers of the foregoing dedication who duly acknowledge to me that they did execute the same.  
My Commission Expires 11-01-2011 Carolyn Shephard  
Notary Public  
(See Seal Below)

**Conveyance of Common Areas to Association**  
The undersigned owner in recording this plat, has designated certain areas of the land as private driveways, streets, limited common areas and other common areas intended for the use by members of the Newbury Business Park ASSOCIATION, their guest and invitees. Such areas are to be conveyed to the appropriate parties, including the conveyance of common areas to the Newbury Business Park ASSOCIATION, by deed, to be recorded in the Utah County Records office, for the use and enjoyment by the owners of lots or dwellings in the Newbury Business Park project as more fully described in the Declaration of Covenants Conditions and Restrictions applicable to this project and recorded with this plat.

**Notice of Declaration of Covenants Conditions and Restrictions**  
This project, with its lots, dwellings, and common areas are subject to certain covenants, conditions, and restriction as contained in the Declaration of Covenants Conditions and Restrictions for the Newbury Business Park which are recorded in the offices of the Utah County Recorder. Said covenants, conditions and restrictions are intended to run with the land and to be binding upon all heirs, successors or assigns of the declarant in accordance with the recorded declaration.

**Utility Dedication**  
owner(s) of the Parcel of land which is shown upon the Plat of Newbury Business Park, Planned Unit Development, consent to the preparation and recordation of this Plat and does hereby offer and convey to all Public Utility Agencies and their successors and assigns a permanent easement and right of way as shown by the areas marked "Utility Easement", and "Private Streets" on the within plat for the construction and maintenance of subterranean electrical, telephone, natural gas, sewer and water lines appurtenances, together with the right of access there to.

**Occupancy Restriction Notice**  
The City of Lindon has an Ordinance which restricts the occupancy of buildings within this subdivision. According, it is unlawful to occupy any building located within this subdivision without first having obtained a certificate of occupancy issued by the City.

**Conditions of Approval**

**Planning Commission Approval**  
Approved this 16 day of Jan, A.D. 2008, by the Lindon City Planning Commission.  
Director - Secretary: James J. Filiano Chairman, Planning Commission Resolution No. \_\_\_\_\_

**Acceptance of Legislative Body**  
Approved this 15 day of Jan, 2008, by Lindon City, approves this subdivision and hereby accepts the dedication of all Streets, Easements, and other Parcels of land intended for public purposes for the perpetual use of the public. The City recognizes that this plat clarifies ownership of property with the dedication shown hereon this 15 day of Jan, A.D. 2008.

Council Member: James J. Filiano  
Council Member: John F. Cook  
Council Member: Shirley K. Cook  
Council Member: Mark J. Hunt  
City Engineer: J. A. C.  
City Mayor: \_\_\_\_\_

Council Member: John F. Cook  
Council Member: Shirley K. Cook  
City Attorney: Robert J. Thompson  
City Recorder: \_\_\_\_\_  
Clerk / Recorder: \_\_\_\_\_

PLAT 'A'

JAN 20 2008 10:11 AM  
RANDALL B. COVINGTON  
UTAH COUNTY RECORDER  
2008 Feb 21 4:15 PM FEE \$3.00  
RECORDED FOR LINDON CITY CORPORATION

**Newbury Business Park**  
A Multi-Unit Industrial Development

Lindon City, Utah County, Utah

Scale: 1" = 30 Feet

SURVEYOR'S SEAL: \_\_\_\_\_  
NOTARY PUBLIC SEAL: \_\_\_\_\_  
CITY-COUNTY ENGINEER SEAL: \_\_\_\_\_  
CLERK-RECORDER SEAL: \_\_\_\_\_

1-10-08

12651

NW 1/4 COR. SEC. 32  
T5S. R2E. S4EM  
TU-080

## **Item 8: Amending 17.02 Definitions, 17.08 City Council Review, 17.09 Land Use and Appeal Authority Table #1, 17.32 Subdivision-Special Requirements, 17.33 Amending a Recorded Plat.**

Date: November 28, 2023  
Applicant: Lindon City  
Presenting Staff: Michael Florence

Type of Decision: Legislative  
City File Number: 23-037-8

Council Action Required: Yes, the planning commission is the recommending body on this application

### Motion

I move to recommend (approval, denial, or continuance) of ordinance 2023-22-O (as presented, or with changes).

### SUMMARY OF KEY ISSUES

- During the 2023 State of Utah legislative session, the legislature passed SB 174 which establishes a new process for subdivision review and approval. One of the main points of the legislation is that it prohibits a city council from reviewing and approving a subdivision for single-family homes, two-family dwellings, or townhomes. Additional detail about SB 174 is provided below.
  - SB 174 instituted a deadline, requiring municipalities to adopt the provisions of SB 174 by February 1, 2024.
- In addition, the Utah legislature also passed HB 406 which limits the pavement width for a local residential roadway to 32'. Lindon City currently has a minimum pavement width of 34' for a local residential street. After further review, the city council will be the only body reviewing the specifications of the development manual with a public hearing. The commission will not need to review these changes.

### OVERVIEW OF AMENDMENTS

#### 17.02 – Definitions

- The proposal is to add the following State definitions to the city code:
  - Administrative Land Use Authority
  - Residential Roadway
  - Review Cycle
  - Subdivision Improvement Plan
  - Subdivision Ordinance Review
  - Subdivision Plan Review

#### 17.08.090 – City Council Review

- This section allows the city council to be the final land use authority for any land use application prior to the planning commission reviewing it. With the new State code prohibiting the city council from approving specific subdivision types, this only leaves site plan and conditional use permit reviews that the city council could give final approval on. Because of the State Legislature's focus on the planning commission and city staff approving administrative items, city staff is recommending the removal this section of the code so the city council can focus on

legislative issues. The city council will still be the final land use authority on all zone change and ordinance amendment applications.

17.09 – Land Use and Appeal Authority Table #1

- **Amends which public bodies are the final land use and appeal authorities for Lindon City**

17.32 Subdivision-Special Requirements

- **Outlines that the planning commission is the final land use authority for preliminary subdivision approvals.**
- **Updates processing requirements for subdivisions.**
- **Allows for agricultural exemptions from plat requirements.**
- **Allows the planning commission to approve street alignments that vary from the Street Master Plan Map but still accomplish street connectivity requirements.**
- **Updates the categories of streets.**
- **Removes the requirement that the planning commission approves street names.**
- **Makes correct references to the General Plan and the Parks, Trails, and Recreation Master Plan.**
- **Removes the requirement for a conditional use permit for subdivisions.**
- **Makes a reference to the Flood Damage Prevention Ordinance found in 17.62 instead of design requirements in the subdivision code.**
- **Adopts the State appeals language for engineering standards.**

17.33 – Amending a Recorded Plat

- **Clarifies when an amended plat is required.**
- **Removes the requirement that if the city engineer and planning director have a “difficult question” about a lot line adjustment that the question goes to the planning commission.**
- **For Lot Line Adjustments, the appeal authority is changed to the board of adjustment.**

Exhibits:

1. **Draft Ordinance Amendments**
2. **Utah League of Cities and Town SB 174 Checklist**

**ORDINANCE NO 2023-22-O**

**AN ORDINANCE AMENDING CHAPTERS 17.02 DEFINITIONS, 17.08 CITY COUNCIL REVIEW, 17.09 LAND USE AUTHORITY AND APPEAL AUTHORITY TABLE #1, 17.32 SUBDIVISION-SPECIAL REQUIREMENTS, AND 17.33 AMENDING A RECORDED PLAT SO AS TO BRING THESE SECTION INTO CONFORMANCE WITH RECENT CHANGES IN STATE CODE.**

**WHEREAS**, during the 2023 legislative session, the Utah legislature passed Senate Bill 174 and House Bill 406; and

**WHEREAS**, Senate Bill 174 enacts new processes for subdivision review and approval; and

**WHEREAS**, House Bill 406 establishes pavement widths for residential roadways within municipalities; and

**WHEREAS**, the City Council is authorized by state law to enact and amend ordinances establishing land use regulations; and

**WHEREAS**, on November 28, 2023, the Planning Commission held a properly noticed public hearing to hear testimony regarding the ordinance amendment; and

**WHEREAS**, after the public hearing, the Planning Commission further considered the proposed ordinance amendment and recommended that the City Council adopt the attached ordinances;

**WHEREAS**, the Council held a public hearing on \_\_\_\_\_, to consider the recommendation and the Council received and considered all public comments that were made therein.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Lindon City, Utah County, State of Utah, as follows:

**PART ONE: AMENDMENTS OF THE LINDON CITY CODE.**

**Chapter 17.02 of the Lindon City Code, is hereby amended as follows:**

"administrative land use authority" means an individual, board, or commission, appointed or employed by a municipality, including municipal staff or a municipal planning commission. "Administrative land use authority" does not include a municipal legislative body or a member of a municipal legislative body.

"Residential roadway" means a public local residential road that:

- (a) will serve primarily to provide access to adjacent primarily residential areas and property;
- (b) is designed to accommodate minimal traffic volumes or vehicular traffic;
- (c) is not identified as a supplementary to a collector or other higher system classified street in an approved municipal street or transportation master plan;
- (d) has a posted speed limit of 25 miles per hour or less;

- (e) does not have higher traffic volumes resulting from connecting previously separated areas of the municipal road network;
- (f) cannot have a primary access, but can have a secondary access, and does not abut lots intended for high volume traffic or community centers, including schools, recreation centers, sports complexes, or libraries; and
- (g) primarily serves traffic within a neighborhood or limited residential area and is not necessarily continuous through several residential areas.

"Review cycle" means the occurrence of:

- (i) the applicant's submittal of a complete subdivision land use application;
- (ii) the municipality's review of that subdivision land use application;
- (iii) the municipality's response to that subdivision land use application, in accordance with this section; and
- (iv) the applicant's reply to the municipality's response that addresses each of the municipality's required modifications or requests for additional information.

"Subdivision improvement plans" means the civil engineering plans associated with required infrastructure and municipally controlled utilities required for a subdivision.

"Subdivision ordinance review" means review by a municipality to verify that a subdivision land use application meets the criteria of the municipality's subdivision ordinances.

"Subdivision plan review" means a review of the applicant's subdivision improvement plans and other aspects of the subdivision land use application to verify that the application complies with municipal ordinances and applicable standards and specifications.

**Chapter 17.08 of the Lindon City Code, is hereby amended as follows:**

~~The Lindon City Council, in giving authority to the Planning Commission to review and approve all types of land use applications, reserves the right to review such application in a regularly scheduled City Council meeting when found to be in the public interest. The Council shall designate an item for Council review before a development application is advertised on an agenda for a Planning Commission meeting. At such time as the City Council names an item for review, the Planning Commission shall make a recommendation to approve or deny an application to the City Council. The City Council shall then become the final land use authority for the development application.~~

**Chapter 17.09 Table #1 of the Lindon City Code is hereby amended as follows:**

**Table #1.**

Land Use Application	Land Use Authority	Appeal Authority
General Plan Amendment	City Council	None
Zone Change and Zoning Ordinance Amendments	City Council	None

Land Use Application	Land Use Authority	Appeal Authority
Major Subdivisions	<del>City Council</del> <a href="#">Planning Commission (administrative land use authority)</a>	Board of Adjustment <a href="#">Expert Panel – for public improvements or engineering standards (see 17.32)</a>
Minor Subdivisions*	<a href="#">Planning Commission (administrative land use authority)</a>	<del>City Council</del> <a href="#">Board of Adjustment</a> <a href="#">Expert Panel – for public improvements or engineering standards (see 17.32)</a>
Plat Amendment*	<a href="#">Planning Commission (administrative land use authority)</a>	<del>City Council</del> <a href="#">Board of Adjustment</a>
Alteration of Nonconforming Use	City Council	Board of Adjustment
Reimbursement Agreement	City Council	Board of Adjustment
Property Line Adjustment <sup>±</sup>	City Staff	<del>Planning Commission</del> <a href="#">Board of Adjustment</a>
Building Permit <sup>±</sup>	City Staff	<del>Planning Commission</del> <a href="#">Board of Adjustment</a>
Temporary Site Plan <sup>±</sup>	City Staff	Planning Commission
1. Site Plan* 2. Site Plan in CF Zone	1. Planning Commission 2. Planning Commission – Preliminary; City Council – Final	1. <del>City Council</del> <a href="#">Board of Adjustment</a> 2. Board of Adjustment

Land Use Application	Land Use Authority	Appeal Authority
1. Conditional Use Permit* 2. Conditional Use Permit in CF Zone	1. Planning Commission 2. Planning Commission – Preliminary; City Council – Final	1. <del>City Council</del> <u>Board of Adjustment</u> 2. Board of Adjustment
Temporary Conditional Use Permit*	Planning Commission	<del>City Council</del> <u>Board of Adjustment</u>
Variances	Board of Adjustment	None
Other Administrative Actions as Listed in Code or Performed through Department Policy*	City Staff, Planning Commission, City Council	Board of Adjustment
Other Legislative Actions	City Council	None

~~\*In cases where the city council implements Section 17.08.090 and becomes the land use authority, the appeal authority becomes the board of adjustment.~~

**17.32 of the Lindon City Code, is hereby amended as follows:**

**Chapter 17.32  
SUBDIVISIONS–SPECIAL REQUIREMENTS**

Sections:

- 17.32.010**     **Scope.**
- 17.32.020**     **Intent and purpose.**
- ~~**17.32.030**~~    ~~**Exemptions.**~~
- ~~**17.32.040**~~ **030**   **Final plat recordation.**
- ~~**17.32.050**~~ **040**   **Subdivision Approval Procedure.**
- ~~**17.32.060**~~ **050**   **Exemption from plat requirements.**
- ~~**17.32.070**~~ **060**   **Amending a recorded subdivision plat.**
- ~~**17.32.080**~~ **070**   **File of recorded subdivisions.**
- ~~**17.32.090**~~ **080**   **Design Standards – Generally.**
- ~~**17.32.100**~~ **090**   **General Standards.**
- ~~**17.32.110**~~ **100**   **Lots.**
- ~~**17.32.120**~~ **110**   **Streets.**



- ~~17.32.130~~ 120 Street numbers and names.
- ~~17.32.140~~ 130 Subdivision construction standards.
- ~~17.32.150~~ 140 Major street frontage.
- ~~17.32.160~~ 150 Street Grades.
- ~~17.32.170~~ 160 Pathways, sidewalks, curbs and gutters.
- ~~17.32.180~~ 170 Blocks.
- ~~17.32.190~~ 180 Pedestrian crosswalks.
- ~~17.32.200~~ 190 Lot sizes.
- ~~17.32.210~~ 200 Easements.
- ~~17.32.220~~ 210 Utility undergrounding.
- ~~17.32.230~~ 220 Alleys.
- ~~17.32.240~~ 230 Sanitary sewage disposal—Generally.
- ~~17.32.250~~ 240 Sanitary sewer mains, laterals and house connections.
- ~~17.32.260~~ —~~Sanitary sewers—Test procedures.~~
- ~~17.32.270~~ 250 Water – Subdivider obligation to provide sufficient quantity.
- ~~17.32.280~~ 260 Water—Culinary system—Storage facility.
- ~~17.32.290~~ 270 Irrigation System.
- ~~17.32.300~~ —~~Conditional use permit—Required.~~
- ~~17.32.310~~ 280 Storm drainage and flood plans.
- ~~17.32.320~~ 290 Flag lots.
- ~~17.32.330~~ 300 Subdivision application expiration.
- ~~17.32.340~~ 310 Phased Subdivisions.
- ~~17.32.350~~ 320 Public Utility Lots.
- 17.32.330 Appeals

**17.32.010 Scope.**

1. No person shall subdivide any tract of land which is located wholly or in part within Lindon City except in compliance with this division, and with the subdivision regulations adopted by the City Council. It shall be unlawful for any person to subdivide any tract of land or to sell, exchange or offer for sale, or purchase or offer to purchase any parcel of land which is any part of a subdivision or a larger tract of land where the transaction would result in the subdivision of land, unless such subdivision has been created pursuant to and in accordance with the provisions of this division, local, and state code regulations; provided, that this division shall not apply to any lot or lots forming a part of a subdivision created and recorded according to then applicable law prior to the effective date of the ordinance codified in this division, except as provided in Subsection (2) of this section. This division shall apply, however, to lots created prior to adoption of the ordinance codified in this division and not in compliance with then applicable law.

2. No lot within a subdivision created and recorded prior to the effective date of the ordinance codified in this division or approved by the Planning Commission ~~and City Council~~ and recorded in the county recorder's office under the provisions of this division shall be further divided, rearranged, added to or reduced in area, nor shall any boundaries of any lot be altered in any manner so as to create more lots than initially recorded, or any nonconforming lot, without first obtaining the approval of the Planning Commission ~~and the City Council~~. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(A))

### **17.32.020 Intent and purpose.**

The purpose of this chapter and the intent of the local jurisdiction in adoption of the ordinance codified in this division is to promote the health, safety, convenience, and general welfare of the present and future inhabitants of Lindon City. This chapter will accomplish this purpose by:

1. Providing policies, standards, requirements, and procedures to regulate and control the design and improvement of all subdivisions;
2. Assisting in the implementation of the objectives, policies, and programs of the master plan by ensuring that all proposed subdivisions, together with provisions for their design and improvement, are consistent with the master plan and all applicable specific plans;
3. Preserving and protecting, to the maximum extent possible, unique and valuable natural resources and amenities, including topographic and geologic features, beaches and natural watercourses, fish and wildlife habitats, historical and cultural places, and scenic vistas and attractions; and improving the public's access to and enjoyment of such resources and amenities through the dedication or continuance of appropriate public easements thereto;
4. Preserving and protecting the special environmental quality and aesthetic character of all hillside and mountainous areas; preventing detrimental impacts on the soil mantle, vegetative cover, and other environmental factors; reducing the hazards to life and property from fire, flood, erosion, sedimentation and soil slippage; and relating the amount of grading within a subdivision to the slope of the natural terrain;
5. Consider the clustering (consideration of density as opposed to lot size) of housing developments where subdivisions are permitted in hillside and mountainous areas, minimizing grading, preserving the natural terrain, and enlarging the open space;
6. Relating land use intensity and population density to existing developments, street capacity and traffic access, the slope of the natural terrain, the availability and capacity of public facilities and utilities, and open spaces;

7. Providing lots of sufficient size and appropriate design for the purposes for which they are to be used;
8. Providing streets of adequate capacity and design for the traffic that will utilize them, and ensuring maximum safety for pedestrians and users of vehicles;
9. Ensuring adequate access to each building site;
10. Providing sidewalks, pedestrian walkways, and multi-use trails for the safety, convenience, and enjoyment of residents of new developments;
11. Providing adequate systems of water supply, sanitary sewage disposal, storm drainage, street lighting, and other utilities needed for public health, safety, and convenience;
12. Providing adequate sites for public facilities needed to serve residents of new developments;
13. Ensuring that costs of providing land for streets, alleys, pedestrian walkways, easements, and other rights-of-way and for the improvements therein needed to serve new developments are borne by the subdivider(s);
14. Preventing land which is actually or potentially dangerous by reason of flood hazard, inundation, inadequate access, inadequate water supply or fire protection, insufficient sewerage facilities, or hazardous geological conditions from being subdivided for any use or in any manner tending to create an increased detriment to the public health, safety, or welfare;
15. Ensuring that, insofar as possible, land is subdivided in a manner that will promote the public health, safety, convenience, and general welfare and the physical, social and economic development of the area in conformance with the master plan. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(B))

~~17.32.030 — Exemptions.~~

~~Any land divided for any purpose into three or more parts after the passage of the ordinance codified in this division shall be subject to the provisions and regulations herein, except the following, which are exempt therefrom:~~

- ~~1. Land divided into parcels, the smallest of which equals or exceeds one quarter (1/4) of a standard section, the boundaries of such parcels to coincide with standard boundaries for the division of sections, i.e., one quarter (1/4) sectional boundaries;~~
- ~~2. Land divisions which are bona fide divisions or partitions of agricultural land for agricultural purposes, and defined herein. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(C))~~

**17.32.040 030 Final plat recordation.**

The Planning Director, or his/her authorized agent, shall record the final plat with the county ~~clerk and recorder~~ after approval of the final plat by the Development Review Committee ~~or the Lindon City Council, whichever is required~~. The subdivider shall pay the expense of such recording. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(D))

**17.32.050 040 Subdivision Approval Procedure.**

~~1. All subdivision applications shall provide documentation, reports and plats as found in the Lindon City Land Development, Standard Specifications and Drawings Manual.~~

~~12. A person may not submit a plat of a subdivision to the County Recorder's Office to be recorded with the county recorder's office for filing or recording unless preliminary plat approval a recommendation has been received from the Planning Commission, as an administrative land use authority, and the plat has been received final approval approved by the City Council or other City Officers as designated by the City Council Development Review Committee.~~

~~23. Subdivision requests and applications shall follow application requirements as established in Lindon City Code Section 17.12.- Document Submission and Review and the Lindon City Land Development Policies, Standard Specifications and Drawings Manual. (Ord. 2001-8, amended, 2001)~~

**17.32.060 050 Exemption from plat requirements.**

~~In subdivisions of less than 3 lots, land may be sold by metes and bounds, without the necessity of recording a plat if:~~

- ~~1. A recommendation has been received from the Planning Commission;~~
- ~~2. The deed contains a stamp or other mark indicating that the subdivision has been approved by the City Council or other City Officers as designated by the City Council;~~
- ~~3. The subdivision is not traversed by mapped lines of a proposed street as shown in the Lindon City general plan and does not required the dedication of any land for street or other public purposes;~~
- ~~4. The subdivision is located in a zoned area, each lot in the subdivision meets the frontage, width, and area requirements of the zoning ordinance or has been granted a variance from those requirements by the Board of Adjustment. (Ord. 2001-8, amended, 2001)~~

~~1. A lot or parcel resulting from a division of agricultural land is exempt from the plat requirements of Section 10-9a-603 if the lot or parcel:~~

- a. qualifies as land in agricultural use under Utah Code Section 59-2-502;
- b. meets the minimum size requirement of applicable land use ordinances; and
- c. is not used and will not be used for any nonagricultural purpose.
- d. The boundaries of each lot or parcel exempted under this section shall be graphically illustrated on a record of survey map that, after receiving the same approvals as are required for a plat under Utah Code Section 10-9a-604, shall be recorded with the county recorder.
- e. If a lot or parcel exempted under Subsection (1)(a) is used for a nonagricultural purpose, the city shall require the lot or parcel to comply with the plat requirements as found in this code.

**17.32.~~070~~ 060 Amending a recorded subdivision plat.**

Applications to amend, vacate or change a subdivision plat shall follow procedure as established in Title 10-9-~~808~~ 608 of the Utah State Code as amended and Lindon City Code 17.33. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(F))

**17.32.~~080~~ 070 File of recorded subdivisions.**

Lindon City shall maintain a filing system of all subdivisions, which includes copies of all maps, data, and official subdivision action; ~~also master location map (or maps) referenced to the filing system,~~ for public use and examination. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(G))

**17.32.~~090~~ 080 Design Standards – Generally.**

1. All subdivisions shall comply with the following standards unless a variance from one or more provisions ~~of this section~~ is approved by the City Council Board of Adjustment in accordance with the variance procedure of this ~~division~~ Title. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H))
2. Where there is an infrastructure conflict, a better usability design, reduction to neighborhood impacts, or creation of more consistent infrastructure with surrounding areas the development review committee may recommend modifications to the specific design standards when in the best interest of the general public.

**17.32.~~100~~ 090 General Standards.**

1. The design and development of subdivisions shall preserve insofar as possible the natural terrain, natural drainage, existing topsoil, and trees.

2. Land subject to hazardous conditions such as slides, mud-flows, rock-falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods, and polluted or nonpotable water supply shall be identified and shall not be subdivided until the hazards have been eliminated or will be eliminated by the subdivision and construction plans. As applicable, proposed subdivisions shall follow required technical studies, reports and recommendations as found in the following chapters:

a. 17.56. SA-Sensitive Area District

b. 17.57. HP-Hillside Protection District

c. 17.62. Flood Damage Prevention

3. No lot containing five acres or less shall be created which is more than three times as long as it is wide. The Planning Commission ~~and City Council~~ may approve up to a 20% increase in the depth of a lot if they determine that the proposed development is the best use of the property and in the best interest to the City and surrounding properties. (Ord. 2007-2, amended, 2007; Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(1))

**17.32.110 100 Lots.**

1. No single lot shall be divided by a municipal or county boundary line.

2. A lot shall not be divided by a road, alley, or other lot.

3. No wedge-shaped lot shall be less than thirty feet in width at the front property line, or the lot frontage required in the zoning district, whichever is larger.

4. Side lot lines shall be at right angles or radial to street lines, except where justified by the subdivider and approved by the Planning Commission ~~and/or City Council~~.

5. *Double Frontage Lots.* All residential lots in subdivisions shall front on a public street. Required frontage shall not be considered to be provided if vehicular access across the street line is prohibited. Frontage on lots having a front lot line on more than one (1) street, shall be measured on one (1) street only. Double frontage lots are prohibited unless approved by the planning commission for any of the following reasons:

a. Topography.

b. Residential lots in subdivisions or existing parcels where the rear yard abuts arterial or collector streets as identified on the Lindon City Street Master Plan Map. Such double frontage lots shall be accessed from internal local streets only as identified on the Lindon City Street Master Plan Map. Concrete, curbing, landscaping or landscape rock shall be installed at the base of the fence and extend to

the sidewalk to prevent weeds from growing and protruding under the fence and into the public right-of-way. All clear-view requirements shall be met for fencing.

c. Combining of two (2) residential lots or parcels and where the property would be accessed from two (2) local streets as identified on the Lindon City Street Master Plan Map. As part of the approval, a wall or view obstructing fence is allowed when the fence is set back ten (10) feet from the sidewalk, meets clear-view requirements, the setback is landscaped, and a gate is installed for landscape maintenance and snow removal. When a non-view obstructing fence is placed on the rear property line, concrete, curbing, landscaping or landscape rock shall be installed at the base of the fence and shall extend to the sidewalk to prevent weeds from growing and protruding under the fence and into the public right-of-way. Building structures shall be set back thirty (30) feet from the rear property line. Vehicle access to the rear yard is allowed when the requirements of this section are met.

d. For double frontage lots zoned commercial or industrial, access shall be from arterial or collector streets only. Emergency access to a local street, as identified on the Lindon City Street Master Plan Map, may be considered by the land use authority when required for emergency access.

The city shall designate both front and rear yards for double frontage lots. Typically, the front yard shall follow the prevailing orientation of designated front yards of other buildings on the street.

Where the double frontage lot is also a corner lot (three (3) frontages) the required fence clear view across corner property shall follow Section [17.04.310](#) at street intersections at both the front and rear of the lot.

The street frontage abutting the rear of any approved double frontage lot shall be improved in accordance with the standards set forth in the Lindon City Development Manual and city ordinances. (Ord. 2021-8 §1, amended, 2021; Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(2))

### **17.32.120 110 Streets.**

1. The street layout shall conform to the Lindon City general plan ~~and~~ official Lindon City street master plan map adopted by the planning commission and city council.

~~a. Upon the finding of a compelling public purpose, the land use authority may approve a subdivision plan with a street layout that varies from the street master plan map; provided, that there is an existing roadway which provides adequate traffic flow and street connectivity to and from the proposed subdivision and maintaining the street master plan map's current configuration serves the public purpose of identifying the location and alignment of the right-of-way of future arterials and major collectors.~~

~~a. The planning commission may approve a street alignment that varies from the general plan and street master plan map but still accomplishes the street connectivity requirements. To remove an identified~~

street from a subdivision, an amendment to the general plan and street masterplan map shall be applied for and approved by the city council with a recommendation from the planning commission.

b. A land use application which does not require a subdivision approval, but which still requires approval of a street design and/or construction as part of the application process under Chapter 17.17, shall likewise have a street layout that conforms to the Lindon City general plan and official Lindon City street master plan map, subject to the provisions of layout that conforms to the Lindon City general plan and official Lindon City street master plan map, subject to the provisions of Subsection (1)(a) of this section.

2. ~~Minor Local~~ streets shall be laid out to discourage through traffic.

3. Stub streets shall be provided where needed to connect to adjacent undeveloped land and new streets must be provided where needed to connect to existing stub streets in adjacent subdivisions.

4. Intersections of ~~minor Local~~ streets with ~~major Arterial~~ streets shall be kept to a minimum.

5. Minimum right-of-way widths for public streets shall be ~~determined by resolution adopted by of the~~ city council for various categories of streets, but shall in no case be less than the following:

~~a. Use street category minimum right of way width (in feet);~~

~~b a. Major Arterial~~ street, eighty-two feet (82');

~~e b. Collector and Local Commercial~~ street, sixty-six feet (66');

~~d c. Minor Local Residential~~ street, fifty feet (50').

6. Public streets shall have pavement roadway widths as approved by the city council, but shall in no case be less than those adopted in the Lindon City Land Development Policies, Standard Specifications and Drawings Manual. ~~the following and meet the following requirements~~

~~a. Major Arterial~~ street, fifty six feet (56');

~~b. Collector~~ street, forty four to forty eight feet (44'). See ;

~~e. Minor street or frontage road,~~ twenty eight feet (28').

~~d. Minimum roadway widths for private streets shall be determined by use, and shall meet public street standards.~~

e. The Lindon City standard street cross sections ~~and utility locations (Drawing 2a—Lindon City Policies, Standard Specifications and Drawings Manual) and street and trail cross sections and utility locations (Drawing 2b—~~ (per the Lindon City Policies, Standard Specifications and Drawings Manual)



may be amended, changed, altered, and/or revised by the Lindon City Council after a public hearing and adoption. ~~for new development and/or reconstruction of existing improvements when deemed in the best interest of the general public to resolve or assist in resolving present or anticipated future conflicts with storm drainage improvements, trail and/or pathway access, aesthetics of the community, public safety, and/or other reasons when clearly identified by the city council.~~ Before such time as the city council amends, revises, alters, or changes the above-mentioned cross sections, they shall receive a recommendation from the development review committee (DRC), ~~and if deemed necessary by the DRC and/or the city council, the planning commission shall also make a recommendation.~~

f. No partial width streets are permitted, except if required to complete a partial width street already existing or unless the city council, after review by the planning commission, determines a partial width street is necessary to resolve problems with future road alignments of streets and/or intersections, or future development.

g. Stub streets shall be permitted or required by the planning commission ~~and city council~~ only to provide future road access to adjoining property where such access would serve as a future second access. The planning commission and city council shall determine if stubbed streets, existing or proposed, have through access to planned future or existing public streets before such streets shall be extended or approved for construction.

7. Permanent cul-de-sac streets serving no more than fourteen (14) lots, and not more than six hundred fifty feet (650') long, whichever is more restrictive, may be permitted and shall be provided with a right-of-way at the turnaround of fifty feet (50') radius or more.

8. No more than four (4) streets shall enter an intersection.

9. Streets shall intersect at ninety (90) degrees, except where otherwise approved as necessary by the planning commission.

10. The centerline of two (2) subordinate streets meeting a through street from opposite sides shall extend as a continuous line, or the centerline shall be offset at least one hundred fifty feet (150').

a. The city engineer may grant a variance to the above standards upon findings that such a variance will not be contrary to the safety of vehicular or other forms of transportation. For instance, if the centerline offset is less than one hundred fifty feet (150') and will not result in increased conflict zones for left-turning vehicles from the major street onto the subordinate streets, a variance may be granted.

Notwithstanding this paragraph, a continuous centerline or offset of one hundred fifty feet (150') are the preferred standards. (Ord. 2019-10 §1, amended, 2019; Ord. 2016-24 §1, amended, 2016; Ord. 2002-8, amended, 2002; Ord. 2001-8, amended, 2001; Ord. 2000-11, amended, 2000; Ord. 99-18, amended, 2000; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(3))

**17.32.~~130~~ 120 Street numbers and names.**

Street numbers shall always be preferred over street names. Streets shall have the numbers and/or names of existing streets which are in alignment. There shall be no duplication of street numbers and/or names within the area. ~~Street numbers and names shall be indicated on the subdivision plat. All street numbers and/or names must be approved by the Planning Commission, and opportunity shall be given the local recorder for review and recommendations prior to the approval of street names by the Planning Commission.~~ (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(4))

**17.32.~~140~~ 130 Subdivision construction standards.**

Public improvements associated with any subdivision shall be constructed according to provisions established in the Lindon City Land Development Policies, Standard Specifications and Drawings Manual. (Ord. 2001-8, amended, 2001)

**17.32.~~150~~ 140 ~~Major Arterial~~ street frontage.**

Where a residential subdivision abuts a ~~major~~ Arterial street, frontage roads may be required. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(6))

**17.32.~~160~~ 150 Street Grades.**

All street grades shall be designed as follows:

1. ~~Major Arterial~~ and collector streets shall be limited to a maximum grade of ten percent (10%). Sustained grades (600 feet or more) shall be limited to seven percent (7%).
2. ~~Minor Local Residential~~ streets shall be limited to maximum grade of twelve percent (12%). Sustained grades (600 feet or more) shall be limited to nine percent (9%).
3. Cul-de-sacs with a negative grade progressing toward the turnaround shall be limited to a maximum grade of six percent (6%). The cul-de-sac shall terminate with a grade not to exceed three percent (3%) for the last one hundred (100) feet of traveled surface. The cul-de-sac shall be limited to a maximum length of six hundred fifty (650) feet and have adequate easement for drainage.
4. Street intersections shall have a vertical alignment such that the centerline grade shall not exceed three percent (3%) for a minimum distance of fifty (50) feet each way from the centerline of the intersection.

5. Maximum grades shall be approved only when accompanied by changes to a lesser grade, and where length of that portion of that road at maximum grade is less than six hundred (600) feet.

6. All changes in vertical alignment shall be made by vertical curves with minimum length of one hundred (100) feet for minor streets and three hundred (300) feet for major streets. Actual vertical curve length shall be a function of design speed.

7. Streets in mountainous terrain shall be designed at less than maximum allowable grade in order that they can be safely negotiated and that snow can be removed during winter.

The ~~City Council~~ Planning Commission shall have the authority to make minor modifications to street grade requirements when a recommendation has been given by the Development Review Committee and the Planning Commission and one or more of the following conditions apply:

1. To facilitate the construction of essential and vital public infrastructure;
2. To facilitate the development of private property when street grade requirements would render the property undevelopable because of topographic conditions, and conditions are present or measures are proposed that would acceptably mitigate the negative effects of the steeper grades.

Street grade modifications shall be limited to single instances. Multiple street grade modification requests to allow the development of large private development projects shall not meet the purpose and intent of this section. Financial hardships associated with private development requests shall not be justification for a street grade modification. (Ord. 2001-9, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(8))

### **~~17.32.170~~ 160 Pathways, sidewalks, curbs and gutters.**

Sidewalks, curbs and gutters shall be provided on both sides of all streets to be dedicated to the public, except as provided for in 17.32.120(6)(e) and in industrial subdivisions west of Geneva Road where solely curb and gutter shall be required. Right-of-ways ~~identified as part of the Lindon City Pathways and Trails System~~ shall be improved with sidewalks, pathways, planter strips, multi-use trails, equestrian pathways, and trails as per ~~the Parks, Pathways and Trails Element of the Lindon City general plan and Chapter 17.74. Pathways and Trails of the Lindon City Code~~ General Plan, Parks, Trails and Recreation Master Plan, and Bicycle and Pedestrian Master Plan. Sidewalks, curbs and gutters may be required by the City Council Planning Commission on existing streets ~~bordering~~ abutting the subdivision. (Ord. 2001-9, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7 (H)(9))

**17.32.180 170 Blocks.**

Block lengths shall be reasonable as approved by the Planning Commission, and in total design shall provide for convenient access and circulation for emergency vehicles. (Ord. 2001-9, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(10))

**17.32.190 180 Pedestrian crosswalks.**

Where blocks exceed one thousand (1000) feet in length, pedestrian rights-of-way of not less than ten (10) feet in width may be required by the Planning Commission through blocks where needed for adequate pedestrian circulation. Walk improvements (paving) of not less than five feet in width shall be placed within the rights-of-way, when required by the Planning Commission. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(11))

**17.32.200 190 Lot sizes.**

~~Where no zoning regulations are in effect, density standards or minimum lot size requirements may be specified by the Planning Commission, based on interpretations made from the Lindon City general plan, and other available information. All lots shall conform to area requirements of any existing zoning ordinance. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(12))~~

Lot shall meet the minimum lot size requirements of the respective zone.

**17.32.210 200 Easements.**

1. Easements shall follow rear and side lot lines whenever practical and shall have a minimum total width of ten feet (10'), apportioned equally in abutting properties.
2. Where front-line easements are required, a minimum of ten feet (10') shall be allocated as a utility easement. Perimeter easements shall be not less than ten feet (10') in width, extending throughout the peripheral area of the development, if required by the city engineer.
3. All easements shall be designed so as to provide efficient installation of utilities or street planting. Special guying easements at corners may be required if any utilities are to be overhead. Public utility installations shall be so located as to permit multiple installations within the easements. The developer shall establish final utility grades prior to utility installations. (Ord. 2022-9 §1, amended, 2022; Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(13))

**17.32.~~220~~ 210 Utility undergrounding.**

Unless the Planning Commission ~~and City Council~~ determines, upon application by the subdivider, supported by recommendations of the City Engineer, that it is not feasible to do so, all power lines, telephone lines, and other normally overhead utility lines shall be placed underground by the subdivider. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(14))

**17.32.~~230~~ 220 Alleys.**

The Planning Commission may approve service access to the interior of blocks where deemed to be in the public interest, in which case such alleys must be indicated in the preliminary design plans and on the final plat. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(15))

**17.32.~~240~~ 230 Sanitary sewage disposal—Generally.**

1. Except as otherwise provided in this section, the subdivider shall provide, or have provided, a piped sanitary sewerage system to the property line of every lot in the subdivision. The sewerage system shall meet the minimum standards and requirements of the local health officer, the State Division of Environmental Health, and this division.
2. Septic tanks and/or sealed vaults will be approved only when an existing sanitary sewer system is more than one-half (½) mile from boundary of the subdivision and shall be disapproved in any case unless approved in writing by the local health officer and the State Division of Health. In order to determine the adequacy of the soil involved to properly absorb sewage effluent and to determine the minimum lot area required for such installations, an interpretive map based on the National Cooperative Soil Survey showing the suitability of the soil for septic tank fields or pits shall be submitted, along with the results of percolation tests. The results of this data will be reviewed by the local health officer and the State Division of Health, in addition to any other information available to them, for recommendation to the Planning Commission. The following requirements shall be met:
  - a. Land made, altered, or filled with non-earth materials within the last ten (10) years shall not be divided into building sites which are to be served by soil absorption waste disposal systems.
  - b. Each subdivided lot to be served by an on-site soil absorption sewage disposal system shall contain an adequate site for such system. An adequate site requires a minimum depth of eight (8) feet from the surface of the ground to impermeable bedrock, and a minimum depth of six (6) feet from the surface of the ground to the groundwater surface (based on annual high water level). Each site must also be at least one thousand five hundred (1500) feet from any shallow water supply well and one hundred (100) feet

from any stream or water course, and at least two hundred (200) feet from any major live stream; and at least ten (10) feet from any dwelling or property line.

c. Soils having a percolation rate slower than or faster than standards allowed by the local health officer or the State Division of Environmental Health shall not be divided into building sites to be served by soil absorption sewage disposal systems.

d. Land rated as having severe limitations for septic tank absorption fields as defined by the county soil survey, US Department of Agriculture, Soil Conservation Service shall not be divided into building sites to be serviced by soil absorption sewage disposal systems unless each such building site contains not less than twenty thousand (20,000) square feet of other soils rated suitable for building construction and installation of an on-site soils absorption sewage disposal system.

3. An applicant desiring to install soil absorption sewage disposal facilities on the soils having severe limitations, as determined in the preliminary plan review, shall: have additional on-site investigations made, including percolation tests; obtain the certification of a soils scientist that specific areas lying within these soils are suitable for the proposed soil absorption sewage disposal system; and meet local health officer and Utah State Division of Health standards and regulations. In addition, the local health officer shall find that the proposed corrective measures have overcome or will overcome the severe soil limitations.

4. Other applicable standards adopted by the City Council and local and state health departments. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(16))

### **17.32.250 240 Sanitary sewer mains, laterals and house connections.**

Where local, county and regional master plans indicate that construction or extension of sanitary sewers may serve the subdivision area within a reasonable time, the Planning Commission may require the installation and capping of sanitary sewer mains and house connections by the subdivider, in addition to the installation of temporary individual on-lot sanitary sewage disposal systems by the subdivider or lot purchaser. Whenever individual on-lot sanitary sewage disposal systems are proposed, the subdivider shall either install such facilities or require by deed restrictions or otherwise as a condition of the sale of each lot or parcel within such subdivision that on-lot sanitary sewage disposal facilities be installed by the purchaser of said lot at the time the principal building is constructed, and no building permit shall be issued until such installation is assured. In all other cases, sanitary disposal facilities for sewage shall be provided for every lot or parcel by a complete community or public sanitary system. All sewer mains shall be a minimum of eight inches in diameter. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(17))

**17.32.260 Sanitary sewers Test procedures.**

~~Tests of sanitary sewer mains, laterals, and house connections shall be conducted in accordance with US Public Health Service Publication No. 526, 1963 Edition, and with other local and state health requirements. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(18))~~

**17.32.270 250 Water – Subdivider obligation to provide sufficient quantity.**

The procurement of water shall be the responsibility of the subdivider; and water shall be provided for the exclusive use of Lindon City according to LCC Section [17.66](#). In residential zones one share of North Union Water or its equivalent per net acre shall be submitted ~~9~~ **and** rounded to the nearest 1/10th share per acre) and in non-residential zone one half (½) share of North Union water or its equivalent per net acre shall be submitted (rounded to the ~~4~~ nearest 1/10~~th~~ share per acre). Water shares other than North Union shall be accepted as per the Lindon City Fee Schedule and LCC Section [17.66](#). (Ord. 2007-8, amended, 2007; Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(19))

**17.32.280 260 Water–Culinary system– Storage facility.**

The culinary water system ~~storage facility~~ shall extend to the property line of every lot and shall be capable of delivering ~~the minimum~~ flows ~~requirements~~ required by the Uniform Fire Code as adopted by Lindon City. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(21))

**17.32.290 270 Irrigation System.**

1. Where an existing irrigation system consisting of open ditches is located on ~~or adjacent to or within one hundred (100) feet of~~ a proposed subdivision, complete plans for relocation or covering or other safety precautions shall be submitted with an application for preliminary approval of a plat.
2. All pressure irrigation systems in or within one hundred (100) feet of a proposed subdivision shall be identified and otherwise color-coded as to pipe and valve color to meet state standards and regulations. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(22))

~~17.32.300~~ ~~Conditional use permit Required.~~

~~A conditional use permit shall be required for the development of any subdivision. Final plat approval shall constitute such conditional use permit for any subdivision. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(23))~~

~~17.32.310~~ **280 Storm drainage and flood plans.**

1. Complete drainage systems for the entire subdivision area shall be designed by a professional engineer, licensed in the state and qualified to perform such work, and shall be shown graphically. All existing drainage features which are to be incorporated in the design shall be so identified. If the final plat is to be presented in sections, a general drainage plan for the entire area shall be presented with the first section, and appropriate development stages for the drainage system for each section indicated.
2. The drainage and flood plan systems shall be designed to:
  - a. Permit the unimpeded flow of natural water courses;
  - b. Ensure adequate drainage of all low points;
  - c. ~~Ensure applications of the following regulations regarding development in designated flood plains: Meet the requirements as established in 17.62 – Flood Damage Prevention.~~
    - ~~i. Construction of buildings shall not be permitted in a designated flood way with a return frequency more often than a one hundred year storm;~~
    - ~~ii. Building construction may occur in that portion of the designated flood way where the return frequency is between a one hundred year and a maximum probable storm, provided all usable floor space is constructed above the designated maximum probable flood level;~~
    - ~~iii. Where flood way velocities are generally determined to be under five feet per second and maximum flood depth will not exceed three feet, such uses as cultivated agriculture, nurseries, parks and recreation facilities and accessory parking may be permitted;~~
    - ~~iv. Any use of land is prohibited where flooding would create a public health hazard or problem. This includes shallow wells, encased deep wells, sanitary landfills, septic tank and on lot sewage disposal systems, water treatment plants, and also sewage disposal systems not completely protected from inundation;~~
  - d. Any contemplated flood plain encroachment or channeling shall be thoroughly analyzed and its effect on stream flow determined before such encroachment is undertaken. Any construction, dumping, and



filling operations in a designated flood-way constitute an encroachment and must be approved by the Planning Commission before accomplishment,

- e. No lot one acre or less in area shall include flood-lands. All lots more than one acre shall contain not less than forty thousand square feet of land which is at an elevation at least two feet above the elevation of the one-hundred-year recurrence interval flood, or, where such data is not available, five feet above the elevation of the maximum flood record;
- f. Consider the drainage basin as a whole and shall accommodate not only runoff from the subdivision area but also, where applicable, the system shall be designed to accommodate the runoff from those areas adjacent to and “upstream” from the subdivision itself, as well as its effects on lands downstream;
- g. All proposed surface drainage structures shall be indicated on the plans;
- h. All appropriate designs, details, and dimensions needed to clearly explain proposed construction materials and elevations shall be included in the drainage plans. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(I))

**17.32.320 290 Flag lots.**

1. *Purpose.* Flag lots are intended to allow reasonable utilization of property that has sufficient acreage for development, but lacks the required street frontage. Flag lots may be considered on parcels where the extension of public streets cannot or should not be extended due to the disruption of sensitive lands and natural features, or potential of significant impacts to the surrounding neighborhood that would be caused by a public street. Although standard frontage requirements and public roadways are encouraged, the intent of this ordinance is to allow flag lots if the development is the most harmonious to the existing subdivision layout and/or is the least disruptive configuration for the neighborhood. Additionally, flag lots may be considered for properties that have topographic constraints, off lot configuration, constraints caused by the built environment, etc. for which access by a public road is not feasible. It is not the intent of this ordinance to promote flat lots in order to merely ‘maximize’ the number of potential lots within a subdivision or to alleviate subdividing hardships that are self-imposed.

2. Flag lots are only permitted when one of the following two circumstances exists:

a. At the time of application, development using standard public streets is not possible. The property has specific constraints that limit access, public street frontage, and/or construction of a standard public roadway. These abnormal constraints may be restrictive topography, constraints caused by built environment, irregular lot configuration, ownership limitations, environmental constraints such as wetlands, springs, ditches, or canals, etc.

b. Development using standard public streets is possible, but not in the best interest of the public.

3. In order to demonstrate that this circumstance exists, the applicant shall provide ~~conceptual~~ preliminary development plans showing the development with and without the proposed flag lot that demonstrate that each of the following characteristics is present:
  - a. The design of the flag lot is harmonious and compatible with the configuration of the overall subdivision and/or neighborhood and will not adversely affect the living environment of the surrounding area.
  - b. Standard public street construction would cause disruption to the neighborhood in a significant physical or aesthetic manner, therefore making the flag lot access preferable to a public street.
  - c. Development of the flag lot will decrease public infrastructure while still providing in-fill development and efficient use of the land that is compatible with Lindon City development standards.
4. Assuming an application meets the criteria in #2 above, no more than one flag lot shall be permitted at the time of an initial subdivision application unless, at their sole discretion, the Planning Commission and City Council determine that additional flag lots within a development provide for the most compatible overall design within a neighborhood. As stated in the ‘purpose’ of this ordinance, it is not the intent of the City to promote flag lots in order for developers to merely ‘maximize’ the number of potential lots within a subdivision.
5. A flag lot must be a minimum of 20,000 square feet, and the remaining parcel from which the flag was created must meet or exceed the minimum lot area requirements of the zone in which it is located. The square footage calculation of such lots shall not include the area of any driveway access (flag pole) for the flag lot.
6. Frontage, driveway and development procedures apply as follows:
  - a. The lot shall have at least twenty-five (25) feet of frontage on a dedicated public street, which frontage serves as access only to the subject lot. The 25 foot width shall be maintained for the full length of the ‘flag pole’ portion of the platted lot.
  - b. Prior to recording the subdivision plat, the developer shall post a bond with the City to cover installation of the driveway and utilities to the end of the ‘flag pole’ portion of the lot.
  - c. Prior to issuance of a building permit for a dwelling on the flag lot, installation of road base for the driveway and utilities shall be installed to at least the end of the ‘flag pole’ portion of the lot.
  - d. The driveway serving the flag lot must have a surface traversable by a fire truck that is at least twenty (20) feet wide, of which 16 feet must be paved with a hard surface prior to the issuance of a Certificate of Occupancy for the proposed dwelling. Where a fire hydrant is located along the ‘flag pole’ portion of the lot the width of the lot adjacent to the fire hydrant must be thirty-one (31) feet wide (rather than 25 feet

wide), and the surface traversable by a fire truck must be at least 26 feet wide (rather than twenty (20) feet wide).

e. Prior to issuance of a Certificate of Occupancy for a dwelling on a flag lot, the edges of the driveway area (flag pole) that are not paved shall be landscaped and properly maintained. Such landscaping shall not hinder emergency vehicle access to the property.

f. An adequate emergency vehicle turn-around at the end of the driveway shall be constructed as approved by the Fire Chief. An accessible fire hydrant shall be located within 200 feet of any dwelling on the flag lot. Possible adverse impacts of excessive driveway lengths shall be considered by the Planning Commission, City Council, and emergency services.

g. No parking or storage of any kind shall be allowed on the designated driveway.

h. A flag lot driveway shall not serve more than one lot, and shall have no more than one dwelling unit and an accessory apartment per lot. Other than accessory apartments, R2 Overlay projects are not permitted on flag lots.

i. Adjoining lots shall not be permitted to have access from a flag lot driveway.

7. Construction of residences and accessory buildings on flag lots shall be limited to a maximum building height of 35 feet from finished grade. Building height restrictions shall be noted on the subdivision plat.

8. In order to further regulate the height of proposed structures, fill at the perimeter of buildings on the flag lot shall be limited to no more than 4 feet above the street grade from which the property has access. Properties that have a pre-existing grade that is higher than 4 feet above the street level are exempted from this fill limitation. The Planning Director and City Engineer may waive or modify the four foot 'fill limitation' in specific instances where the fill limitation is found to be overly burdensome to the property owner (ex., the limited fill would prohibit utility connections to the dwelling, or the limited fill creates drainage problems that can't be reasonably mitigated, etc.).

9. The address of the dwelling on the flag lot shall be clearly displayed and visible from the public road and shall be maintained in a way to differentiate the flag lot from any adjacent properties.

10. Setbacks for the residence on the flag lot shall be defined as follows: Front yard setback shall be 30 feet, rear yard setback shall be 30 feet, and side yard setbacks shall be 15 feet on each side yard of the dwelling unit. Minimum setbacks shall be noted on the subdivision plat.

11. For purposes of determining the setbacks of the flag lot, the front property line shall be the nearest line that is most parallel with the street from which the driveway accesses. Orientation of the dwelling is not regulated.

12. Accessory structures for flag lots may be permitted in accordance with applicable section of the Lindon City Code, but shall be limited to 25' maximum height. No accessory buildings shall be permitted on the 'flag pole' portion of the driveway of the flag lot.

13. Flag lots shall only be permitted in the R1-12 and R1-20 zones.

14. Unless otherwise approved by the Planning Commission ~~and City Council~~, all flag lot driveway access points on a public road must have at least two legal parcels located between any other flag lot driveway on the same side of the street. Flag lots may only be adjacent to each other if the flag lots are accessed from different roadways or at least two legal parcels are located between any other flag lot driveway on the same side of the street.

15. In addition to the minimum requirements above, the Planning Commission ~~and City Council~~ may impose additional conditions on flag lots including, but not limited to, the following:

- a. Fencing and screening requirements.
- b. Installation of one or more fire hydrants or other safety related items.
- c. Installation of curb and/or gutter along private drives.
- d. Other conditions that increase the compatibility of the proposed project with existing conditions and surroundings.

16. Due to the typical nature of flag lots being created from long, deep parcels, flag lots are exempted from any width-to-depth ratio requirements. (Ord. 2015-01, amended, 2015; Ord. 2008-2, amended, 2008; Ord. 2007-10, amended, 2007; Ord. 2006-8, amended, 2006; Ord. 2002-12, amended, 2002; Ord. 2001-8, amended, 2001; Ord. 99-14, amended, 2000)

### **17.32.~~330~~ 300 Subdivision application expiration.**

Subdivision applications shall not be considered for processing and/or approval after such time as no new submittals are received by Lindon City for a period of six (6) months. Resubmitted subdivision applications related to an expired application shall conform to current zoning and subdivision standards at the time of resubmittal. (Ord. 2001-8, amended, 2001)

### **17.32.~~340~~ 310 Phased Subdivisions.**

1. *Purpose.* The intent of this section is to allow for incremental recordation of final plats and posting of public improvement bonds. By allowing these steps in the subdividing process to be phased, Lindon City can approve a subdivision's master plan while relieving the applicant of the requirement of coming before

the Land Use Authority for each proposed phase. This also reduces application processing time, resulting in cost savings for the city. Additionally, phasing may grant opportunity for traditional up-front costs of subdividing to be spread out over time, thus granting an applicant a greater ability to see a project through to completion.

2. This section provides the steps required for phased subdivisions but is not intended to contain a comprehensive listing of all requirements of the Lindon City Code.
3. If the applicant is proposing phasing a subdivision into two or more sections for purposes of recording final plats, such information must be included as a part of the preliminary plat submission.
  - a. A phasing plan describing each phase, anticipated number of lots and associated improvements of each phase, the order of phasing and the projected time for recording and development of each phase shall be submitted.
  - b. The entire project, with all phases, shall be represented on the Preliminary Plat and be subject to the application submittal requirements for preliminary subdivision plans as outlined in the Land Development Policies, Standard Specifications and Drawings Manual.
4. Upon preliminary approval and starting with phase one (1), final improvement and plat drawings for each phase may be submitted independently, according to the original project-phasing plan. Submittals shall be subject to the application submittal requirements for final plat and final improvement drawings as outlined in the Land Development Policies, Standard Specifications and Drawings Manual.
  - a. Phase one (1) final plat and final improvement drawings must be submitted within one (1) year of preliminary approval.
  - b. Subsequent phases must submit final plat and final improvement drawings within one (1) year of recording the previous phase plat.
  - c. The Design Review Committee (DRC) shall have final approval authority in determining which infrastructure improvements are required in each phase.
  - d. Failure to reach submittal deadlines as outlined in a. and b. above shall result in the expiration of the preliminary plan approval and a new application shall be required.
5. Bonding requirements as found in LCC [17.38](#) shall apply to phased subdivisions. However, bonding for public improvements may be posted with Lindon City phase by phase with specific details regarding the improvements requiring bonding to be finalized by the Design Review Committee.
6. Additional fees according to the Lindon City Fee Schedule may be required for bond reviews, final plat reviews, and final improvement drawing reviews associated with phased subdivisions. (Ord. 2013-1, adopted, 2013)

**17.32.350 320 Public Utility Lots.**

1. Public Utility Lot is defined as a lot or parcel used for public utility facilities, including but not limited to Lindon City facilities, and may contain facilities or uses such as natural gas pressure regulating stations, power substations, communications antennae, power or telecommunication pedestals, water wells, water reservoirs/tanks, storm drainage facilities, pump stations, trails or pedestrian ways and related support facilities, and other similar uses. Public Utility Lots shall not be considered buildable lots for the purpose of constructing habitable buildings or structures intended for occupancy. Construction of non-habitable structures for the purpose of housing utility equipment or other similar uses is permitted.
2. Public Utility Lots shall be exempt from the following:
  - a. Minimum lot size requirements.
  - b. Minimum lot frontage requirements provided easement documents are recorded ensuring perpetual access to the lot.
3. Notwithstanding section [2](#) above, all other standards of the underlying zone may be imposed, subject to review and consideration by the Planning Commission of whether or not the standard or condition is necessary in order to protect the public health, safety, welfare, and aesthetics of the area, or is otherwise in the public interest.
4. Regulation of uses shall apply as listed in the Standard Land Use Table (LCC, [Appendix A](#)). This chapter is not intended to allow uses otherwise identified in the Standard Land Use Table as not being permitted within a specific zone.
5. Site plans for installation of public utility facilities are subject to Planning Commission approval as a Conditional Use. (Ord. 2013-11, adopted, 2013)

**17.32.330 Appeals**

1. For disputes arising from the subdivision ordinance review related to public improvements or engineering standards, the city shall advise the applicant, in writing, of the deficiency in the application and of the right to appeal and within ten (10) business days after the day on which the request is received:
  - a. for a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah Code Subsection 10-9a-508(5)(d) to review and approve or deny the final revised set of plans;  
or
  - b. for a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority.
  - c. for a dispute arising from the subdivision improvement plans a panel of experts shall include:

- i. One licensed engineer designated by the municipality;
- ii. One licensed engineer designated by the land use applicant; and
- iii. One licensed engineer, agreed upon, and designated by the two designated engineers.
- iv. Members appointed to the panel may not have an interest in the application in question. The applicant must pay 50% of the total cost of the panel and the municipality's published appeal fee. The municipality pays the other 50%. The panel's decision is final unless the municipality or applicant petition for district court review within 30 days after the final written decision is issued.

**17.33.010 and 17.33.050 of the Lindon City Code, is hereby amended as follows:**

**17.33.010 Purpose.**

A plat amendment is a change or alteration to a recorded plat that does not create any new parcels or lots, not including the adjustment of boundaries between adjacent lots. (~~The A~~ change ~~may be requiring a plat amendment includes~~: the relocation of multiple property lines, the elimination of a property line within the plat, a change in notations or lot numbers on the plat, a change of the title or name of the plat, etc.) A plat amendment is an alternative to having to go through a subdivision application process in order to amend a recorded plat when no new parcels or lots will be created. These regulations will ensure that:

- 1. A plat amendment does not result in properties that violate the requirements of this Title or other currently adopted zoning and development standards of Lindon City; and
- 2. A plat amendment does not alter the coverage or availability of existing utility services to existing lots or parcels.

**17.33.050 Adjustment of boundaries between adjacent lots (Lot Line Adjustment).**

- 1. The owners of record of adjacent lots in a recorded plat may exchange title to portions of those lots through a Lot Line Adjustment (LLA) if the exchange of title is approved by the Land Use Authority as provided in this subsection.
  - a. Applicants requesting an LLA shall not be required to follow the submittal requirements listed in the Land Development Policies, Standard Specifications and Drawings Manual (Development Manual), but shall submit such documents and information requested by Staff to determine the effects of the adjustment and the resulting lots.
- 2. A request for an LLA shall be reviewed by Staff. The City Engineer and the Lindon City Planning Director shall constitute the Land Use Authority for approving such requests.

- a. The Land Use Authority may approve a request for an LLA if the resulting lots meet the requirements of this Title.
- b. The Land Use Authority shall deny a request for an LLA if it is determined that the application fails to meet Lindon City Code requirements.
- ~~c. If the Planning Director and the City Engineer, in their sole discretion, determine that an LLA request presents a difficult question or would create a unique or unanticipated result, they may refer the request to the Planning Commission for final decision.~~
  - ~~i. Upon referral of an LLA request, the Planning Commission shall become the Land Use Authority.~~
- d. If the Land Use Authority denies an LLA request, the applicant may file an appeal pursuant to LCC [17.09](#).
  - i. The ~~Planning Commission~~ Board of Adjustment shall be the Appeal Authority on Lot Line Adjustment requests.
    - ~~A. If the original request was referred by Staff to the Planning Commission the City Council shall act as the Appeal Authority on appeal.~~

**PART TWO: Severability.**

Severability is intended throughout and within the provisions of this ordinance. If any section, subsection, sentence, clause, phrase or portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

**PART THREE: Effective Date.**

Ordinance No. \_\_\_\_\_ shall take effect immediately upon its passage and posting as provided by law.

PASSED AND APPROVED AND MADE EFFECTIVE by the City Council of Lindon City,  
Utah, this \_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
CAROLYN LUNDBERG  
Lindon City Mayor



ATTEST:

\_\_\_\_\_,  
Kathryn Moosman  
City Recorder



## **SB174 Compliance Subdivision Ordinance Update Audit Checklist April 2023**

### ***Do we have to update our Subdivision Ordinance?***

Yes, State Law changes effective May 4, 2023 but, in a sense, not a lot. Subdivisions are administrative in nature (e.g. there is no discretion – if they meet your ordinances, they get approved). Most of the changes simply reinforced the administrative nature of subdivisions. See new LUDMA [Section 604.1](#). This new law only applies to subdivisions for 1 or 2 family dwellings and townhomes, but it could be useful to generalize this for all subdivisions. All these changes need to be accomplished by **February 1, 2024**, for cities over 5,000 in population and smaller communities will have until **December 1, 2024**. Here is a link to the [bill summary](#) and FAQ's.

**Step One: Check your current ordinance to see what you may need to modify or update.  
Look for these items.**

**1. Review and Update your process. Designate an administrative land use authority.**

Make sure you have designated in your subdivision ordinance an “administrative land use authority” for preliminary plats. This can be staff or planning commission or a subset of the Planning Commission. This is a local policy decision to make.

Some options to consider: a) preliminary plat can be reviewed by staff, b) the planning commission can review in a public meeting, or a public hearing. If you choose to hold a public hearing please consider what the hearing will add to this administrative fact based process.

Reminder: The Final plat **cannot** be reviewed by Council or Planning Commission (for small towns it could be a subset of the PC). Staff, if you have staff, could manage (and be designated in the ordinance) to be the administrative land use authority to take the process of final subdivision review through the recording process. Then the Mayor signs the final plat, which also dedicates any potential streets.

2. **Remove any mandates for a concept plan review.** In the new law concept plan review cannot be mandated. It can be optional, strongly encouraged and agreed to by the applicant. Since these are administrative approvals, they have no regulatory value. It can be incorporated into the preliminary plat as part of that process but call it something else. Again an applicant may request a pre-application meeting but it **cannot** be mandated.
3. **Define a Complete Application.** Make sure you have clearly defined what a “complete” application is with checklists for both planning and engineering. Here is one example from [Lehi, Utah](#).

### **Step Two. Review process timing issues.**

Reminder: Under the new law, Preliminary and final plats review are the only “steps” allowed within the new subdivision process. Here are the steps to make sure your updated ordinance reflect.

1. **Initial review of preliminary plat.** To be completed within **15 business days** of receiving a **Complete Application**. As mentioned above it is important to assure you have everything required for review before it moves forward in the process.
2. **Review of final plat.** To be completed within **20 days** of receiving the complete application,
3. **Capped Review Cycle.** There is now a maximum of 4 review cycles permitted for final review only. So in between the Preliminary approval and final approval only four revisions are permitted.
4. **Agreed upon changes.** The Applicant must respond to required changes. If he/she disagrees with those issues, those must be committed in writing.
5. **Lot line adjustments.** Changes were made in HB406 and SB174. The lot line adjustment changes removed the requirement to record an amendment plat.

### **Step Three. Review engineering standards**

1. **Codified Engineering standards.** As a reminder from prior law, every municipality needs to provide clear engineering standards and these need to be adopted by the City, Town or County with a public hearing at the Planning Commission and final adoption by the legislative body.

2. **Bonding for Private Landscaping.** In another companion bill HB406 [Section 10-9a-604.5](#) new provisions were added in regards to bonding. As of May 2023 Bonding for landscaping on private property is **not** allowed. Update your enforcement processes to include any fines, liens, and when you go to court for any unmet obligations. Update the bonding language. Under assurances can only be accomplished for public infrastructure .
3. **New road standards.** In HB406 [Section 10-9a-508. Exactions](#) new residential roadway standards were adopted. Municipalities that require road widths greater than 32' for residential roads (defined as residential use and 25 mph roads) should review those ordinances for compliance with these new standards. Wider can be allowed under certain conditions.

### **Step Three. Add the new appeal process**

Reminder: SB 174 creates two distinct appeal processes after the four review cycles have been exhausted and 20 days have passed. You will need to add this appeal process to your subdivision ordinance.

1. For disputes relating to public improvement or engineering standards, the municipality shall assemble a three-person panel meeting within 10 days of receiving a request from the applicant.
2. For all other disputes, the municipality shall refer the question to the designated appeal authority at the applicant's request.
  - The panel of experts includes:
    - One licensed engineer designated by the municipality.
    - One licensed engineer designated by the land use applicant.
    - One licensed engineer, agreed upon, and designated by the two designated engineers.

Members appointed to the panel may not have an interest in the application in question. The applicant must pay 50% of the total cost of the panel and the municipality's published appeal fee. The municipality pays the other 50%. The panel's decision is final, unless the municipality or applicant petition for district court review within 30 days after the final written decision is issued.