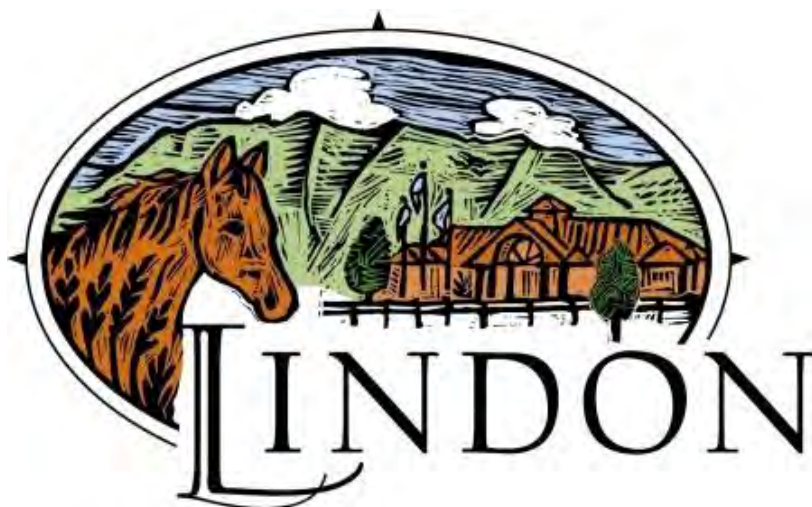




Lindon City Council Staff Report

Prepared by Lindon City
Administration

April 6, 2026



Notice of Meeting of the ***Lindon City Council***

The Lindon City Council will hold a meeting at **5:15 pm on Monday, April 6, 2026** in the Lindon City Center Council Chambers, 100 North State Street, Lindon, Utah. The agenda will consist of the following:

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



REGULAR SESSION – 5:15 P.M. - Conducting: Carolyn Lundberg, Mayor
Invocation: Van Broderick, Councilmember
Pledge of Allegiance: By invitation

- 1. Call to Order / Roll Call**
- 2. Presentations and Announcements:**
 - a) Swear-in new Police Officer, Tristan King.
 - b) Announcements/Comments from Council Members.
- 3. Open Session for Public Comment** (*For items not listed on the agenda*)
- 4. Council Reports**
- 5. Administrator's Report**
- 6. Approval of Minutes** — The minutes of City Council meeting from March 16, 2026 and March 30, 2026.
- 7. Consent Agenda** — (*Items do not require public comment or discussion and can all be approved by a single motion.* The following consent agenda was presented for approval:
 - a) There are no consent agenda items.
- 8. Review & Action: Appointment of Administrative Law Judges; Res. #2026-14-R.** The Council will review and consider Resolution #2025-14-R, recommending appointment of a primary and secondary Administrative Law Judge (ALJ) who will serve as Lindon's appeal authority for certain applications. The ALJ replaces the previous functions of the Board of Adjustment which was recently dissolved.
- 9. Review & Action: TSSD natural gas substation; Ord. #2026-01-O.** The Council will review an ordinance amending LCC 17.54 – 'Regional Commercial Zone' for provisions related to development of above-ground gas utility uses within the zone.
- 10. Review & Action: Flood Damage Prevention ordinance change; Ord. #2026-04-O.** The Council will review an ordinance amending LCC 17.62 - 'Flood Damage Prevention' and adopting the Federal Emergency Management Agency (FEMA) Flood Insurance Study and Flood Insurance Rate Maps that become effective June 23, 2026.

Adjourn

All or a portion of this meeting may be held electronically to allow a council member to participate by video conference or teleconference. Staff Reports and application materials for the agenda items above are available for review at the Lindon City Offices, located at 100 N. State Street, Lindon, UT. For specific questions on agenda items our staff may be contacted directly at (801)785-5043. City Codes and ordinances are available

on the City web site found at www.lindon.gov. 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 Britni Laidler, City Recorder at 801-785-5043, giving at least 24 hours-notice.

CERTIFICATE OF POSTING:

I certify that the above notice and agenda was posted in six public places within the Lindon City limits and on the State (<http://pmn.utah.gov>) and City (www.lindon.gov) websites.

Posted by: /s/ **Britni Laidler, Lindon City Recorder**

Date: **April 1, 2026; Time: 2:30 p.m.**; Place: Lindon City Center, Lindon Police Dept., Lindon Community Development, Lindon Public Works, Lindon Community Center, Lindon Justice Court

Meetings are typically broadcast live at www.youtube.com/user/LindonCity

REGULAR SESSION – 5:15 P.M. - Conducting: Carolyn Lundberg, Mayor

Invocation: Van Broderick, Councilmember

Pledge: By invitation

Item 1 – Call to Order / Roll Call

March 16, 2026 Lindon City Council meeting.

Carolyn Lundberg

Van Broderick

Cole Hooley

Jake Hoyt (**absent**)

Lincoln Jacobs

Steve Stewart (**absent**)

Item 2 – Presentations and Announcements

- a) Swear-in new Police Officer, Tristan King
- b) Comments / Announcements from Mayor and Council members.

Item 3 – Open Session for Public Comment *(For items not on the agenda)*

Item 4 - COUNCIL REPORTS:

(20 minutes)

- A) MAG/MPO, COG, UIA, ULA, ULCT, Youth Council, Public Relations (media)
- B) Public Works/Eng., Irrigation Co. Representative, Cemetery, Facilities/Building
- C) CTC, Healthy Utah, Historical Commission, Tree Board, Arts Committee
- D) Police/Fire/EMS, CERT, Economic Dev., Lindon Days, Utah League of Cities & Towns Alternate
- E) Transfer Station Board, Planning Commission, Community Development/General Plan, Parks & Trails
- F) Youth Council (Lead Advisor), Econ. Dev, PG/Lindon Chamber of Comm., Senior Center, Edu. grants

- Carolyn Lundberg
- Van Broderick
- Cole Hooley
- Jake Hoyt
- Lincoln Jacobs
- Steve Stewart

Item 5 - ADMINISTRATOR'S REPORT*(10 minutes)***Misc. Updates:**

- May Newsletter: Steve Stewart
- Next City Council meeting: April 20th
- Joint PC/CC meeting, Tuesday, April 28th at 6:00pm at City Center.
- Spring Clean-Up, April 4-13
- April 22-24, ULCT conference in St George
- Joint meeting w/Orem City Council (June, TBD)
- Misc. Items.

Item 6 – Approval of Minutes

- Review and approval of City Council minutes: **March 16, 2026 & March 30, 2026.**

The Lindon City Council regularly scheduled meeting on **Monday, March 16, 2026, at 5:15 pm** in the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

REGULAR SESSION – 5:15 P.M.

Conducting: Carolyn Lundberg, Mayor
 Invocation: Cole Hooley, Councilmember
 Pledge of Allegiance: Van Broderick, Councilmember

PRESENT

Carolyn Lundberg, Mayor
 Van Broderick, Councilmember
 Lincoln Jacobs, Councilmember
 Cole Hooley, Councilmember
 Steve Stewart, Councilmember
 Michael Florence, Community Development Director
 Brittany Wilde, City Planner
 Brian Haws, City Attorney
 Kristen Aaron, Finance Director
 Adam Cowie, City Administrator
 Britni Laidler, City Recorder

EXCUSED

Jake Hoyt, Councilmember

1. Call to Order/Roll Call – The meeting was called to order at 5:15 p.m.

2. Presentations and Announcements:

- a) Parks and Recreation Director, Heath Bateman, presented JustServe volunteer recognitions to outstanding community members as part of Lindon's designation as a JustServe city. He recognized Floyd Harward along with his son-in-law Shane and daughter Shawnee Rassmussen for their exceptional work with Lindon Days and the junior rodeo. Director Bateman noted that the family goes above and beyond, even purchasing flowers with their own money for events. Dan Stone was also recognized for his volunteer work with Little Miss Lindon and his service as a volunteer for the state of Utah.

3. Open Session for Public Comment – Mayor Lundberg called for any public comments. There were no public comments.

4. COUNCIL REPORTS:

Councilmember Jacobs – Councilmember Jacobs reported on parks and recreation activities, thanking the mayor, Councilmember Stewart, and the youth council for planting flowers in preparation for the Temple Open House. He noted that the Easter egg

hunt would be held at Anderson Farms on March 28th and reminded attendees that soccer had started at Pioneer Park. Regarding the Temple Open House, Councilmember Jacobs shared his informal observations as both a resident living on a major traffic route and a volunteer. He reported that traffic impacts had been less severe than anticipated, with wait times typically around 30 minutes to an hour and a half. His informal traffic count on 900 East showed approximately 8 out of 10 cars had out-of-state plates, representing about a 500% increase in traffic. Despite this increase, he found the situation manageable and noted that crossing guards at the junior high had helped with traffic flow.

Councilmember Hoyt – Councilmember Hoyt was absent.

Councilmember Broderick – Councilmember Broderick attended the grand opening of a wastewater reclamation project, a partnership between Lindon City and Orem City. He described the state-of-the-art facility as very impressive and noted the significant amount of water that would be reused through this partnership.

Councilmember Stewart – Councilmember Stewart reported that the youth council had participated in flower planting on March 7th and held their final regular meeting on March 9th. Youth council applications were open with 8 applications already received—5 renewals and 3 new applicants. The application deadline is April 14th, with interviews scheduled for mid-April.

Councilmember Hooley – Councilmember Hooley reported on legislative action affecting communities that care programs and covered the Little Miss Lindon event, describing it as a mix of fun and moving experiences with outstanding participants.

Mayor Lundberg – Mayor Lundberg mentioned upcoming Meals on Wheels visits with seniors and announced that the pool was now open for the season, with Parks and Recreation Director Bateman noting that lifeguard and concession job applications were available. The mayor also reported attending state of the city addresses for neighboring communities and shared updates from the county, including the significant costs associated with a high-profile trial. She highlighted ongoing creek restoration work along the Heritage Trail, funded partially by a Department of Water Quality grant, which would create beautiful riparian areas and reduce contaminants flowing to the lake.

5. **Administrator's Report**

- April Newsletter: Kristen Aaron
- Next City Council meeting: April 6th
- Joint PC/CC meeting, Tuesday, April 28th at 6:00pm at City Center.
- April 4th-13th, Spring Clean-Up
- April 22-24, ULCT conference in St George
- Misc. Items

2 **6. Approval of Minutes** – The minutes of the regular City Council meeting of
 4 March 2, 2026.

6 COUNCILMEMBER STEWART MOVED TO APPROVE THE MINUTES OF
 6 THE REGULAR CITY COUNCIL MEETING OF MARCH 2, 2026.

8 COUNCILMEMBER JACOBS SECONDED THE MOTION. THE VOTE WAS
 8 RECORDED AS FOLLOWS:

10 COUNCILMEMBER HOOLEY AYE

10 COUNCILMEMBER BRODERICK AYE

12 COUNCILMEMBER STEWART AYE

12 COUNCILMEMBER JACOBS AYE

14 THE MOTION CARRIED UNANIMOUSLY.

16 **7. Consent Agenda Items** - Items do not require public comment or discussion and
 18 can all be approved by a single motion. The following consent agenda item was
 18 presented for approval.

20 a) Surplus Equipment Disposal; Resolution #2026-13-R

22 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE CONSENT
 22 AGENDA ITEMS AS PRESENTED. COUNCILMEMBER STEWART SECONDED
 24 THE MOTION. THE MOTION CARRIED.

26 **CURRENT BUSINESS**

28 **8. Review & Action: Financial Audit Report for Fiscal Year 2025.**

30 Representatives from Gilbert & Stewart, CPA PC, and the Lindon City Finance
 32 Department will present the city's annual financial audit report, included as part
 32 of the Annual Comprehensive Financial Report (ACFR) for fiscal year ended
 32 June 30, 2025.

34 Ron Stewart from Gilbert and Stewart CPAs presented the city's annual financial
 34 audit report for fiscal year 2025. He explained that auditors examine three main areas:
 36 ensuring financial statements are materially correct and meet accounting standards,
 36 verifying that internal controls are designed and working effectively, and confirming
 38 compliance with state law.

40 Mr. Stewart described the audit process, which includes confirming cash and debt
 40 balances with third parties, reviewing invoices and transactions, recalculating financial
 42 statement items like depreciation and payroll accruals, and conducting analytical reviews
 42 comparing current year data to previous years. He noted that the audit gave a positive
 44 result, which Mr. Stewart called "a clean opinion." This means that the financial reports
 44 were done correctly and can be trusted. The checks and systems that protect the city's

money were working well. The city followed the rules in important areas like budgets, funds, and courts, with no problems found in the review.

Finance Director, Kristen Aaron, noted that they use Kennington and Christianson to help prepare financial statements, maintaining independence from the auditing firm. Councilmember Jacobs inquired about the frequency of cities experiencing audit issues, with Mr. Stewart noting that problems occur fairly often due to various circumstances including staff turnover.

The mayor emphasized that while the audit provides a positive snapshot, it remains incumbent upon city leadership to maintain vigilant oversight of processes and controls, as auditors sample rather than review every transaction.

Mayor Lundberg asked for any further comment from the council. Hearing none, she called for a motion.

COUNCILMEMBER STEWART MOVED TO ACCEPT THE FY2025 AUDIT AND ANNUAL COMPREHENSIVE FINANCIAL REPORT AS PRESENTED.

COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BRODERICK AYE

COUNCILMEMBER STEWART AYE

COUNCILMEMBER JACOBS AYE

COUNCILMEMBER HOOLEY AYE

THE MOTION CARRIED.

9. Review & Action: Ordinance Amendment; Commercial Design Standards

amendment; Ordinance #2026-3-O. Recommendation from the Planning Commission to amend the Commercial Design Standard Color Palette to allow a range of off-white earth tones as approved colors for commercial building exteriors.

City Planner, Brittany Wilde, presented a recommendation from the Planning Commission to add off-white earth tones to the commercial design standard color palette. She explained that the city had received several requests to add these colors as alternatives to pure white, which the planning commission had historically opposed.

Ms. Wilde provided a visual presentation showing examples of approved off-white colors used on local buildings, including the Barn on State Street (alabaster), Mill Haven (Swiss coffee white), and JZ Academy (ivory lace). She contrasted these with the Take 5 car wash, which used pure white paint that the planning commission consistently cited as an example of what they wanted to avoid.

2 She stated that the proposed amendment would allow earth tone off-white colors
 4 as primary building colors only when paired with a second contrasting color for trim or
 6 architectural features, or when the contrasting color constitutes at least 30% of each
 building facade. It was noted that this requirement ensures buildings don't appear as
 single-color white structures.

8 Community Development Director, Michael Florence, noted that the planning
 10 commission was adamant about avoiding pure white buildings, and this amendment
 12 provides approved alternatives while maintaining design standards. Ms. Wilde explained
 that staff would maintain color swatches on file to guide developers toward appropriate
 earth tone variations.

14 Discussion centered on the practical challenges of ensuring contractors implement
 16 approved colors correctly, with staff noting that building plans specify colors and
 18 compliance is checked during construction. The mayor noted that pure white is
 considered higher maintenance and can create harsh glare, while earth tones provide a
 warmer, more inviting appearance that better fits the community's aesthetic goals.

20 Mayor Lundberg asked for any further comment from the council. Hearing none,
 22 she called for a motion.

COUNCILMEMBER BRODERICK MOVED TO APPROVE ORDINANCE
 24 #2026-3-O AS PRESENTED. COUNCILMEMBER JACOBS SECONDED THE
 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

26 COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER STEWART	AYE
28 COUNCILMEMBER JACOBS	AYE
COUNCILMEMBER HOOLEY	AYE

30 THE MOTION CARRIED.

32 **10. Review & Action: Ordinance Amendment; LCC 5.07 Personal Wireless
 Telecommunication Facilities (Cell Towers); Ordinance #2026-2-O.**

34 Amendment of the Lindon City Code related to wireless communication towers.
 36 The proposed ordinance updates requirements for stealth towers, clarifies land use
 approval authorities, permitted zoning districts, setbacks, application requirements
 and general code clean-up.

38 Community Development Director, Michael Florence, presented proposed
 40 amendments to the city's wireless telecommunications ordinance. He explained that
 42 Lindon's unique ordinance establishes priorities for cell tower placement, with city-
 owned property receiving first priority since private property owners who lease space for
 44 towers are the only ones receiving compensation while other property owners and
 citizens are adversely affected.

Director Florence described the current hierarchy: first priority goes to city-owned property in industrial, heavy industrial, and commercial zones, with proposed additions of mixed commercial, regional commercial, public facility, and PC-1 and PC-2 zones. If suitable city property isn't available, companies can request council approval to use school district or other public facility properties. Third priority goes to private non-residential properties, and residential properties are the last option. He then stated that the city currently has four cell towers: one above the junior high (school district property), one by the pool behind city hall, one at the public works building, and one at the sewer lift station on 2000 South. Director Florence noted that the city has recently received multiple new tower requests, with companies looking at locations like the animal shelter and near Scott's Lawn Products.

Director Florence stated that the amendment also addresses stealth tower requirements, with current ordinance requires all new towers to be stealth towers (designed to look like pine trees or other camouflaged structures). He noted that the proposed changes would give the city council authority to evaluate whether stealth design is necessary based on topography, surrounding vegetation, land use, tower height, and aesthetic considerations. He then presented examples of various stealth tower designs, from poor examples to well-executed ones including silo designs, flagpoles, and realistic-looking trees. He noted that a stealth pine tree might not be appropriate in a heavy industrial zone where a more utilitarian design would be acceptable.

City Attorney, Brian Haws, clarified that the city has discretion to deny applications on non-city property if they can articulate good reasons, but arbitrary denials could be challenged. However, when towers are proposed for city property, the city has complete discretion as a property owner. Council members discussed whether the zoning changes might lead to more towers, but Director Florence clarified that the additional zones only apply to city-owned properties, not private developments.

Mayor Lundberg asked for any further comment from the council. Hearing none, she called for a motion.

COUNCILMEMBER BRODERICK MOVED TO APPROVE ORDINANCE #2026-2-O AS PRESENTED. COUNCILMEMBER JACOBS SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER STEWART	AYE
COUNCILMEMBER JACOBS	AYE
COUNCILMEMBER HOOLEY	AYE

THE MOTION CARRIED.

11. Public Hearing: FY2026-27 Tentative Budget adoption; Resolution #2026-12-

R. The City Council will review and consider Resolution #2026-12-R adopting the FY2026-27 Tentative Budget for Lindon City. Lindon City Finance Director,

2 Kristen Aaron, will present the Tentative Budget for consideration. The City will
4 hold additional public meetings to review the budget on April 20, 2026. The City
6 will hold a public hearing to adopt the FY2027 Proposed Budget on May 18, 2026
and a public hearing to amend the FY2026 budget and adopt the FY2027 Final
Budget on June 15, 2026.

8 COUNCILMEMBER BRODERICK MOVED TO OPEN THE PUBLIC
10 HEARING. COUNCILMEMBER STEWART SECONDED THE MOTION. THE
MOTION CARRIED.

12 Finance Director, Kristen Aaron, presented the tentative budget for fiscal year
2026-27, totaling approximately \$38.6 million. She noted this was a very rough draft that
14 would be refined through ongoing meetings with department heads. The budget includes
approximately \$4.7 million in water projects with \$4 million in bonding, significantly
16 less than the previous year's \$9 million bonding proposal that was never implemented.
She stated that the budget includes \$500,000 in sewer projects and \$1.2 million in storm
18 drain projects. Director Aaron explained that staff was also currently meeting with
department heads to review requests and assess current year budget performance to
20 determine what projects might need to be pushed to the following year.

22 She then presented the proposed utility rate increases include water base and
usage increases of 4% each, sewer base increase of 7% and usage increase of 10%, and
24 storm water increase of 4%, and noted that Republic Services would implement a 6%
increase for both garbage and recycling services.

26 Councilmember Broderick inquired about the garbage contract status.
28 Administrator Cowie explained they were working on a 2-3 year extension with Republic
Services, noting the city's long-standing good relationship with them and the benefit of
30 proximity to the North Point solid waste transfer station. He mentioned that switching
providers would require replacing all garbage cans citywide, which would be logistically
32 challenging. The city enjoys relatively low fees compared to neighboring communities
due to the proximity advantage.

34 Director Aaron noted that administrative transfers from enterprise funds to the
36 general fund were included in the budget. When Councilmember Stewart requested
clarification on these transfers, Director Aaron explained that enterprise funds operate
38 like businesses but benefit from city administrative services. The transfers represent costs
for staff time from positions like the finance director, city administrator, and city attorney
40 who provide services to these funds. She compared it to property taxes that private
businesses would pay, noting that tax-exempt entities that don't pay property taxes do pay
42 utility bills that contribute to these transfers.

44 She then stated that the garbage fund balance was healthy enough to absorb most
of Republic Services' rate increase rather than passing it through to residents. The budget

includes personnel salary increases of 2.4% for cost-of-living adjustments and 2.6% for merit increases, with plans for another salary study to ensure competitive compensation. Director Aaron then closed with outlining the remaining budget process, with a draft proposed budget scheduled for April 21st work session, final budget adoption hearing on May 18th, and final budget approval on June 15th.

Mayor Lundberg asked for any comments from the public, hearing none she called for a motion to close the public hearing.

COUNCILMEMBER BRODERICK MOVED TO CLOSE THE PUBLIC HEARING. COUNCILMEMBER JACOBS SECONDED THE MOTION. THE MOTION CARRIED.

Mayor Lundberg asked for any further comment from the council. Hearing none, she called for a motion.

COUNCILMEMBER STEWART MOVED TO APPROVE RESOLUTION #2026-12-O AS PRESENTED. COUNCILMEMBER JACOBS SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER STEWART	AYE
COUNCILMEMBER JACOBS	AYE
COUNCILMEMBER HOOLEY	AYE

THE MOTION CARRIED.

12. Recess to Lindon City Redevelopment Agency Meeting (RDA).

13. Closed Session - The City Council will discuss potential purchase or sale of real property and pending or possible litigation per Utah Code 52-4-205(1)(e) & 52-4-205(1)(c). This session is closed to the general public.

COUNCILMEMBER BRODERICK MOVED TO ENTER A CLOSED SESSION. COUNCILMEMBER STEWART SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER JACOBS	AYE
COUNCILMEMBER HOOLEY	AYE
COUNCILMEMBER STEWART	AYE

THE MOTION CARRIED UNANIMOUSLY.

COUNCILMEMBER BRODERICK MOVED TO CLOSE THE CLOSED SESSION AND RECONVENE THE REGULAR CITY COUNCIL MEETING. COUNCILMEMBER JACOBS SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

2 COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER JACOBS AYE
4 COUNCILMEMBER HOOLEY AYE
COUNCILMEMBER STEWART AYE
6 THE MOTION CARRIED UNANIMOUSLY.

8 **Adjourn** –

10 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING
AT 7:46 PM. COUNCILMEMBER STEWART SECONDED THE MOTION. ALL
12 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

14 Approved – April 6, 2026

16

18 _____
Britni Laidler, City Recorder

20

Carolyn O. Lundberg, Mayor

2 The Lindon City Council specially scheduled meeting on **Monday, March 30, 2026, at**
 4 **5:30 pm** in the Lindon City Center, City Council Chambers, 100 North State Street,
 Lindon, Utah.

6 **SPECIAL SESSION – 5:30 P.M.**

8 Conducting: Carolyn Lundberg, Mayor

10 **PRESENT**

EXCUSED

Carolyn Lundberg, Mayor
 12 Jake Hoyt, Councilmember
 Van Broderick, Councilmember
 14 Lincoln Jacobs, Councilmember
 Cole Hooley, Councilmember
 16 Steve Stewart, Councilmember
 Michael Florence, Community Development Director
 18 Brian Haws, City Attorney
 Adam Cowie, City Administrator
 20 Britni Laidler, City Recorder

22 1. **Call to Order/Roll Call** – The meeting was called to order at 5:15 p.m.

24 2. **Closed Session** - The City Council will discuss potential purchase or sale of real
 26 property per Utah Code 52-4-205(1)(e). This session is closed to the general
 public.

28 COUNCILMEMBER STEWART MOVED TO ENTER A CLOSED SESSION.
 COUNCILMEMBER HOYT SECONDED THE MOTION. THE VOTE WAS
 30 RECORDED AS FOLLOWS:

32 COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER JACOBS	AYE
COUNCILMEMBER HOOLEY	AYE
34 COUNCILMEMBER STEWART	AYE
COUNCILMEMBER HOYT	AYE
36 THE MOTION CARRIED UNANIMOUSLY.	

38 COUNCILMEMBER BRODERICK MOVED TO CLOSE THE CLOSED
 SESSION AND RECONVENE THE REGULAR CITY COUNCIL MEETING.
 40 COUNCILMEMBER HOYT SECONDED THE MOTION. THE VOTE WAS
 RECORDED AS FOLLOWS:

42 COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER JACOBS	AYE
44 COUNCILMEMBER HOOLEY	AYE
COUNCILMEMBER STEWART	AYE

2 COUNCILMEMBER HOYT AYE
THE MOTION CARRIED UNANIMOUSLY.

4 **Adjourn** –

6
8 COUNCILMEMBER BRODRICK MOVED TO ADJOURN THE MEETING
AT 6:44 PM. COUNCILMEMBER STEWART SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

10
12 Approved – April 6, 2026

14
16 _____
Britni Laidler, City Recorder

18 _____
Carolyn O. Lundberg, Mayor

Item 7 – Consent Agenda – Consent agenda may contain items which have been discussed beforehand and/or do not require significant discussion, or are administrative in nature, or do not require public comment. The Council may approve all Consent Agenda items in one motion or may discuss individual items as needed and act on them separately.

- a) There are no consent agenda items.

Sample Motion: I move to ~~(approve, continue, deny)~~ the consent agenda items ~~(as presented or amended)~~.

8. **Review & Action: Appointment of Administrative Law Judges; Res. #2026-14-R.** The Council will review and consider Resolution #2025-14-R, recommending appointment of a primary and secondary Administrative Law Judge (ALJ) who will serve as Lindon's appeal authority for certain applications. The ALJ replaces the previous functions of the Board of Adjustment which was recently dissolved.

Sample Motion: I move to (*approve, deny, continue*) Resolution #2026-14-R appointing the Administrative Law Judges (*as presented, with amendments*).

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



TEL 801-785-7687
www.lindoncity.org

Memorandum

TO: City Council
FROM: Community Development Department
SUBJECT: Administrative Law Judge Appointments
DATE: April 6, 2026

Lindon City recently issued a Request for Proposals (RFP) for an Administrative Law Judge (ALJ) through the local city manager, city attorney, and city planning professional chapters. The City received three proposals in response. All three proposals were submitted by attorneys who currently serve as administrative law judges for other communities.

Michael Florence, Adam Cowie, and Brian Haws reviewed the proposals and recommend that Christine (Tina) Petersen serve as the primary Administrative Law Judge for Lindon City, with Lyn Creswell serving as an alternate ALJ.

Tina Petersen currently works as the City Attorney for Pleasant Grove City and has served as the Administrative Law Judge for Provo City since 2000. Lyn Creswell previously served as the City Attorney for Salt Lake City and South Salt Lake City and currently serves as the Administrative Law Judge for Toquerville, St. George, and San Juan County.

Lyn Creswell would serve as the alternate ALJ if Tina Petersen is unavailable or has a conflict of interest. City staff have worked personally with both Tina and Lyn and are confident in their ability to apply the City's ordinances fairly and represent the City effectively.

RESOLUTION NO. 2026-14-R

A RESOLUTION OF THE LINDON CITY COUNCIL CONFIRMING THE APPOINTMENT OF AN
ADMINISTRATIVE LAW JUDGE

WHEREAS, the Lindon City Council met in a regular meeting on April 6, 2026, to consider and confirm the appointment of an administrative law judge and alternate administrative law judge; and

WHEREAS, Lindon City Code 2.22 provides, among other things, that the Mayor, with the consent of the city council, shall appoint an administrative law judge to preside at administrative hearings; and

WHEREAS, the Mayor has nominated Christine Petersen to act as the administrative law judge and Lyn Creswell to act as the alternate administrative law judge; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interest of the health, safety, and welfare of the residents of Lindon City to confirm the appointments; and

NOW, THEREFORE, be it resolved by the Lindon City Council, that Christine Petersen be appointed as administrative law judge and Lyn Creswell as alternate administrative law judge.

PASSED AND RECORDED THIS _____ DAY OF _____, 2026.

Carolyn Lundberg
Mayor

ATTEST:

Britni Laidler
Lindon City Recorder

ADMINISTRATIVE LAW JUDGE REQUEST FOR PROPOSALS

Lindon City is seeking written statements of proposals from qualified individuals to fill the position of Administrative Law Judge to act as the City's Appeal Authority.

Responses Due Wednesday, March 25, 2026, at 5 pm

Contact Information

Michael Florence

Lindon City

100 North State Street, Lindon UT 84042

mflorence@lindon.gov

801-785-7687

BACKGROUND

Lindon City seeks applications to fill an Administrative Law Judge position. The City adopted an administrative hearing ordinance ([Chapter 2.22 of the Lindon City Code](#)) and requires the services of an Administrative Law Judge to replace the Board of Adjustment as the appeal authority for the City in land use issues and to act as the appeal authority in various other appeals procedures as identified in the City code.

QUALIFICATIONS

Qualified individuals should be able to meet the following criteria:

- Be either law trained or have significant experience with the requirements and operation of administrative hearing processes. Preferably, this would include individuals with higher education degrees in Law, Public Administration, Urban Planning, or a related field.
- Understand Land Use Law, including the Utah State Land Use, Development, and Management Act.
- Have experience as an Administrative Law Judge, Judge, or administering land use laws and ordinances in the State of Utah.
- Be available for meetings on an as needed basis, up to once a month.

SELECTION SCHEDULE

The tentative selection process schedule is as follows:

City Issues RFP	March 11, 2026
Submittals due to City	March 25, 2026
Proposal Reviews	March 26-27, 2026
Potential Interviews	March 30 th – April 1, 2026
Draft Contract sent to Selected Individual	April 1-3, 2026
City Council Approval	April 6, 2026

CONTENTS OF REQUEST FOR PROPOSALS (RFP) SUBMITTAL

1. Cover Letter (No more than one page): Introduction of applicant, brief explanation of experience, availability for appeal hearings, interest in position.
2. Statement of Understanding and Services Proposed: Provide a brief statement of your understanding of the duties and responsibilities of the Administrative Law Judge.
3. Hourly Rates for Services: Indicate proposed rates, including how the rates are calculated, hourly or per application.
4. Resume: Provide a resume, including any relative experience, education, and qualifications.
5. References: A list of references including names, positions and telephone numbers for the individuals identified in the qualifications.
6. Acknowledgement: A signed statement of acknowledgement with the following: By signing this statement of acknowledgement, I understand and agree to abide by all terms and conditions set forth within the RFP. I request that Lindon City accept my proposal subject to the identified terms and conditions therein.

INSTRUCTIONS FOR SUBMITTING RFP

Submittals must be submitted electronically in PDF format through email. Submittals must be delivered to the following address not later than 5:00 p.m., Wednesday, March 25, 2026, for consideration: mflorence@lindon.gov

SELECTION PROCESS AND CRITERIA

To be selected, 80% of the total points must be obtained. Submittals will be evaluated using the following criteria:

- | | |
|--|-----------|
| • Qualifications and relevant experience | 30 Points |
| • Experience with Public Agencies | 20 Points |
| • Understanding of Municipal functions, processes and operations | 15 Points |

• Demonstrated ability to respond quickly and conduct hearing in timely manner	10 Points
• Cost Effectiveness	15 Points
• <u>Other Factors</u>	<u>10 Points</u>
Total Points Possible	100 Points

Responsiveness of Submittals. All submittals must be in writing and fully responsive to this RFP. Non-responsive submittals or submittals found to be irregular or not in conformance with the requirements and instructions contained herein may be rejected. Other conditions which may lead to the selection committee’s decision not to evaluate a submittal include obvious lack of experience, expertise or adequate resources to perform the required work, and/or failure to perform or meet financial obligations on previous contracts. The City reserves the right to reject any and all submittals for any reason whatsoever.

Waivers. The City may waive informalities or irregularities in submittals received where such is merely a matter of form and not substance, and the correction or waiver of which is not prejudicial to other submittals.

Interviews. The City may schedule interviews with some Applicants to assist in selecting the best individual for the position. Applicants will be notified by telephone or email if they have been selected to participate in the interview process.

Negotiations. Following selection of the most qualified applicant, hiring negotiations will proceed between Lindon City and the selected Applicant.

Term. The Administrative Law Judge term shall be 2 years. The City reserves the right to terminate the agreement pursuant to [Chapter 2.22 of the Lindon City Code](#).

QUESTIONS

Please address any questions to Micheal Florence at mflorence@lindon.gov with a subject heading of “Administrative Law Judge RFP”.

Thank you for your interest and cooperation.

ADMINISTRATIVE LAW JUDGE AGREEMENT

THIS AGREEMENT made this _____ day of _____, 2026, between Lindon City, a Municipal Corporation, and Christine Petersen.

WHEREAS, Pursuant to § 2.22.070 of the Lindon City Code, the Mayor has appointed Christine Petersen to serve as the Administrative Law Judge, (ALJ) for Lindon City for a period of two years, pursuant to 2.22.070 of the Lindon City Code; and

WHEREAS, Christine Petersen is willing to exercise duties and functions of an ALJ for Lindon City, pursuant to the requirements of Chapter 2.22 of the Lindon City Code; and

WHEREAS, parties desire to set forth their respective rights and duties during the period of appointment.

NOW, THEREFORE, the parties agree as follows:

1. Christine Petersen is hereby hired as the ALJ for Lindon City, to perform all duties and functions of that office as set forth in Chapter 2.22 of the Lindon City Code.
2. The term of service as an ALJ shall be for two years from the date the appointment is approved by the Lindon City Council. This agreement is subject to early termination only for cause, as set forth in §2.22.070(3) of the Lindon City Code.
3. This is a non-exclusive contract. The City shall have the right to appoint additional ALJs if needed to handle caseloads, conflicts, or to address area of special expertise, as it deems necessary.
4. Christine Petersen shall be paid by Lindon City at the rate of One Hundred Dollars (\$100.00) per hour. This amount and may be modified upon the mutual agreement of the parties hereto.
5. The City shall be responsible for the administration of all hearings held pursuant to

Chapter 2.22, including providing adequate staff and facilities, and publishing required notices. It is anticipated that the City will cover all costs related to such hearing, but in the event that Christine Petersen incurs personal expense directly related to role as the ALJ, the City will reimburse all reasonable out-of-pocket costs incurred in the handling of City's hearings.

6. Christine Petersen shall bill the City within 30 days of providing services, and the City shall pay such invoices within thirty (30) days of the date of billing.

7. Any modification to this Agreement shall be in writing and signed by each party to this Agreement.

8. This Agreement shall be governed by and construed and enforced in accordance with the laws of the State of Utah.

IN WITNESS WHEREOF the parties have executed this Agreement the day and year first above written.

Lindon CITY
A Municipal Corporation

BY: _____
Carolyn Lundberg
Mayor

ATTEST:

Britni Laidler
City Recorder

Christine Petersen

ADMINISTRATIVE LAW JUDGE AGREEMENT

THIS AGREEMENT made this _____ day of _____, 2026, between Lindon City, a Municipal Corporation, and Lyn Creswell.

WHEREAS, Pursuant to § 2.22.070 of the Lindon City Code, the Mayor has appointed Lyn Creswell to serve as an Alternate Administrative Law Judge, (ALJ) for Lindon City for a period of two years, pursuant to 2.22.070 of the Lindon City Code; and

WHEREAS, Lyn Creswell is willing to exercise duties and functions of an ALJ for Lindon City, pursuant to the requirements of Chapter 2.22 of the Lindon City Code; and

WHEREAS, parties desire to set forth their respective rights and duties during the period of appointment.

NOW, THEREFORE, the parties agree as follows:

1. Lyn Creswell is hereby hired as an Alternate ALJ for Lindon City, to perform all duties and functions of that office as set forth in Chapter 2.22 of the Lindon City Code in the event that the primary ALJ is unable to handle a hearing or appeal.

2. The term of service as an Alternate ALJ shall be for two years from the date the appointment is approved by the Lindon City Council. This agreement is subject to early termination only for cause, as set forth in §2.22.070(3) of the Lindon City Code.

3. This is a non-exclusive contract. The City shall have the right to appoint additional ALJs if needed to handle caseloads, conflicts, or to address area of special expertise, as it deems necessary.

4. Lyn Creswell shall be paid by Lindon City at the rate of One Hundred Dollars (\$100.00) per hour. This amount and may be modified upon the mutual agreement of the parties hereto.

5. The City shall be responsible for the administration of all hearings held pursuant to Chapter 2.22, including providing adequate staff and facilities, and publishing required notices. It is anticipated that the City will cover all costs related to such hearing, but in the event that Lyn Creswell incurs personal expense directly related to role as an ALJ, the City will reimburse all reasonable out-of-pocket costs incurred in the handling of City's hearings.

6. Lyn Creswell shall bill the City within 30 days of providing services, and the City shall pay such invoices within thirty (30) days of the date of billing.

7. Any modification to this Agreement shall be in writing and signed by each party to this Agreement.

8. This Agreement shall be governed by and construed and enforced in accordance with the laws of the State of Utah.

IN WITNESS WHEREOF the parties have executed this Agreement the day and year first above written.

Lindon CITY
A Municipal Corporation

BY: _____
Carolyn Lundberg
Mayor

ATTEST:

Britni Laidler
City Recorder

Lyn Creswell

- 9. Review & Action: TSSD natural gas substation; Ord. #2026-01-O.** The Council will review an ordinance amending LCC 17.54 – ‘Regional Commercial Zone’ for provisions related to development of above-ground gas utility uses within the zone.

Sample Motion: I move to (*approve, continue, deny*) Ordinance #2026-01-O (*as presented, or with changes*).

Ordinance Amendment – 17.54 – Regional Commercial Zone

Date: April 6, 2026

Applicant: Timpanogos Special Service District

Presenting Staff: Michael Florence

Type of Decision: Legislative

Council Action Required: Yes, the planning commission unanimously recommended approval.

MOTION

I move to (*approve, deny, or continue*) ordinance amendment 2026-1-O (*as presented, or with changes*).

Summary of Key Issues

- The Timpanogos Special Service District (TSSD) has submitted an application to amend the Regional Commercial (RC) zoning ordinance to allow the following:
 - Above-ground utilities and associated utility buildings
 - Reduced lot frontage and landscaping requirements.
 - The city added a provision requiring utility buildings to be constructed of block. All of Lindon's lift station and well house buildings are block. Enbridge has indicated a preference for metal buildings but will comply with what Lindon requirements.
- TSSD plans to clean biogas from its treatment process and provide that gas to Enbridge for distribution through its existing grid. TSSD has identified a property in Lindon as the proposed location where Enbridge would install the necessary metering and regulation equipment. This equipment will test and measure the amount of gas received from TSSD before it enters the Enbridge system. Enbridge will also need to install new piping in 2800 W. and 600 N. to connect to its existing pipeline.
- The property would be purchased from Property Reserve Inc, the real estate branch of the Church of Jesus Christ of Latter-Day Saints. The parcel is approximately 8.32 acres and TSSD is proposing to purchase 1.718 acres.
- If the city council amend approves the proposed amendment to the Regional Commercial zone, the applicants will then apply to the planning commission for subdivision and site plan approval.
- One of the primary issues for Lindon is whether the proposed facility would impact the future Vineyard Connector roadway. This item is addressed in the Staff Analysis section on the following page.

Overview

The following table summarizes the proposed ordinance amendments:

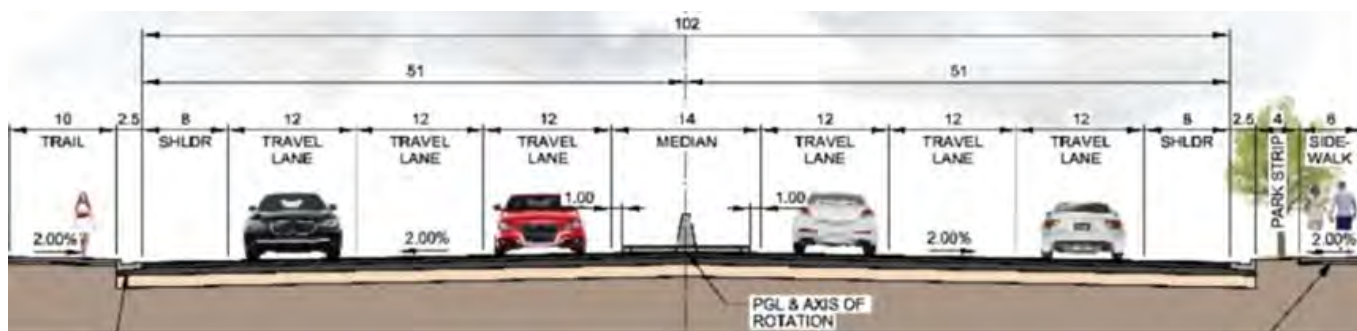
Current Ordinance	Proposed Amendments
17.54.020 - Utility lines are currently allowed underground only	Allow for above-ground gas utilities and associated utility buildings
Above ground utility screening – no requirement	7' masonry or precast concrete fence
17.54.040(4) – The Regional Commercial zone minimum lot frontage is 100 ft	Utility sites would be exempt from the 100' frontage requirement, but would still need to have access to the site through direct access from the public street or through an access easement. Access would need to meet fire, subdivision, and engineering requirements.
17.54.040(5) – The Regional Commercial zone requires a minimum of 25% open space landscaping for all lots.	Utility sites would be exempt from the 25% open space requirement. However, they would need to provide for proper weed control. If a utility site abuts a residential zone then the landscaping requirements will need to be met
17.54.050 – The Regional Commercial zone calls out specific architectural requirements for buildings.	Utility buildings would not need to meet the architectural requirements. In the code version that the planning commission review it exempted utility building 800 sq ft or less from meeting the zoning architectural requirements. All buildings would need to be constructed of block and meet the color requirements.

Staff Analysis

According to TSSD, these improvements will accommodate anticipated growth through 2040 and will continue to support TSSD's "Clean Water" mission. TSSD currently has a sewer easement that runs along the north property line of the proposed lot.

A priority during this ordinance review was evaluating whether the proposed metering station and above-ground facilities would affect the future Vineyard Connector roadway. The Vineyard Connector is currently shown in planning documents as a three-lane road that would expand to five lanes and eventually may transition to a seven-lane expressway. According to UDOT, there is a possibility that the expressway width may increase from 127' to 150'. The following illustration shows the 127' cross-section of the proposed expressway.

UDOT is currently undertaking a Northern Utah County Planning and Environmental Linkage (PEL) study that will evaluate needed transportation solutions and strategies for major road systems in northern Utah County, including Vineyard Connector. This study will help determine alignment, connections, and roadway widths. The anticipated study completion date is sometime in 2028.



In addition to the future Vineyard Connector, Lindon City must also preserve the planned alignment for 400 N. and 2800 W. Unless UDOT acquires or uses eminent domain to remove the existing building, both the Vineyard Connector and Lindon's 2800 W. alignment will likely need to shift to the west. This adjustment would be necessary because a building has already been constructed within the planned right-of-way, as shown in the plan below.



A couple of consideration that will affect TSSD if the future Vineyard Connector is widened to 150':

1. On the current Mountainland Association of Governments (MAG) Regional Transportation plan phase 1 of the Vineyard Connect as an arterial 3 lane roadway is anticipated to be constructed by 2032. Phases widening the roadway for an expressway are anticipated between 2033-2050. However, priorities for this could change with the Northern Utah County PEL study.
2. It is possible that TSSD could lose direct access from the utility metering site to the Vineyard Connector. In that case, UDOT has indicated that they would need to coordinate with the Army Corps of Engineers to obtain access for an unpaved road through the wetland area to the south. Near the TSSD site, the Vineyard Connector will begin to increase in elevation as it approaches a future bridge that will cross the railroad tracks further north. As a result, fire and emergency access from the Vineyard Connector to the site could be impacted. Any alternative access through the wetland area would need to be designed to accommodate emergency vehicle access to the utility site.
3. If the Vineyard Connector is constructed at a width of 127 feet, the existing TSSD manholes would likely be located within the roadway shoulder. However, if the corridor is widened to 150 feet, the manholes may be located within a travel lane, which would create challenges for accessing and maintaining the manholes.

In discussions with UDOT, they feel comfortable that if Vineyard Connector is shifted to the west and the cross-section of the street is increased to 150', it still allows for the TSSD above-ground utility facility to be built without impacts to the roadway. Future access to the site could be impacted and would have to be addressed through alternative access.

Finally, one issue for the City Council to consider is that the utility site, if developed, would likely become a non-taxable property. The property is also not well suited for future economic development because it would not have access to the Vineyard Connector once the roadway is constructed.

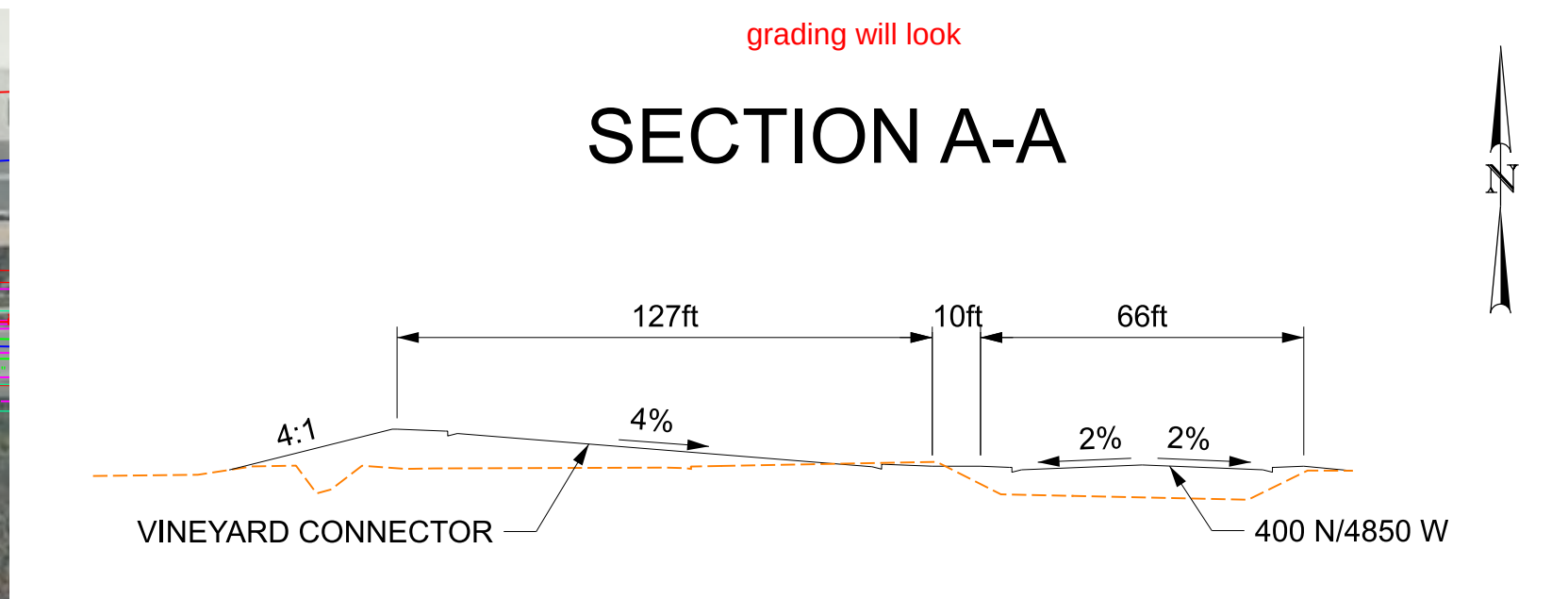
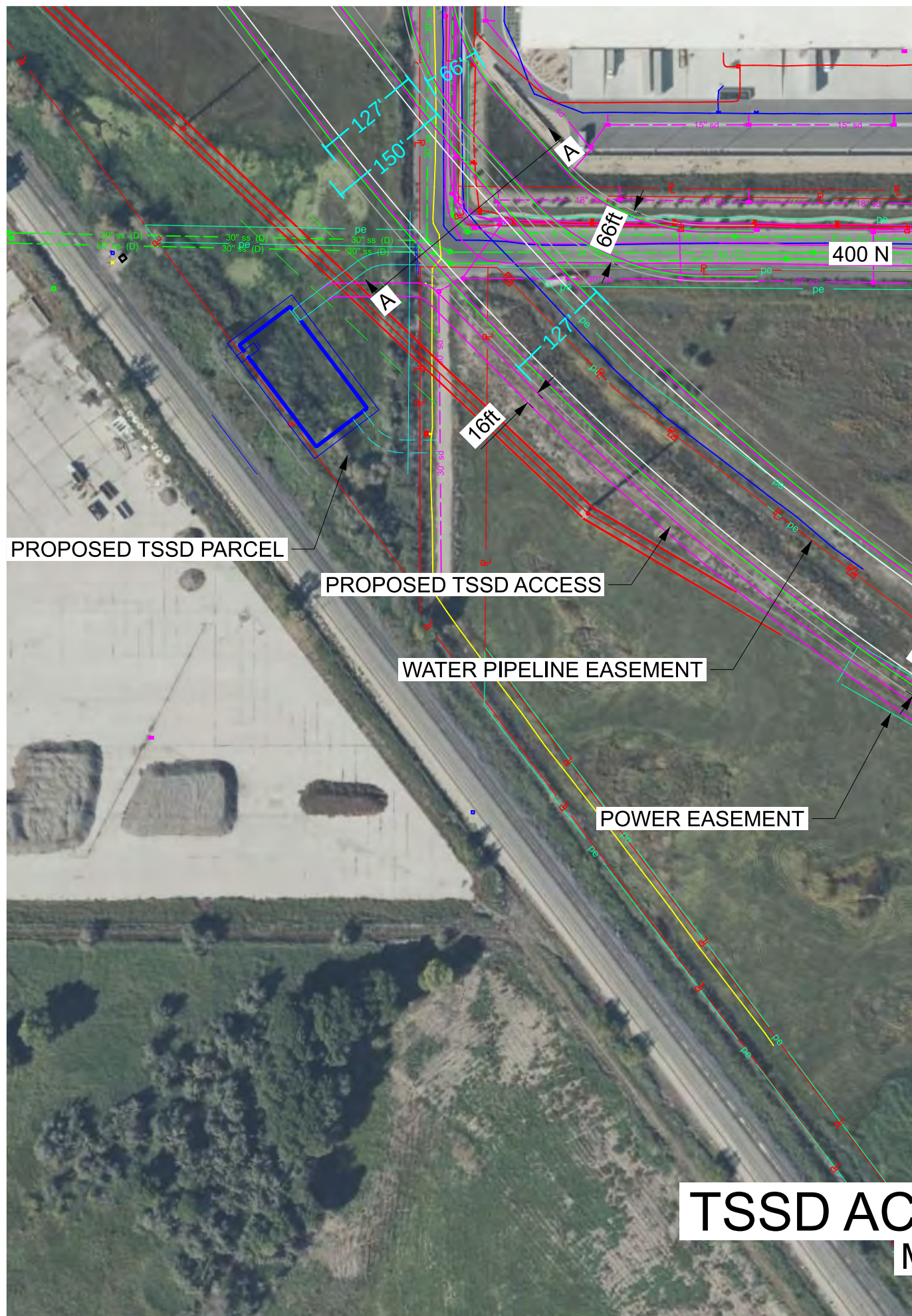
UDOT has been working to purchase the remaining parcels north of the proposed utility site for the future Vineyard Connector corridor. Once the Vineyard Connector is constructed as an expressway, there will be limited remaining land available for economic development in this area.

Architectural Requirements: The version of the code presented to the Planning Commission exempted utility buildings of 800 square feet or less from meeting the Regional Commercial architectural requirements. Enbridge has indicated a preference to construct smaller metal buildings but will comply with the City's requirements. However, if metal buildings are not allowed, TSSD and Enbridge have discussed constructing one larger block building instead of several smaller detached buildings.

Staff has revised the code to exempt utility buildings from the Regional Commercial architectural requirements regardless of size; however, the buildings would still be required to be constructed of block.

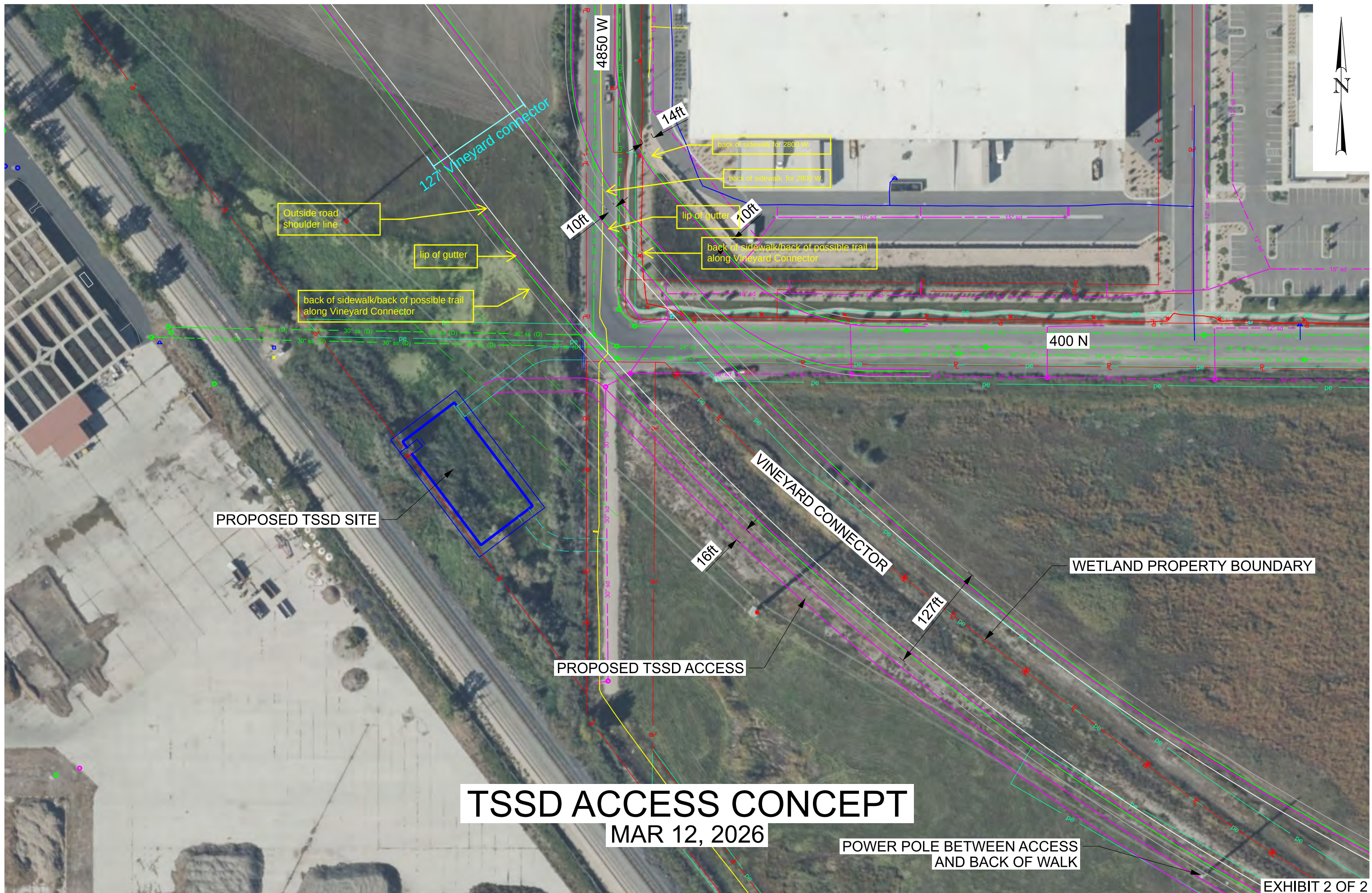
Exhibits

1. Aerial Photo
2. Vineyard Connector alignment and Lindon 2800 W. shifting west
3. TSSD Proposed Plans
4. Draft Ordinance

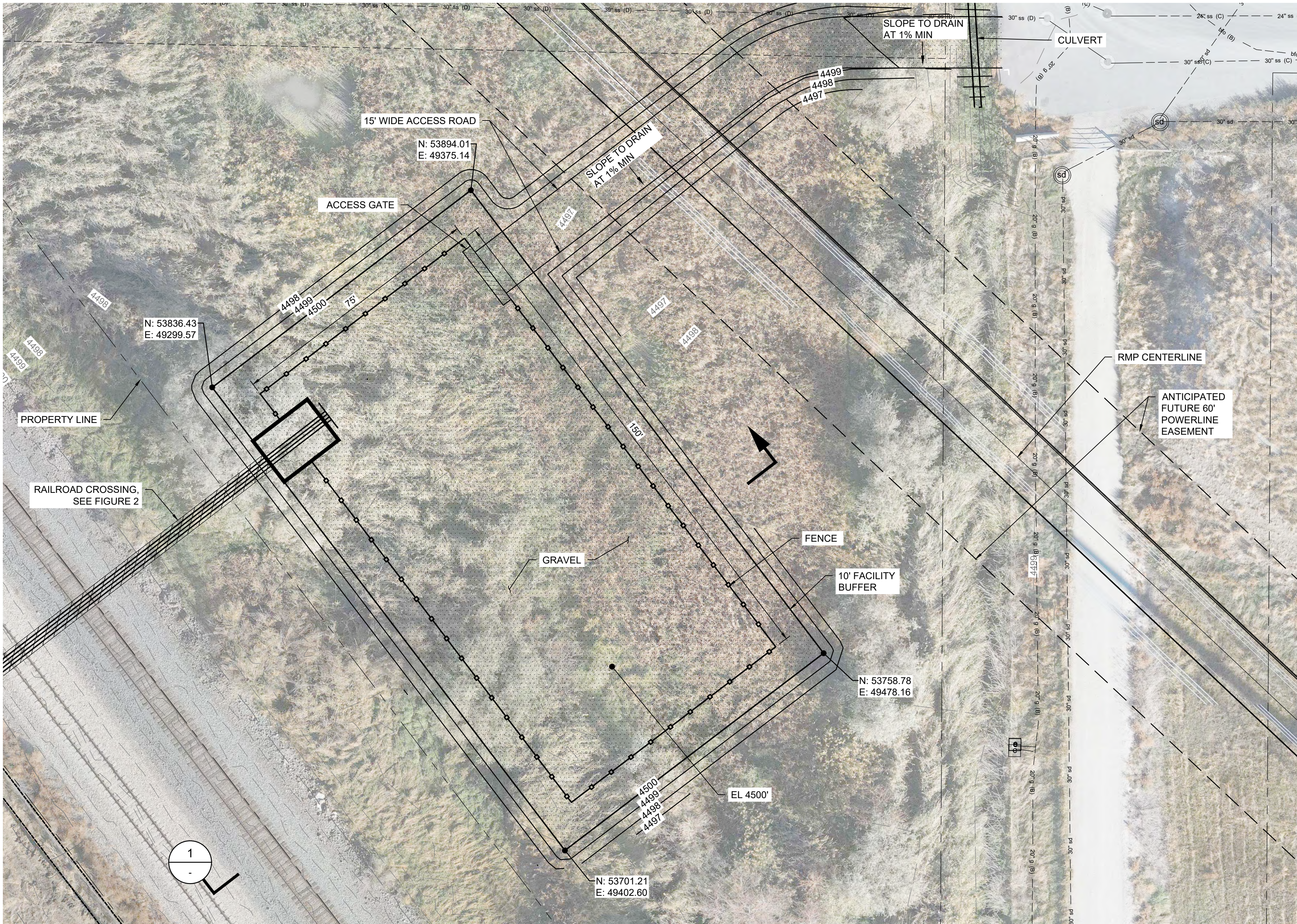
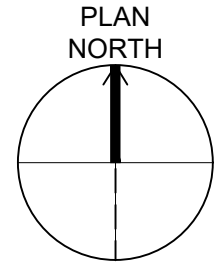


TSSD ACCESS CONCEPT
MAR 12, 2026

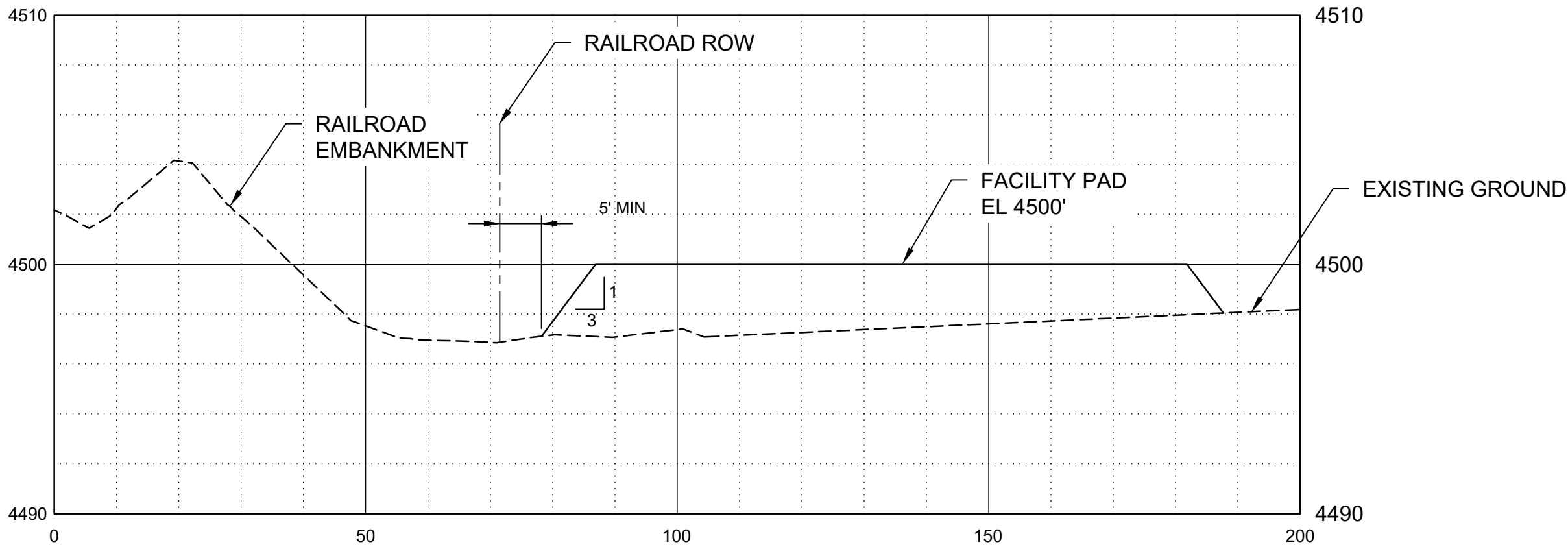
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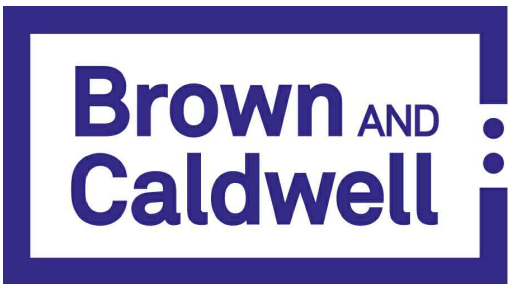
PLAN
SCALE: 1" = 20'



SECTION 1
SCALE: H 1" = 20', V 1" = 5'

GENERAL NOTES:

1. FACILITY FOOTPRINT BASED ON ENBRIDGE'S COST
OPTIONS REPORT DATED 4/10/24.



6975 Union Park Center
Salt Lake City, UT

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FOR CONSTRUCTION
PURPOSES UNLESS IT BEARS
THE SEAL OF A DULY
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REVISIONS

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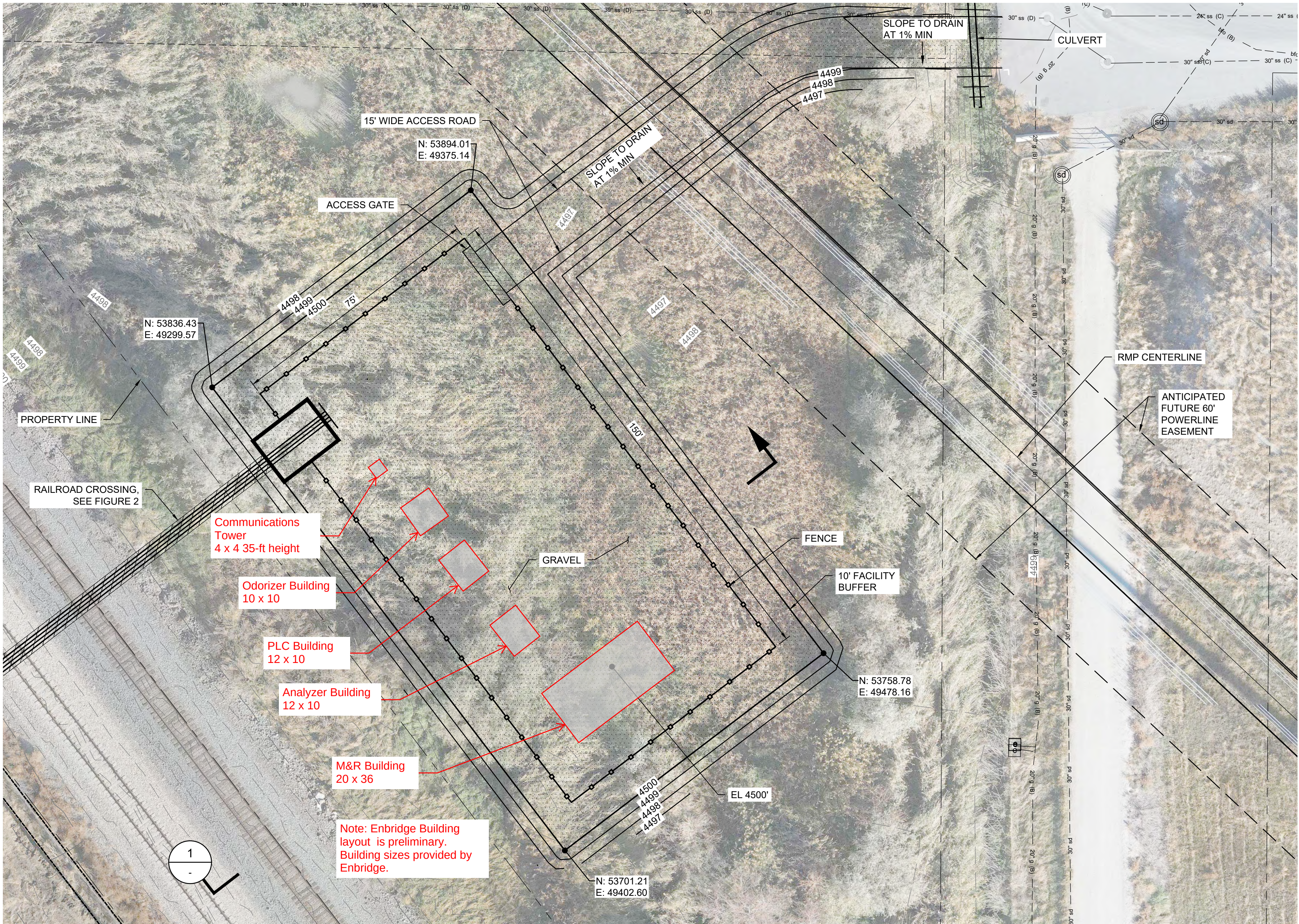
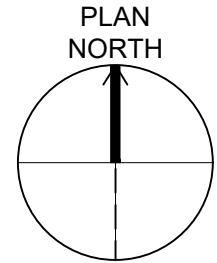
ENBRIDGE METERING
AND REGULATION
FACILITY SITE PLAN
AND SECTION

DRAWING NUMBER

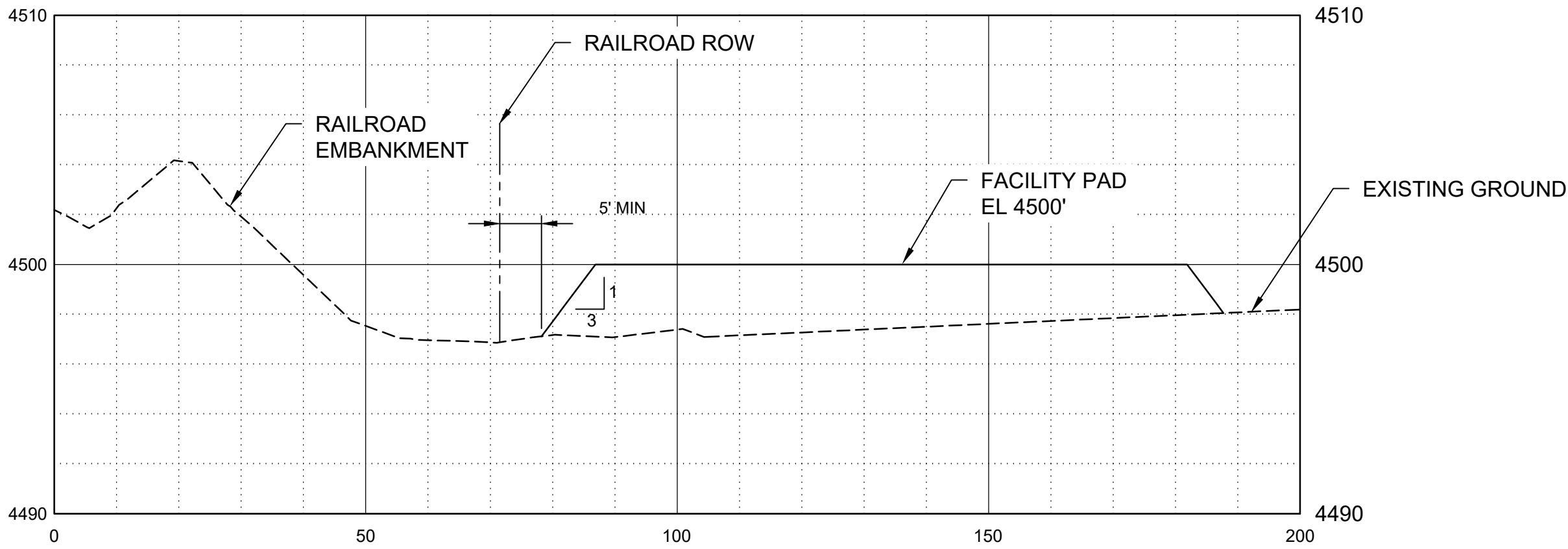
FIGURE 1

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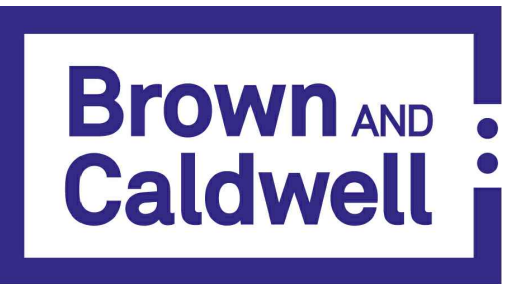
PLAN
SCALE: 1" = 20'



SECTION 1
SCALE: H 1" = 20', V 1" = 5'

GENERAL NOTES:

1. FACILITY FOOTPRINT BASED ON ENBRIDGE'S COST OPTIONS REPORT DATED 4/10/24.



6975 Union Park Center
Salt Lake City, UT

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REVISIONS

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TSSD PROJECT NUMBER

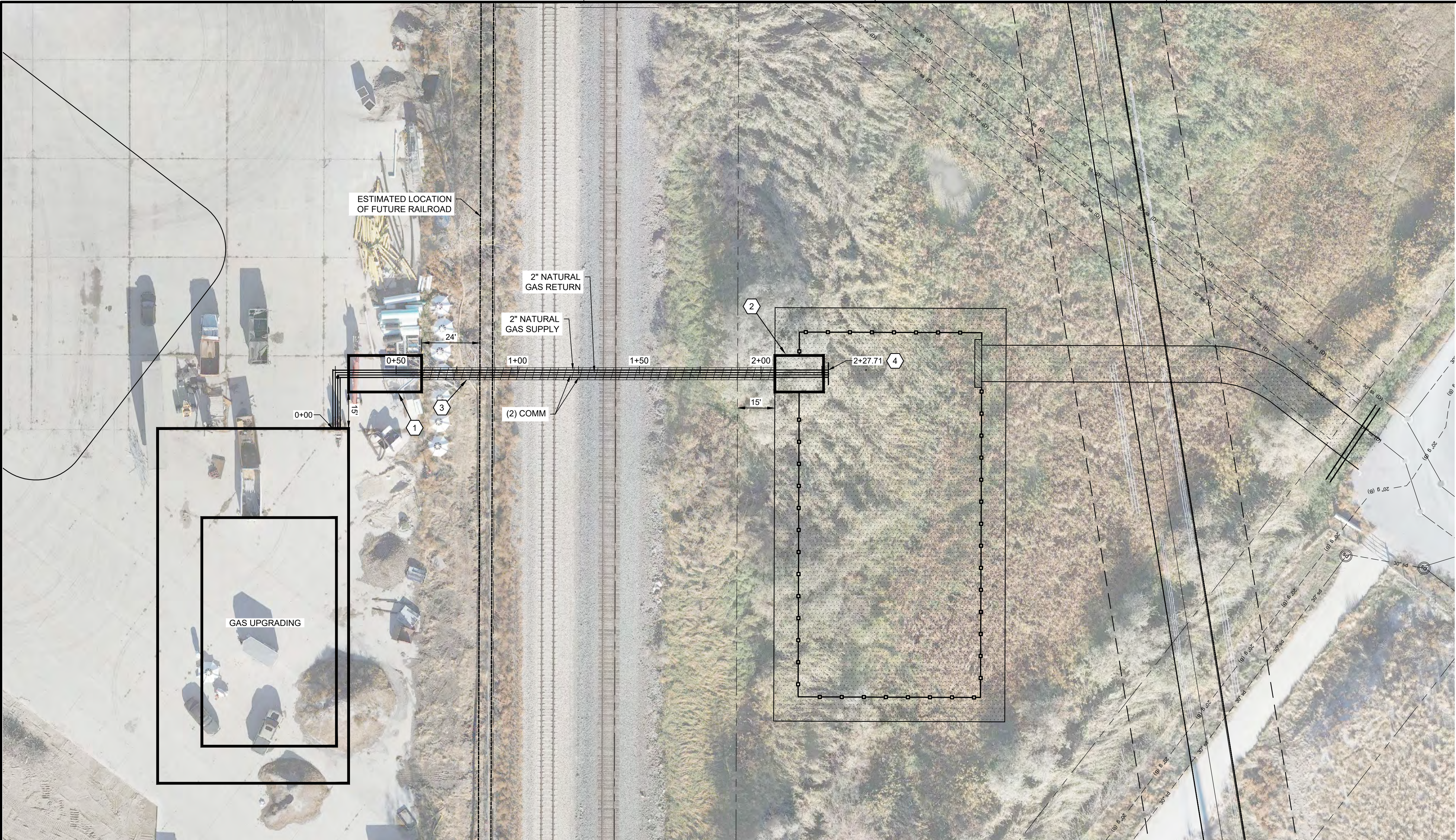
ENBRIDGE METERING
AND REGULATION
FACILITY SITE PLAN
AND SECTION

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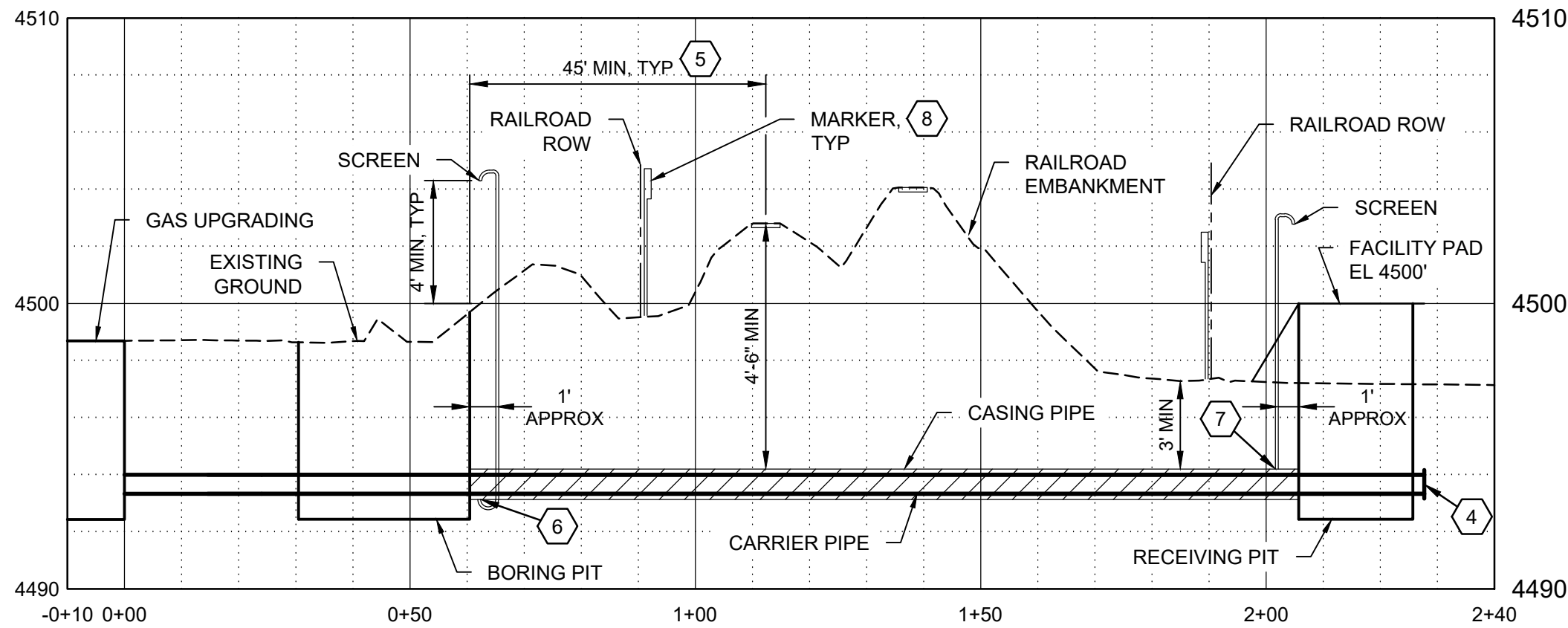
FIGURE 1

SHEET NUMBER
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PLAN
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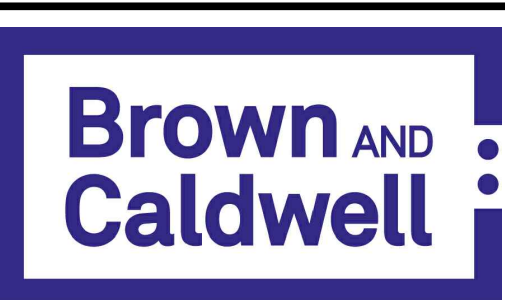
PROFILE
SCALE: 1" = 25'

GENERAL NOTES:

- FACILITY FOOTPRINT BASED ON ENBRIDGE'S COST OPTIONS REPORT DATED 4/10/24.

KEY NOTES:

- BORING PIT, SEE DETAIL A/FIGURE 3.
- RECEIVING PIT, SEE DETAIL B/ FIGURE 3.
- ENCASEMENT, SEE DETAIL C/FIGURE 3.
- ENBRIDGE CONNECTION TO GAS AND COMMUNICATION LINES
- CASING TO EXTEND BEYOND THE CENTERLINE OF TRACK AT RIGHT ANGLES THE GREATER OF 2D x 20' OR 45', AND BEYOND LIMIT OF RAILROAD RIGHT-OF-WAY IF NECESSARY TO PROVIDE PROPER LENGTH OUTSIDE OF TRACK.
- VENT PIPE AT LOW END OF CASING TO BE CONNECTED TO SIDE OR BOTTOM OF CASING PIPE.
- VENT PIPE AT HIGH END OF CASING TO BE CONNECTED TO SIDE OR TOP OF CASING PIPE.
- MARKER TO INDICATE LOCATION OF PIPELINE AT RIGHT-OF-WAY LINE. IN ADDITION, MARKERS SHALL BE INSTALLED AT MINIMUM 500-FT. INTERVALS ALONG PIPELINE ENCROACHMENTS AND AT LOCATIONS OF MAJOR CHANGE OF DIRECTION.



6975 Union Park Center
Salt Lake City, UT

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FOR CONSTRUCTION
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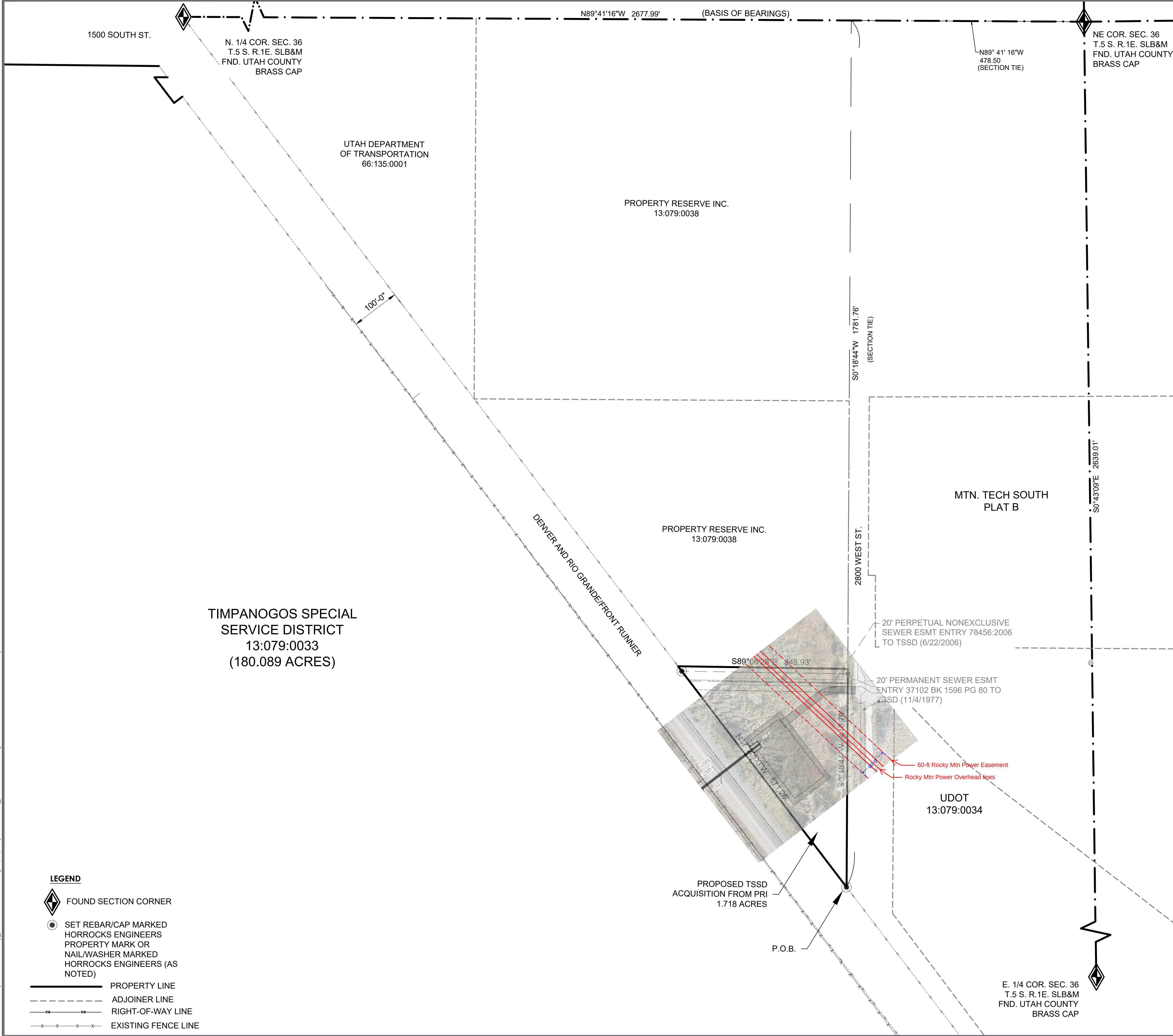
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XXXXXX
TSSD PROJECT NUMBER

RAILROAD
CROSSING

DRAWING NUMBER
FIGURE 2

SHEET NUMBER
OF

Q:\2022\UT-4829-22 TSSD Plant Site\Project Data\Survey_Data\PRI East Triangle property\PRI-TSSD_TRI-EXHIBIT.dwg - S-02 - 2/25/2025 12:40 PM - jon.behr



SURVEY EXHIBIT

LOCATED IN AMERICAN FORK,
UTAH COUNTY, UT.
SEC. 36, T.5 S. R.1E. SLB&M

AS-SURVEYED DESCRIPTION:
A TRACT OF LAND BEING A PORTION OF THE PROPERTY RESERVE INC. PROPERTY (PARCEL 13:079:0038) AS DESCRIBED IN THAT SPECIAL WARRANTY DEED, RECORDED JULY 2, 2009 AS ENTRY NO. 73348:2009 IN THE OFFICE OF THE UTAH COUNTY RECORDER, LOCATED IN THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHERLY CORNER OF SAID PROPERTY RESERVE INC. PROPERTY ON THE EASTERLY RIGHT OF WAY LINE OF THE DENVER AND RIO GRANDE WESTERN RAILROAD, WHICH POINT LIES 478.50 FEET N.89°41'16"W. ALONG THE SECTION LINE AND 1781.76 FEET S.00°18'44"W. FROM THE NORTHEAST CORNER OF SAID SECTION 36; AND RUNNING THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE OF THE DENVER AND RIO GRANDE WESTERN RAILROAD N.37°20'00"W. 571.26 FEET TO A POINT; THENCE S.89°06'28"E. 348.93 FEET TO THE EASTERLY LINE OF SAID PROPERTY RESERVE INC. PROPERTY; THENCE ALONG SAID EASTERLY LINE S.00°18'44"W 448.79 FEET TO THE POINT OF BEGINNING.

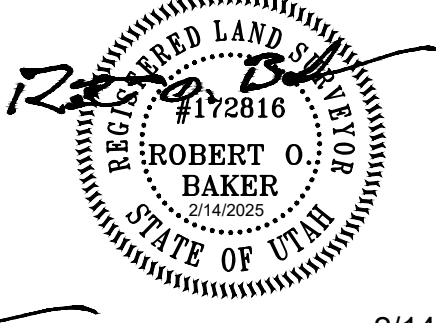
SAID PARCEL CONTAINS 1.797 ACRES, MORE OR LESS.

THE PURPOSE OF THIS SURVEY IS TO TRANSFER TITLE OF THE TRIANGULAR PARCEK SHOWN FROM PROPERTY RESERVE INC. TO TIMPANOGOS SPECIAL SERVICE DISTRICT (PORTION OF PARCEL 13:079:0038) LOCATED WITHIN SECTION 36, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN. THE BASIS OF BEARINGS FOR THIS SURVEY IS NORTH 89°41'16" WEST ALONG THE SECTION LINE BETWEEN THE FOUND NORTHEAST CORNER AND THE FOUND NORTH QUARTER CORNER OF SAID SECTION 36, AS SHOWN HEREON. THE FIELD WORK WAS CONDUCTED IN SEPTEMBER 2022 AND UPDATED IN MAY 2024. SUBJECT AND ADJOINING RECORD VESTING DEEDS, SURVEYS OF RECORD, REFERENCE TIE SHEETS, AND SUBDIVISION PLATS, RESEARCHED IN THE OFFICE OF THE UTAH COUNTY RECORDER WERE USED IN THE DEVELOPMENT OF THIS SURVEY, AND ARE AVAILABLE UPON REQUEST.

NOTE:
THERE IS A MATHEMATICAL GAP BETWEEN RECORD DESCRIPTION OF THE PARENT PARCEL AND THE EAST RIGHT OF WAY LINE OF THE DENVER AND RIO GRANDE / FRONTRUNNER RAILROAD. AS THE RECORD DESCRIPTION CALLS OUT THE BOUNDARY OF THE RAILROAD, THE EAST AND SOUTHERLY LINES WERE EXTENDED TO THEIR RESPECTIVE INTERSECTIONS WITH SAID RIGHT OF WAY.

SURVEYORS CERTIFICATE

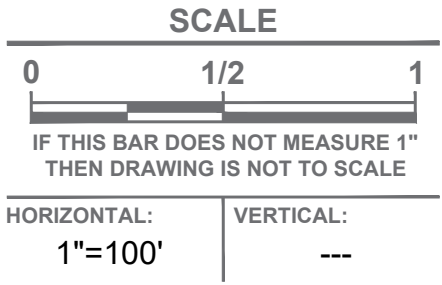
I, ROBERT O. BAKER, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 172816 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT, AND THE SAME HAS BEEN STAKED ON THE GROUND AS SHOWN.



ROBERT O. BAKER, PLS

2/14/2025
DATE

REVISIONS			
REV	DATE	BY	DESCRIPTION



**Horrocks.**

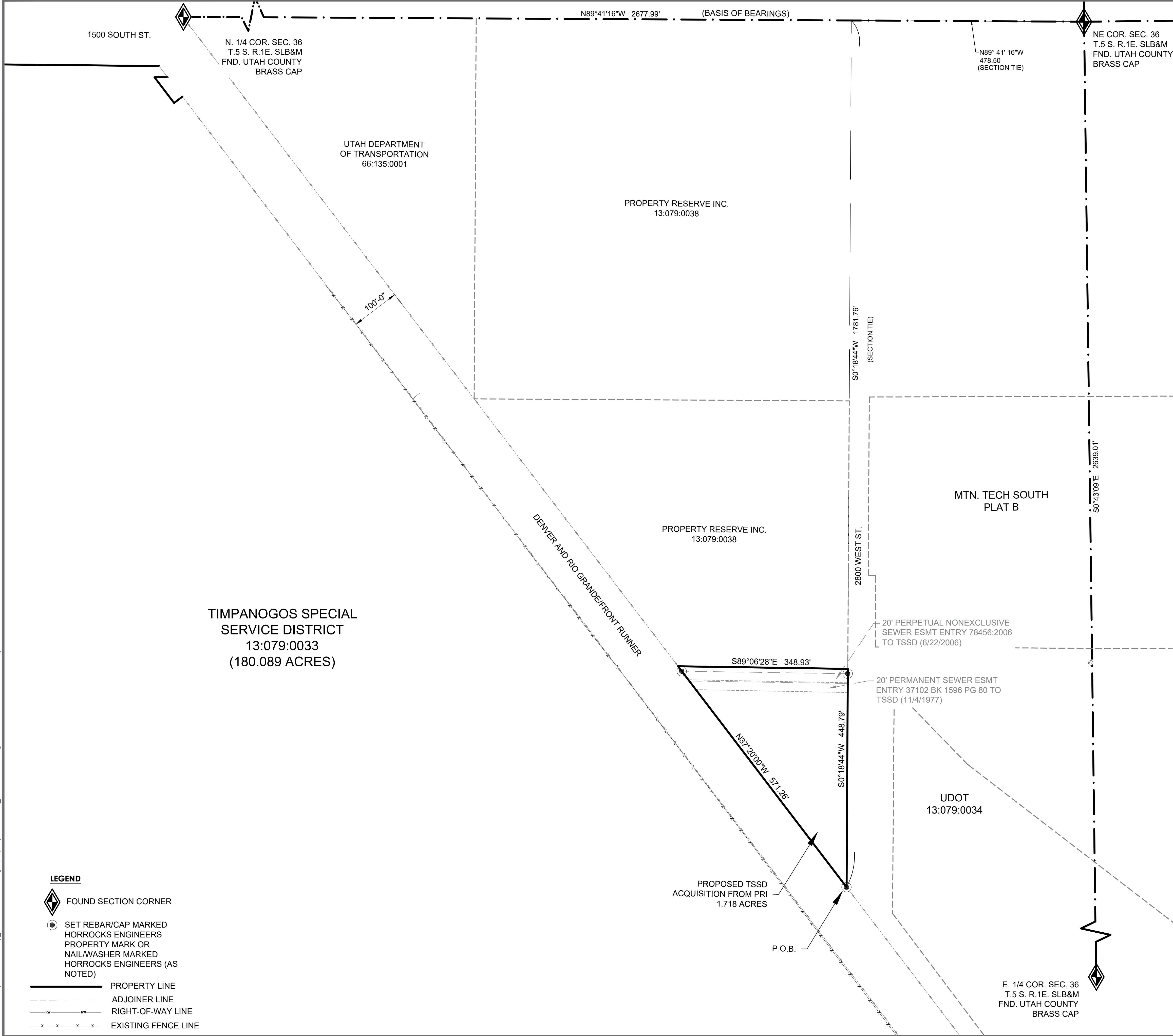
2162 West Grove Parkway, Suite 400, Pleasant Grove, UT 84062
801-763-5100 www.horrocksengineers.com

TIMPANOGOS SPECIAL SERVICE DISTRICT
5135 WEST 6400 NORTH, AMERICAN FORK, UT

SURVEY EXHIBIT

DESIGN: ROB	PROJECT: UT-4829-22
DRAWN: JDB	SHEET: 1 OF 1
CHECK: ROB	DRAWING: S-02
DATE: 2/14/25	

Q:\2022\UT-4829-22 TSSD Plant Site\Project Data\Survey_Data\FRI East Triangle property\FRI-TSSD_TRI-EXHIBIT.dwg - S-02 - 2/25/2025 12:40 PM - jon.behr



SURVEY EXHIBIT

LOCATED IN AMERICAN FORK,
UTAH COUNTY, UT.
SEC. 36, T.5 S. R.1E. SLB&M

AS-SURVEYED DESCRIPTION:
A TRACT OF LAND BEING A PORTION OF THE PROPERTY RESERVE INC. PROPERTY (PARCEL 13:079:0038) AS DESCRIBED IN THAT SPECIAL WARRANTY DEED, RECORDED JULY 2, 2009 AS ENTRY NO. 73348:2009 IN THE OFFICE OF THE UTAH COUNTY RECORDER, LOCATED IN THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHERLY CORNER OF SAID PROPERTY RESERVE INC. PROPERTY ON THE EASTERLY RIGHT OF WAY LINE OF THE DENVER AND RIO GRANDE WESTERN RAILROAD, WHICH POINT LIES 478.50 FEET N.89°41'16"W. ALONG THE SECTION LINE AND 1781.76 FEET S.00°18'44"W. FROM THE NORTHEAST CORNER OF SAID SECTION 36; AND RUNNING THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE OF THE DENVER AND RIO GRANDE WESTERN RAILROAD N.37°20'00"W. 571.26 FEET TO A POINT; THENCE S 89°06'28"E. 348.93 FEET TO THE EASTERLY LINE OF SAID PROPERTY RESERVE INC. PROPERTY; THENCE ALONG SAID EASTERLY LINE S.00°18'44"W 448.79 FEET TO THE POINT OF BEGINNING.

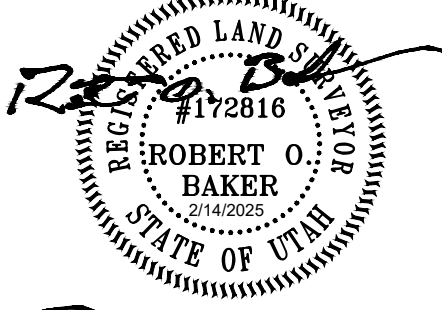
SAID PARCEL CONTAINS 1.797 ACRES, MORE OR LESS.

THE PURPOSE OF THIS SURVEY IS TO TRANSFER TITLE OF THE TRIANGULAR PARCEK SHOWN FROM PROPERTY RESERVE INC. TO TIMPANOGOS SPECIAL SERVICE DISTRICT (PORTION OF PARCEL 13:079:0038) LOCATED WITHIN SECTION 36, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN. THE BASIS OF BEARINGS FOR THIS SURVEY IS NORTH 89°41'16" WEST ALONG THE SECTION LINE BETWEEN THE FOUND NORTHEAST CORNER AND THE FOUND NORTH QUARTER CORNER OF SAID SECTION 36, AS SHOWN HEREON. THE FIELD WORK WAS CONDUCTED IN SEPTEMBER 2022 AND UPDATED IN MAY 2024. SUBJECT AND ADJOINING RECORD VESTING DEEDS, SURVEYS OF RECORD, REFERENCE TIE SHEETS, AND SUBDIVISION PLATS, RESEARCHED IN THE OFFICE OF THE UTAH COUNTY RECORDER WERE USED IN THE DEVELOPMENT OF THIS SURVEY, AND ARE AVAILABLE UPON REQUEST.

NOTE:
THERE IS A MATHEMATICAL GAP BETWEEN RECORD DESCRIPTION OF THE PARENT PARCEL AND THE EAST RIGHT OF WAY LINE OF THE DENVER AND RIO GRANDE / FRONTRUNNER RAILROAD. AS THE RECORD DESCRIPTION CALLS OUT THE BOUNDARY OF THE RAILROAD, THE EAST AND SOUTHERLY LINES WERE EXTENDED TO THEIR RESPECTIVE INTERSECTIONS WITH SAID RIGHT OF WAY.

SURVEYORS CERTIFICATE

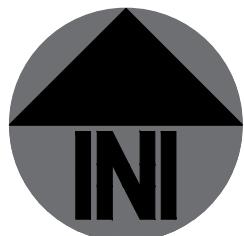
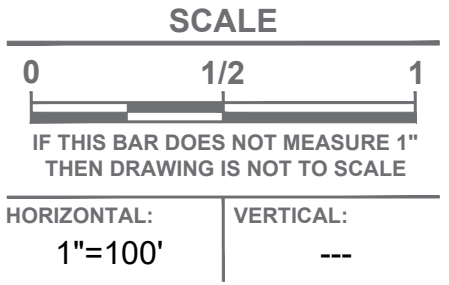
I, ROBERT O. BAKER, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 172816 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT, AND THE SAME HAS BEEN STAKED ON THE GROUND AS SHOWN.



ROBERT O. BAKER, PLS

2/14/2025
DATE

REVISIONS			
REV	DATE	BY	DESCRIPTION



**Horrocks.**

2162 West Grove Parkway, Suite 400, Pleasant Grove, UT 84062
801-763-5100 www.horrocksengineers.com

TIMPANOGOS SPECIAL SERVICE DISTRICT
5135 WEST 6400 NORTH, AMERICAN FORK, UT

SURVEY EXHIBIT

DESIGN: ROB	PROJECT: UT-4829-22
DRAWN: JDB	SHEET: 1 OF 1
CHECK: ROB	DRAWING:
DATE: 2/14/25	S-02

ORDINANCE NO. 2026-01-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING 17.54 – REGIONAL COMMERCIAL ZONE FOR PROVISION RELATED TO DEVELOPMENT OF UTILITY USES 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 Lindon City General Plan to ensure utility uses match the land use vision and principles; and

WHEREAS, the proposed amendment is consistent with the goal of the Lindon City General Plan that future utility and infrastructure should consider projected population growth, service levels, land use, and transportation needs; and

WHEREAS, on February 10, 2026, 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; and

WHEREAS, the Council held a public meeting on April 6, 2026, 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: Amend Lindon City Code section 17.54 as follows:

17.54.020 Uses.

The standard land use table shall not be used to establish permitted, conditional, and nonpermitted uses in the RC zone. Rather, the following primary uses, and no others, shall be permitted in the RC zone:

1. *Residential.*
 - a. Hotels/motels.
 - b. Caretaker facilities – accessory to main uses only.
2. *Manufacturing.*
 - a. General food manufacturing – under twenty thousand (20,000) square feet.
 - b. Candy and other confectionary products.
 - c. Brewery (liquor and spirits) maximum one thousand (1,000) square feet and must be in conjunction with a restaurant.
 - d. All general apparel.
 - e. Publishing, printing, and miscellaneous related work.

- f. Professional, scientific, photographic, optical instruments, etc.
- g. Motion picture production (permanent studios).
- h. High-tech manufacturing; indoor production and storage only; may not produce objectionable noises, odors, or other externalities to the detriment of surrounding properties.

3. *Transportation and Utilities.*

- a. Auto parking facilities – private (does not include storage of vehicles).
- b. Telephone utility lines – underground.
- c. Television broadcasting studios.
- d. Television transmitting stations and relay tower (height of tower may not exceed maximum height of zone).
- e. Electric utility lines – above ground thirty-five (35) kV or greater.
- f. Electric utility lines – underground.
- g. Gas utilities – underground.
- h. Water storage.
- i. Water pressure control stations.
- j. Sewage pressure control stations.
- k. Freight forwarding services (no outdoor transloading or transfer of truck trailers).
- l. Packing and crating services.

m. Above-ground gas utilities and associated utility buildings

17.54.040 Development standards.

1. *Lot Area.* The minimum size of any lot shall be twenty thousand (20,000) square feet.
2. *Building Setbacks.* All buildings and structures shall be set back a minimum of thirty feet (30') from all property lines and fifty feet (50') if located along or adjacent to a UDOT right-of-way.
3. *Building Height.* No building shall be constructed to a height exceeding eighty feet (80'). (See Section [17.02.010](#)).
4. *Frontage.* Every lot or parcel in the RC zone shall have a minimum frontage of one hundred feet (100') upon a public street or upon a private street or right-of-way. *Utility sites, as permitted in 17.54.020(3), are exempt from the minimum frontage requirements for development. Notwithstanding such exemption, the site shall have either direct access to a public street or through an access easement. Access to the site shall meet fire, subdivision, and engineering requirements.*
5. *Landscaping.* See Section [17.54.070](#). *Utility sites, as permitted in 17.54.020(3), are exempt from the landscaping requirements unless the site abuts a residential use or zone. Utility sites shall be designed for proper weed control.*

9. *Screening.* Above-ground utility and associated utility buildings shall be screened with a masonry or pre-cast concrete fence at a minimum of seven feet (7') in height.

17.54.050 Architectural Design

The RC zone has specific design standards as outlined below, and, unless otherwise referenced, does not fall under requirements of the Lindon City commercial standards. *Utility buildings, as permitted in 17.54.020(3), are exempt from the architectural design requirements of this chapter with the exception that all buildings shall be constructed of block and meet the color requirements of this chapter.*

SECTION II: The provisions of this ordinance and the provisions adopted or incorporated by reference are severable. If any provision of this ordinance is found to be invalid, unlawful, or unconstitutional by a court of competent jurisdiction, the balance of the ordinance shall nevertheless be unaffected and continue in full force and effect.

SECTION III: Provisions of other ordinances in conflict with this ordinance and the provisions adopted or incorporated by reference are hereby repealed or amended as provided herein.

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

PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this _____ day
of _____, 2026.

Carolyn O. Lundberg, Mayor

ATTEST:

Britni Laidler,
Lindon City Recorder

SEAL

10. Review & Action: Flood Damage Prevention ordinance change; Ord. #2026-04-O. The Council will review an ordinance amending LCC 17.62 - 'Flood Damage Prevention' and adopting the Federal Emergency Management Agency (FEMA) Flood Insurance Study and Flood Insurance Rate Maps that become effective June 23, 2026.

Sample Motion: I move to (*approve, continue, deny*) Ordinance #2026-04-O (*as presented, or with changes*).

17.62 – Flood Damage Prevention Ordinance Amendment

Date: April 6, 2026
Applicant: Lindon City
Presenting Staff: Michael Florence
Type of Decision: Legislative
Council Action Required: Yes, the planning commission unanimously recommended approval

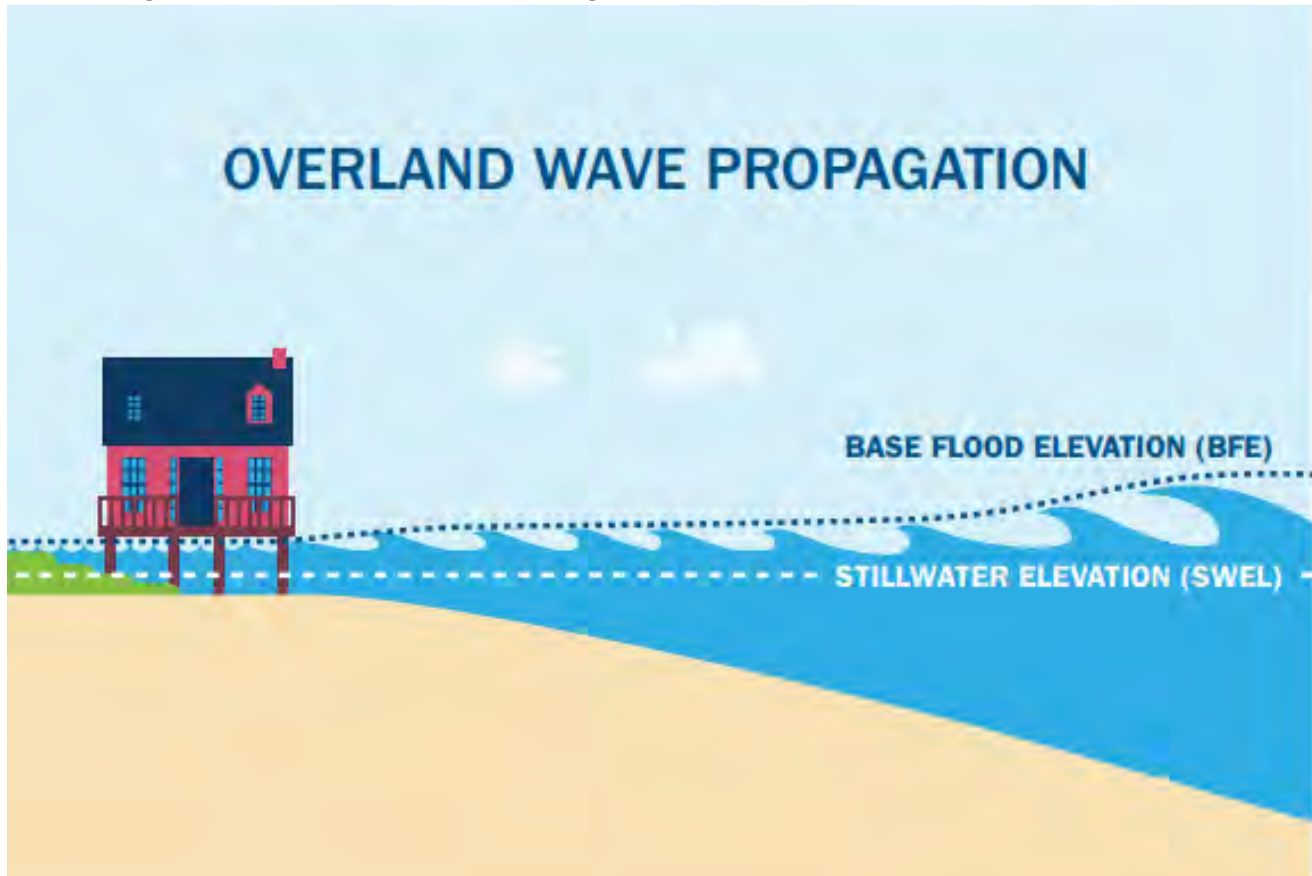
MOTION
I move to (*approve, deny, or continue*) ordinance amendment 2026-04-O (*as presented, or with changes*).

Summary of Key Issues

- For the past several years, the State of Utah and the Federal Emergency Management Agency (FEMA) have been studying the 89 miles of Utah Lake Shoreline and the Provo River channel to evaluate potential flooding impacts caused by increased lake wave heights resulting from severe winds, storm surges, or seismic activity. The illustration on the following page shows how wave heights are measured.
- FEMA and the State have recently held public hearings on the new shoreline flood maps and have published the updated maps affecting the Utah Lake Shoreline. The new shoreline floodplain zone is referred to as Zone VE.
- Because FEMA has adopted the new maps, Lindon City is required to adopt the updated maps and development standards for building within the VE zone as part of the City’s floodplain ordinance to remain eligible for participation in the National Flood Insurance Program (NFIP). The updated maps also make minor adjustments to the existing flood zone boundaries near Utah Lake. Flood zone areas on the east side of Lindon have not been modified.
- The floodplain maps affect specific flood-prone areas of the city, and the floodplain ordinance regulates development within the flood-mapped areas.
- The updated FEMA maps go into effect June 23, 2026.
- Lindon City has minimal shoreline along Utah Lake. The only properties affected are wetland areas associated with North Pointe Solid Waste District and wetland areas owned by Utah County and UDOT.
- In addition, the State of Utah provided each city a model floodplain ordinance to follow, as it has been six years since the last floodplain map and ordinance updates. In addition to the VE zone regulations, the proposed ordinance includes several other changes:
 - Additions and modifications to floodplain definitions.
 - Removal of Nonresidential Construction Wet Proofing Section. FEMA advised Lindon that this section should be removed because the City does not have a citywide exception allowing this provision.
 - Removal of a provision that residential building sites, walkways, driveways, and roadways are located on land with an elevation not less than the Base Flood Elevation (BFE) and with dry land access.
 - Removal of certain ambiguous provisions and discretionary authority previously granted to the floodplain administrator.
- FEMA and the State both reviewed the draft ordinance and provided preliminary approval, with a few suggested changes that have been incorporated in the proposed ordinance. Lindon City does not believe that these ordinance amendments will have any more material impact on property owners than the current ordinance.
- If the city council is interested in reviewing the current flood zone areas of Lindon, the link below can be used. It does not include the new VE zones since it won’t go into effect until June 2026.
 - [Floodplain Link](#) (type in Lindon City into the search box)

Overview

The following illustration shows how the wave height is measured:



Exhibits

1. National Flood Insurance Program
2. New FEMA Flood Plain Map for West Lindon
3. Previous FEMA Flood Plain Map for West Lindon
4. Draft Ordinance

National Flood Insurance Program (NFIP)

A Voluntary Agreement

Federal Government

- ✓ Federal Flood Insurance is available anywhere within the community
- ✓ Mitigation Grants
- ✓ Disaster Assistance



Local Communities

- ✓ Adopt and enforce floodplain management regulations that meet Federal and state requirements
- ✓ Safer and stronger development in flood-prone areas



Exhibit 2 – New FEMA Flood Plain Map for West Linton

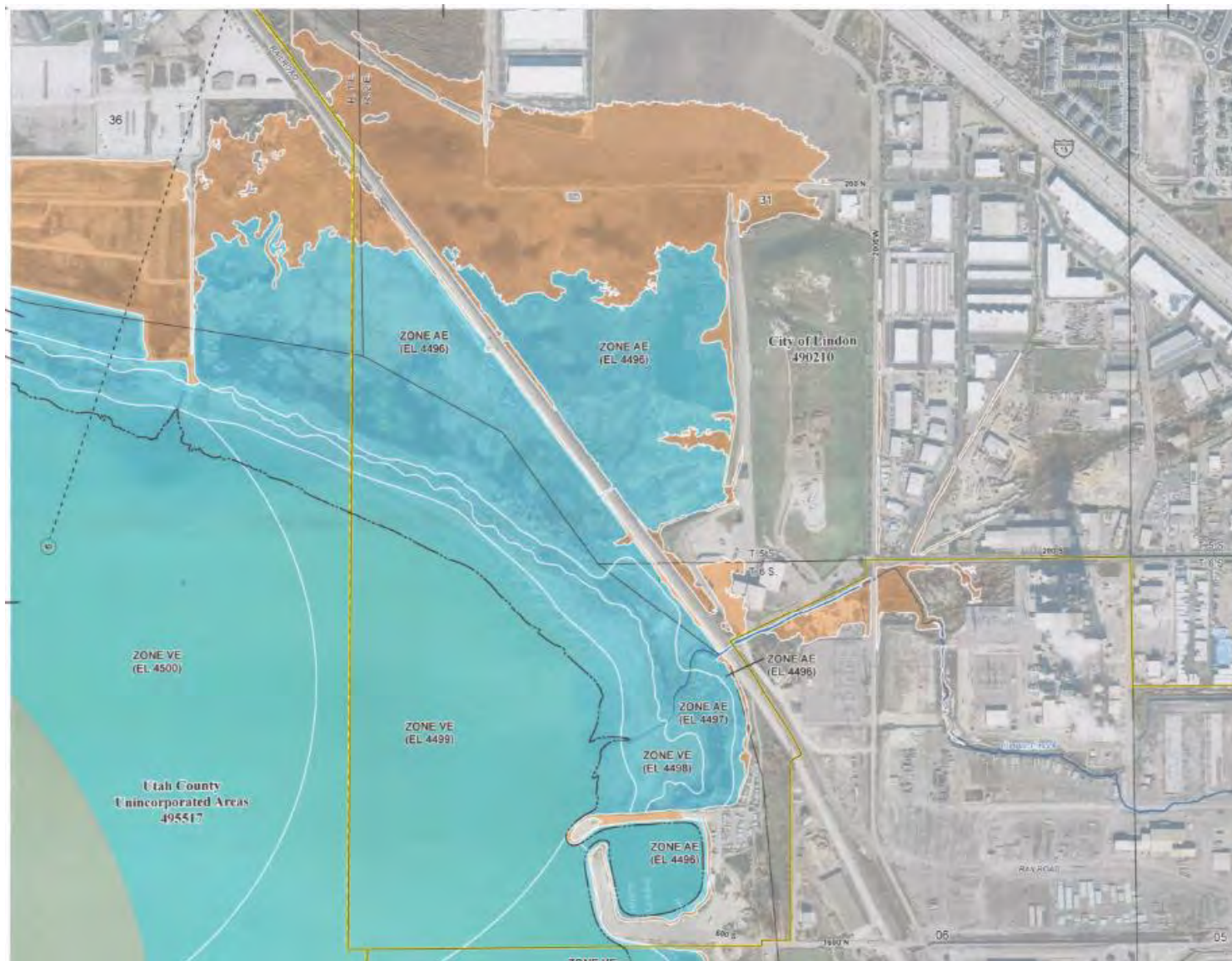


Exhibit 3 – Previous FEMA Flood Plain Map for West Linton



Exhibit 4 – Draft Ordinance

Ordinance No. 2026-04-O

AN ORDINANCE AMENDING CHAPTER 17.62 OF THE LINDON CITY CODE AMENDING THE FLOOD DAMAGE PREVENTION ORDINANCE AND ADOPTING THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS THAT BECOME EFFECTIVE JUNE 23, 2026.

WHEREAS, Lindon City's community officials have elected to join the National Flood Insurance Program (NFIP), and to participate, and enforce this Flood Damage Prevention Ordinance and the requirements and regulations of the National Flood Insurance Program; and

WHEREAS, the National Flood Insurance Program, established in the National Flood Insurance Act of 1968, provides that areas of the Lindon City having a special flood hazard be identified by Federal Emergency Management Agency, and that floodplain management measures be applied in such flood hazard areas; and

WHEREAS, the Federal Emergency Management Agency has adopted a new Flood Insurance Study and Flood Insurance Rate Maps affecting Lindon City that will go into effect on June 23, 2026; and

WHEREAS, Lindon City elects to comply with the requirements of the National Flood Insurance Act of 1968; and

WHEREAS, the 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 update existing floodplain ordinances and building requirements to be consistent with current Federal Emergency Management Agency standards and best floodplain management principles. Efforts to exceed minimum National Flood Insurance Program requirements, therefore lowering flood insurance for Lindon residents, should be pursued; and

WHEREAS, on March 24, 2026, 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 and recommended that the Council adopt the attached ordinance;

WHEREAS, the Council held a public meeting on April 6, 2026, 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: Amend Lindon City Code sections as follows:

17.62.010 Statutory authorization.

The legislature of the ~~state~~ State of Utah has in Section 10-3-701 of the Utah Code Annotated delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Lindon ~~city council~~ City Council of Lindon City, Utah, does ordain as follows: The City of Lindon elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended). The National Flood Insurance Program (NFIP) is a voluntary program administered by the Federal Emergency Management Agency (FEMA); ~~a component of the U.S. Department of Homeland Security, and Lindon City's community officials have elected to join the program, participate, and enforce this chapter and the requirements and regulations of the NFIP. The NFIP, established in the aforesaid act, provides that areas of Lindon City having a special flood hazard be identified by FEMA, and that floodplain management measures be applied in such flood hazard areas. Furthermore, Lindon City may elect to administer the flood damage prevention ordinance to areas not identified as special flood hazard areas (SFHAs) by FEMA on the community's effective flood insurance rate map (FIRM), if the community has documentation to support that there is an inherent risk of flooding in such areas. The National Flood Insurance Program, established in the aforesaid act, provides that areas of Lindon having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. The National Flood Insurance Program (NFIP) was broadened and modified with the passage of the Flood Disaster Protection Act of 1973 and other legislative measures. It was further modified by the National Flood Insurance Reform Act of 1994. The National Flood Insurance Program is administered by the Federal Emergency Management Agency, a component of the U.S. Department of Homeland Security.~~

17.62.020 Findings of fact.

1. The flood hazard areas of Lindon City are subject to periodic inundation by flood waters, which results in potential loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief; and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. ~~of the inhabitants of Lindon City.~~
2. These potential flood losses are caused by:
 - a. The cumulative effect of obstructions in floodplains that are known to cause increases in flood heights and velocities;
 - b. The occupancy of flood hazard areas by structures vulnerable to floods because they are inadequately elevated or otherwise unprotected from flood damages; and
 - c. Uses deemed unsuitable for floodplain areas or that do not account for the increased flood risk.

17.62.030 Statement of purpose.

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

1. Protect human life and health;

2. Minimize public expenditure on flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and that are generally undertaken at the expense of the public;
4. Minimize prolonged business interruptions caused by flooding;
5. ~~Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; streets; and bridges located in areas of special flood hazard~~
6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas;
7. Promote that potential buyers are notified if properties are in a flood area;
8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
9. Minimize damage to public infrastructure, including but not limited to utilities, streets, and bridges that are susceptible to flooding; and
10. Protect and safeguard the welfare and safety of first responders should an emergency response be needed.

17.62.040 Definitions.

Unless specifically defined below, words or phrases used in this ~~e~~Chapter shall be interpreted ~~so as~~ to give them the meaning they have in common usage and to give this ~~e~~Chapter its most reasonable application. Where terms are not defined, definitions as most currently adopted by the Federal Emergency Management Agency (FEMA) will be used.

“100-Year Flood: means a flood having a recurrence interval that has a one (1)-percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood). The terms “100-hundred-year flood” and “1-percent-annual-chance flood” are synonymous. The term does not imply that the flood will necessarily happen once every one hundred (100) years. Mandatory flood insurance requirements may apply.

“500-Year Flood” means a flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-annual-chance flood). The term does not imply that the flood will necessarily happen once every 500 years and mandatory flood insurance requirement generally does not apply.

“Accessory structure” is a structure that, for floodplain management purposes, is detached from a principal building and customarily incidental and subordinate to the principal building or use. An accessory structure is a nonresidential structure of typically lesser value than the principal building or use and is used for the parking of vehicles and storage of tools, materials, or equipment on the same parcel of property as a principal structure. Its use is incidental to the use of the principal structure and may be attached or detached from the principal structure; the ownership of the accessory structure is the same owner as that of the principal structure. An accessory structure is a non-residential structure of low value

that is used solely for the parking of vehicles and storage of tools, materials, or equipment. No human habitation is allowed within an accessory structure.

“Addition” is any improvement that expands the enclosed footprint or increases the square footage of an existing structure. This includes lateral additions added to the side, front, or rear of a structure; vertical additions added on top of a structure; and enclosures added underneath a structure.

“Alluvial fan flooding” means flooding occurring on the surface of an alluvial fan or similar landform that originates at the apex. It is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

~~“Apex” means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.~~

Appurtenant ~~S~~structure. See “accessory structure.”

“Area of future-conditions flood hazard” means the land area that would be inundated by the one-percent- (1%) annual-chance (one hundred (100) year) flood, based on future-conditions hydrology.

“Area of shallow flooding” means a designated AO, AH, AR/AO, or AR/AH Zone on a community’s ~~f~~Flood ~~i~~nsurance ~~r~~ate ~~m~~Map (FIRM) with a one percent (1%) or greater annual chance of flooding to an average depth of one (1') to three feet (3') where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

“Area of special flood hazard (SFHA)” is the land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the ~~f~~Flood ~~h~~azard ~~b~~oundary ~~m~~Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the ~~f~~Flood ~~i~~nsurance ~~r~~ate ~~m~~Map (FIRM), Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, or V1-30, VE, or V. For purposes of these regulations, the term “~~s~~Special ~~f~~Flood ~~h~~Hazard ~~a~~Area (SFHA)” is synonymous in meaning with the phrase “~~a~~Area of ~~s~~Special ~~f~~Flood ~~h~~Hazard.”

“Area of special flood-related erosion hazard” is the land within a community that is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the ~~f~~Flood ~~h~~Hazard ~~b~~oundary ~~m~~Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area, in preparation for publication of the FIRM, Zone E may be further refined.

“Base flood” means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

“Base flood elevation (BFE)” is the water surface elevation of the one (1)-percent-annual-chance flood event. It is the height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas. It is also the elevation shown on the FIRM and found in the accompanying flood insurance study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a one percent (1%) chance of equaling or exceeding that level in any given year.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides. A walkout basement that does not require a step up to grade is not considered a basement.

“Best available data” is existing flood hazard information adopted by a community and reflected on an effective flood insurance rate map (FIRM), flood boundary and floodplain map (FBFM), and/or within a flood insurance study (FIS) report; or draft or preliminary flood hazard information supplied by Federal Emergency Management Agency (FEMA) or from another source. Other sources may include, but are not limited to, the state, other federal agencies, or local studies, the more restrictive of which would be reasonably used by the community. Refer to Section 17.62.090 080 for use of Best Available Data.

“Breakaway Wall” means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system. Any walls below the lowest floor in a building in a V or VE Zone should give way under wind and water loads without causing collapse, displacement, or other damage to the elevated portion of the building of the supporting pilings or columns. Breakaway walls apply only to V or VE Zones.

Building. See “structure.”

“Channelization” means the artificial creation, enlargement, realignment, or alteration of a stream channel’s slope, shape, or alignment. Streambank restoration may be deemed as channelization.

“Coastal A Zone (CAZ)” means an area within a special flood hazard area, landward of a V zone or landward of an open coast without mapped V zones. In a Coastal A Zone, the principal source of flooding must be astronomical tides, storm surges, seiches, or tsunamis, not riverine flooding. During the base flood conditions, the potential for wave heights shall be greater than or equal to 1.5 feet. Coastal A Zones are not normally designated on FIRMs. (see Limit of Moderate Wave Action (LiMWA))

“Coastal Barrier Resources System (CBRS)” consists of undeveloped portions of coastal and adjoining areas established by the Coastal Barrier Resources Act (CoBRA) of 1982, the Coastal Barrier

Improvement Act (CBIA) of 1990, and subsequent revisions, and includes areas owned by Federal or State governments or private conservation organizations identified as Otherwise Protected Areas (OPA).

“Coastal High Hazard Area (CHHA)” means a Special Flood Hazard Area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM, or other adopted flood map as determined in 17.62.080 070, as Zone VE.

“Code of Federal Regulations (CFR)” is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government.

“Conditional Letter of Map Revision (CLOMR)” is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic and/or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective BFEs, and/or the SFHA. The letter does not revise an effective map; it indicates whether the project, if built as proposed, would be recognized by FEMA.

“Conditional Letter of Map Revision Based on Fill (CLOMR-F)” is FEMA's comment on a proposed structure or property. The letter does not revise an effective map; it indicates whether the project, if built as proposed, would be removed from the floodplain.

“Crawlspace” means an under-floor space that has its interior floor area (finished or not) no more than four feet (4') from the bottom floor joist to the next higher floor elevation, designed with proper openings that equalize hydrostatic pressures of floodwater, and is not used for habitation. Refer to Section 17.62.270 250.

“Critical Facility” means a facility or building where even a slight chance of flooding is too great a threat. Typical critical facilities include hospitals, fire stations, police stations, schools, storage of critical records, assisted living and similar facilities.

“Deed Restriction” for flood hazard purposes, refers to a clause in a deed that limits the future use of the property in some respect. Deed restrictions may impose a vast variety of limitations and conditions. For example, they may limit the density of buildings, dictate the types of structures that can be erected, or prevent buildings from being used for specific purposes or from being used at all.

“Detached Accessory Building or Private Garage” for floodplain management purposes, is a building that is used solely for storage of materials or vehicle parking for up to four housing occupants. If a detached garage is designed or used for habitation or conducting business, or has multiple stories, then the building is not considered a detached garage under the NFIP.

“Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, demolition, excavation or drilling operations, or storage either temporary or permanent of equipment or material.

“Elevated building” is a nonbasement building built, in the case of a building in Zone A1-30, AE, A, A99, AR, AO, AH, B, C, X and D, to have the top of the elevated floor above the ground level by means of pilings, columns (post and piers), or shear walls parallel to the flow of the water and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of a building in Zone A1-30, AE, A, A99, AR, AO, AH, B, C, X and D, an “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.

“Enclosure” refers to an enclosed walled-in area below the lowest floor of an elevated building. Enclosures below the BFE may only be used for building access, vehicle parking, and storage.

“Erosion” means the process of the gradual wearing away of land masses by wind, water, or other natural agents.

“Existing construction” refers to structures for which the “start of construction” commenced before the effective date of the ~~F~~Flood ~~I~~nsurance ~~R~~ate ~~M~~ap (FIRM) or before January 1, 1975, for FIRMs effective before that date. It may also be referred to as existing structures.

“Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Existing Structures. See “existing construction.”

“Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the ~~manufacturing~~ manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“FEMA” means the Federal Emergency Management Agency.

“Fill” refers to the placement of materials, such as dirt, sand, or rock to elevate a structure, property, or portion of a property above the natural elevation of the site, regardless of where the material was obtained

from. The common practice of removing unsuitable material and replacing with engineered material is not considered fill if the elevations are returned to the existing conditions. Any fill placed or used prior to the area being mapped as a flood hazard area is not deemed as fill.

“Flood” or “flooding” means ~~(renumbered and added text)~~

1. a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters;
 - b. The unusual and rapid accumulation or runoff of surface waters from any source.
2. Mudslides (i.e., mudflows) that are proximately caused by flooding as defined in this ordinance and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
3. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this ordinance.

“Flood insurance rate map (FIRM)” means an official map of a community, on which the Federal Emergency Management Agency has delineated both the ~~areas of s~~Special ~~f~~Flood ~~h~~Hazard Areas and the ~~r~~Risk ~~p~~Premium ~~z~~Zones applicable to the community. ~~A FIRM that has been made available digitally is called a digital flood insurance rate map (DFIRM).~~

“Flood insurance study (FIS) or flood elevation study” ~~is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the flood boundary floodway map (if applicable), flood insurance rate map and supporting technical data~~ means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards..

“Floodplain development permit” is a community issued permit or document that is used for any development that occurs within a ~~s~~Special ~~f~~Flood ~~h~~Hazard ~~a~~Area (SFHA) identified by Federal Emergency Management Agency (FEMA) or the community. It is used to address the proposed development to ensure compliance with the community’s ordinance.

“Floodplain or flood-prone area” means any land area susceptible to being inundated by water from any source whether or not identified by Federal Emergency Management Agency (FEMA) (see definition of “flooding”).

“Floodplain management” means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, mitigation plans, and floodplain management regulations.

“Floodplain management regulations” means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for flood damage prevention and reduction.

“Flood Opening” refers to an opening in the wall of an enclosed structure that allows floodwaters to automatically enter and exit the enclosure. Refer to FEMA Technical Bulletin 1.

“Flood protection system” means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to an SFHA and to reduce the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized, flood modifying works are those constructed in conformance with sound engineering standards.

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. Floodproofing can either be accomplished in the form of dry floodproofing in which the structure is watertight below the levels that need flood protection, or wet floodproofing in permanent or contingent measures applied to a structure that prevent or provide resistance to damage from flooding, while allowing floodwaters to enter the structure or area.

“Floodway” ~~see regulatory floodway (regulatory floodway) means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.~~

“Floodway encroachment lines” means the lines marking the limits of floodways on federal, state, and local floodplain maps.

“Freeboard” means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

“Functionally dependent use” means a development that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and repair facilities. It does not include long-term storage or related manufacturing facilities.

“Highest adjacent grade (HAG)” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. In AO Zones, the highest adjacent grade is utilized by comparing the lowest floor elevation to that of the highest adjacent grade and the depth of the AO Zone. Reference Section 17.62.280 260 Standards for Areas of Shallow Flooding (AO/AH Zones).

“Historic structure” means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic reservation programs that have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior in states without approved programs.

“Letter of Map Amendment (LOMA)” means an official amendment, by letter, to an effective FIRM. A LOMA establishes a property’s location in relation to the SFHA. It is usually issued because a property or structure has been inadvertently mapped as being in the floodplain, when the property or structure is actually on natural high ground above the BFE.

“Letter of Map Revision (LOMR)” means FEMA's modification or revision to an entire or portion of the effective FIRM, or Flood Boundary and Floodway Map, or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective BFEs, or the SFHA.

“Letter of Map Revision Based on Fill (LOMR-F)” means FEMA’s amendment, by letter, to an effective FIRM where fill was brought in or used to elevate a property, portion of property or structure above the BFE.

“Levee” means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

“Levee system” means a flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

“Limit of Moderate Wave Action (LiMWA)” means the boundary line given by FEMA on coastal map studies marking the extents of Coastal A Zones (CAZ).

“Lowest adjacent grade (LAG)” means the lowest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. For an existing structure, it means the lowest point where the structure and ground touch, including but not limited to attached garages, decks, stairs, and basement windows.

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter.

“Manufactured home” means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle”; however, a manufactured home may be used for both residential and nonresidential use.

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

“Map” means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by Federal Emergency Management Agency (FEMA).

“Mean sea level” means, for purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which BFEs shown on a community’s FIRM are referenced.

“Mixed Use Structures” means, for floodplain management purposes, structures with both a business and a residential component, but where the area used for business is less than fifty (50) percent of the total floor area of the structure.

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

“New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

“No-rise certifications” are formal certifications signed and stamped by a professional engineer licensed to practice in the state, demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that a proposed development will not result in any increase (zero feet (0.00')) in flood levels within the community during the occurrence of a base flood event.

“Otherwise Protected Area (OPA)” see “Coastal Barrier Resources System (CBRS)”.

“Physical map revision (PMR)” is FEMA’s action whereby one (1) or more map panels are physically revised and republished.

“Primary Frontal Dune (PFD)” means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

“Recreational Vehicle” means, for floodplain management purposes, a vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily, not for use as a permanent dwelling but, as temporary living quarters for recreational, camping, travel, or seasonal use.

“Regulatory Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, creek, etcetera, which can be intermittent or perennial.

“Section 1316” refers to the Section of the National Flood Insurance Act of 1968, as amended, which provides for the denial of flood insurance coverage for any property that the Administrator finds has been declared by a duly constituted State or local authority to be in violation of State or local floodplain management regulations. Section 1316 is issued for a property, not a property owner, and remains with the property even after a change of ownership.

“Special Flood Hazard Area (SFHA).” See “aArea of sSpecial fFlood hHazard.”

“Start of construction” (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)) includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The “actual start” means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the “actual start of construction” means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Structure” means, for floodplain management purposes, a walled and roofed building, culvert, bridge, dam, or a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

“Structure” for insurance purposes means:

1. A building with two (2) or more outside rigid walls and a fully secured roof, which is affixed to a permanent site;
2. A manufactured home (“a manufactured home,” also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one (1) or more ~~s~~Sections, and affixed to a permanent foundation); or

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

For insurance purposes, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in number (3) of this definition, or a gas or liquid storage tank.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. Refer to Section [17.62.250](#) ~~230~~ [230](#).

1. The term does not, however, include either:
 - a. Any project for improvement of a structure to comply with correct existing violation of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and are the minimum necessary to assure safe living conditions; or
 - b. Any alteration of a "historic structure," if the alteration will not preclude the structure's continued designation as a "historic structure."

"Variance" means a grant of relief by a community from the terms of a floodplain management regulation. Reference: Section [17.62.220](#) ~~210~~ [210](#).

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section [44](#) CFR [60.3\(b\)\(5\)](#), [\(c\)\(4\)](#), [\(c\)\(10\)](#), [\(d\)\(3\)](#), [\(e\)\(2\)](#), [\(e\)\(4\)](#), or [\(e\)\(5\)](#) is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies, such as the one-percent (1%) annual-chance-flood-event, in the flood plains of coastal or riverine areas.

"Watercourse" means the channel and banks of an identifiable water in a creek, brook, stream, river, ditch or other similar feature.

17.62.050 Method of reducing flood losses.

To accomplish the purposes outlined in Section [17.62.030](#), Statement of purpose, this ~~e~~Chapter applies the following methods:

1. Restricts or prohibits land uses that are dangerous to health, safety, or property in times of flooding, or cause excessive increases in flood heights or velocities;
2. Requires that land uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
3. Controls the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
4. Controls filling, grading, dredging, and other development that may increase flood damage; and
5. Prevents or regulates the construction of flood barriers that will unnaturally divert floodwaters or may increase flood hazards to other areas.

17.62.060 Lands to which this chapter applies.

This ~~e~~Chapter shall apply to all areas of special flood hazards identified by Federal Emergency Management Agency (FEMA) or, if elected in Section [17.62.090 080](#), Use of best available data, areas identified and documented flood risk supported using ~~b~~Best ~~a~~Available ~~d~~Data within the jurisdiction of Lindon City.

17.62.080 070 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in a scientific and engineering report entitled, "Flood Insurance Study for Utah County, Utah and Incorporated Areas," dated June ~~19, 2020~~ [23, 2026](#), with accompanying ~~f~~Flood ~~i~~nsurance ~~r~~ate ~~m~~aps and ~~f~~Flood ~~b~~oundary ~~f~~Floodway ~~m~~aps (FIRM and FBFM) and any revisions thereto are hereby automatically adopted by reference and declared to be a part of this ~~e~~Chapter. The ~~f~~Flood ~~i~~nsurance ~~r~~ate ~~m~~ap and ~~f~~Flood ~~i~~nsurance ~~s~~tudy (FIS) are on file at 100 N. State Street, Lindon, Utah.

17.62.090 080 Use of best available data.

The community has elected to adopt ~~b~~Best ~~a~~Available ~~d~~Data, defined in Section [17.62.060 040](#), Lands to which this ~~e~~Chapter applies, to regulate floodplain development in addition to utilizing the effective ~~f~~Flood ~~i~~nsurance ~~r~~ate ~~m~~aps (FIRMs), ~~f~~Flood ~~i~~nsurance ~~s~~tudy (FIS), and/or flood boundary and floodway map (FBFM). Where ~~b~~Best ~~a~~Available ~~d~~Data contradicts the FIRMs, FIS, and/or the FBFM, the more restrictive data shall be utilized.

17.62.100 090 Severability.

If any ~~s~~Section, provision, or portion of the ordinance codified in this ~~e~~Chapter is adjudged unconstitutional or invalid by a court, the remainder of the ordinance codified in this ~~e~~Chapter shall not be affected.

17.62.~~110~~ 100 Compliance.

No structure or developments including buildings, recreational vehicles, or manufactured homes or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ~~e~~Chapter and other applicable regulations. Nothing herein shall prevent the Lindon City ~~e~~Council from taking such lawful action as is necessary to prevent or remedy any violations.

17.62.~~120~~ 110 Abrogation and greater restrictions.

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

17.62.~~130~~ 120 Interpretation.

In the interpretation and application of this ~~e~~Chapter, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

17.62.~~140~~ 130 Warnings and disclaimer of liability.

The degree of flood protection required by this ~~e~~Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood heights may be increased by manmade or natural causes.

This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ~~e~~Chapter shall not create liability on the part of the city or any official or employee thereof for any flood damages that result from reliance on this ~~e~~Chapter or any administrative decision lawfully made thereunder.

17.62.~~150~~ 140 Establishment of floodplain development permit and procedures.

A floodplain development permit shall be required to ensure conformance with the provisions of this ~~e~~Chapter.

1. Application for a floodplain development permit shall be made on forms furnished by the city and may include, but not be limited to:
 - a. Duplicated plans drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations;
 - b. Duplicated plans drawn to scale showing the location, dimensions, and elevation of existing and proposed structures, including the placement of manufactured homes;
 - c. Location of the foregoing in relation to SFHAs;

- d. Elevation (in relation to mean sea level) of the lowest floor (including basement and crawlspace) of all new and substantially improved structures, if applicable;
 - e. Elevation (in relation to mean sea level) to which any nonresidential structure (if applicable) has been floodproofed;
 - f. A certificate from a registered professional engineer or architect that the nonresidential structure (if applicable) shall meet the floodproofing criteria of this ~~e~~Chapter and the NFIP regulations;
 - g. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development, if applicable;
 - h. At the community's discretion, the community may charge a fee for issuance of floodplain development permits;
 - i. Copies of all floodplain development permits and the associated documents shall become property of the community and a permanent record.
2. Approval or denial of a floodplain development permit by the ~~f~~Floodplain ~~a~~Administrator shall be based on all of the provisions of this ~~e~~Chapter and the following relevant factors:
- a. The danger to life and property due to flooding or erosion damage;
 - b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - c. The danger that materials may be swept onto other lands to the injury of others;
 - d. The compatibility of the proposed use with existing and anticipated development;
 - e. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;
 - g. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
 - h. The necessity to the facility of a waterfront location, where applicable;
 - i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - j. The relationship of the proposed use to the comprehensive plan for that area. (Ord. 2020-7 §1, amended, 2020)

17.62.160 ~~150~~ Stop work order.

- 1. Authority. Whenever the ~~f~~Floodplain ~~a~~Administrator or other community official discovers any work or activity regulated by this ~~e~~Chapter being performed in a manner contrary to the provision of this ~~e~~Chapter, the ~~f~~Floodplain ~~a~~Administrator is authorized to issue a stop work order.
- 2. Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work

order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

3. Unlawful Continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by local or state law including but not limited to the penalties outlined in [Section 17.62.160](#). (Ord. 2020-7 §1, amended, 2020)

~~17.62.170~~ 160 Penalties for noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ~~e~~Chapter and other applicable regulations. Violation of the provisions of this ~~e~~Chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute an infraction. Any person who violates this ~~e~~Chapter or fails to comply with any of its requirements shall upon conviction thereof be fined ~~up to~~ not more than five hundred dollars (\$500.00) for each fourteen (14) day period the violation continues in a residential zone, up to one thousand dollars (\$1,000) for each fourteen (14) day period the violation continues in a commercial or industrial zone, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent Lindon City from taking such other lawful action as is necessary to prevent or remedy any violation.

~~17.62.180~~ 170 Designation of the floodplain administrator.

The ~~planning~~ Community Development director is hereby appointed the ~~f~~Floodplain ~~a~~A~~d~~ministrator to administer and implement this ~~e~~Chapter and other appropriate sections of the National Flood Insurance Program (NFIP) regulations and 44 CFR pertaining to floodplain management.

~~17.62.190~~ 180 Duties and responsibilities of the floodplain administrator.

Duties and responsibilities of the ~~f~~Floodplain ~~a~~A~~d~~ministrator shall include, but not be limited to, the following:

1. Uphold the goals of the community and the National Flood Insurance Program (NFIP) to reduce risk when possible and increase the community's resistance to future disasters.
2. Review, approve, or deny all applications for floodplain development permits required by adoption of this ~~e~~Chapter.
3. ~~Review all floodplain development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.~~ Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Utah Department of Public Safety Division of Emergency Management, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.
4. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained. The applicant shall be responsible for providing the necessary

maintenance for the altered or relocated portion of the water course so that the flood carrying capacity will not be diminished.

5. Maintain and hold open for public inspection all records pertaining to the provisions of this ~~e~~Chapter, including the actual elevation of the lowest floor (including basement or crawlspace) of all new or substantially improved structures and any floodproofing certificates, including the data supporting such certificates.
6. Maintain and hold open for public inspection maps that identify and locate the boundaries of the ~~s~~Special ~~f~~Flood ~~h~~Hazard ~~a~~Areas (SFHAs) to which this ~~e~~Chapter applies, including, but not limited to, the ~~f~~Flood ~~i~~nsurance ~~r~~ate ~~m~~Map (FIRM).
7. Review development proposals to determine whether a proposed building site, including sites designed for the placement of manufactured homes, will be reasonably safe from flooding.
8. Ensure that all necessary permits have been obtained from those federal, state, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, [33 U.S.C. 1334](#) and the Endangered Species Act of 1973) from which prior approval is required.
9. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the ~~f~~Floodplain ~~a~~Administrator shall make the necessary interpretation.
10. When ~~b~~Base ~~f~~Flood ~~e~~Elevation (BFE) data has not been provided by Federal Emergency Management Agency (FEMA), the ~~f~~Floodplain ~~a~~Administrator shall obtain, review, and reasonably utilize any BFE data and floodway data available from a federal, state, or other source, including data provided by the applicant, in order to administer the provisions of this ~~e~~Chapter.
11. When a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30, AE, and AH on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot (0.50') at any point within the community unless the community has adopted higher standard options.
12. Under the provisions of [44 CFR Chapter 1](#), Section [65.12](#) of the NFIP regulations, a community may approve certain development in Zones A1-30, AE, and AH on the community's FIRM, which increases the water surface elevation of the base flood by more than one-half foot (0.50'); provided, that the community first meets the requirements of Section [65.12](#) for a conditional FIRM revision through FEMA's ~~e~~Conditional ~~l~~etter of ~~m~~Map ~~r~~Revision (CLOMR) process.

~~13. Zone A Areas. When a regulatory floodway has not been designated and if the project is determined or reasonably believed to cause an adverse impact, the floodplain administrator may require new construction, substantial improvements, or other development (including fill, grading or excavation) permitted in a Zone A to have an encroachment analysis done prior to issuance of a floodplain development permit. The encroachment analysis shall create a baseline of existing conditions model and compare it to the proposed conditions model to determine the potential~~

~~impact of the project. Based on the findings, the floodplain administrator may require as a condition of the permit a conditional letter of map revision (CLOMR) to be submitted and approved prior to any work occurring and/or that a letter of map revision (LOMR) be submitted to FEMA within six (6) months of completion of the development.~~

~~14. 13.~~ May inspect development at appropriate times during the period of construction to ensure compliance with all provisions of this chapter, including proper elevation of structures.

~~15 14.~~ In addition to utilizing the effective ~~f~~Flood ~~i~~nsurance ~~r~~ate ~~m~~aps (FIRMs), ~~f~~Flood ~~i~~nsurance ~~s~~tudy (FIS), and ~~f~~Flood ~~b~~oundary and ~~f~~Floodway ~~m~~ap (FBFM), permit reviews may utilize ~~b~~est ~~a~~vailable ~~d~~ata. See Section ~~17.62.090~~ 17.62.080.

~~16. If the project is determined or reasonably believed to cause an adverse effect on the BFEs, boundaries of the floodplain or any insurable structures, technical justification for the proposed development shall be submitted and the community may require a CLOMR or LOMR to be submitted prior to the permit approval or as a requirement of the permit.~~

~~17. Fill placed within the special flood hazard area (SFHA) should not result in any net loss of natural floodplain storage or increase in water surface elevations during the base flood. The city may require that the volume of the loss of floodwater storage due to filling in the SFHA be offset by providing an equal volume of flood storage by excavation or other compensatory measures at or adjacent to the development site.~~

17.62.~~200~~ 190 Requirement to submit new technical data.

1. The property owner or developer shall notify Federal Emergency Management Agency (FEMA) by submittal of a ~~l~~etter of ~~m~~ap ~~r~~evision (LOMR) within six (6) months of project completion when an applicant had obtained a ~~e~~Conditional ~~l~~etter of ~~m~~ap ~~r~~evision (CLOMR) from FEMA or when development altered a watercourse, modified floodplain boundaries, or modified ~~b~~ase ~~f~~flood ~~e~~elevation (BFE).
2. The property owner or developer shall be responsible for preparing technical data to support the CLOMR or LOMR application and paying any processing or application fees to FEMA. The property owner or developer is responsible for submitting the CLOMR and LOMR to FEMA and shall provide all necessary data to FEMA if requested during the review process to ensure the CLOMR or LOMR is issued.
3. The ~~f~~floodplain ~~a~~Administrator shall be under no obligation to sign the ~~e~~Community ~~a~~Acknowledgement ~~f~~Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will meet or has met the requirements of this ~~e~~Chapter and all applicable state federal, and local laws.

17.62.~~210~~ 200 Use of elevation certificates.

Lindon City may require that the following elevation certificates be completed for any new residential or nonresidential building construction within the special flood hazard area (SFHA):

1. Proposed Conditions. A proposed conditions elevation certificate is required to be completed by a professional and licensed engineer, surveyor, or architect as part of the floodplain permit package;
2. Building Under Construction. A building under construction elevation certificate is required to be completed by a professional and licensed engineer, surveyor, or architect after the foundation has been poured; and
3. Finished Construction. A finished construction elevation certificate is required to be completed by a professional and licensed engineer, surveyor, or architect once the structure is completed, utilities are installed, and grading and landscaping have been completed.

17.62.220 210 Variance procedures.

1. The ~~Lindon City board of adjustment, as established by Lindon City~~ Administrative Law Judge as established by Chapter 2.22 of this Code, shall hear and render judgment on requests for variances from the requirements of this eChapter after a floodplain development permit has been denied.
 - a. Any person or persons aggrieved by the decision of the ~~Lindon City board of adjustment~~ Administrative Law Judge may appeal such decision in the courts of competent jurisdiction.
 - b. The ~~board of adjustment~~ Administrative Law Judge shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the ~~fFloodplain aA~~ administrator in the enforcement of administration of this eChapter.
 - c. The ~~fFloodplain aA~~ administrator shall maintain a record of all actions involving an appeal and shall report variances to Federal Emergency Management Agency (FEMA) and the state coordinating agency upon issuing a variance.
 - d. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the ~~bBase fFlood level~~ Elevation, providing the relevant factors in this ~~sS~~ section have been fully considered. As the lot size increases beyond one-half (½) acre, the technical justification required for issuing the variance increases.
 - e. Upon consideration of the factors noted above and the intent of this eChapter, the ~~board of adjustment~~ Administrative Law Judge may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this eChapter.

- f. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - g. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure. The term "substantial improvement" does not include any alteration of a structure or facility listed on the National Register of Historic Places or a state inventory of historic places.
2. Prerequisites for granting variances:
- a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. Variances shall only be issued upon:
 - i. Showing a good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, conflict with existing local laws or ~~chapters~~ ordinances, considers the need of ingress and egress during times of floods, and does not jeopardize first responders' health and welfare.
 - b. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the BFE, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
 - c. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use; provided, that:
 - i. The criteria outlined in this section are met; and
 - ii. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
 - d. *Variance Procedures for Freeboard and Allowable Increases.* Variances shall not be issued to:
 - i. Reduce the freeboard requirement as described in Section 17.62.270 for residential and nonresidential structures; or
 - ii. Reduce allowed increase in Base Flood Elevation (BFE) for floodplain Zones A1-30, AE, and AH as described in Section 17.62.~~490~~ 180 (12).

~~17.62.230~~ ~~Watercourse alterations. The floodplain administrator shall:~~

- ~~1. Notify adjacent communities and the Utah Division of Water Resources prior to any alteration or relocation of a watercourse requiring a state-issued stream alteration permit and submit evidence of such notification to the Federal Emergency Management Agency.~~
- ~~2. Require that maintenance is provided within the altered or relocated portion of such watercourse so that the flood-carrying capacity is not diminished.~~

17.62.240 220 Provisions for Flood Plain Hazard Reduction

1. General standards. In all areas of special flood hazards, the following provisions are required for all new construction and substantial improvements:
 - a. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
 - c. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
 - d. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - e. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
 - f. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and
 - g. On-site waste disposal systems shall be designed or located to avoid impairment to them or contamination from them during flooding.

17.62.250 230 Substantial improvement, substantial damage, and determinations within a special flood hazard area (SFHA).

1. **Substantial Improvement.** Any combination of repair, reconstruction, rehabilitation, addition, or improvement of a building or structure, if the cumulative cost of the entire project equals or exceeds fifty percent (50%) of the market value of the structure only (not of the structure and land value combined) before the improvement or repair is started, then the work shall be considered as substantial improvement. If the structure has sustained substantial damage, any repairs are considered substantial improvements regardless of the actual repair work performed. For Substantial Damage, refer to 17.62.230(2). The term does not, however, include either:

- a. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; and
 - b. Any alteration of a historic structure; provided, that the alteration will not preclude the structure's continued designation as a historic structure.
2. Substantial Damage. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure only, ~~unless a higher standard option is selected~~, before the damage occurred. This term also applies to structures which have incurred any damage that equals or exceeds fifty percent (50%) of the structure's market value regardless of the actual repair work performed. When a structure or building has been determined as substantially damaged, any work or repair on said structure or building will be considered as substantial improvement and will be required to meet the development requirements set forth within this ~~e~~Chapter for substantial improvement.
3. Substantial improvement and substantial damage determination. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, and any other improvement of or work on such buildings and structures, the ~~f~~Floodplain ~~a~~A Administrator, in coordination with the applicable community officials and staff, shall:
 - a. Estimate the market value~~;~~ or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure only, not of land and building, before the start of construction of the proposed work. In the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
 - b. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure.
 - c. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in this ~~e~~Chapter; and if elected.
 - d. Utilize Federal Emergency Management Agency's (FEMA's) Substantial Improvement/Substantial Desk Reference when making any determination on substantial improvement and/or substantial damage.
 - e. The substantial improvement regulations apply to all of the work that is proposed as the improvement, even if multiple permits are issued. Therefore, the determination of the cost of the improvement should consider all costs of all phases of the work before issuance of the first permit.
 - f. Notify the applicant that if it is determined that the work constitutes substantial improvement or repair of substantial damage, compliance with this ~~e~~Chapter is required.

17.62.240 Standards for subdivision proposals.

- ~~1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with the provisions of this chapter;~~
- ~~2~~ 1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
- ~~3~~ 2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet ~~f~~Floodplain ~~d~~Development ~~p~~Permit requirements of this ~~e~~Chapter;
- ~~4~~ 3. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood ~~damage hazards~~;
- ~~5~~ 4. Base ~~f~~Flood ~~e~~Elevation (BFE) data shall be generated for subdivision proposals and other proposed development, including the placement of manufactured home parks and subdivisions, which is greater than fifty (50) lots or five (5) acres (whichever is less); and
- ~~6. New subdivision development proposals shall be designed, to the maximum extent practicable, so residential buildings sites, walkways, driveways, and roadways are located on land with elevation not less than the BFE and with dry land access. (Ord. 2020-7 §1, amended, 2020)~~

17.62.250 Specific standards.

In all ~~s~~Special ~~f~~Flood ~~h~~Hazard ~~a~~Areas (SFHAs) and, if Section ~~17.62.090~~ 080, Use of ~~b~~Best ~~a~~Available ~~d~~Data, has been selected, areas of known or suspected flood risk areas, the following provisions are required:

1. Residential Construction ~~for Zones A1-30, A, and AE~~. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to the ~~b~~Base ~~f~~Flood ~~e~~Elevation (BFE), unless a freeboard option is noted below. If a freeboard option is noted, new construction and substantial improvement shall have the lowest floor (including basement) elevated to the freeboard elevation. A registered professional engineer, architect, or land surveyor shall submit certified elevations to the ~~f~~Floodplain ~~a~~Administrator that the standards of this ~~e~~Chapter are satisfied.
 - ~~a.~~ Lindon City has elected to adopt a freeboard option for new construction and substantial improvement of any residential structure. The freeboard option requires that lowest floor elevation be built above the BFE by the height selected. Lindon City has elected a one foot (1') of freeboard meaning the lowest floor must be built one foot (1') above the BFE.
2. Nonresidential Construction ~~for Zones A1-30, A, and AE~~. New construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement) elevated to ~~one foot above the base flood elevation the base flood level, unless a freeboard option is noted below~~; or, together with attendant utility and

sanitary facilities, be designed so that below the ~~b~~Base ~~f~~Flood ~~level~~ Elevation (BFE) the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification that includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the ~~f~~Floodplain ~~a~~A Administrator. If the use or occupancy of the building changes in the future to residential, then the dry floodproofing of the structure cannot be used when determining compliance of the structure to the residential construction of ~~this chapter 17.62.250~~, Subsection ~~1~~ of this ~~s~~Section. As such, the building will not be grandfathered into compliance and will be required to be brought into compliance with the residential construction requirements of this ~~e~~Chapter.

~~a. Lindon City has elected to adopt a freeboard option for new construction and substantial improvement of any nonresidential structure. The freeboard option requires that lowest floor elevation be built above the BFE by the height selected. Lindon City has elected a one foot (1') of freeboard meaning the lowest floor must be built one foot (1') above the BFE.~~

3. ~~Nonresidential Construction Access (Ingress and Egress).~~ New development proposals will be designed, to the maximum extent practicable, so nonresidential building sites, walkways, driveway, and roadways are located on land within elevation not less than the BFE and with dry land access.

~~4. Nonresidential Construction Wet Floodproofing.~~ New construction and substantial improvements of any commercial, industrial, or other nonresidential structure including but not limited to detached garages, agricultural buildings, and storage buildings may be allowed to be wet floodproofed; provided, that:

- ~~a. The structure is strictly a nonresidential structure used for building access, parking or storage only;~~
- ~~b. The structure is an accessory or appurtenant structure of low value;~~
- ~~c. Designed to allow for the automatic entry and exit of floodwaters through the use of openings;~~
- ~~d. Be constructed of flood resistant materials;~~
- ~~e. Be properly anchored to resist flotation, collapse, and lateral movement;~~
- ~~f. Mechanical and utility equipment must be elevated or floodproofed to or above the BFE;~~
- ~~g. Must comply with the floodway encroachment provisions of the National Flood Insurance Program (NFIP) and this cChapter; and~~
- ~~h. Designed and built to adhere to Federal Emergency Management Agency (FEMA) Technical Bulletins 1, 2, and 7.~~

~~A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification that includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator. If the use or occupancy of the building changes in the future to residential, then the wet floodproofing of the structure cannot be used when determining compliance of the structure to the residential construction of this Chapter, Subsection 1 of this Section. As such, the building will not be grandfathered into compliance and will be required to be brought into compliance with the residential construction of this Chapter.~~

~~5.4 Wet Floodproofing Nonconversion Agreement. For any nonresidential construction that has been wet floodproofed, a nonconversion agreement must be completed as part of the permitting process. The nonconversion agreement:~~

- ~~a. Acknowledges the risk associated with this building practice;~~
- ~~b. Acknowledges the use of the area that was wet floodproofed will be used solely on nonresidential accessory or appurtenant structures of low value whose usage is only for building access, parking or storage; and~~
- ~~c. Allows for community, state and/or federal officials to conduct periodic inspections to ensure compliance.~~
- ~~d. This Section shall follow Federal Emergency Management Agency Policy No. 104-008-03, Floodplain Management Requirements for Agricultural Structures and Accessory Structures, or as periodically updated by FEMA. A copy is on file at the Lindon City community development office.~~

~~6. 4. Crawlspace for zone A1-30, A, and AE.~~ New construction and substantial improvements built on a crawlspace or sub-grade (below grade) crawlspace may be permitted if the development is designed and meets or exceeds the standards found in Federal Emergency Management Agency's (FEMA's) Technical Bulletins 1, 2, and 11, which include but are not limited to the following:

- a. The structure must be affixed to a permanent foundation, designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five feet (5') per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer;
- b. The crawlspace is an enclosed area below the ~~b~~Base ~~f~~flood ~~e~~elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one foot (1') above the ~~H~~Lowest ~~a~~Adjacent ~~g~~Grade (LAG);

- c. The crawlspace enclosure must have proper openings that allow equalization of hydrostatic pressure by allowing automatic entry and exit of floodwaters. To achieve this, a minimum of one (1) square inch of flood opening is required per one (1) square foot of the enclosed area subject to flooding;
- d. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, piers, or other materials that extend below the BFE. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters;
- e. Any building utility systems within the crawlspace must be elevated above the BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions;
- f. The interior grade of a crawlspace below the BFE must not be more than two feet (2') below the LAG;
- g. The height of the below-grade crawlspace, measured from the lowest interior grade of the crawlspace floor to the bottom of the floor joist of the next higher floor, cannot exceed four feet (4') at any point;
- h. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event; and
- i. Buildings with below-grade crawlspaces will have higher flood insurance premiums than buildings that have the preferred crawlspace construction, with the interior elevation at or above the LAG.

7.5. Manufactured Homes.

- a. Require that all manufactured homes to be placed within Zone A on a community's ~~F~~Flood ~~h~~Hazard ~~b~~Boundary ~~m~~Map (FHBM) or ~~F~~Flood ~~i~~Insurance ~~R~~Rate ~~m~~Map (FIRM) shall be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
- b. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, ~~and~~ AE, V, and VE on the community's FIRM on sites
 - i. outside of a manufactured home park or subdivision;
 - ii. in a new manufactured home park or subdivision;
 - iii. in an expansion to an existing manufactured home park or subdivision;

- iv. or in an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation (BFE), unless a higher standard option was selected, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- c. In A1-30, AH, AO, ~~and~~ AE, V, and VE zones, require that manufactured homes to be placed or substantially improved in an existing manufactured home park to be elevated so that:
 - i. the lowest floor is at ~~or~~ one foot above the BFE, unless a higher standard option was selected;
 - ii. or the chassis is supported by reinforced piers no less than thirty-six inches (36") in height above grade and securely anchored.

~~8-6.~~ Recreational Vehicles. Require that recreational vehicles placed on sites and where temporarily being used for human occupancy within Zones A1-30, AH, AO, and AE, V and VE zones on the community’s ~~flood~~ insurance ~~rate~~ map (FIRM) either:

- a. Be on the site for no more than two (2) weeks within a six (6) month time frame and be fully licensed and ready for highway use. See also ~~Section~~ Lindon City Code 17.64.020 For Recreational Vehicle requirements.
 - i. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-connect type utilities and security devices, and has no permanently attached additions.
- b. The recreational vehicle must meet all the requirements ~~for~~ of 17.62.~~450140~~, including the anchoring and elevation requirements of “manufactured homes” of this ordinance.

~~9- 7.~~ Enclosures for zones A1-30, A, and AE. New construction and substantial improvements with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement, ~~and which~~ are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, ~~or~~ meet or exceed the following minimum criteria:

- a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided;
- b. The bottom of all openings shall be no higher than one foot (1') above grade ~~or base flood elevation (BFE)~~; and
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

- d. The development and construction of the structure must conform with the provision in FEMA/Federal Insurance Administration (FIA)-Technical Bulletins 1 and 2. Certification and documentation from a professional, licensed engineer or architect is required if the structure's lowest floor is built below the BFE.

~~10.~~ 8. Accessory Structures. Accessory structures located within Zones A, A1-30, AH, AO, ~~or~~ AE, V, and VE must be:

- ~~a. —Detached from a residence;~~
- ~~b. —On the same parcel of property as the principal structure to be insured;~~
- ~~c. —Incidental to the use of the principal structure;~~
- ~~d. —Solely used for parking or limited storage and not human habitation;~~
- ~~e. —Low valued, represent a minimal investment, and must be unfinished on the interior;~~

~~f~~ a. As required in 44 CFR Section 60.3(a)(3):

- i. “Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy”;
- ii. “Be constructed with materials resistant to flood damage” ~~below the BFE, be designed to allow for the automatic entry of floodwaters and meet all applicable building codes~~”;
- iii. “Be constructed by methods and practices that minimize flood damages”; and
- iv. “Be constructed with electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities that are designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding”;

~~g.~~ b. Comply with the floodway encroachment no-rise provisions of the National Flood Insurance Program (NFIP) regulations;

~~h.~~ c. Not be used for human habitation including but not limited to working, sleeping, and living;

~~i.~~ d. Include, in the submittal for floodplain development permit, sufficient documentation demonstrating full compliance with this ~~s~~sSection, including, but not limited to, the use of flood resistant materials, anchoring, and flood openings;

~~j.~~ e. This ~~s~~sSection shall follow Federal Emergency Management Agency Policy No. 104-008-03, Floodplain Management Requirements for Agricultural Structures and Accessory Structures, or as periodically updated by FEMA. A copy is on file at the Lindon City community development office.

17.62.~~280~~ 260 Standards for areas of shallow flooding (AO/AH Zones).

Located within ~~the areas of s~~Special ~~f~~Flood ~~h~~Hazard Areas (SFHA) established in 17.62.060, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1') to three feet (3') where a clearly defined channel does not exist and where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. ~~Require within Zone AO that a~~All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's ~~f~~Flood ~~i~~nsurance ~~r~~ate ~~m~~ap (FIRM) (at least two feet (2') if no depth number is specified). Since Lindon City has elected a one foot (1') Freeboard standard, then the lowest floor elevation must be elevated above the highest adjacent grade above the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified) plus the freeboard height option selected below.
2. ~~Require within Zone AO that a~~All new construction and substantial improvements of nonresidential structures:
 - a. Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet (2') if no depth number is specified); Since Lindon City has elected a Freeboard requirement, then the lowest floor elevation must be elevated above the highest adjacent grade above the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified) plus the freeboard height option selected below; or
 - b. Together with attendant utility and sanitary facilities be designed so that below the ~~b~~Base ~~f~~Flood ~~level~~ Elevation (BFE) the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
3. A registered professional engineer or architect shall submit a certification to the ~~f~~Floodplain ~~a~~Administrator that the standards of this ~~s~~Section and Section 17.62.200190 are satisfied.
4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

17.62.270 Floodways (Zone AE)

Floodways located within Special Flood Hazard Areas (SFHA) are extremely hazardous areas due to the velocity of flood waters that carry debris, potential projectiles, and erosion potential, the following provisions shall apply:

1. Designate a regulatory floodway that will not increase the base flood elevation more than one (1) foot.
2. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated

through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase greater than 0.00 feet, unless higher standard option selected, in flood levels within the community during the occurrence of the base flood discharge.

3. All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this ordinance.
4. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the NFIP Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in BFEs, provided that the community first applies for a conditional FIRM and floodway revision through FEMA.

17.62.280 Coastal high hazard area (Zone V and/or VE)

Coastal High Hazard Areas are Special Flood Hazard Areas (SFHA) established in 17.62.060, are areas that have special flood hazards associated with high velocity waters from storm surges or seismic activity and, therefore, all new construction and substantial improvements shall meet the following provisions in addition to the all provisions of 17.62.230, 17.62.240, 17.62.250, and 17.62.260:

1. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement, and maintain a record of all such information.
2. Provide that all new construction and substantial improvements within Zones V1–30, VE, and V on the community's FIRM is located landward of the reach of mean high tide;
3. All new construction and substantial improvements shall be elevated so that the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) is elevated to one foot above the Base Flood Elevation (BFE). Floodproofing shall not be utilized on any structures in Coastal High Hazard Areas to satisfy the regulatory flood protection elevation requirements. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of standards and practices as outlined in this subsection.
4. All new construction and substantial improvements shall have the space below the bottom of the lowest horizontal structural member of the lowest floor either be free of obstruction or constructed with breakaway walls, open wood latticework or insect screening, provided they are not part of the structural support of the building and are designed so as to breakaway, under abnormally high tides or wave action without causing damage to the elevated portion of the building or supporting foundation system or otherwise jeopardizing the structural integrity of the building. The following design specifications shall be met:
 - a. Breakaway walls shall meet the following design specifications:

- i. Design safe loading resistance shall be not less than ten (10) nor more than twenty (20) pounds per square foot; or
 - ii. Breakaway walls that exceed a design safe loading resistance of twenty (20) pounds per square foot (either by design or when so required by State or local codes) shall be certified by a registered professional engineer or architect that the breakaway wall will collapse from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). The water loading values used shall be those associated with the base flood. The wind loading values used shall be those required by the Utah State Building Code.
- 5. All new construction and substantial improvements shall be securely anchored to pile or column foundations. All pilings and columns and the structure attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of standards of practice as outlined in this subsection.
 - a. Water loading values used shall be those associated with the base flood plus one foot of freeboard.
 - b. Wind loading values used shall be those required by the current edition of the Utah State Building Code.
- 6. Prohibit the use of fill for structural support of buildings within Zones V1–30, VE, and V on the community's FIRM
- 7. Prohibit man-made alteration of sand dunes and mangrove stands within Zones V1–30, VE, and V on the community's FIRM which would increase potential flood damage.

17.62.290 Elevated Buildings

Enclosed areas of elevated buildings, of new construction and substantially improved structures, which is below the lowest floor or below the lowest horizontal structural member in V/VE zones shall meet all the provisions of standards and practices as outlined in this subsection.

- 1. Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or

entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

2. Shall be constructed entirely of flood resistant materials at least to the Regulatory Base Flood Elevation. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood opening as outlined above.
3. Property owners shall be required to execute and record a non-conversion agreement prior to issuance of a building permit declaring that the area below the lowest floor shall not be improved, finished or otherwise converted to habitable space. The community will have the right to inspect the enclosed area. This agreement shall be recorded with the Community County Register of Deeds and shall transfer with the property in perpetuity.
4. Release of restrictive covenant. If a property which is bound by a non-conversion agreement is modified to remove enclosed areas below BFE, then the owner may request release of restrictive covenant after staff inspection and submission of confirming documentation.

SECTION II: 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: Provisions of other ordinances in conflict with this ordinance and the provisions adopted or incorporated by reference are hereby repealed or amended as provided herein.

SECTION IV: 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 _____ 2026.

Carolyn O. Lundberg
Lindon City Mayor

ATTEST:

Britni Laidler
City Recorder

ADJOURN