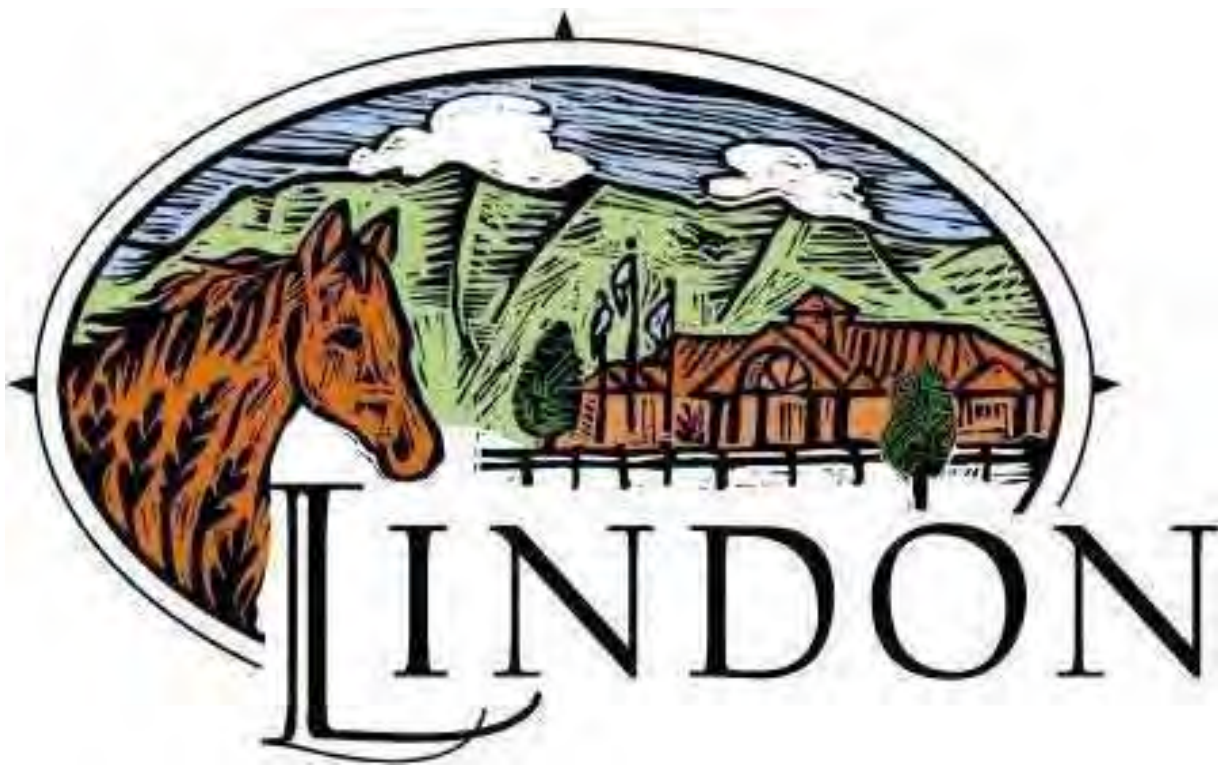


Lindon City Planning Commission Staff Report



February 23, 2021

Notice of Meeting

Lindon City Planning Commission



The Lindon City Planning Commission will hold a regularly scheduled meeting on Tuesday, February 23, 2021, in the Council Room of Lindon City Hall, 100 North State Street, Lindon, Utah. The meeting will begin at 6:00 p.m. This meeting may be held electronically to allow a commissioner to participate by video or teleconference. Meetings are broadcast live at www.youtube.com/user/LindonCity. The agenda will consist of the following items:

Agenda

Invocation: By Invitation

Pledge of Allegiance: By Invitation



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

1. Call to Order
2. Approval of minutes
Planning Commission 2/9/2021
3. Public Comment
4. Plat Amendment – **Pear Tree Estates Plat “B”** – 134 West 600 North
Jason Taylor requests plat amendment approval to amend an existing lot in the Pear Tree Estate Subdivision Plat A and Parcel A of the Lexington Cove Parcel A at 134 West 600 North to consolidate the lot and parcel into one lot. in the Residential (R1-20) zone. (10 minutes)
5. Hillside Protection District Overlay Development – 608 North 800 East
Brandon Jones requests Planning Commission approval for an exemption or relief from hillside slope and setback requirements of the Hillside Protection District Overlay zoning ordinance for the property at 608 North 800 East. (20 minutes)
6. Conditional Use Permit – **Rocco’s Tire Service** – 732 North State Street
Ronald Mann requests Conditional Use Permit approval to operate an automobile tire, lube, and tune up business at 732 North State Street in the General Commercial (CG) zone. (10 minutes)
7. Planning Director Report
- General City Updates

Adjourn

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

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

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

Posted By: Kathryn Moosman, City Recorder

Date: 2/19/2021

Time: 5:00 pm

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

Notice of Meeting
Lindon City Planning Commission



Item 1 – Call to Order

Sharon Call
Mike Marchbanks
Rob Kallas
Steve Johnson
Scott Thompson
Jared Schauers
Renee Tribe

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
4 **February 9, 2021 beginning at 6:00 p.m.** at the Lindon City Center, City Council
Chambers, 100 North State Street, Lindon, Utah.

6 **REGULAR SESSION – 6:00 P.M.**

8 Conducting: Sharon Call, Chairperson
Invocation: Steve Johnson, Commissioner
10 Pledge of Allegiance: Rob Kallas, Commissioner

12 **PRESENT** **EXCUSED**

Sharon Call, Chairperson
14 Mike Marchbanks, Commissioner
Rob Kallas, Commissioner
16 Steven Johnson, Commissioner
Scott Thompson, Commissioner
18 Jared Schauers, Commissioner
Renee Tribe, Commissioner
20 Mike Florence, Planning Director
Anders Bake, Associate Planner
22 Kathryn Moosman, City Recorder

24 **Special Attendee:**
Councilmember Vanchiere

26

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

28

2. **APPROVAL OF MINUTES** –The minutes of the regular meeting of the
30 Planning Commission meeting of December 8, 2020 were reviewed.

32 COMMISSIONER THOMPSON MOVED TO APPROVE THE MINUTES OF
THE REGULAR MEETING OF DECEMBER 8, 2020 AS PRESENTED.
34 COMMISSIONER MARCHBANKS SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

36

3. **PUBLIC COMMENT** – Chairperson Call called for comments from any
38 audience member who wishes to address any issue not listed as an agenda item.
There were no public comments.

40

CURRENT BUSINESS –

42

4. **Major Subdivision – Lakeview Holdings West Condo Plat – 31 South 1800**
44 **West.** Joel Pilling requests Major Subdivision approval to divide two buildings
into 10 commercial condominium units at 31 South 1800 West in the Light
46 Industrial (LI) zone.

48

2 Mike Florence, Planning and Economic Development Director led this agenda
item by stating the applicant Joel Pilling is in attendance tonight for this application
4 review. He then gave a brief overview stating the planning commission previously
approved this project for site plan and minor subdivision approval on March 24, 2020.
6 Mr. Florence pointed out the development consists of two office/warehouse buildings. He
noted building #1 is nearing completion and the City is close to releasing the building
8 plans.

Mr. Florence indicated the developer is now requesting major subdivision
10 approval to convert the two buildings to commercial condominium units. Mr. Florence
stated condominium developments follow Utah Code Title 57 Chapter 8 for dividing
12 property as well as Lindon City major subdivision requirements and processes.

Mr. Florence stated the parking was reviewed with site plan and minor
14 subdivision approval with 101 stalls required and the applicant is providing 144 stalls.
The parking is all located in the common area on the plat. The parking in the CC&R's is
16 identified as non-reserved to any person who is an owner, tenant, occupant, employee,
patron, service-provider, or guest of any unit within the project.

Mr. Florence commented that the Conditions, Covenants and Restrictions and
18 bylaws for the condominium subdivision will be reviewed by the applicant's attorney.
Mr. Florence stated city staff are working through any technical issues related to the plat
20 and will ensure all engineering related issues are resolved before final approval is
22 granted.

Mr. Florence then presented an Aerial photo, Condominium plat, Site plan,
24 Attorney letter, Building #1 elevation plans and Building #2 elevation plans followed by
some general discussion. Mr. Florence stated these are very attractive and a popular style
26 of building and staff recommends approval with the conditions as listed in the motion.

Chairperson Call called for any further comments or discussion from the
28 Commission. Hearing none she called for a motion.

30 COMMISSIONER MARCHBANKS MOVED TO I MOVE TO RECOMMEND
APPROVAL OF THE APPLICANT'S REQUEST FOR PRELIMINARY APPROVAL
32 OF THE LAKEVIEW WEST WAREHOUSE CONDOMINIUM PLAT WITH THE
FOLLOWING CONDITIONS: 1. THE APPLICANT WILL CONTINUE TO WORK
34 WITH CITY STAFF TO MAKE ALL FINAL CORRECTIONS TO THE PLAT FOR
RECORDING; 2. PRIOR TO PLAT RECORDING THE APPLICANT WILL PROVIDE
36 STAFF WITH A FINAL PLAT MYLAR TO INCLUDE NOTARIZED SIGNATURES
OF OWNER'S CONSENT TO DEDICATION AS IDENTIFIED ON THE ATTACHED
38 SUBDIVISION PLAT; 3. PRIOR TO RECORDING THE APPLICANT WILL
PROVIDE STAFF WITH A FINAL SET OF CC&R'S AND BYLAWS TO INCLUDE
40 NOTARIZED SIGNATURES; 4. THE PLAT WILL MEET THE APPLICABLE
REQUIREMENTS AS FOUND IN THE LINDON CITY DEVELOPMENT MANUAL;
42 5. FINAL COVENANTS, CONDITIONS AND RESTRICTIONS WILL BE
RECORDED WITH THE SUBDIVISION PLAT; 6. ALL ITEMS OF THE STAFF
44 REPORT. COMMISSIONER THOMPSON SECONDED THE MOTION. THE VOTE
WAS RECORDED AS FOLLOWS:

46 CHAIRPERSON CALL	AYE
COMMISSIONER KALLAS	AYE
48 COMMISSIONER MARCHBANKS	AYE

2 COMMISSIONER JOHNSON AYE
COMMISSIONER THOMPSON AYE
4 COMMISSIONER SCHAUERS AYE
COMMISSIONER TRIBE AYE
6 THE MOTION CARRIED UNANIMOUSLY.

8 **5. Review & Action – 2021 Chair and Vice-chair elections.** The Planning
Commission will hold elections for the positions of Chair and Vice-chair for
10 2021.

14 Mr. Florence led this agenda item by explaining the Commission will vote to elect
both a chair and vice-chair for the 2021 calendar year. He noted the current chair is
16 Sharon Call and the current vice-chair is Steve Johnson.

Following a brief discussion, the commission was in agreement to keep Sharon
18 Call as chairperson and Steve Johnson as vice-chair for the 2021 calendar year.

Chairperson Call called for any further comments or discussion from the
20 Commission. Hearing none she called for a motion.

22 COMMISSIONER MARCHBANKS MOVED TO ELECT SHARON CALL AS
COMMISSION CHAIR AND STEVE JOHNSON AS VICE CHAIR FOR THE 2021
24 CALENDAR YEAR. COMMISSIONER KALLAS SECONDED THE MOTION. THE
VOTE WAS RECORDED AS FOLLOWS:

26 CHAIRPERSON CALL AYE
COMMISSIONER KALLAS AYE
28 COMMISSIONER MARCHBANKS AYE
COMMISSIONER JOHNSON AYE
30 COMMISSIONER THOMPSON AYE
COMMISSIONER SCHAUERS AYE
32 COMMISSIONER TRIBE AYE
THE MOTION CARRIED UNANIMOUSLY.

34

36 **6. New Business: Reports by Commissioners** – Chairperson Call called for any
new business or reports from the Commissioners.

38 Chairperson Call asked for an update on the short-term rental discussion with the
city council. Mr. Florence said they discussed the line items of the proposed ordinance
40 that included more of a policy direction. He noted there will be further discussion
regarding this matter.

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

44

46 **7. Planning Director Report** – There were no director reports at this time.

46

48 Chairperson Call called for any further comments or discussion from the
commission. Hearing none she called for a motion to adjourn.

50 **ADJOURN** –

2
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14

COMMISSIONER MARCHBANKS MADE A MOTION TO ADJOURN THE
MEETING AT 6:35 PM. COMMISSIONER THOMPSON SECONDED THE
MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – February 23, 2021

Sharon Call, Chairperson

Michael Florence, Planning Director

Item 4: Plat Amendment – Pear Tree Estates Plat “B” 134 West 600 North

Date: February 23, 2021

Applicant: Jason Taylor
Presenting Staff: Anders Bake

General Plan: Residential Low
Current Zone: Residential R1-20

Property Owner: Jason Taylor
Address: 134 West 600 North
Parcel IDs: 49:708:0003 and
45:551:0008
Proposed Lot Size: 27,765 square
feet

Type of Decision: Administrative
Council Action Required: No



Overview

1. Jason Taylor is requesting plat amendment approval from the Planning Commission to amend an existing lot in the Pear Tree Estate Subdivision Plat A and Parcel A of the Lexington Cove Parcel A at 134 West 600 North to consolidate the lot and parcel into one lot.
2. The purpose for the plat amendment is to consolidate the property owned by the applicant into one buildable lot that can legally be used for the construction of a house.

Motion

I move to (approve, deny, continue) the applicant's request for plat amendment approval of the Pear Tree Estates Plat “B” Subdivision with the following conditions:

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

Surrounding Zoning and Land Use

North: Residential R1-12 – Single Family Home
East: Residential R1-12 – Single Family Home
South: Residential R1-12 – Single Family Home
West: Residential R1-12 – Vacant Property

Subdivision Standards

Lindon City Code 17.32.00 references Utah Code for requirements amending a subdivision plat. Under Utah Code 10-9a-608, an applicant may petition the Land Use Authority (Planning Commission) to join two or more of the petitioner fee owner's contiguous lots.

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

(2) Unless a local ordinance provides otherwise, the public hearing requirement of Subsection (1)(c) does not apply and a land use authority may consider at a public meeting an owner's petition to vacate or amend a subdivision plat if:

(a) the petition seeks to:

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

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

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

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

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

(A) owned by the petitioner; or

(B) designated as a common area; and

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

Findings of Fact

- The applicant, Jason Taylor, owns all of the properties that are part of the plat amendment application.
- The proposed plat includes a vacation of Lot 4 Pear Tree Estates Plat "A" and Parcel A Lexington Cove Plat "A". These vacations have been noted on the proposed plat
- The proposed plat amendment is located in the Residential R1-20 zone. The following table reviews the subdivision and lot requirements for a residential lot in the R1-20 zone:

Required	Complaint
No single lot shall be divided by municipal or county boundary lines, roads, alleys, or other lots.	Yes
All residential lots shall front on a public street	Yes – The lot meets all frontage requirements with over 100 feet of frontage along 600 North and 95 West.
Side lot lines shall be at right angles or radial to street lines, except where justified by the subdivider and approved by the Planning Commission.	Yes
Easements shall follow rear and side lot lines whenever practical and shall have a minimum	Yes – The lot includes a 10-foot public utility easement along all property lines.

total width of 15 feet apportioned equally in abutting properties.	
No lot shall be created which is more than three times as long as it is wide.	Yes
Minimum lot size: 20,000 square feet	Yes

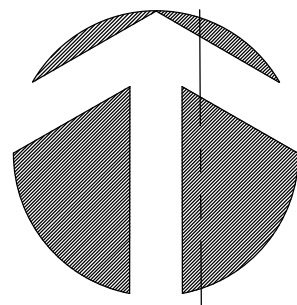
Engineering Requirements

The City Engineer has completed a review of the plat and all issues have been resolved.

Exhibits

1. Aerial Image with Parcels
2. Proposed Plat
3. Current Lexington Cove Plat "A"
4. Current Pear Tree Estates Plat "A"





NORTH
1" = 30'

660 North Street

Lexington Cove Plat "A"

Lot 6
Orlando & Carey Ruiz

Lot 7
Bruce & Kimberly Bartlett

Lot 1
Kelly & Tracy Clark

Lot 2
Kevin & Crystal Hair

Pear Tree Estates Plat "A"

Lot 1
0.64 AC
27,765 sq.ft.
134 West 600 North

95 West Street

Lot 5
Matthew & Kimberly
Peterson

Lot 6
Layne Boyd &
Laura Anderson

600 North Street

South 1/4 Corner
Section 28, Township 5 South
Range 2 East, SLB&M

Southeast Corner
Section 28 Township 5 South
Range 2 East, SLB&M

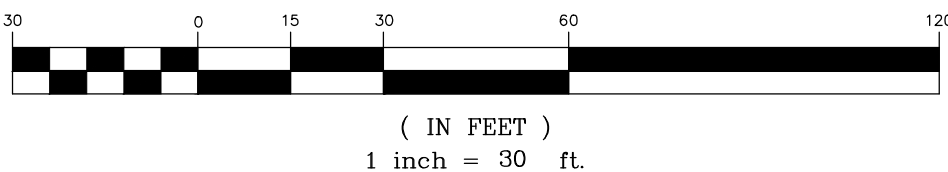
Occupancy Restriction Notice

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

Notice of Lindon City Housing Ordinance

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

GRAPHIC SCALE



Prepared by:

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

Surveyor's Certificate

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

Boundary Description

Commencing at a point located South 89°46'35" West along the Section line 1191.23 feet and North 295.43 feet from the Southeast corner of Section 28, Township 5 South, Range 2 East, Salt Lake Base and Meridian; thence South 89°36'36" West along 600 North Street 110.14 feet; thence North 00°07'51" East along the East boundary of Lot 2, Pear Tree Estates Plat "A" 222.87 feet; thence North 89°57'17" East along the South boundary of Lot 7, Lexington Cove Plat "A" 125.00 feet; thence South 00°07'51" West along 95 West Street 207.26 feet; thence along the arc of a 15.00 foot radius curve to the right 23.43 feet (chord bears South 44°52'14" West 21.12 feet) to the point of beginning.

AREA=27,765 sq. ft. or 0.64 acre

Basis of Bearing= South 89°46'35" West along the Section line (NAD 27)

Owner's Dedication

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

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

Acknowledgement

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

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

My Commission Number _____

Signed (a Notary Public Commissioned in Utah)

My Commission Expires _____

Print name of Notary

Acceptance by Legislative Body

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

Mayor _____

Planning Commission Chair _____

Planning Director _____

City Engineer _____

City Attorney _____

City Recorder _____

Conditions of Approval

Plat "B"

Pear Tree Estates

Including a vacation of Lot 3 Pear Tree Estates Plat "A"
& Parcel A Lexington Cove Plat "A"

Lindon City, Utah County, Utah

Scale: 1" = 30 Feet

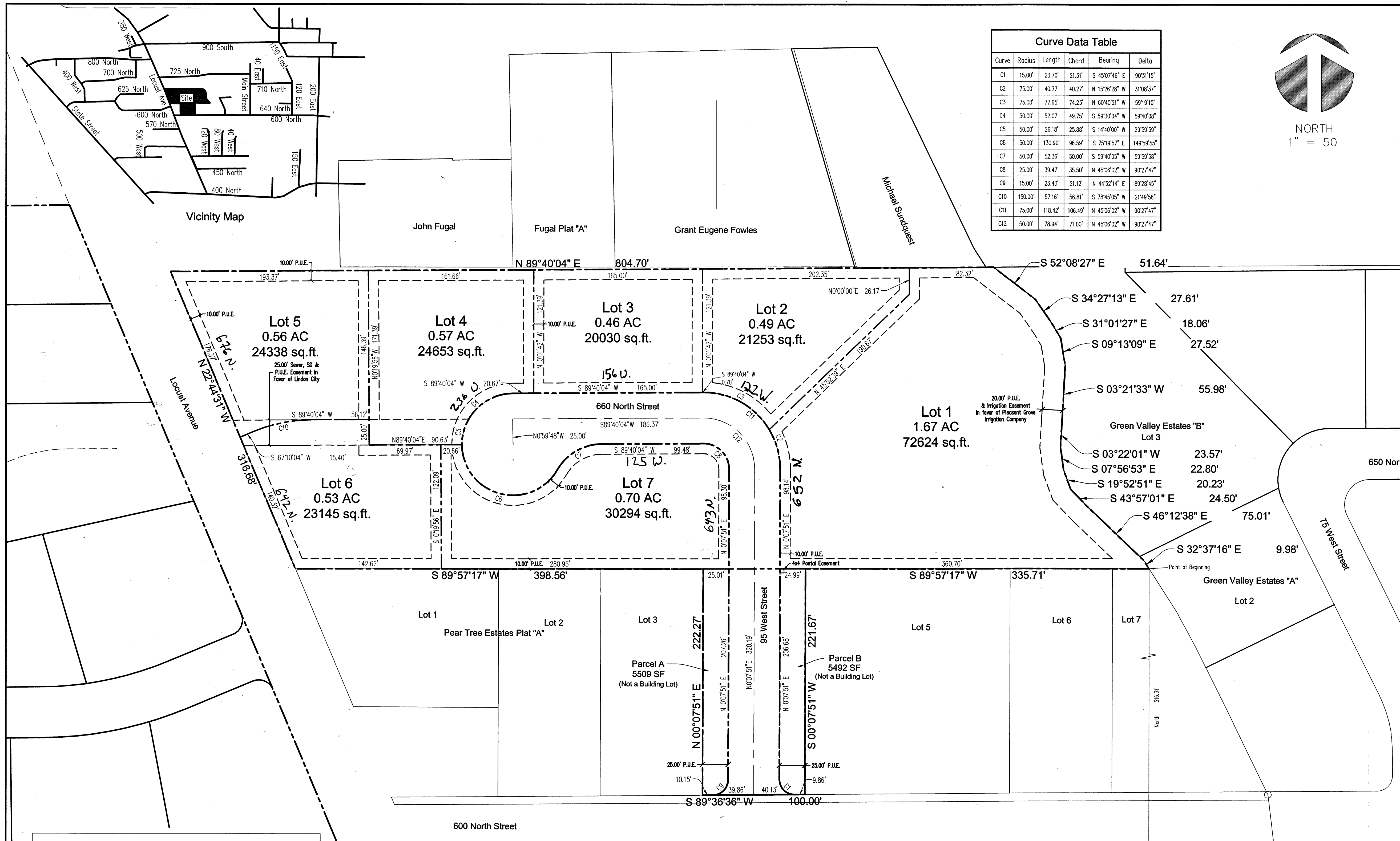
SURVEYOR'S SEAL

NOTARY PUBLIC SEAL

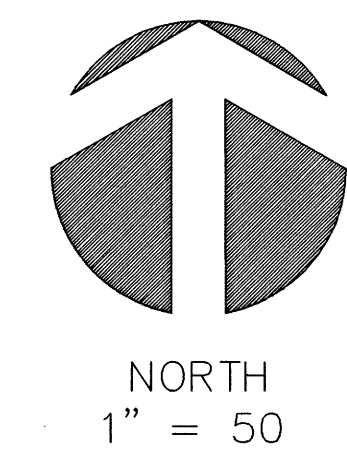
CITY ENGINEER SEAL

CLERK-RECORDER SEAL

COUNTY RECORDER



Curve Data Table					
Curve	Radius	Length	Chord	Bearing	Delta
C1	15.00'	23.70'	21.31'	S 45°07'46" E	90°31'15"
C2	75.00'	40.77'	40.27'	N 15°26'28" W	31°08'37"
C3	75.00'	77.65'	74.23'	N 60°40'21" W	59°19'10"
C4	50.00'	52.07'	49.75'	S 59°30'04" W	59°40'08"
C5	50.00'	26.18'	25.88'	S 14°40'00" W	29°59'59"
C6	50.00'	130.90'	96.59'	S 75°19'57" E	149°59'55"
C7	50.00'	52.36'	50.00'	S 59°40'05" W	59°59'58"
C8	25.00'	39.47'	35.50'	N 45°06'02" W	90°27'47"
C9	15.00'	23.43'	21.12'	N 44°52'14" E	89°28'45"
C10	150.00'	57.16'	56.81'	S 78°45'05" W	21°49'58"
C11	75.00'	118.42'	106.49'	N 45°06'02" W	90°27'47"
C12	50.00'	78.94'	71.00'	N 45°06'02" W	90°27'47"



Surveyor's Certificate

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

Boundary Description

Commencing at a point located South 89°46'35" West along the Section line 765.16 feet and North 516.31 feet from the Southeast corner of Section 28, Township 5 South, Range 2 East, Salt Lake Base and Meridian; thence South 89°57'17" West 335.71 feet; thence South 00°07'51" West 221.67 feet; South 89°36'36" West 100.00 feet; thence North 00°07'51" East 222.27 feet; thence South 89°57'17" West 398.56 feet; thence North 22°44'31" West 316.68 feet; thence North 89°40'04" East 804.70 feet; thence South 52°08'27" East 51.64 feet; thence South 34°27'13" East 27.61 feet; thence South 31°01'27" East 18.06 feet; thence South 09°13'09" East 27.52 feet; thence South 03°21'33" West 55.98 feet; thence South 03°22'01" West 23.57 feet; thence South 07°56'53" East 22.80 feet; thence South 19°52'51" East 20.23 feet; thence South 43°57'01" East 24.50 feet; thence South 46°12'38" East 75.01 feet; thence South 32°37'16" East 9.98 feet; thence South 89°57'17" West 335.71 feet; thence South 89°46'35" West along the Section line 765.16 feet to the point of beginning.

AREA=262,789 sq. ft. or 6.03 acres

Owner's Dedication

Know all men by these presents that we, all of the undersigned owners of all the property described in the surveyors certificate hereon and shown on this map, have caused the same to be subdivided into lots, blocks, streets and easements and do hereby dedicate the streets and all public areas as indicated hereon for the perpetual use of the public.

In witness hereof we have hereunto set our hands the 18th day of MARCH, A.D. 2015

by: Jason Brown, by: Colby L. Fryer, by: Craig Van Fryer, by: Mary Lue Fryer, by: Sara Jean Fryer, by: PRO STATE INSURANCE LLC, by: JAMES BEAMAN (MANAGER)

State of Utah } S.S.
County of Utah }

On this 18th day of MARCH, A.D. 2015, personally appeared before me the signers of the foregoing dedication who duly acknowledge to me that they did execute the same.

My Commission Expires 3-1-16 Notary Public

Acceptance by Legislative Body

The City of Lindon, County of Utah, approves this Subdivision subject to the Conditions and Restrictions stated hereon, and hereby accepts the dedication of all streets, easements and other parcels of land intended for perpetual use of the public this 4th day of May, A.D. 2015

Mayor: Jeffery Smith, City Engineer: Mark J. Christensen, City Attorney: Mark J. Christensen, Clerk/Recorder: Kathryn A. Moosman

Attest

Planning Commission Approval

Approved this 5th day of May, A.D. 2015 by the Lindon City Planning Commission

Director: Shawn Call, Secretary: Shawn Call

Conditions of Approval

Pleasant Grove Irrigation Company

E. Mark Bergant, 3-31-15, Irrigation Representative, Date

Qwest Representative, 3/31/15, Date

Approved Rocky Mountain Power, 3/24/15, Date, Rocky Mountain Power Representative

Approved Utopia, 3/24/15, Date, Utopia Representative

Comcast 3-27-15

Questar Gas

Questar approves this plat solely for the purpose of confirming that the plat contains public utility easements. Questar may require other easements in order to serve this development. This approval does not constitute abrogation or waiver of any other existing rights, obligations or liabilities provided by law or equity. This approval does not constitute acceptance, approval or acknowledgement of any terms contained in the plat, including those set forth in the Owners Dedication and the Notes and does not constitute a guarantee of particular terms of natural gas service. For further information please contact Questar's Right-of-Way department at 1-800-366-6532.

Rick Maize, 3/19/15, Questar Gas Representative, Date

Occupancy Restriction Notice

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

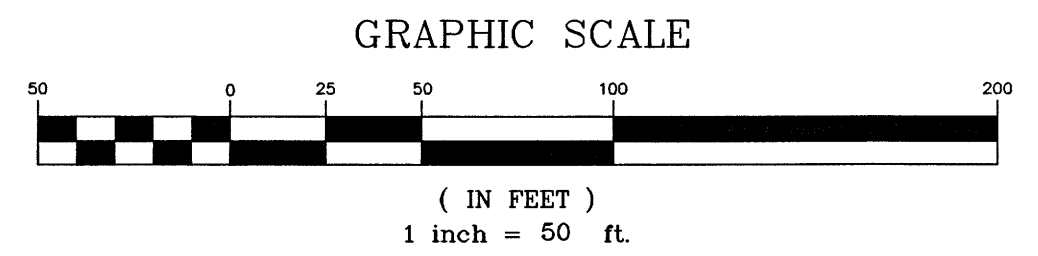
Notice of Lindon City Housing Ordinance

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

City Engineer's Certificate

I Mark L. Christensen as the Lindon City Engineer, have inspected the foregoing plat and legal description and find them to be correct, and do hereby give the approval of said plat on this 16th day of April, 2015.

Mark L. Christensen, Lindon City Engineer (see seal)



14594

Plat "A"

ENT 38629-2015 Map # 14594, JEFFERY SMITH, UTAH COUNTY RECORDER, 2015 May 06 8:39 AM FEE 39.00 BY ED, RECORDED FOR LINDON CITY CORPORATION

Lexington Cove

Including a vaction of Lot 4 Pear Tree Estates Plat "A" & Lot 1 Fryer Estates Subdivision

Lindon City, Utah County, Utah

Scale: 1" = 50 Feet

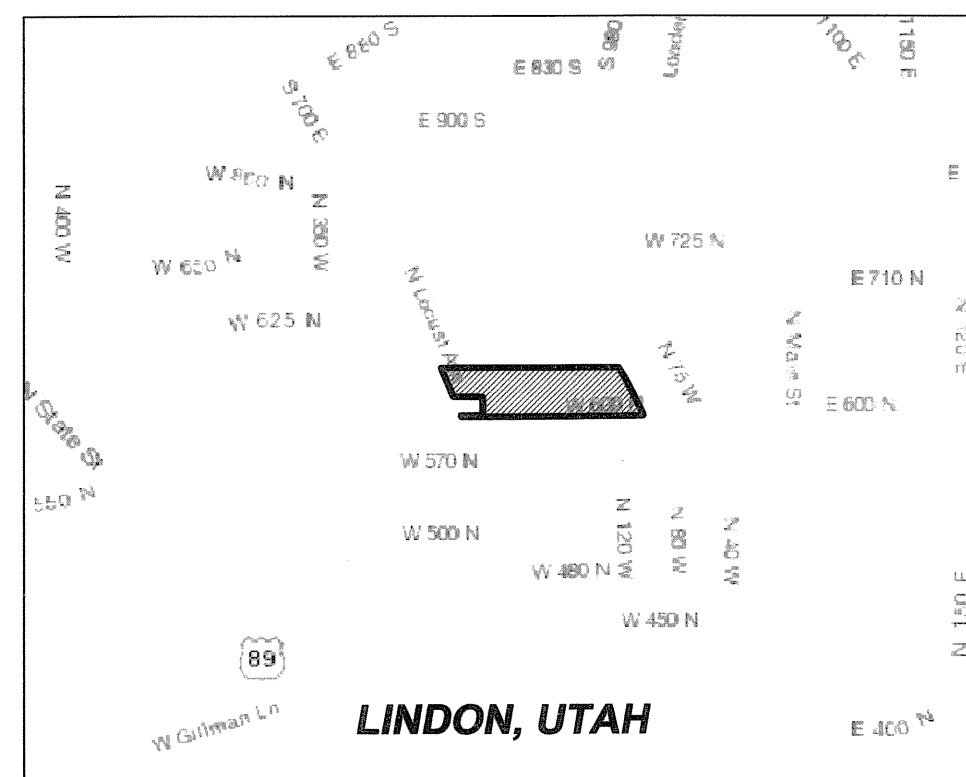
SURVEYOR'S SEAL, NOTARY PUBLIC SEAL, CITY-COUNTY ENGINEER SEAL, CLERK-RECORDER SEAL

3/18/15

SEC. 28, T5S, R2E, TL. 500, S40E LOT 4, PLAT A, PEAR TREE ESTATES LOT 1, FRYER ESTATES

PEAR TREE ESTATES
PLAT "A"
SUBDIVISION
LINDON CITY, UTAH COUNTY, UTAH
SE1/4 SEC. 28, T5S R2E, SLB&M

QUESTAR GAS COMPANY
Questar approves this plat solely for the purpose of confirming that the plat contains public utility easements. Questar may require other easements in order to serve this development. This approval does not constitute abrogation or waiver of any other existing rights, obligations or liabilities provided by law or equity. This approval does not constitute acceptance, approval or acknowledgement of any terms contained in the plat, including those set forth in the Owners Dedication and the Notes and does not constitute a guarantee of particular terms of natural gas service. For further information please contact Questar's Right-of-Way department at 1-800-386-6532.
Approved this 10th day of Feb, 2010
QUESTAR GAS COMPANY
By: Victor E. Hansen
Title: Per. Const. Specialist



VICINITY MAP
NOT TO SCALE

SURVEYORS CERTIFICATE

I, VICTOR E. HANSEN, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 176695 IN ACCORDANCE WITH UTAH CODE, TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT. I FURTHER CERTIFY THAT AT THE REQUEST OF THE OWNER OF THE BELOW-DESCRIBED LAND, I PERFORMED A SURVEY OF SAID LAND IN ACCORDANCE WITH SECTION 17-23-17 OF THE UTAH CODE THAT THE BOUNDARY DESCRIPTION BELOW CORRECTLY DESCRIBES THE LAND SURFACE UPON WHICH WILL BE CONSTRUCTED THE PEAR TREE ESTATES, PLAT "A" SUBDIVISION, THAT I HAVE VERIFIED ALL MEASUREMENTS, AND THAT THE REFERENCE MARKERS SHOWN ON SAID PLAT ARE LOCATED AS SHOWN AND ARE SUFFICIENT TO READILY RETRACE OR REESTABLISH THIS SURVEY.

Victor E. Hansen DATE Feb. 10, 2010
VICTOR E. HANSEN RLS 176695

BOUNDARY DESCRIPTION

A PARCEL OF LAND IN THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, LOCATED IN LINDON CITY, UTAH COUNTY, UTAH. THE BASIS OF BEARINGS FOR SAID PARCEL BEING N00°19'56"W BETWEEN THE SOUTHEAST CORNER AND THE EAST 1/4 CORNER OF SAID SECTION 28, BASE ON THE UTAH STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 27. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF GREEN VALLEY ESTATES, PLAT A, AS RECORDED IN THE OFFICE OF THE UTAH COUNTY RECORDER, SAID POINT BEING N00°19'56"W 286.24 FEET ALONG THE SECTION LINE AND WEST 646.37 FEET FROM THE SOUTHEAST CORNER OF SECTION 28, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; THENCE S89°40'04"W 854.39 FEET ALONG THE NORTH LINE OF 600 NORTH, AS RECORDED ON THE 600 NORTH ROADWAY DEDICATION PLAT, ENTRY #11252, DATED APRIL 20, 1980; THENCE N22°44'31"W 7.98 FEET ALONG THE EASTERLY LINE OF LOCUST AVE; THENCE N89°36'36"E 104.13 FEET; THENCE N00°07'51"E 87.21 FEET; THENCE N89°44'29"W 141.44 FEET TO THE EASTERLY LINE OF LOCUST AVE; THENCE N22°44'31"W 146.89 FEET ALONG SAID LOCUST AVE; THENCE N89°57'17"E 834.27 FEET TO A POINT ON THE WESTERLY LINE OF GREEN VALLEY ESTATES; THENCE ALONG SAID SUBDIVISION BOUNDARY THE FOLLOWING SIX (6) COURSES: (1) S32°37'16"E 50.48 FEET; (2) S28°13'59"E 37.95 FEET; (3) S26°21'40"E 65.95 FEET; (4) S25°50'27"E 48.27 FEET; (5) S25°49'37"E 48.20 FEET; (6) S06°51'12"E 5.25 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.22 ACRES, MORE OR LESS.

OWNERS DEDICATION

THE UNDERSIGNED OWNERS ("OWNER" WITHOUT REGARD TO NUMBER OR GENDER) OF THE ABOVE-DESCRIBED LAND HEREBY CERTIFIES THAT: OWNER HAS CAUSED A SURVEY TO BE MADE OF SAID LAND AND HAVE CAUSED THIS PLAT TO BE PREPARED FOR THE "PEAR TREE ESTATES, PLAT 'A' SUBDIVISION". OWNER HEREBY CONSENTS TO THE RECORDATION OF THE PLAT. OWNER HEREBY DEDICATES ANY PUBLIC STREETS REFLECTED ON THE MAP FOR THE USE BY THE GENERAL PUBLIC.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS 10th DAY OF Feb. A.D. 2010

Huggard Development LLC Shirl C. Tomlinson
Manager

ACKNOWLEDGMENT

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

ON THE 10th DAY OF February, A.D. 2010, PERSONALLY APPEARED BEFORE ME THE SIGNERS OF THE FOREGOING DEDICATION WHO DULY ACKNOWLEDGE TO ME THAT THEY DID EXECUTE THE SAME.

NOTARY PUBLIC - (SEE SEAL BELOW)

MY COMMISSION EXPIRES: 3-9-11

ACCEPTANCE BY LEGISLATIVE BODY

THE CITY OF LINDON, COUNTY OF UTAH, APPROVES THIS SUBDIVISION SUBJECT TO THE CONDITIONS AND RESTRICTIONS STATED HEREON, AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS AND OTHER PARCELS OF LAND INTENDED FOR PERPETUAL USE OF THE PUBLIC THIS 2nd DAY OF February, A.D. 2010.

MAYOR: Shirl C. Tomlinson COUNCIL MEMBER: Shirl C. Tomlinson
COUNCIL MEMBER: Shirl C. Tomlinson COUNCIL MEMBER: Shirl C. Tomlinson
COUNCIL MEMBER: Shirl C. Tomlinson COUNCIL MEMBER: Shirl C. Tomlinson
CITY ENGINEER (SEE SEAL BELOW): Shirl C. Tomlinson CLERK/RECORDER (SEE SEAL BELOW): Shirl C. Tomlinson

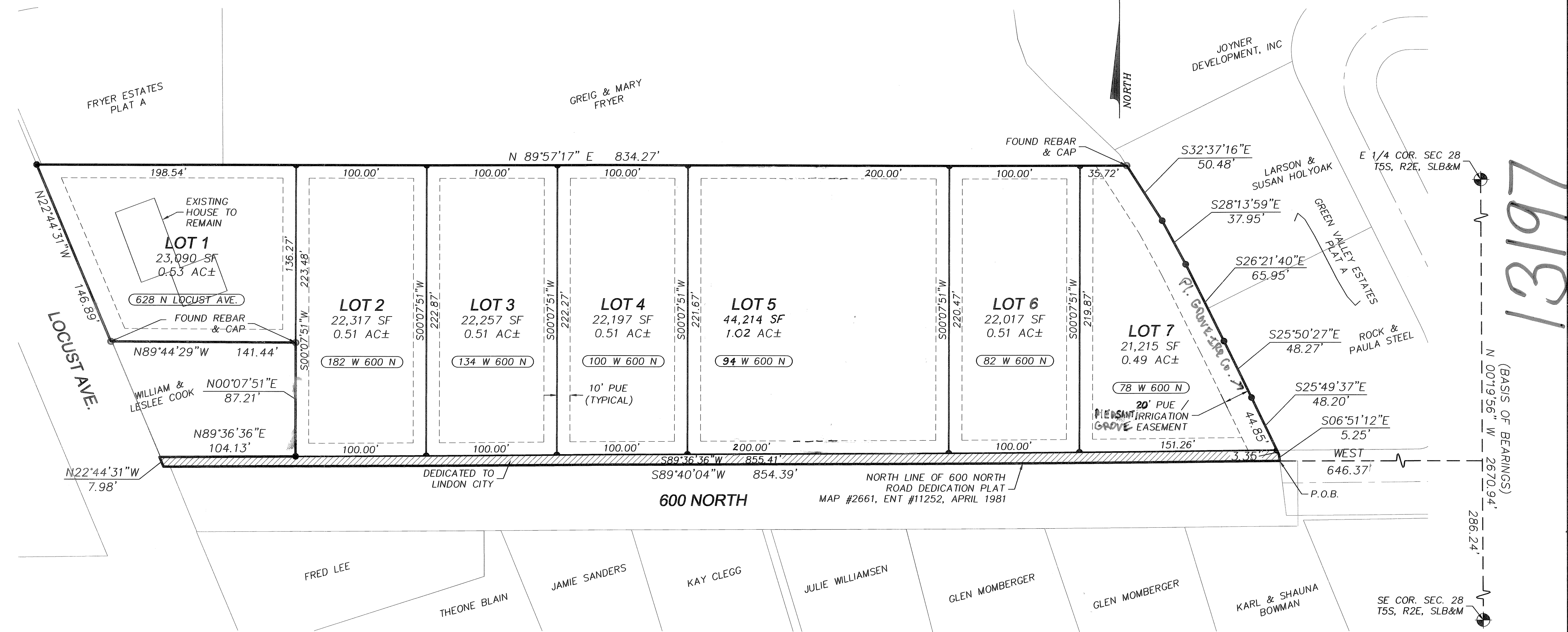
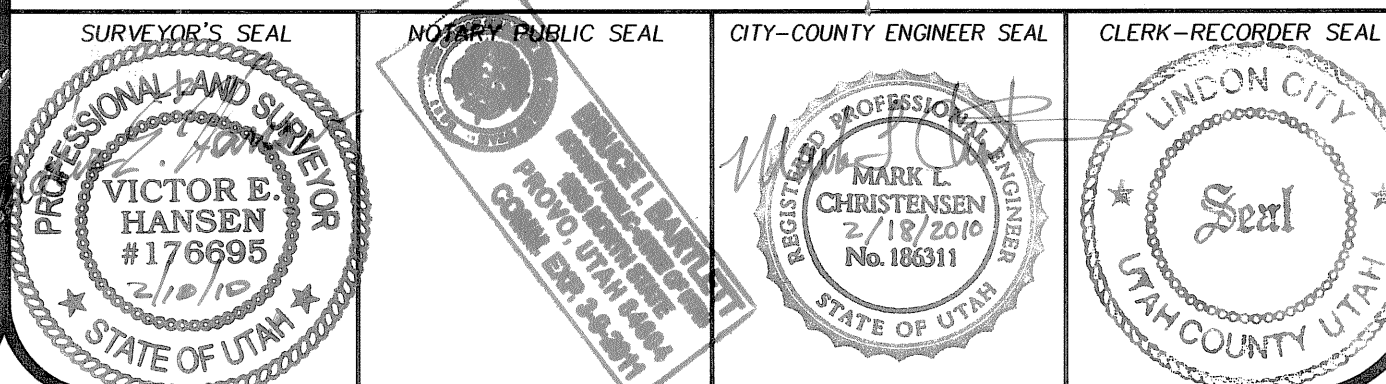
CITY ATTORNEY

PLANNING COMMISSION APPROVAL

APPROVED THIS 26th DAY OF January, A.D. 2010, BY THE LINDON CITY PLANNING COMMISSION.

Adam Cowie CHAIRMAN, PLANNING COMMISSION
DIRECTOR - SECRETARY

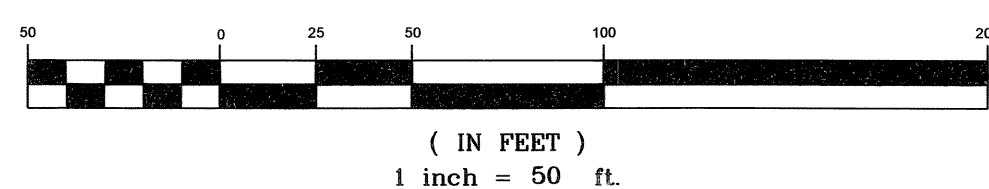
PEAR TREE ESTATES
PLAT "A"
SUBDIVISION
LINDON CITY, UTAH COUNTY, UTAH
SE1/4 SEC. 28, T5S R2E, SLB&M



LEGEND

- BOUNDARY LINE
- PUBLIC UTILITY EASEMENT
- SURVEY/SECTION MONUMENT
- RIGHT OF WAY DEDICATION

GRAPHIC SCALE



NOTES

1) 5/8" REBAR WITH PLASTIC CAPS STAMPED "RLS 176695" TO BE SET AT EACH LOT CORNER AND CURB PLUGS TO BE SET IN THE TOP BACK CURB AT THE EXTENSION OF THE SIDE LOT LINES.

NOTICE OF LINDON CITY MULTIPLE FAMILY HOUSING ORDINANCE

ALL POTENTIAL BUYERS OF LOTS WITHIN THIS PLAT ARE HEREBY NOTICED OF THE LINDON CITY R2 OVERLAY ORDINANCE. UNDER THIS ORDINANCE THERE IS POTENTIAL FOR SMALL LOCALIZED MULTIFAMILY HOUSING PROJECTS IN THIS NEIGHBORHOOD CONSISTING OF SINGLE FAMILY PLANNED UNIT DEVELOPMENTS, DUPLEXES, TRIPLEXES AND ACCESSORY APARTMENTS. CONDITIONS, COVENANTS AND RESTRICTIONS (C.C.&R'S) WHICH PROHIBIT THIS TYPE OF HOUSING IN SPECIFIC SUBDIVISIONS ARE CONSIDERED ILLEGAL AND IN VIOLATION OF LINDON CITY CODE. PLEASE CONTACT THE LINDON CITY PLANNING DEPARTMENT AT (801) 785-7687 FOR DETAILS REGARDING THIS ORDINANCE.

PROPERTY OWNER / DEVELOPER

HUGGARD DEVELOPMENT, LLC
ATTN: SHIRL TOMLINSON
705 N. 200 E.
LINDON UT 84042
TEL: (801) 785-4972

OCCUPANCY RESTRICTION NOTICE

IT IS UNLAWFUL TO OCCUPY ANY BUILDING LOCATED WITHIN THIS SUBDIVISION WITHOUT FIRST HAVING OBTAINED A CERTIFICATE OF OCCUPANCY ISSUED BY THE CITY.

CONDITIONS OF APPROVAL

H&H
ENGINEERING AND
SURVEYING, INC.
131 S 700 E, Suite 101, AMERICAN FORK, UT 84003
TEL: (801) 756-2488 FAX: (801) 756-3499

Item: 5 Hillside Exemption or Relief Approval — HSB Ten LLC 608 North 800 East

Date: February 23, 2021

Project Address: 608 North 800 East
Applicant: HSB Ten LLC
Property Owner: HSB Ten LLC
Current Zone: R1-12 (Residential)/
Hillside Protection District Overlay

Parcel ID: 46:566:0007

Type of Decision: Administrative
Council Action Required: No
Presenting Staff: Michael Florence



Summary of Key Issues

1. The Hillside Protection Zone requirements shall be applicable to residential development of all parcels and lots located in the city having an average slope in excess of twenty (20) percent, as defined in this chapter (17.57.030(2)).
2. Title 17.57.030(3) allows an applicant to file an application to request an exemption or relief from specific requirements of the Hillside Protection Zone.
3. The Planning Commission is the final land use authority on granting an exemption or relief of the Hillside Protection Zone code requirements.

Overview

1. The Meadows at Bald Mountain subdivision plat was recorded in 2001.
2. A geotechnical investigation was completed as part of the original Meadows at Bald Mountain Subdivision Plat A that allowed for the approval of the subdivision plat.
3. The Meadows at Bald Mountain Subdivision Plat A calls out primary building site parameters for developing on the lot. In 2016, the Planning Commission approved an exemption or relief for this property to reduce the side yard setbacks from 20 feet to 10 feet. A geotechnical report was submitted in 2016 for approval of setback modification.
4. The applicant has applied for exemption or relief regarding two items:
 - a. 17.57.050 – No development shall be allowed on or within fifty (50) feet slopes in excess of forty (40) percent, areas subject to land sliding, or other high-hazard geological areas as determined by a soils report or geology report produced pursuant to the requirements of this chapter.
 - b. 17.57.040(2) - No development shall be permitted on property having an average slope in excess of 30%, as defined in this chapter.
5. The Lindon City Engineering and Planning Department have reviewed the provided geotechnical report and find no exception as outlined in 17.57.030(4).

Motion

The Planning Commission finds that granting the requested exemption(s) or relief will not be injurious to the health, safety, and welfare of the general public or nearby residents, will not create an undue hazard to property and improvements, and will be consistent with the purposes of this Chapter identified in Section 17.57.010 above and moves to (*approve, deny, continue*) the applicant's request for approval of a Hillside Exemption or Relief on Lot 7 of the Meadows at Bald Mountain subdivision Plat A in relation to sections 17.57.050 and 17.57.040(2) and as found in the Lindon City zone code with the following conditions:

1. The site will be constructed as per the "specific measure recommended by the geotechnical engineer to mitigate the impacts of the proposal" as found in the attached geotechnical report;
2. The site will be graded as per the approved grading plans;
3. A soils report be submitted with the building plans for review by the Lindon City building official. All mitigation recommendations be implemented;
4. The grading and drainage plan be constructed as approved by the Lindon City Engineer;
5. Prior to a building permit being issued, the landscape plan be updated to meet the vegetation type and distance requirements as established by slope percentage on the Meadows at Bald Mountain plat;
6. The development will meet relevant building site requirements as found in 17.57; and
7. All items of the staff report.

Hillside Code Requirements

Applicability of Provisions

The applicant is requesting a variance to several sections of the Hillside Protection District Ordinance. Lindon City Code 17.57.030 allows for exemptions to these standards to be granted when the following information is provided:

17.57.030 – Applicability of Provisions

3. Request for exemption or relief. An applicant may submit a request to exempt a lot or parcel that would otherwise be subject to this Chapter under subsection 2 above or seek relief, in whole or in part, from specific provisions of this Chapter as follows.

- a. The applicant provides a statement containing the proposal and an explanation of the conditions unique to the lot or parcel which provide sufficient cause for the City to grant exception or relief.*
- b. If seeking relief from specific provisions of this Chapter, the applicant identifies the specific provisions from which he or she is seeking relief, and the degree to which he or she is seeking relief for each.*
- c. The applicant provides a site plan showing the following:*
 - i. Proposed improvements to the lot or parcel in sufficient detail to evaluate the proposal;*
 - ii. Pre-development contours with areas of 30% and 40% slope shown; and*
 - iii. Existing contours, if they differ from pre-development contours.*
- d. The applicant provides a report prepared by a geotechnical engineer licensed in the State of Utah containing the following:*
 - i. The same site plan that was submitted by the applicant;*
 - ii. A detailed analysis and discussion of the possible impacts of the applicant's proposal on slope stability, erosion, drainage, and other relevant engineering considerations (during construction, short term, and long term). If the applicant is seeking relief from specific provisions of this Chapter, the analysis and discussion shall address each point on which the applicant is seeking relief;*
 - iii. Specific measures recommended by the geotechnical engineer to mitigate the impacts of the proposal; and*
 - iv. The geotechnical engineer's opinion as to the effects of the applicant's proposal on the health, safety, and welfare of the general public and nearby residents, and on safety of property and improvements in the area.*

4. Granting exemption or relief. The Planning Commission may grant the requested exemption or relief if:

- a. The City Engineer reviews the geotechnical engineer's report and takes no exception to it; and
- b. The Planning Commission finds that granting the requested exemption(s) or relief will not be injurious to the health, safety, and welfare of the general public or nearby residents, will not create an undue hazard to property and improvements, and will be consistent with the purposes of this Chapter identified in Section 17.57.010 above.

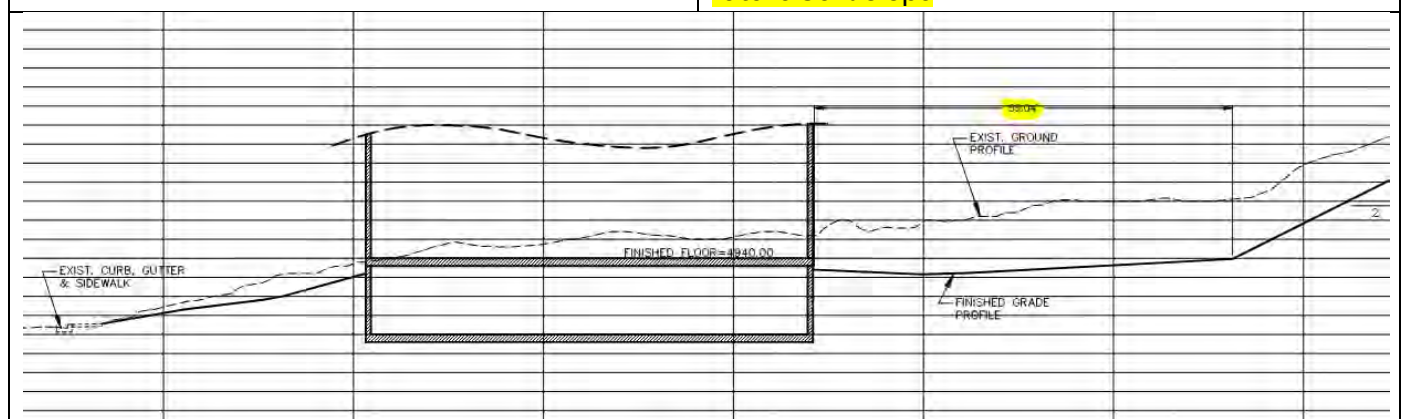
17.57.010 - Purpose of provisions.

1. The purpose of the Hillside protection zone is to promote health, safety and the general public welfare of the residents of the city, by establishing standards for development of certain hillsides located in the city to minimize soil and slope instability, erosion, downstream siltation, and to preserve the character of the hillsides.
2. The provisions herein are designed to accomplish the following:
 - a. Encourage the location, design and development of building sites to provide maximum safety and human enjoyment while adapting the development to the natural terrain;
 - b. Provide for safe circulation of vehicular and pedestrian traffic to public and private areas and minimize the scarring and erosion effects of cutting, filling and grading related to Hillside street construction;
 - c. Prohibit activities and uses which would result in degradation of fragile soils and steep slopes;
 - d. Encourage preservation of open space to preserve the natural terrain;
 - e. Minimize flooding by protecting streams, drainage channels, absorption areas and floodplains from substantial alteration of the natural functions.

Requests for Exemption and Relief

17.57.050 – No development shall be allowed on or within fifty (50) feet slopes in excess of forty (40) percent, areas subject to land sliding, or other high-hazard geological areas as determined by a soils report or geology report produced pursuant to the requirements of this chapter.

The applicant is proposing to regrade the building lot so that the home is setback 55 feet from a 30% slope. The geotechnical engineer in the report analysis found at the top of page 2 identifies that the grading and cuts show that the slope, as planned, will be stable. That landslide deposits were not observed or mentioned in referenced mapping and no other geologic hazards appear to be present. The engineer also identified at the top of page 3 that for the configuration analyzed, the slope with the proposed cuts meet minimum factors of safety. See below and Cross Section A-A of the geotechnical report for the 55.04 setback from future 30% slope



17.57.040(2) - No development shall be permitted on property having an average slope in excess of 30%, as defined in this chapter.

The applicant will be providing the current average slope of the property in its natural condition for the planning commission meeting on February 23rd.

As per the geotechnical report, “the proposed building location is predominately located in an area with slopes from 20%-30%. Behind the proposed building for approximately 50 feet the current slope varies from 20% to 40% and then exceeds the 40%. However as discussed previously the provided grading plan will modify the slope to approximately 30% and has been shown to be stable.” See page 3

Surrounding Zoning and Land Use

North: R1-12 - Residential

East: Recreational Mixed-Use East – Vacant

South: R1-12/Hillside Protection District Overlay – Residential

West: R1-12 - Residential

Staff Analysis

The Lindon City Engineer and Planning Department have reviewed the applicants request and the provided geotechnical report. Staff finds that the geotechnical report addressed, with recommendations, items that are requested for exemption and relief. That the geotechnical engineer has provided an opinion as to the effects of the applicant’s proposal on the health, safety, and welfare of the general public and nearby residents, and on the safety of the property and improvements in the area and seismic conditions appear to be stable. The regrading the site to have a slope of 30% or less will meet the requirements of the Hillside Protection zone.

Staff found that the landscape plan needs to be updated as per the requirements found on the Meadows at Bald Mountain Plat A.

At some point in the past, the lot had been terraced with boulders to act as a retaining wall along the slope of the property. As part of this development those boulders will be removed. As you can tell from Google Street View, the neighboring properties have cut into the hillside for their landscaping. According the applicant, the slope grading will help to better match the hillside slopes to the properties on either side of this lot.

Exhibits

1. Aerial photo
2. Applicant letter
3. Street view picture of the property
4. Geotechnical report
5. Meadows at Bald Mountain subdivision plat



October 5, 2020

Lindon City

RE: Hill side ordinance Variance Request - 608 North 800 East, Lindon

Dear City,

The purpose of this letter is to ask for a variance from the Hillside ordinance. After a comprehensive evaluation of the existing grades on both the proposed building lot and adjacent lots we have come to the conclusion that a variance is needed in order to be able to build a home.

We used drone flight technology to get an accurate topo graph of both the existing building lot located at 608 North 800 East in Lindon and the two neighboring lots. From that drone flight we learned that the existing conditions were not in line with what is required in the hillside ordinance. We also learned that by utilizing a variance we can not only successfully create a building envelope for our current lot but also improve the existing conditions for both neighboring lots which have already had extensive grading. We have prepared a grading plan for a new residence at this location which we will follow when the variance is given.

We are requesting a variance to be able to grade into a slope that is currently greater than 40%. As our proposed grading plan shows, we will be cutting down the hillside to a 2 to 1 slope. By doing this we will be lowering much of the grade which will not only provide a buildable envelope but also decrease pressures on the two neighboring lots. To help further mitigate pressures on the neighbors all areas disturbed with the 2 to 1 grading at the rear of the house will be reseeded with native vegetation. All other areas around the house when back filled will be landscaped.

We are also requesting a variance on the requirement that no development be permitted on a property having an average slope in excess of 30% (LCC 17.57.0402.) as well as a variance from the requirement that grading of the lot may not be permitted more than 30 feet horizontally from the proposed structure (LCC 17.57.060 2.) both of which would make the proposed structure unbuildable.

In conclusion, we again make a plea for variance from the hillside ordinance for the building lot at 608 North 800 East which is the last vacant lot in the area.

Thank you,

Brandon Jones
Lot Owner







1497 West 40 South
Lindon, Utah - 84042
Phone (801) 225-5711

840 West 1700 South #10
Salt Lake City, Utah - 84104
Phone (801) 787-9138

1596 W. 2650 S. #108
Ogden, Utah - 84401
Phone (801) 399-9516

February 17, 2021

Mr. Brandon Jones
83 North 380 West
Orem, UT 84057

**Re: Slope Stability – R3
Lot 7, Meadows at Bald Mountain
608 North 800 East
Lindon, Utah
Job No: 168165**

Gentlemen:

This letter summarizes our response to emails from Lindon City to Mr. Jones on October 23, 2020 regarding the subject lot and further analysis as requested by the City of Lindon. Our responses are below in the bullet points seeking relief from the specified city ordinances from the Lindon City Code Section 17.57 “HP-Hillside Protection District” which are italicized and bolded. It is our recommendation that relief be granted, based on the proposed plan provided by Northern Engineering as well as the geotechnical findings here in.

17.57.030(3)(d) The applicant provides a report prepared by a geotechnical engineer licensed in the State of Utah containing the following:

i. The same site plan that was submitted by the applicant;

- The current site plan provided by the client to Earthtec, dated 10-20-2020 can be found in the appendix to this letter (Sheet A3).

ii. A detailed analysis and discussion of the possible impacts of the applicant’s proposal on slope stability, erosion, drainage, and other relevant engineering considerations (during construction, short term, and long term). If the applicant is seeking relief from specific provisions of this Chapter, the analysis and discussion shall address each point on which the applicant is seeking relief;

- Slope stability is discussed in the next section 17.57.050.
- Erosion and drainage are discussed under Section *iii* below.

17.57.050 - No development shall be allowed on or within fifty (50) feet slopes in excess of forty (40) percent, areas subject to landsliding, or other high-hazard geological areas as determined by a soils report or geology report produced pursuant to the requirements of this chapter.

- o Based on the proposed site graded provided by Northern Engineering (Sheet No. XS-01 in the Appendix), the foundation of the house will be 55.04’ away from the base of the slope which will be modified to a slope of 1H:2V or approximately a 30 percent grade.



- o Our analysis of this cross-section with the proposed grading and cuts show that the slope, as planned, will be stable. The analysis is included below:
- o Based on geologic maps for the site, the surficial geology has been mapped by Constenius, 2011¹. The surficial geology at the location of the subject site and adjacent properties is mapped as “Younger alluvial-fan deposits” (Map Unit Qafy). These soil or deposits are generally described in the referenced mapping as “Mostly sand, silt, and gravel that is poorly stratified and poorly sorted; deposited at drainage mouths; Qafy fans are mostly Holocene and cover Lake Bonneville deposits or deflect stream channels; generally less than 40 feet (12 m) thick.”
- o Landslide deposits were not observed or mentioned in the referenced mapping.
- o No other geologic hazards appear to be present.

Slope Stability

The properties of the native soils at the site were estimated using laboratory testing on a sample recovered during our field investigation and Laboratory testing by the US Bureau of Reclamation², and our experience with similar soils. Direct shear test performed on the native soils in encountered at 3½ feet below the existing side grades. The results of the testing have an internal friction angle of 33 degrees and an apparent cohesion of 20 psf. The results of the Bureau have a silty sand with an internal friction angle of 33 to 35 degrees and an apparent cohesion of 280 to 560 psf. We use the following soil strength parameters:

Soil Strength Parameters

Soil Classification	Moist Unit Weight (pcf)	Saturated Unit Weight (pcf)	Friction Angle (φ)	Cohesion (psf)
SM	125	135	33	20

For the seismic (pseudo-static) analysis, a peak horizontal ground acceleration of 0.519g for the 2% probability of exceedance in 50 years was obtained for site (grid) locations of 40.349 degrees north latitude and -111.697 degrees west longitude. Typically, one-third to one-half this value is utilized in analysis. Accordingly, a value of 0.259g was used as the pseudo-static coefficient for the stability analysis.

We evaluated the global stability of the proposed site using the computer program XSTABL. This program uses a limit equilibrium (Bishop’s modified) method for calculating factors of safety against sliding on an assumed failure surface and evaluates numerous potential failure surfaces, with the most critical failure surface identified as the one yielding the lowest factor of safety of those evaluated. The configuration analyzed was based aerial photographs, our observations during the field investigation, past and present topographic maps.

The configuration of the existing slope that was analyzed at Cross-Section A-A’ (found on Sheet GR-01 in the Appendix). It started near the roadway close to the center of the west side of the property and extends through the lot’s proposed buildable area to the northeast corner of the lot. A water table was conservatively placed at approximately 15 feet at feet below the ground

¹ Constenius, K.N., Clark, D.L., King, J.K., Ehler, J.B., 2011, Interim Geologic Map of the Provo Quadrangle, Utah, Wasatch and Salt Lake Counties, Utah; U.S. Geological Survey, Open-File 586DM, Scale 1: 62,500.

² US Bureau of Reclamation, 1987, “Design Standards No. 13, Embankment Dams, Denver Colorado.”



surfaced although groundwater was not encountered during the site investigation. Typically, the required minimum factors of safety are 1.5 for static conditions and 1.125 for seismic (pseudostatic) conditions. For the configuration analyzed, the slope with the proposed cuts meet the minimum factors of safety. The slope stability data are attached at the end of this letter (Figures 1 and 2 in the Appendix).

17.57.040 (2) - No development shall be permitted on property having an average slope in excess of 30%, as defined in this chapter.

- o Northern Engineering has provided a Slope Analysis Plan with the current slopes and grades (Sheet No. SP-01 in the Appendix). The proposed building location is predominately located in an area with slopes from 20 to 30%. Behind the proposed building for approximately 50 feet the current slope varies from 20 to 40% and then exceeds the 40%. However as discussed previously the provided grading plan will modify the slope to approximately 30% and has been shown to be stable.

iii. Specific measures recommended by the geotechnical engineer to mitigate the impacts of the proposal;

- All vegetation disturbance above elevation of 4,952 feet should be repaired as soon as possible to limit surface erosion of the slope. Erosion control methods or vegetation should be in-place around the residence shortly after exterior construction is completed. The slope should be vegetated with drought resistant plants. With proper vegetation on the modified slope installed as soon as possible, the long-term effects of erosion should be minimal.
- Surface water ponding and storage should be constructed away from the top and bottom of the slope, and sprinklers should not be placed on the face of the hill with a slope of 30 percent grades or more. Drip irrigation is recommended on any slopes.
- An erosion control plan has been provided by Northern Engineering (Sheet No. EC-01 in the Appendix)
- Slope modifications should take place during the dry times of the year, should re-seeded/planted as soon as possible, and nothing other than drip irrigation should be installed.
- It should be clearly understood that slope movements or even failure can occur if the slope is undermined or the slope soils become saturated. The property owner and the owner's representatives should be made aware of the risks should these or other conditions occur that could saturate or erode/undermine the soils.
- For safety and slope stability during construction and short term all excavations exceeding 4 feet below the existing site grades should follow recommendations provided by OSHA for sloped or braced excavations.

iv. The geotechnical engineer's opinion as to the effects of the applicant's proposal on the health, safety, and welfare of the general public and nearby residents, and on safety of property and improvements in the area.

- Based on the proposed construction and modifications that have been discussed, the effects of this proposal appears to be minimal to the health, safety, and welfare of the



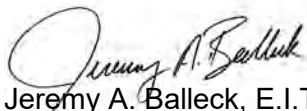
general public and nearby residents, and on the safety of property and improvements in the area.

- The proposed slope modification as analyzed in static and seismic conditions appears to be stable.
- The provided landscaping plan (by Live Design in the Appendix) does follow the recommended guidelines. The proposed drip irrigation is acceptable as shown on the landscaping plan.

The information presented in this letter applies only to the stated question on the subject site. It should be noted that Earthtec Engineering was not involved with the selection of the foundation system being used, surface drainage control, floor slab design and construction, backfill compaction requirements against foundation walls, mass grading of the site, or any other aspect of the building construction. The responses presented in this letter were conducted within the limits prescribed by our client, with the usual thoroughness and competence of the engineering profession in this area at this time. No warranty or representation is intended in our proposals, contracts, reports, or letters.

We appreciate the opportunity of providing our services on this project. If we can answer questions or be of further service, please call.

Respectfully;
EARTHTEC ENGINEERING



Jeremy A. Balleck, E.I.T.
Staff Engineer



Timothy A. Mitchell, P.E.
Senior Geotechnical Engineer

Appendix:

Slope Stability Results

Site Plan, provided by Millhaven Design

Grading Plan – Aerial, provided by Northern Northern Engineering with Slope Cross-Section

Grading Plan, provided by Northern Northern Engineering with Slope Cross-Section

Slope Analysis Plan, provided by Northern Northern Engineering with Slope Cross-Section

Erosion Control Plan, provided by Northern Northern Engineering

Cross Section A-A, provided by Northern Northern Engineering

Landscape Plan, provided by Live Design



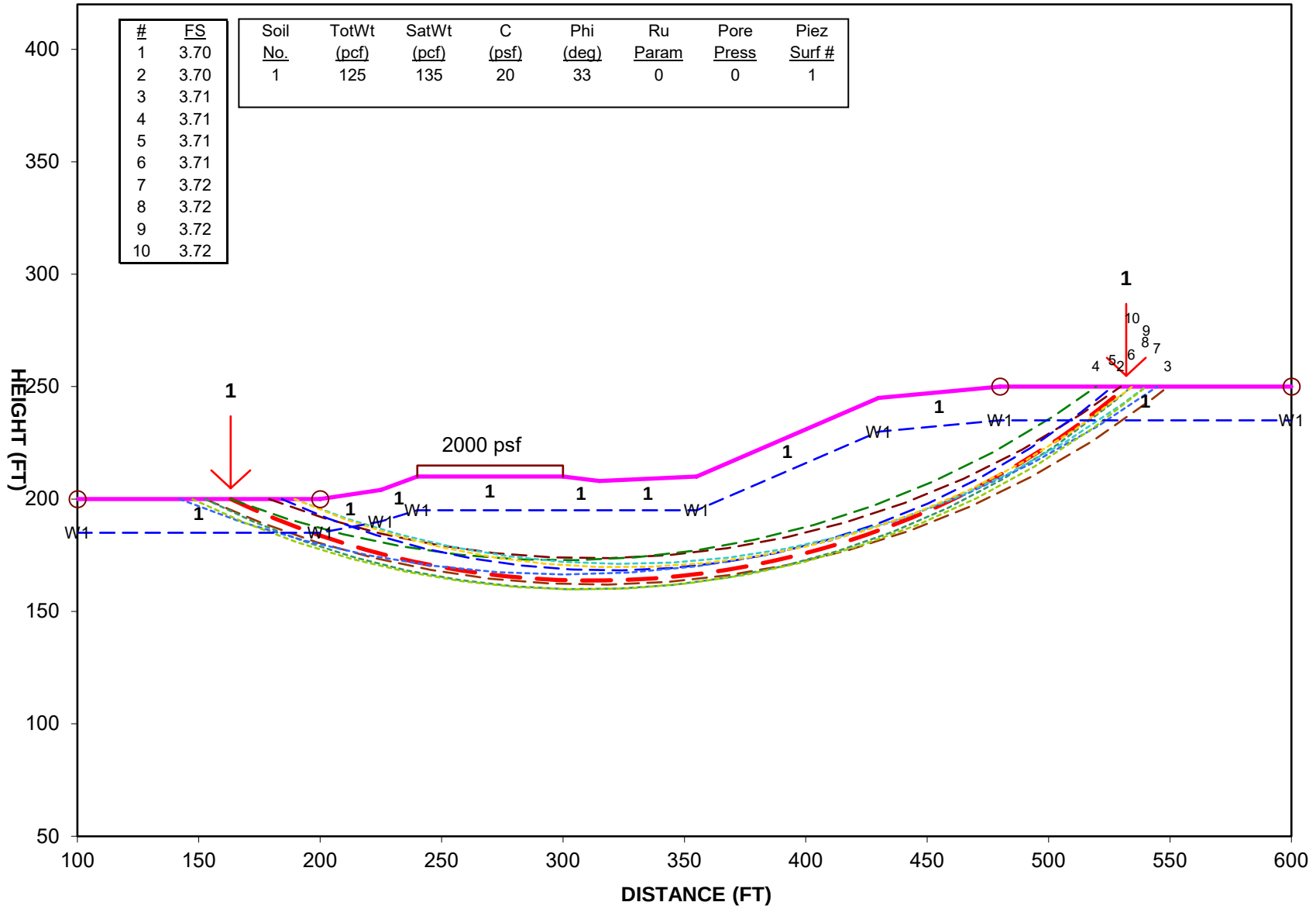
PROJECT NO.: 168165



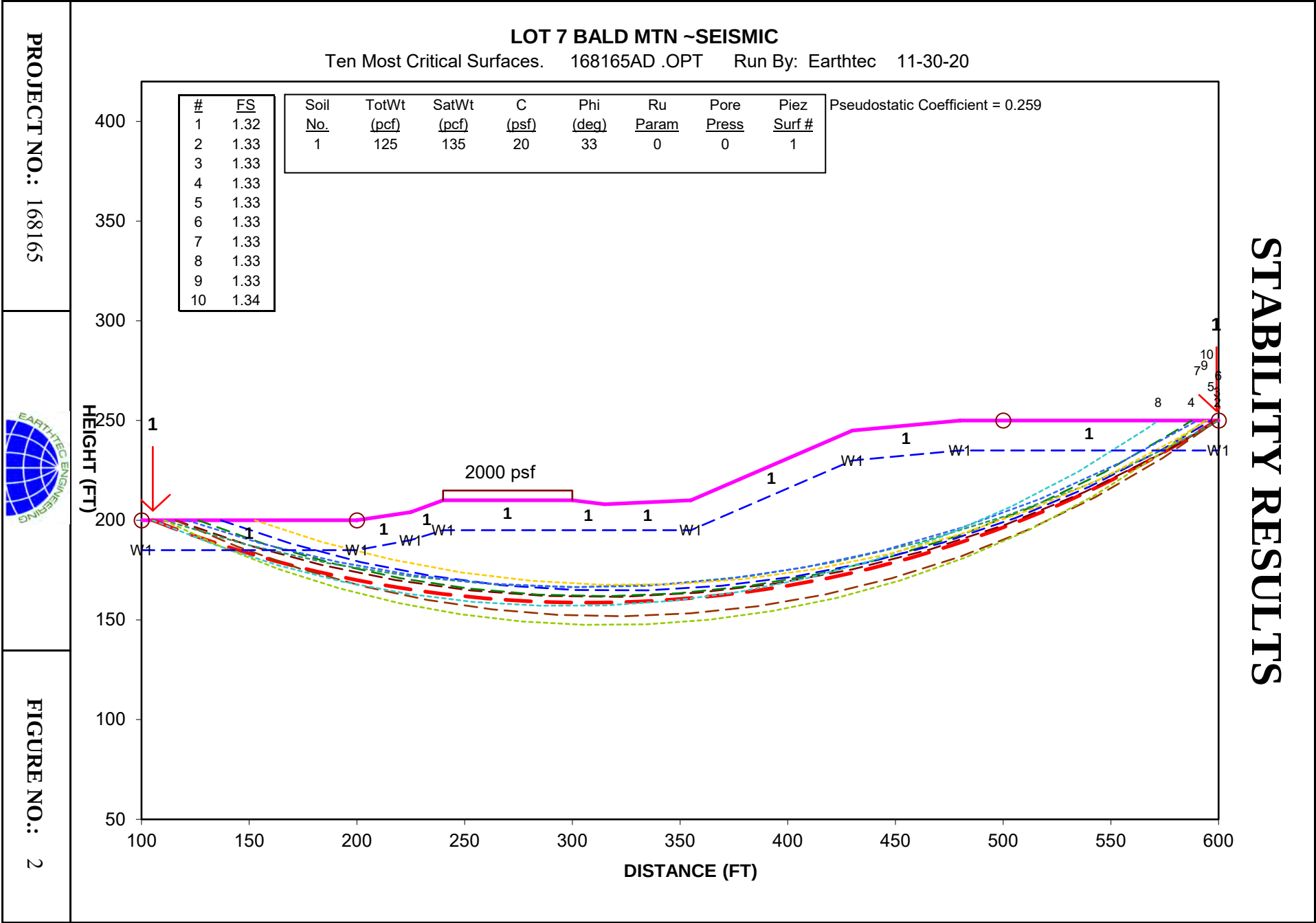
FIGURE NO.: 1

LOT 7 BALD MTN ~STATIC

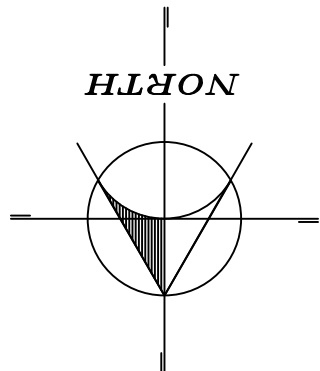
Ten Most Critical Surfaces. 168165AS .OPT Run By: Earthtec 11-30-20



STABILITY RESULTS



- 1 Finished grade and elevation to slope away from house at 2% minimum grade
- 2 Minimum driveway slope to be 2% away from garage (12% maximum)

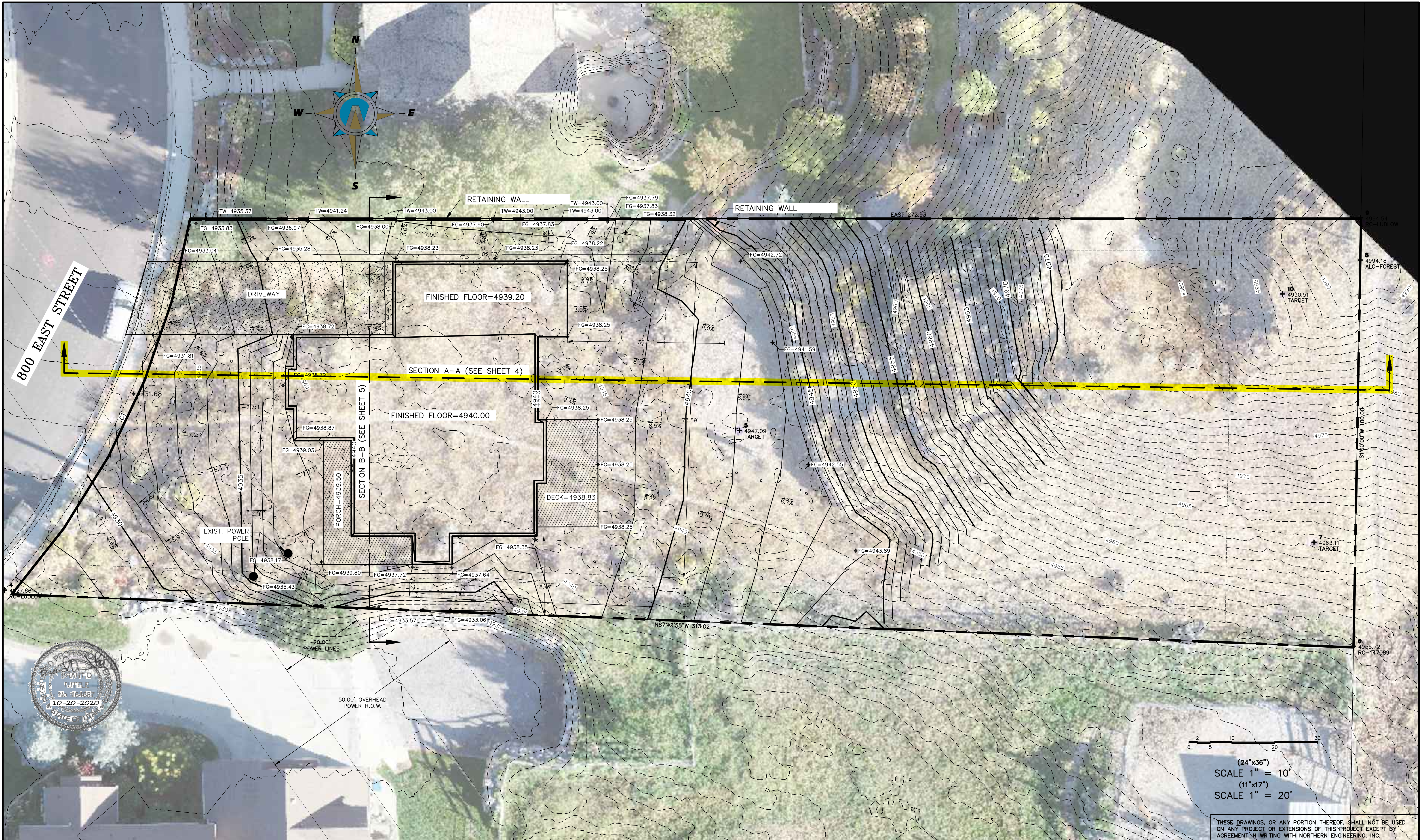


Jones Residence

SITE PLAN

Job # 19MD-019
May 21, 2020
1" = 20'-0" on 12"x18"
1" = 10'-0" on 24"x36"

City	London
State	Utah
Plat	'A'
Lot #	7
Subdivision	Meadows @ Bald Mountain
Address	608 North 800 East



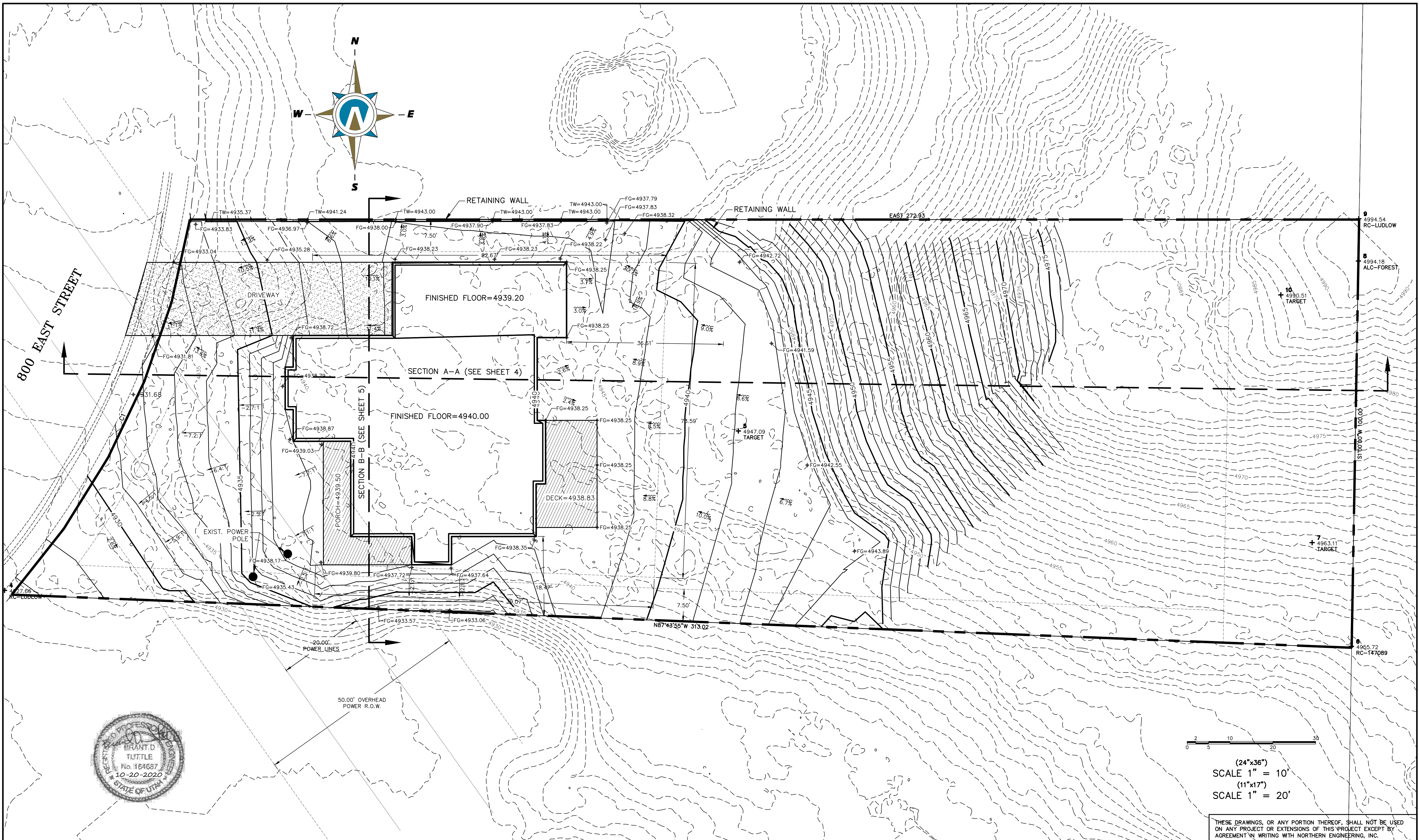
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4			DRAWN BY:	DATE:
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2			APPROVED:	DATE:
1			COGO FILE:	DATE:
NO.	REVISIONS	BY	DATE	REV. COGO FILE:

**Northern
ENGINEERING INC**
ENGINEERING-LAND PLANNING
CONSTRUCTION MANAGEMENT

1040 E. 800 N.
OREM, UTAH 84097
(801) 802-8992

MEADOWS @ BALD MOUNTAIN

GRADING PLAN-AERIAL	JOB NO. 11-068
LINDON, UTAH	SHEET NO. GR-02



2 5 10 20 30
SCALE 1" = 10'
(11"x17")
SCALE 1" = 20'

THESE DRAWINGS, OR ANY PORTION THEREOF, SHALL NOT BE USED ON ANY PROJECT OR EXTENSIONS OF THIS PROJECT EXCEPT BY AGREEMENT IN WRITING WITH NORTHERN ENGINEERING, INC.

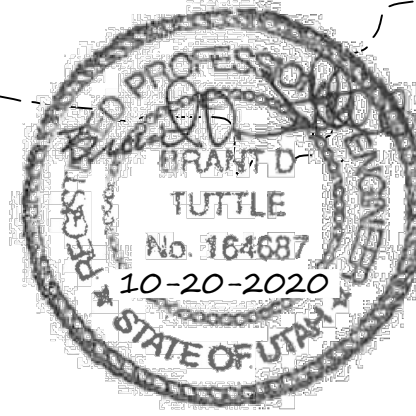
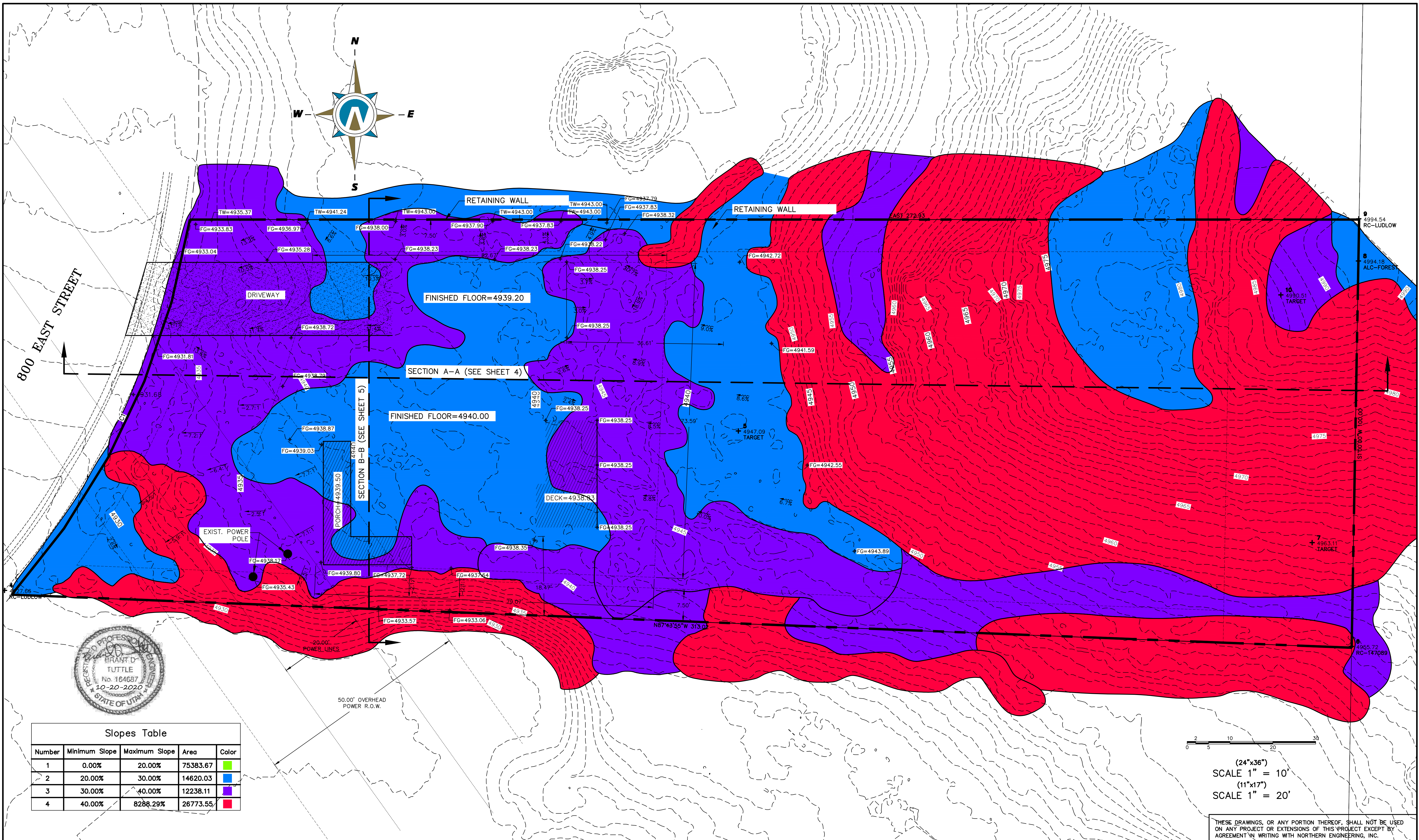
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1	COGO FILE:	DATE:
NO.	REVISIONS	BY DATE REV. COGO FILE:

**Northern
ENGINEERING INC**
ENGINEERING—LAND PLANNING
CONSTRUCTION MANAGEMENT

1040 E. 800 N.
OREM, UTAH 84097
(801) 802-8992

MEADOWS @ BALD MOUNTAIN

GRADING PLAN	JOB NO. 11-068
LINDON, UTAH	SHEET NO. GR-01



Slopes Table				
Number	Minimum Slope	Maximum Slope	Area	Color
1	0.00%	20.00%	75383.67	Green
2	20.00%	30.00%	14620.03	Blue
3	30.00%	40.00%	12238.11	Purple
4	40.00%	8288.29%	26773.55	Red

24"x36"
SCALE 1" = 10'
(11"x17")
SCALE 1" = 20'

THESE DRAWINGS, OR ANY PORTION THEREOF, SHALL NOT BE USED ON ANY PROJECT OR EXTENSIONS OF THIS PROJECT EXCEPT BY AGREEMENT IN WRITING WITH NORTHERN ENGINEERING, INC.

5			DESIGNED BY:	DATE:
4			DRAWN BY:	DATE:
3			CHECKED BY:	DATE:
2			APPROVED:	DATE:
1			COGO FILE:	DATE:
NO.	REVISIONS	BY	DATE	REV. COGO FILE:

**Northern
ENGINEERING INC**
ENGINEERING—LAND PLANNING
CONSTRUCTION MANAGEMENT

1040 E. 800 N.
OREM, UTAH 84097
(801) 802-8992

MEADOWS @ BALD MOUNTAIN		SLOPE ANALYSIS PLAN	JOB NO. 11-068
LINDON, UTAH			SHEET NO. SP-01

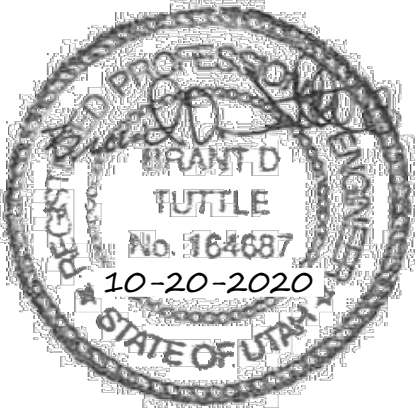
K:\3-11-068-00 Bald Mt\CAD\Design\DRONE BASE-10-20-20.dwg 10/20/2020 8:55 AM



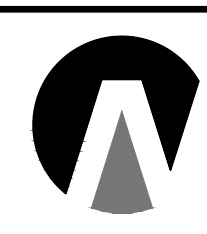
LEGEND:

- PROPOSED SILT FENCE (SEE SHEET EC-1)
- PROPOSED VEHICLE TRACKING CONTROL (STABILIZED CONSTRUCTION EXIT) (SEE SHEET EC-1)
- PROPOSED CURB INLET PROTECTION (SEE SHEET EC-1)
- HEAVY EQUIPMENT VEHICLE WASH OFF AREA
- SOIL & CONSTRUCTION MATERIALS STORAGE/STOCKPILE
- PORTABLE TOILET
- CONCRETE WASH OUT AREA - DO NOT WASH OUT CONCRETE TRUCKS INTO STORM DRAIN, OPEN DITCHES, OR STREET. WHEN WASHING CONCRETE TO REMOVE FINE PARTICLES AND EXPOSE THE AGGREGATE, AVOID CREATING RUNOFF BY DRAINING THE WATER WITH IN THE BERM OR LEVEL AREA. DISPOSE OF HARDENED CONCRETE ON A REGULAR BASIS OR AS NEEDED.

WASTE DISPOSAL



5			DESIGNED BY:	DATE:
4			DRAWN BY:	DATE:
3			CHECKED BY:	DATE:
2			APPROVED:	DATE:
1			COGO FILE:	DATE:
NO.	REVISIONS	BY	DATE	REV. COGO FILE:



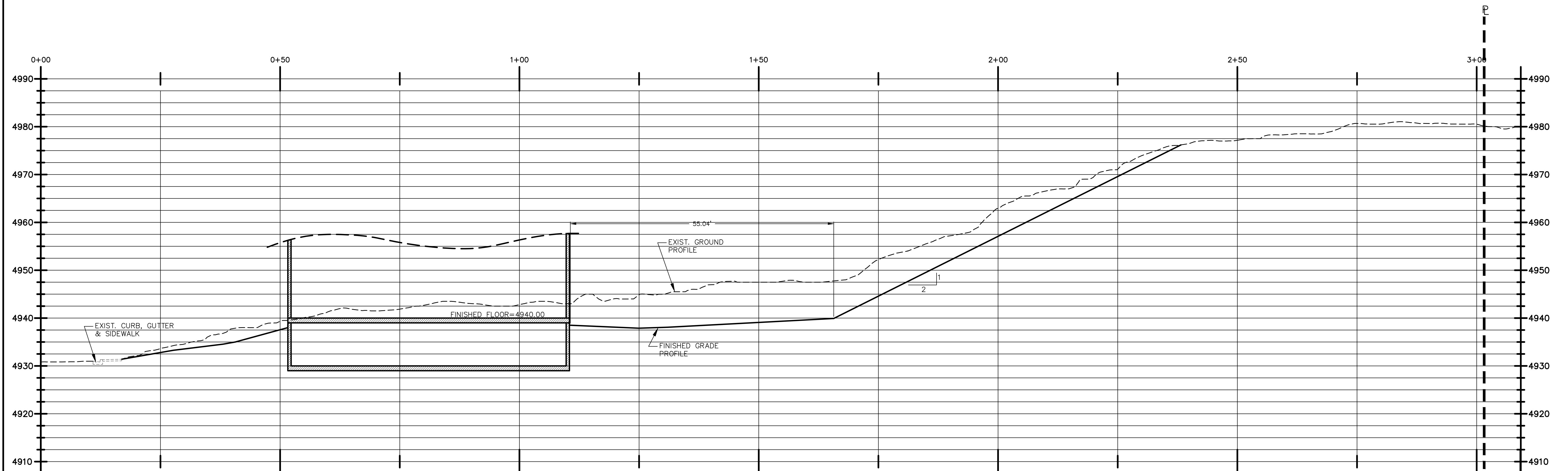
Northern
ENGINEERING INC
ENGINEERING-LAND PLANNING
CONSTRUCTION MANAGEMENT

1040 E. 800 N.
OREM, UTAH 84097
(801) 802-8992

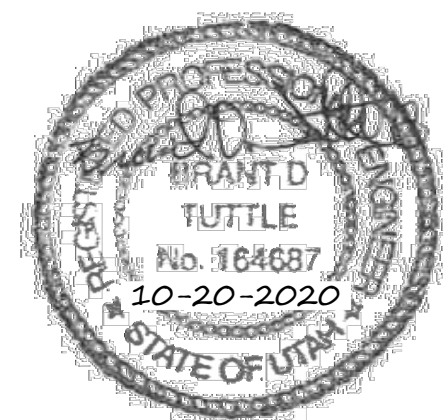
MEADOWS @ BALD MOUNTAIN

EROSION CONTROL PLAN	JOB NO. 11-068
LINDON, UTAH	SHEET NO. EC-01

THESE DRAWINGS, OR ANY PORTION THEREOF, SHALL NOT BE USED ON ANY PROJECT OR EXTENSIONS OF THIS PROJECT EXCEPT BY AGREEMENT IN WRITING WITH NORTHERN ENGINEERING, INC.



CROSS SECTION A-A



0 5 10 20 30
(24"x36")
SCALE 1" = 10'
(11"x17")
SCALE 1" = 20'

THESE DRAWINGS, OR ANY PORTION THEREOF, SHALL NOT BE USED ON ANY PROJECT OR EXTENSIONS OF THIS PROJECT EXCEPT BY AGREEMENT IN WRITING WITH NORTHERN ENGINEERING, INC.

5			DESIGNED BY:	DATE:
4			DRAWN BY:	DATE:
3			CHECKED BY:	DATE:
2			APPROVED:	DATE:
1			COGO FILE:	DATE:
NO.	REVISIONS	BY	DATE	REV. COGO FILE:



**Northern
ENGINEERING INC**
ENGINEERING—LAND PLANNING
CONSTRUCTION MANAGEMENT

1040 E. 800 N.
OREM, UTAH 84097
(801) 802-8992

MEADOWS @ BALD MOUNTAIN		CROSS SECTION A-A	JOB NO. 11-068
LINDON, UTAH			SHEET NO. XS-01

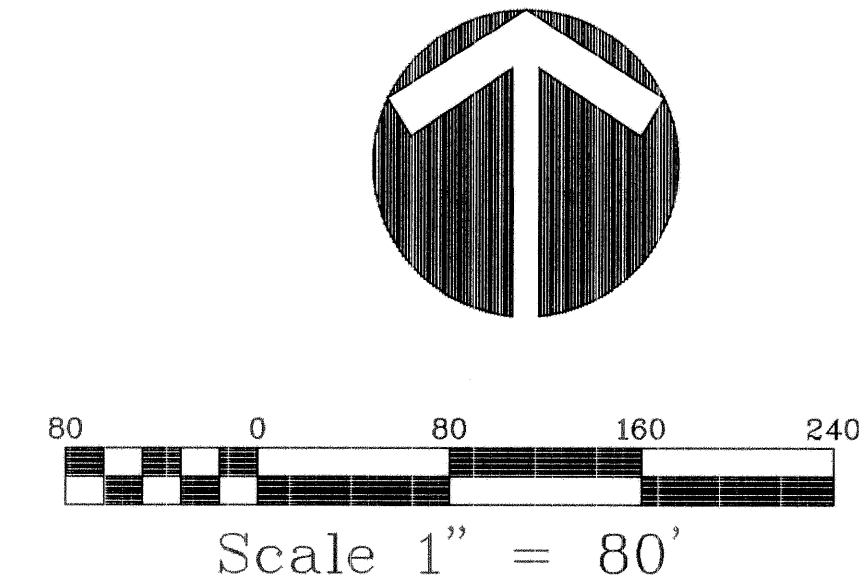
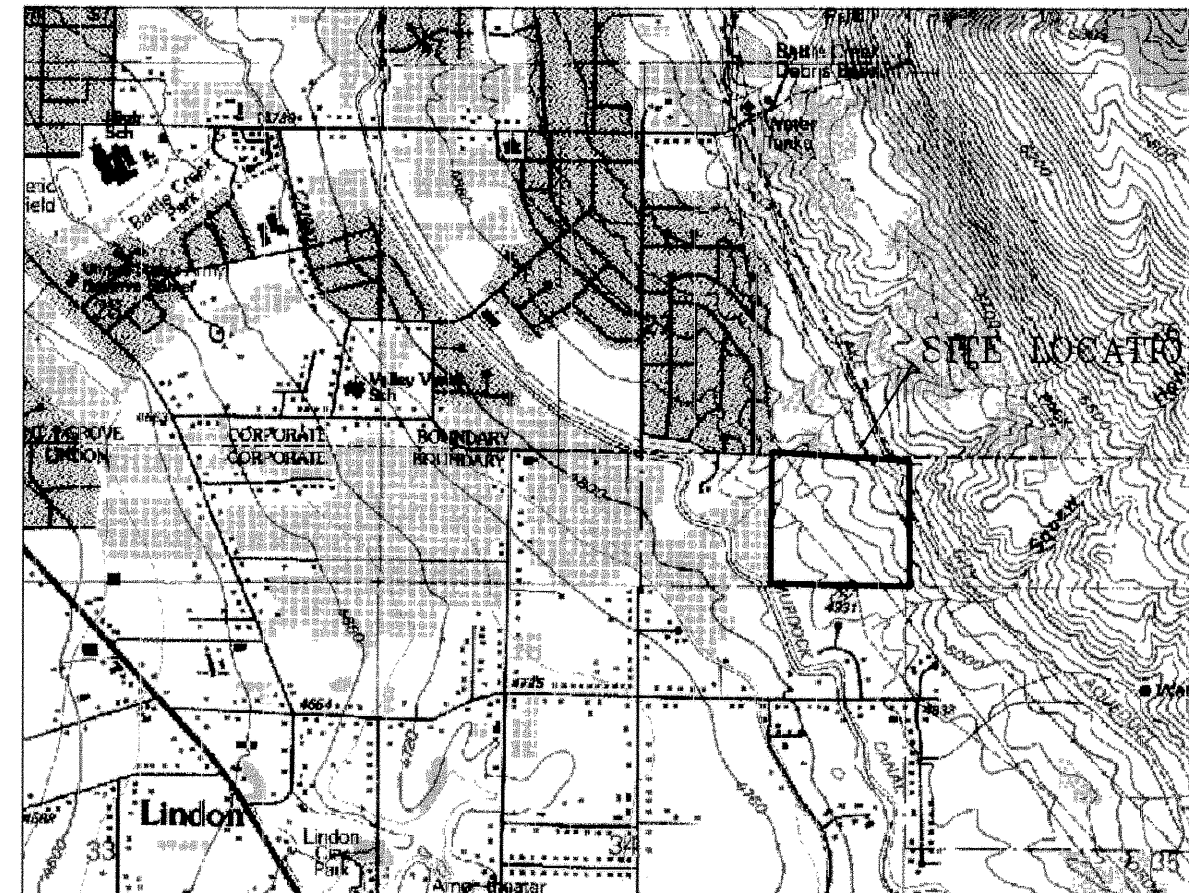
MEADOWS @ BALD MOUNTAIN SUBDIVISION

PLAT "A"

WATER SHARES TURNED IN

NOTE: Property Line is + 2'
Back of Sidewalk.

VICINITY PLAT



Scale 1" = 80'

NOTE: NO PERMANENT STRUCTURES CAN BE
CONSTRUCTED WITHIN THE EXISTING AQUADUCT
EASEMENT THAT CROSSES LOTS 2, 8, 9, 19, 20, 27, &
28.

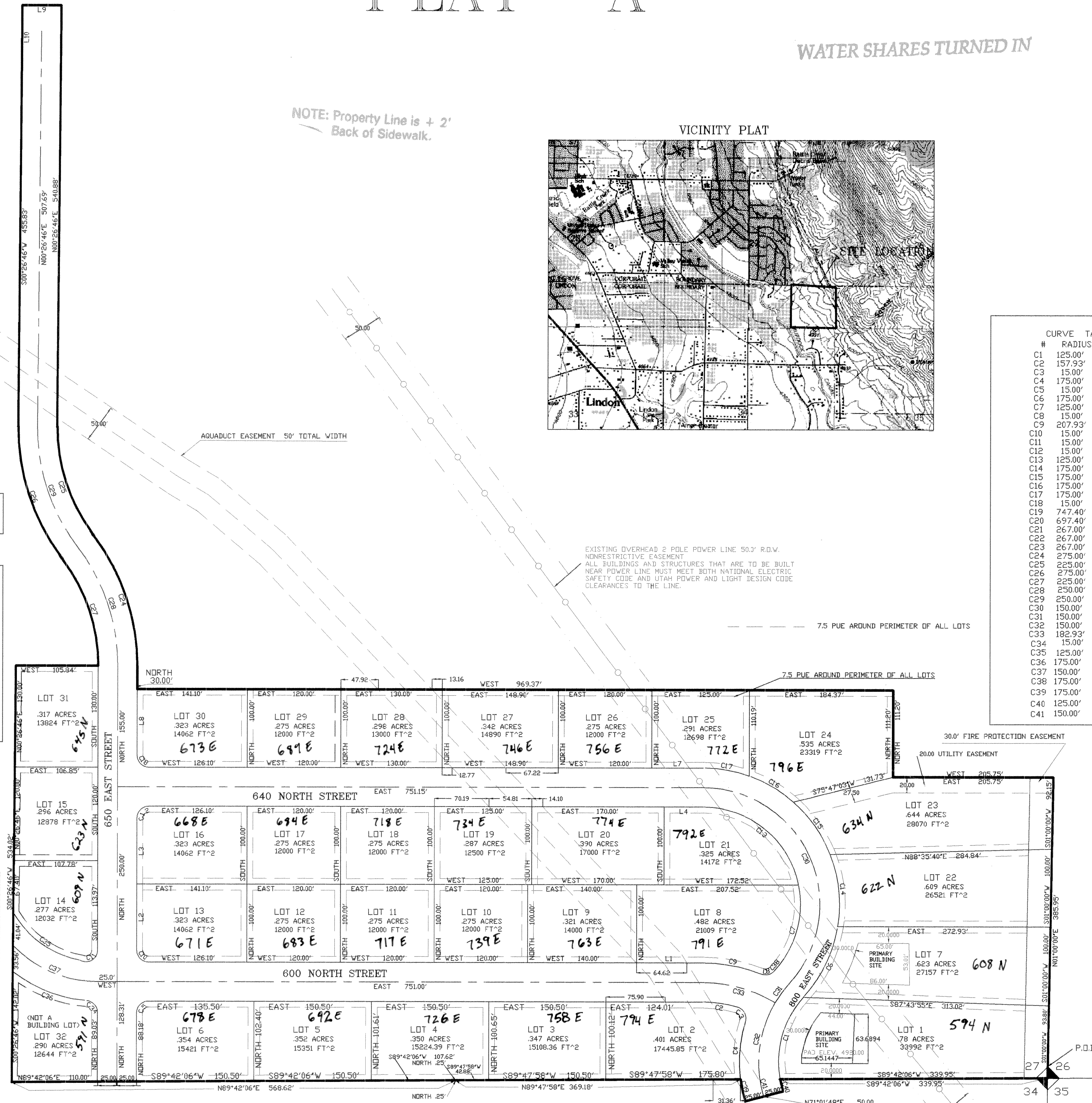
NOTE: FIRE PROTECTION EASEMENT INCLUDES THESE
SPECIFICATIONS: EASEMENT WILL BE CLEARED OF
VEGETATION OR VEGETATION WILL BE KEPT GREEN AND
SPRINKLED.
GREEN SPACE BETWEEN HOMES AND OAK AND SAGE
BRUSH. THIS AREA CAN HAVE VEGETATION BUT WILL
BE REQUIRED TO HAVE LOW "FLAMMABILITY" DEPENDING
ON THE SLOPE OF THE GROUND.
VEGETATION TYPE SLOPE 0-20% 21%-40% +40%
GRASS 30FT 100FT 100FT
SHRUBS 100FT 200FT 200FT
TREES 30FT 100FT 200FT

NOTE: LOTS 1 & 7 ARE SUBJECT TO THE LINDON
CITY HILLSIDE PROTECTION DISTRICT (SECTION
17.57 OF THE LINDON CITY CODE)

NOTE: COVENANTS, CONDITIONS AND
RESTRICTIONS ARE ASSOCIATED WITH THIS
SUBDIVISION. PLEASE SEE ARTICLES FOR
REFERENCE.

OCCUPANCY RESTRICTION NOTICE
IT IS UNLAWFUL TO OCCUPY ANY BUILDING LOCATED
WITHIN THIS SUBDIVISION WITHOUT FIRST HAVING
OBTAINED A CERTIFICATE OF OCCUPANCY ISSUED BY
THE CITY.

**A GEOTECHNICAL INVESTIGATION HAS BEEN
COMPLETED FOR THE SUBDIVISION, PREPARED BY
AGRA EARTH AND ENVIRONMENTAL, INC. DATED
APRIL 5, 2000, AND IS ON FILE IN THE LINDON CITY
OFFICES. THE GEOTECHNICAL
INVESTIGATION REPORT IDENTIFIED THE
PRESENCE OF COLLAPSIBLE SOILS. IT IS THE
RESPONSIBILITY OF EACH LAND OWNER TO
PROVIDE TO LINDON CITY WRITTEN
DOCUMENTATION PREPARED BY A GEOTECHNICAL
ENGINEER LICENSED IN THE STATE OF UTAH
INDICATING THE FOLLOWING:
1. PRIOR TO CONSTRUCTION OF FOUNDATIONS
THE ENGINEER OBSERVED THE EXCAVATION OF A
TEST HOLE EXTENDING A MINIMUM DEPTH OF 8
FEET BELOW THE DEEPEST FOUNDATION LEVEL.
2. WHETHER OR NOT COLLAPSIBLE SOILS ARE
PRESENT.
3. IF COLLAPSIBLE SOILS WERE ENCOUNTERED,
THE ENGINEER IS TO STATE WHAT MITIGATION
MEASURES WERE TAKEN.**



CURVE TABLE					
#	RADIUS	DELTA	LENGTH	CH. BEARING	DISTANCE TANGENT
C1	125.00'	53°09'16"	115.82'	N14°56'26"E	111.72'
C2	157.93'	17°11'20"	47.38'	S81°24'11"E	47.20'
C3	15.00'	88°48'04"	23.25'	S28°24'38"E	20.99'
C4	175.00'	24°27'46"	74.72'	S3°45'31"W	74.15'
C5	15.00'	90°00'00"	23.56'	N45°00'00"E	21.21'
C6	175.00'	32°10'11"	98.26'	N25°23'59"E	96.97'
C7	125.00'	53°01'17"	115.68'	S14°58'25"W	111.59'
C8	15.00'	70°36'16"	18.48'	S75°53'52"W	17.34'
C9	207.93'	21°12'00"	76.94'	N79°23'55"W	76.50'
C10	15.00'	90°00'00"	23.56'	N45°00'00"W	21.21'
C11	15.00'	97°50'15"	25.61'	S48°55'07"W	22.61'
C12	15.00'	90°00'00"	23.56'	N45°00'00"E	21.21'
C13	125.00'	78°27'47"	171.18'	S50°46'07"E	158.11'
C14	175.00'	31°00'12"	94.69'	N05°11'13"W	93.54'
C15	175.00'	27°00'00"	82.47'	N35°11'19"W	81.71'
C16	175.00'	21°39'33"	66.15'	N59°31'05"W	65.76'
C17	175.00'	19°39'08"	60.02'	N80°10'26"W	59.73'
C18	15.00'	90°00'00"	23.56'	N45°00'00"W	21.21'
C19	747.40'	00°27'10"	5.91'	N00°13'36"W	5.91'
C20	697.40'	02°57'03"	35.92'	S01°28'32"E	35.91'
C21	267.00'	30°07'29"	140.38'	S50°45'23"E	138.77'
C22	267.00'	22°10'13"	103.31'	S75°54'14"E	102.67'
C23	267.00'	02°00'40"	9.37'	S88°59'40"E	9.37'
C24	275.00'	37°31'32"	180.11'	N18°45'46"W	176.91'
C25	225.00'	37°58'18"	149.11'	N18°32'22"W	146.40'
C26	275.00'	37°58'18"	182.25'	S18°32'22"E	178.93'
C27	225.00'	37°31'32"	147.36'	S18°45'46"W	144.74'
C28	250.00'	37°31'32"	163.74'	N18°45'46"W	160.83'
C29	250.00'	37°58'18"	155.68'	N18°32'22"W	152.67'
C30	150.00'	131°29'04"	344.23'	S24°15'29"E	273.52'
C31	150.00'	12°25'25"	32.53'	N35°16'21"E	32.46'
C32	150.00'	38°55'29"	101.90'	N9°35'54"E	99.96'
C33	182.93'	30°50'17"	98.46'	S74°34'47"E	97.27'
C34	15.00'	89°29'19"	22.38'	N42°44'10"W	20.36'
C35	125.00'	52°12'51"	113.91'	N56°03'20"W	110.01'
C36	175.00'	33°57'04"	103.70'	N68°29'47"W	102.19'
C37	150.00'	46°24'06"	121.40'	N66°47'57"W	118.19'
C38	175.00'	0°53'20"	2.72'	S41°02'24"W	2.72'
C39	175.00'	10°29'50"	32.06'	S13°43'17"E	32.02'
C40	125.00'	7°22'01"	16.07'	N15°17'12"W	16.06'
C41	150.00'	9°06'22"	23.84'	S14°25'01"E	23.82'

LINE TABLE		
#	BEARING	DISTANCE
L1	N90°00'00"W	34.90'
L2	N00°00'00"E	85.00'
L3	N00°00'00"E	85.00'
L4	N90°00'00"E	60.00'
L5	S00°00'00"W	50.00'
L6	S00°00'00"W	51.20'
L7	N90°00'00"W	66.15'
L8	N00°00'00"E	85.00'
L9	N90°00'00"W	50.00'
L10	S00°26'46"W	84.66'
L11	N72°12'46"W	26.19'

NOTE: Lindon City will not issue
Temporary or final Certificates of
Occupancy for homes in Plat "A" until
adequate fire flow rates are provided
through fire hydrant system within
Plat "A"

SURVEYOR'S CERTIFICATE

I, STEPHEN L. LUDLOW, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 152774 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY BY THE AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT, AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, BLOCKS, STREETS, AND EASEMENTS AND THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT AND THAT THIS PLAT IS TRUE AND CORRECT.

BOUNDARY DESCRIPTION

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST,

SALT LAKE BASE & MERIDIAN; THENCE AS FOLLOWS:

N01°00'00"E 385.95' ALONG THE EAST LINE OF SAID SECTION 27 TO A CURVE TO THE LEFT

WEST 111.20'

NORTH 969.39'

WEST 30.00' TO A CURVE TO THE LEFT

N18°45'46"W 176.91' CHORD BEARING AND DISTANCE WITH A RADIUS OF 275.00'

N18°32'22"W 146.40' CHORD BEARING AND DISTANCE WITH A RADIUS OF 225.00'

N02°46'E 540.88'

WEST 50.00' TO THE WEST LINE OF THE EAST HALF OF THE SW 1/4 OF SAID SECTION 27

S02°46'W 84.66' ALONG SAID WEST LINE TO THE 1716 CORNER

S02°46'W 455.83' CONTINUING ALONG SAID WEST LINE TO A CURVE TO THE LEFT

S18°32'22"E 178.93' CHORD BEARING AND DISTANCE WITH A RADIUS OF 275.00'

S18°45'46"E 144.74' CHORD BEARING AND DISTANCE WITH A RADIUS OF 225.00'

WEST 105.84' TO THE WEST LINE OF SAID EAST HALF

S02°46'W 534.02' ALONG SAID WEST LINE TO THE SOUTHWEST CORNER OF SAID EAST HALF

N89°42'06"E 568.62' ALONG SAID SOUTH LINE OF SECTION

NORTH 25' TO THE NORTHWEST CORNER OF WALKER HEIGHTS PLAT "B" SUBDIVISION

N89°47'58"E 369.18' ALONG THE NORTH LINE OF SAID SUBDIVISION TO A CURVE TO THE LEFT

S13°43'17"E 32.02' CHORD BEARING AND DISTANCE WITH A RADIUS OF 175.00'

N71°01'48"E 50.00' TO A CURVE TO THE RIGHT

N15°17'12"W 16.06' CHORD BEARING AND DISTANCE WITH A RADIUS OF 125.00'

N89°42'06"E 339.95' TO THE SOUTHEAST CORNER OF SAID SECTION 27

AND THE POINT OF BEGINNING

CONTAINING AN AREA OF 15.897

BASIS OF BEARING = UTAH COUNTY STATE PLANE SYSTEM, THE EAST SECTION LINE N01°00'00"E

10-25-00

DATE

OWNERS' DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT I, REX DALEY, MANAGING MEMBER OF BALD MOUNTAIN DEVELOPMENT LLC, STEPHEN GREGORY, OF MILLER INVESTMENT COMPANY, AND KENNETH MILLET, ALL OF THE UNDERSIGNED OWNERS OF ALL THE PROPERTY DESCRIBED IN THE SURVEYORS CERTIFICATE HEREON AND SHOWN ON THIS MAP, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, BLOCKS, STREETS, AND EASEMENTS AND DO HEREBY INDICATE THE STREETS AND OTHER PUBLIC AREAS AS INDICATED HEREON FOR PERPETUAL USE OF THE PUBLIC.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS

DAY OF DECEMBER, A.D. 2000

Rex Daley MANAGING MEMBER, BALD MOUNTAIN LLC

Stephen Gregory MILLER INVESTMENT COMPANY

Kenneth Millett KENNETH MILLET

STATE OF UTAH } S.S.

COUNTY OF UTAH }

MY COMMISSION EXPIRES 1-20-2004

ACKNOWLEDGMENT

NOTARY PUBLIC

STATE OF UTAH } S.S.

COUNTY OF UTAH }

MY COMMISSION EXPIRES 1-20-2004

ACKNOWLEDGMENT

NOTARY PUBLIC

STATE OF UTAH } S.S.

COUNTY OF UTAH }

MY COMMISSION EXPIRES 1-20-04

ACKNOWLEDGMENT

NOTARY PUBLIC

PLANNING COMMISSION APPROVAL

APPROVED THIS 28th DAY OF June, A.D. 2000, BY THE

Director Secretary Chairman, Planning Commission

PLAT "A"

MEADOWS @ BALD MOUNTAIN

SUBDIVISION

LINDON CITY, UTAH COUNTY, STATE OF UTAH

SCALE 1" = 80 FEET

NOTARY PUBLIC SEAL

CITY-COUNTY ENGINEER SEAL

LINDON CITY SEAL

PROFESSIONAL LAND SURVEYOR SEAL

STEPHEN L. LUDLOW No. 152774 STATE OF UTAH

MARK L. CHRISTENSEN No. 186311 STATE OF UTAH

LUDLOW ENGINEERING & LAND SURVEYING 605 N. MAIN, NEPHI, UTAH, PHONE 465-0897

Item 6: Conditional Use Permit – Rocco’s Tire Service 732 North State Street

Date: February 23, 2021
Applicant: Ronald Mann
Presenting Staff: Anders Bake

General Plan: Commercial
Current Zone: General Commercial

Property Owner: Pasted Memories LLC
Address: 732 North State Street
Parcel ID: 14:046:0293
Lot Size: 0.48 acres

Type of Decision: Administrative
Council Action Required: No



SUMMARY OF KEY ISSUES

To review a conditional use permit for an automobile tire, lube, and tune up business and conditions to mitigate the impacts of a proposed use.

MOTION

I move to (*approve, deny, continue*) the applicant's request for a conditional use permit to use the property located at 732 North State Street for an automobile tire, lube, and tune up business, with the following conditions:

1. No automobiles or automobile parts will be stored outside of the building;
2. All work will be performed with the building;
3. The business operation will be limited to vehicle detailing, lube, and tire changes
4. Hours of operation will be from 9:00 AM to 5:00 PM;
5. The applicant will comply with all of the Commercial Zone requirements found in section 17.48 of the Lindon City Code; and
6. All items of the staff report.

OVERVIEW

1. Ronald Mann requests conditional use permit approval to operate an automobile tire, lube, and tune up business at 732 North State Street. The Standard Land Use Table requires that businesses doing an automobile tire, lube, and tune up business in the General Commercial Zone obtain a Conditional Use Permit.
2. The proposed business, Rocco's Tire Service, will perform all work indoors and within their unit.
3. Notices were mailed on February 12, 2021 to adjoining property owners in accordance with Lindon City Code Section 17.14.50 Third Party Notice. Staff has received no public comment(s) at this time.

SURROUNDING ZONING AND LAND USE

North: CG – Commercial uses

East: Pleasant Grove – Residential

South: CG – Commercial uses

West: CG – Commercial uses

DEVELOPMENT STANDARDS

Building, Site, and Landscaping

Rocco's Tire Services will be using the North half of the existing building at 732 North State Street. The unit is designed for auto related uses with two overhead doors in the front of the building. The area behind the building is enclosed with a chain link fence with privacy slats abutting residential properties. The Lindon City Code Section 17.48.040 requires a seven-foot-high masonry or concrete fence along any property line between a non-residential development and a residential use or a residential zone. The planning commission may approve a fence other than a masonry fence if it makes the following findings:

- a) The proposed fence/landscape screen provides an adequate buffer for the adjoining residential use.
- b) The appearance of the fence/landscape screen will not detract from the residential use and/or nonresidential use of the property.
- c) The proposed fence/landscape screen will shield the residential use from noise, storage, traffic or any other characteristic of the nonresidential use that is incompatible with residential uses. The Planning Commission may waive or adjust this fence/screening requirement upon findings that the fence is not needed to protect adjacent residential uses from adverse impacts and that such impacts can be mitigated in another appropriate manner.

The Planning Commission will need to determine whether or not the existing fencing will be adequate for the proposed use.

Parking

Rocco's Tire Services will have four parking stalls available for employee use in the front of the building and about 15 stalls available for customer use in the rear of the building. This meets the parking code requirement of 12 stalls for the commercial unit.

STAFF ANALYSIS

The applicant has provided a business description outlining the services that he plans on providing at the subject property. This will include tire change and reconditioning work for local automobile dealerships. The applicant has also provided a site plan and liquid waste storage and management plan for his business. It is expected that this business will have a minimal impact on surrounding properties with all work being performed inside the building. Previous businesses that have used the property performed work similar to what Rocco's Tire Services.

EXHIBITS

1. Photographs of the property at 732 North State Street
2. Business description
3. Liquid Waste Storage and management Plan
4. Site and Floor Plan



Business Description

To whom it may concern,

My name is Ronald Mann. I am the owner of Rocco's Auto Service. Currently the business license is set up in the city of Sandy where I live. The business started up as me solely doing automotive services for friends and family while I had a day job at various local Honda dealerships. Some time ago I had a friend and owner of Planet Auto Sales inquire of my services. Planet Auto Sales is a used car dealership in the city of Linton (hopefully in good standing).

At the moment I am applying for a Conditional Use Permit for an automotive type business to be set up in the city of Linton. In close proximity to Planet Auto Sales. The address of the building is 732 N. State st, Linton. It is currently owned by Jarrod and Ashley Richins.

The nature of my business is to inspect and service vehicles for the used car dealership. I've come to understand there is a term for this type of work. Known as "Reconditioning". Generally, the process is the dealers will purchase cars and trucks through various auctions in and out of state. The vehicles will then be dropped off to the given address. This is when I will inspect these cars or trucks for maintenance and safety issues. Once approved, I will then perform the necessary lube and tune. Most of the cars purchased by Planet Auto are vehicles in the \$9k-\$18k price range with miles of 30k to 90k. They sell mostly the small economic cars. Most of the time these will just need lube and tune. We would like to build a relationship with the customers that have purchased cars by providing them light maintenance in the future as well. Light maintenance I'm referring to as fluid changes, tune-ups, brakes, and tires. The building is quite small, so major work would only tie up space.

The location works really well for us being that it is close to the dealership and the landlords are awesome. I would very much appreciate it if we could make this location work. If there are changes that I can make to get this accepted, I would like to make those.

The portion that will be used for our business is roughly 900 square feet. The hours of use will be from 9:00 am to 5:00 pm. The number of parking stalls we will use will be four in front of the building (employee) and about 15 in the rear (customer).

Liquid Waste Storage and management Plan

All liquid waste that is removed from the vehicle is collected in either 20 gallon stand up metal waste containers or floor oil drain pans. These waste containers are then rolled and fluids transferred to a polyethylene tank at the rear of the building. Once tank reaches 75 percent capacity, the tank is then emptied and taken by tristate oil recycling. There are no drains inside the building. Because of this, we will use a combination of absorbent mats and powder to contain and absorb all spilled fluids. From our extensive experience in the automotive industry and understanding the importance of preventing hazard waste getting into the environment, we will make it a high priority to maintain these standards. We will not allow any waste fluids drain to the gutter.



1 - WAITING ROOM

2 - BATHROOM

3 - OFFICE

4 - WORK AREA #1

5 - WORK AREA #2

6 - EMPLOYEE PARKING

7 - CUSTOMER PARKING