



Lehi City Council Meeting Agenda October 8, 2024

5:30 PM - Lehi City Council Chambers (153 N. 100 E., Lehi, Utah)

Pre-Council, 5:30 p.m.

1. Welcome and Opening Comment
2. Presentations and Reports
 - 2.1. Emergency Management Presentation
 - 2.2. Presentation and Discussion of Railroad Safety Protocol
3. Agenda Questions
The Mayor and City Council discuss and ask questions on items on the Regular Session agenda.
4. Administrative Report
5. Mayor and Council Reports
Calendar items and outside Committee reports
6. Consideration of holding a Closed Session to discuss the purchase, exchange, or lease of real property.

Regular Session, 7:00 p.m.

1. Welcome, Roll Call, Pledge of Allegiance
2. Presentations and Reports
 - 2.1. Waterwise Yard of the Month Presentation
3. 20 Minute Citizen Input
(for public comments on items not listed on the agenda. Comments limited to 3 minutes per person with a time limit not to exceed 20 minutes for this item.)
4. Consent Agenda

4.1. Approve City Council Meeting Minutes

4.2. Approve Purchase Orders

[PO Index.pdf](#)

[PO #7864.pdf](#)

Regular Agenda

5. Consideration of Resolution #2024-53 amending the Frances Martens Comer Perpetual Library Fund.

Petitioner: Lehi City

[Res 2024-53.docx](#)

6. Consideration of Ordinance #58-2024 the Tronson General Plan Amendment on 0.66 acres located at 635 West State Street, changing the designation from Commercial to Heavy Commercial.

Petitioner: Brad Tronson

[CC Staff Report Tronson General Plan Amendment 10.08.24.docx](#)

[Tronson General Plan Amendment DRC 08.28.24.docx](#)

[Ord 58-2024.docx](#)

[Tronson General Plan Amendment narrative.pdf](#)

[Tronson General Plan Amendment DRC 08.28.24.pdf](#)

[Tronson Aerial.pdf](#)

[Tronson GP.pdf](#)

[Tronson Zoning.pdf](#)

7. Consideration of Ordinance #59-2024 a Development Code Amendment to Chapter 26, Accessory Uses, revising the required side yard setback for accessory buildings on a corner lot.

Petitioner: Lehi City

[CC Staff Report Chapter 26 Accessory Uses Side Yard Setback Development Code Amendment 10.08.24.docx](#)

[Chapter 26 Accessory Uses Side yard setback corner lot Development Code Amendment DRC 08.21.24.docx](#)

[Ord 59-2024.docx](#)

[Ch26AccessoryUses - Corner Lot Setbacks.pdf](#)

8. Consideration of Ordinance #62-2024 a Development Code Amendment to Table 05.040A, revising the allowed side yard setback on corner lots from 20' to 15' for remodels.

Petitioner: Lehi City

[CC Staff Report Table 05.040A Development Code Amendment 10.08.24.docx](#)

[Table 05.040A - Side Yard Corner Lot Remodel Setback DRC 09.04.2024.docx](#)

[Ord 62-2024.docx](#)

[TBL05.040-A ResBulkIntensity Corner Lot Side Yard Setback for Remodels.pdf](#)

9. Consideration of Ordinance #60-2024 a Development Code Amendment to Table 05.030B, Nonresidential Uses, and Chapter 39, Definitions, adding data centers.

Petitioner: Lehi City

[CC Staff Report Data Centers Dev Code Amendment 10.08.24.docx](#)

[Data Centers Development Code Amendment DRC 08.21.24.docx](#)

[Ord 60-2024.docx](#)

[TBL05.030-B Nonresidential zones- Data Centers.pdf](#)

[Ch39Definitions- data center small scale.pdf](#)

10. Consideration of Ordinance #61-2024 a Development Code Amendment to Chapters 12-A and 12-B, adding some additional requirements to grading.

Petitioner: Lehi City

[CC Staff Report Grading Dev Code Amendment 10.08.24.docx](#)

[Grading Development Code Amendments DRC 08.28.24.docx](#)

[Ord 61-2024.docx](#)

[Grading Development Code Amendments.pdf](#)

11. Consideration of Ordinance #63-2024 a Development Code Amendment to Chapter 20, Home Occupations, adding provisions for micro schools.

Petitioner: Lehi City

[CC Staff Report Chapter 20 Microschools Development Code Amendment 10.08.24.docx](#)

[Development Code Amendment Ch 20 Microschools DRC 08.28.24.docx](#)

[Ch20HomeOccupations - Microschools.pdf](#)

12. Adjournment

- Public is invited to attend all City Council Meetings
- In compliance with the Americans with Disabilities Act, persons in need of special accommodations should contact the City Recorder at 385-201-2269
- This agenda has been properly posted and a copy provided to the local news media.

City Council Agenda Item Report

Meeting Date: October 8, 2024

Submitted By: Teisha Wilson

Submitting Department:

Item Type: Presentation

Agenda Section: Presentations and Reports

Subject:

Emergency Management Presentation

Suggested Action:

Attachments:

City Council Agenda Item Report

Meeting Date: October 8, 2024

Submitted By: Teisha Wilson

Submitting Department:

Item Type: Presentation

Agenda Section: Presentations and Reports

Subject:

Presentation and Discussion of Railroad Safety Protocol

Suggested Action:

Attachments:

City Council Agenda Item Report

Meeting Date: October 8, 2024

Submitted By: Teisha Wilson

Submitting Department:

Item Type: Presentation

Agenda Section: Presentations and Reports

Subject:

Waterwise Yard of the Month Presentation

Suggested Action:

Attachments:

City Council Agenda Item Report

Meeting Date: October 8, 2024

Submitted By: Teisha Wilson

Submitting Department:

Item Type: Action Item

Agenda Section: Consent Agenda

Subject:

Approve City Council Meeting Minutes

Suggested Action:

Attachments:

City Council Agenda Item Report

Meeting Date: October 8, 2024

Submitted By: Teisha Wilson

Submitting Department:

Item Type: Action Item

Agenda Section: Consent Agenda

Subject:

Approve Purchase Orders

Suggested Action:

Attachments:

[PO Index.pdf](#)

[PO #7864.pdf](#)



LEHI CITY
CITY COUNCIL AGENDA
October 8, 2024

Consent Agenda: Approval of Purchase Orders

INFORMATION:

Company	Description	P O Amount	Budget Balance (before PO)
Stuart C Irby Co	Upcoming Power Projects	\$1,235,218.00	Inventory



PURCHASE ORDER
LEHI CITY CORPORATION
153 NORTH 100 EAST
LEHI UT 84043

THIS ORDER
NUMBER
MUST APPEAR
ON YOUR
INVOICE
7864

ISSUED TO: 4164
STUART C IRBY CO.
P.O. BOX 843959

DALLAS TX 75284

SHIP TO: LEHI CITY CORPORATION
153 NORTH 100 EAST
LEHI UT 84043

DEPARTMENT:

PURCHASE ORDER DATE: 09/24/2024

<u>REQ #</u>	<u>QUANTITY</u>	<u>DESCRIPTION</u>	<u>UNIT PRICE</u>	<u>TOTAL</u>	<u>GL ACCOUNT</u>
0	1.00	UPCOMING PROJECTS FOR POWER DEPT	1,235,218.00	1,235,218.00	53-1415

TOTAL 1,235,218.00

Authorized By:


Department Head

City Council Approval Date *

* City Council approval required if greater than \$125,000

Mayor or City Administrator

Supplier

Name
Street
City
Zip

STUART C. IRBY CO.
PO BOX 843959
DALLAS State
75284 Phone

Vender #

Date _____

9/17/2024

TX

801-724-3000

Dean Lundell

POWER

53-14-15

Requesting Department

Dept. Account No.

Department Head Signature

[illegible]

Justification:	Price Determination	
SEE ATT. LETTER	Verbal Quote	
	Informal Bid	
	Written Bid	*
	State Bid	
	Other	



STUART C IRBY BR 1093 SALT LAKE CITY
 6312 WEST BEAGLEY ROAD
 WEST VALLEY CITY UT 84128
 385-285-3199

Quotation

QUOTE DATE	ORDER NUMBER
09/11/24	S014056172
REMIT TO: STUART C. IRBY CO. POST OFFICE BOX 843959 DALLAS TX 75284	PAGE NO. 1

SOLD TO:
 LEHI CITY CORP
 153 NO 100 EAST
 LEHI, UT 84043

SHIP TO:
 LEHI CITY CORP
 560 WEST GLENN CARTER DRIVE
 LEHI, UT 84043
 801-768-7100

ORDERED BY: KENNY

CUSTOMER NUMBER		CUSTOMER ORDER NUMBER		JOB/RELEASE NUMBER		OUTSIDE SALESPERSON	
222013		1/0 AND 4/0 - 1100				Gregory J McPhie	
INSIDE SALESPERSON				REQD DATE	FRGHT ALLWD	SHIP VIA	
JOSEPH C RHO				09/11/24	Yes		
ORDER QTY	SHIP QTY	LINE	DESCRIPTION			Prc/Uom	Ext.Amt
			***** Shipping Instructions *****				
			* KENNY 385-201-2612 OFC			*	
			* 801-655-3042 MBL			*	
			* CLAY 801-900-0420			*	

42680FT		1	*OKON 163-23-3072 1/0-19X AL F/S			4850.000M	206998.00
			220M EPR 15KV 16X14 2500' (+/-)				
59950FT		2	*OKON 162-23-3081 4/0-19X AL F/S			5100.000M	305745.00
			220M EPR 15KV 11X14 2750' (+/-)				
50700FT		3	*OKON 160-23-9590 1100MCM AL F/S			14250.000M	722475.00
			220M 15KV OKOGUARD 220M 1300' (+/-)				

*** This is a quotation ***

Prices firm for acceptance within 30 days with the exception of commodity prices which are subject to change daily. Quotation is void if changed. Complete quote must be used unless authorized in writing.

All transactions are subject to and exclusively governed by our Terms and Conditions of Sale which are incorporated herein and available at: <https://www.irbyutilities.com/terms>. Additional or conflicting terms are rejected, void, and of no force or effect.

Subtotal	1235218.00
S&H CHGS	0.00
Sales Tax	0.00
TOTAL	1235218.00

** Reprint ** Reprint ** Reprint **



9/17/2024

To: Jason Walker
Cc: Dean Lundell
From: Joel Eves
Re: Okonite Primary Wire

We have an immediate need for the Okonite Primary Wire for work on Commercial & Residential projects currently underway in the city.

We would like to continue purchasing this wire from Irby based on the following reasons:

- Currently they are the only vendor that stock and carry this wire.
- Okonite wire is 90% of the wire on our system,
- To keep our system standardized.
- Ensure safety of lineman.

While there may be other companies who could possibly provide this wire. At the present time Irby is the only company we can purchase Okonite wire from and receive in a timely manner.

Sincerely,

Joel Eves
Lehi City Corporation
Power Department Director

City Council Agenda Item Report

Meeting Date: October 8, 2024

Submitted By: Teisha Wilson

Submitting Department:

Item Type: Resolution

Agenda Section: Regular Agenda

Subject:

Consideration of Resolution #2024-53 amending the Frances Martens Comer Perpetual Library Fund.

Suggested Action:

Attachments:

[Res 2024-53.docx](#)



RESOLUTION #: 2024-53

**A RESOLUTION AMENDING THE FRANCES MARTENS COMER
PERPETUAL LIBRARY FUND.**

WHEREAS, in 2000, the Municipal Council established the Frances Martens Comer Perpetual Library Fund (“Fund”) to honor Mrs. Frances Comer and her contribution to the literacy and education of the children of Lehi; and

WHEREAS, the resolution creating the Fund granted authority over the Fund to the Library Board (“Board”) and established procedures for how the Fund could be used; and

WHEREAS, the Lehi City Library Board desires to have these procedures amended in a manner that continues to protect the Fund principal while allowing the Board more flexibility in using the fund to benefit the library; especially construction of the new library; and

WHEREAS, currently the Board is authorized to use only 85% of the interest earnings of the preceding fiscal year and requests the authority to use up to 45% of the profits earned through the Spring Gala, and 100% of the profits earned through other Board fund-raising activities; and

WHEREAS, the Municipal Council has authority to amend the procedures that govern the Frances Martens Comer Library Fund and is willing to do so as described below;

NOW, THEREFORE, be it resolved by the Municipal Council of Lehi City, Utah, that Resolution 2013-69 is repealed and Resolution 02-08-00.2 is hereby amended as shown on the attached Exhibit A.

Approved and Adopted by the Municipal Council of Lehi City this 8th day of October 3, 2024.

Mayor Mark Johnson
Lehi City

Attest:

Teisha Wilson, City Recorder

EXHIBIT A
RESOLUTION NO. 02-08-00.2

**RESOLUTION OF THE LEHI CITY COUNCIL ESTABLISHING THE FRANCES
MARTENS COMER PERPETUAL LIBRARY FUND**

Whereas, Frances Martens Comer has faithfully and diligently served the City of Lehi as a member of the Lehi City Council from January 1996 through December 1999. In that capacity she served as the Council representative to the City Library Board (“Board”) where she was instrumental in expanding the Library’s budget and improving conditions for the staff and patrons; and,

Whereas, Mrs. Comer has contributed immeasurably to the literacy and education of many hundreds of children who attended the Lehi Junior High School during her twenty-five year career as a teacher and librarian where she helped instill in many young minds the enrichment that can come by reading good books; and

Whereas, it is the desire of the Lehi City Council to gratefully acknowledge the significant contributions of Mrs. Comer throughout her career and particularly during her tenure as a member of the Lehi City Council by establishing a library fund in her name for the purpose of providing additional and ongoing financial support to the Lehi City Public Library.

Now therefore, be it resolved by the Lehi City Council that a library fund is hereby established and funded in the sum of \$25,000.00 and re-designated as the FRANCES MARTENS COMER LIBRARY FUND (“Fund”). The following restrictions and rules apply:

1. Neither the principal appropriation of \$25,000.00 nor any portion of the accumulated interest will be available for use until July 1, 2005. Beginning on that date, 85% of the earned interest for the fiscal year immediately preceding, may be distributed to the Library Board for its use as described below (“Disbursement”). Each year thereafter, subject to the conditions set forth below, the Library Board will be entitled to the use of the Disbursement as it votes to do so. The remaining 15% will be added to the Fund each year.
2. Disbursements may be used for library materials and programs including but not limited to books, periodicals, electronic media, building improvements and library activities. All Disbursements must be approved by the Library Board. A one-time contribution from the Fund of \$500,000 may be authorized by the Board in fiscal year 2025 to assist in funding construction of the new library building.
3. The Library Board must conduct at least one fund-raising activity per year and contribute Fifty-five percent (55%) of the profits to the Fund in order to receive any Disbursement from the Fund for that year. For example, no Disbursement will be made in 2005, until a fund-raising activity is completed. All contributions to the Fund become part of the Fund balance.. The balance of the Fund may be used by the Board, including saving the money for future projects, or

to procure entertainment for the annual fundraiser. In addition, all other funds raised by the Board through additional fund-raising activities may be used by the Board, including saving the money for future projects.

5. Private contributions may be made payable to the Lehi City Corporation, Comer Library Fund. All private contributions become part of the fund balance.
6. The Fund is to be for the ongoing support of the Library and it's programs.
7. The City Treasurer is directed to invest all funds in accordance with the Utah Money Management Act.
8. The City Administrator, or designee, shall provide the Board with a quarterly financial statement showing the current balance of the Fund.

City Council Agenda Item Report

Meeting Date: October 8, 2024

Submitted By: Jacob Curtis

Submitting Department: Planning Division

Item Type: Ordinance

Agenda Section: Regular Agenda

Subject:

Consideration of Ordinance #58-2024 the Tronson General Plan Amendment on 0.66 acres located at 635 West State Street, changing the designation from Commercial to Heavy Commercial.

Suggested Action:

Attachments:

[CC Staff Report Tronson General Plan Amendment 10.08.24.docx](#)

[Tronson General Plan Amendment DRC 08.28.24.docx](#)

[Ord 58-2024.docx](#)

[Tronson General Plan Amendment narrative.pdf](#)

[Tronson General Plan Amendment DRC 08.28.24.pdf](#)

[Tronson Aerial.pdf](#)

[Tronson GP.pdf](#)

[Tronson Zoning.pdf](#)

TRONSON GENERAL PLAN AMENDMENT CITY COUNCIL REPORT

Applicant	Brad Tronson		
Meeting Date	October 8, 2024		
Requested Action/Purpose	Approval of a proposed general plan amendment		
Location	Approximately 635 W State Street		
Acreage	0.66 acres		
Existing Zoning	Commercial		
Existing General Plan Land Use Designation	Commercial		
Proposed Land Use Designation	Heavy Commercial		
Existing Land Use	Undeveloped- Contractor’s Yard		
Adjacent Zoning and Land Use	<i>North</i>	MU	State Street
	<i>South</i>	RA-1	Single family residential
	<i>East</i>	MU	State Street
	<i>West</i>	R-1-8	Single family residential
Date of DRC Review	August 28, 2024		
Date of Planning Commission Review	September 12, 2024		
Assigned Planner	Jacob Curtis		
REQUIRED ACTION			
Planning Commission	Review and recommendation		
City Council	Final approval		

APPLICABLE DEVELOPMENT CODE REGULATIONS

Section 04.060 Criteria for Approval

The Planning Commission should consider the following factors, among others, when reviewing a General Plan amendment:

1. The effect of the proposed amendment on the character of the surrounding area;
2. Consistency with the goals and policies of the General Plan;
3. Consistency and compatibility of the proposed zone with the General Plan land uses of nearby and adjoining properties;
4. The suitability of the properties for the uses requested and their suitability for the existing uses identified by the General Plan;
5. Whether a change in the uses allowed for the affected properties will unduly affect the uses, or proposed uses for nearby and adjoining properties;
6. The gain to the public health, safety, and welfare from the existing classification to the proposed amendment; and
7. The overall community benefit of the proposed amendment.

APPLICABLE GENERAL PLAN GOALS AND POLICIES

HEAVY COMMERCIAL (C-H)

The Heavy Commercial (C-H) classification is intended to provide appropriate locations for warehousing, auto and truck services, and light manufacturing that do not impact existing and planned residential areas. Typical uses in-

clude office/warehouse, light manufacturing, auto and truck service and repair, distribution centers, and some retail/ office.

PROPERTY HISTORY

June 15, 1852 - The subject property was included in the original Lehi City incorporation.

April 1, 2019 - The Edwin Thomas zone change was approved to switch from MU & RA-1 to Commercial zoning.

REPORT ANALYSIS

The applicant requests approval to amend the General Plan land use designation on 0.66 acres of property located at approximately 635 W State Street, changing the designation from Commercial to Heavy Commercial.

The issue first arose due to Code Enforcement reaching out to the applicant after a complaint was made that the property was functioning as a contractor's storage yard. Staff let the applicant know that the storage yard or the office/warehouse use they were interested in pursuing would both fall under the Heavy Commercial designation.

The applicant feels that the proposed General Plan amendment would be consistent with the uses and zoning of properties that are just north on State Street as well as directly across State Street.

The Development Review Committee had one redline comment on the amendment:

1. Planning staff does not recommend a Heavy Commercial designation on the property as it is adjacent to residential and would be an island of Heavy Commercial.

Please take DRC comments into consideration.

POSSIBLE MOTIONS AND FINDINGS

The City Council may move to approve or deny the proposed general plan amendment. Any motion should include findings. Possible findings include:

1. The proposed General Plan amendment is/is not in conformance with the purposes, intent, and provisions of the General Plan and its various elements.
2. The proposed General Plan amendment is/is not consistent with the land uses and zoning of nearby and adjoining properties.
3. The proposed General Plan amendment will/will not have a substantial adverse effect on surrounding property.
4. The affected site is/is not physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public services to accommodate any potential future uses, including all landscaping, loading areas, open spaces, parking areas, setbacks, buffering/screening, walls, fences, yards, and other required features.
5. Additional findings based upon information presented during the public hearing.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission reviewed the proposed general plan amendment on September 12, 2024. The minutes and motion from this meeting are as follows:

3.2) Public hearing and recommendation of Brad Tronson's request for review of the Tronson General Plan Amendment on 0.66 acres located at 635 West State Street, changing the designation from Commercial to Heavy Commercial.

Katie Bussell presented information on the agenda item. General Plan Amendment will be consistent of properties. DRC has one comment, which does not recommend commercial designation on this property.

Commissioner Eyre asked when General Plan Amendments can be submitted. Commissioner Kunze asked if this was already being used as commercial, which it is.

The applicant, Brad Tronson, was present. There is no light or heavy commercial designation. He would like to build a building for commercial use with interior office warehouse. He would like to build something like Dennis Schoonover's establishment.

Commission Chair Jackson opened the public hearing.

Teresa Gonzalez, who is adjacent to the property, expressed her opposition to the GPA zone change. She stated that it went against the adopted general plan, was adjacent to residential areas, and would impact planned residential developments. She mentioned that the barrier and buffer zone should have been addressed years ago but had not yet been resolved, despite previous commitments. Ms. Gonzalez requested that the property remain designated as light industrial and based on the recommendations of the planning committee and the general plan goals and policies, urged that the item not be approved for a designation change. While she acknowledged the potential for noise, she did not feel the area was appropriate for the new designation.

Katie read one online comment which was also left by Teresa Gonzalez.

Commission Chair Jackson closed the public hearing.

Brad Tronson mentioned that two nearby residents had spoken to him, and neither had an issue with the construction of a building and the enclosure of materials. However, he noted that the building they plan to construct does not meet the light industrial designation. He also stated that there will be multiple tenants.

Commissioner Jones asked Katie to clarify the definitions of heavy commercial, commercial, and light commercial use. Commissioner Jones expressed concerns that the proposed development might not meet the criteria for conforming with the neighboring areas.

The Commissioners inquired whether the property currently meets the buffering requirements. Katie Bussell noted that if the requirements were approved, they would be reviewed during the site plan process. The commissioners questioned why the property had previously been approved as an island. Kim Struthers explained that it originally matched the surrounding properties. While the site plan had been approved for a previous applicant, the property was never developed as planned.

Commissioner Eyre expressed concern that approving this could set a precedent for further exceptions, especially since it does not comply with the current code.

Commissioner Jackson agreed with Commissioners Eyre and Jones. He sympathized with the applicant, noting that the property is a prime piece of real estate.

Motion: Commissioner Jones moved to recommend denial of **Brad Tronson's request for review of the Tronson General Plan Amendment on 0.66 acres located at 635 West State Street, changing the designation from Commercial to Heavy Commercial;** including all DRC comments, noting the development did not meet the findings listed in the report. Commissioner Everett seconded the motion.

Vote: Commissioner Jackson, yes; Commissioner Everett, yes; Commissioner Eyre, yes; Commissioner Kunze, yes; Commissioner Jones, yes. The motion passed unanimously.

**Tronson General Plan Amendment
DRC Redline Comments**

Brad Tronson- requests review of the Tronson General Plan Amendment on 0.66 acres located at approximately 635 W State Street, changing the designation from Commercial to Heavy Commercial.

DRC Members Present: Glade Kirkham, Garion Rowett, Ryan Allred, Shelby Brewer, Kim Struthers, Gary Smith, Brad Kenison, Trent Dyer

Assigned Planner: Jacob Curtis

Representatives of the Applicant Present: Brad Tronson

Date of Plans Reviewed: 8/21/24

Time Start: 2:40 pm

Time End: 2:50 pm

DRC REDLINE COMMENTS:

Glade – Power: No comments

Garion – Fire: No comments

Ryan – Water/Sewer: No comments

Trent – Parks: No comments

Gary – Building/Inspections: No comments

Shelby – Public Works: No comments

Brad – Engineering: No comments

Kim – Planning:

1. Planning staff does not recommend a Heavy Commercial designation on the property as it is adjacent to residential and would be an island of Heavy Commercial.

THIS ITEM WILL BE SCHEDULED FOR PLANNING COMMISSION ON SEPTEMBER 12, 2024

Note: This list of corrections and deficiencies should not be considered as an all-inclusive or final list. The items listed need to be corrected and resolved and a new set of information submitted for review by the DRC. Further corrections and deficiencies may still be noted as the DRC further reviews the resubmitted information.



ORDINANCE NO: 58-2024

**ORDINANCE AMENDING THE LAND USE ELEMENT OF THE LEHI CITY
GENERAL PLAN AND THE GENERAL PLAN LAND USE MAP
AT APPROXIMATELY 635 WEST STATE STREET**

Tronson General Plan Amendment

WHEREAS, on October 8, 2024, following all necessary public hearings, the Lehi City Council adopted an amendment to the Lehi City General Plan which included the 2022 Land Use Element together with the Lehi City General Plan Land Use Map; and

WHEREAS, the Lehi City Planning Commission held a public hearing on September 12, 2024, to review and make a recommendation on the General Plan Amendment located at approximately 635 West State Street, changing the land use designation to Heavy Commercial, as shown on Exhibit “A” and forwarded their recommendation to the City Council; and

WHEREAS, the City Council held a public meeting on October 8, 2024, pursuant to the requirements for amendment of the Land Use Element of the Lehi City General Plan and General Plan Land Use Map, changing the land use designation to Heavy Commercial.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF LEHI CITY, UTAH AS FOLLOWS:

PART 1:

The Land Use Element of the Lehi City General Plan and General Plan Land Use Map is hereby amended to change the subject property to the Heavy Commercial designation. The total amendment will include approximately 0.66-acres of property located at approximately 635 West State Street, more specifically shown on Exhibit “A” attached hereto.

PART II:

If a provision of this Ordinance 58 -2024 conflicts with a provision of a previously adopted ordinance concerning the same title, chapter, and/or section number amended herein, the provision in this Ordinance shall prevail.

A. This ordinance and its various section, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder shall not be affected thereby.

B. The City Council hereby directs that the official copy of the Lehi City General Plan be updated to reflect the provisions enacted by this Ordinance.

D. This Ordinance shall take effect immediately after being posted or published as required by law.

Approved and Adopted by the City Council of Lehi City this 8th day of October 2024.

ATTEST

Mark Johnson, Mayor

Teisha Wilson, City Recorder

Exhibit A

Legal Description- COM S 202.8 FT & W 188.29 FT FR N 1/4 COR. SEC. 8, T5S, R1E, SLB&M.; S 45 DEG 1' 56" E 131 FT; S 38 DEG 38' 4" W 287.89 FT; N 0 DEG 2' 55" E 232.9 FT; S 44 DEG 9' 56" E 1.7 FT; N 44 DEG 57' 57" E 121.25 FT TO BEG. AREA 0.660 AC.

**Application for General Plan Amendment
635 W State Street, Lehi**

Application Submittal Requirements

1. We are requesting a zoning change for the property located at 635 W State St from commercial and or mixed use to heavy commercial use.

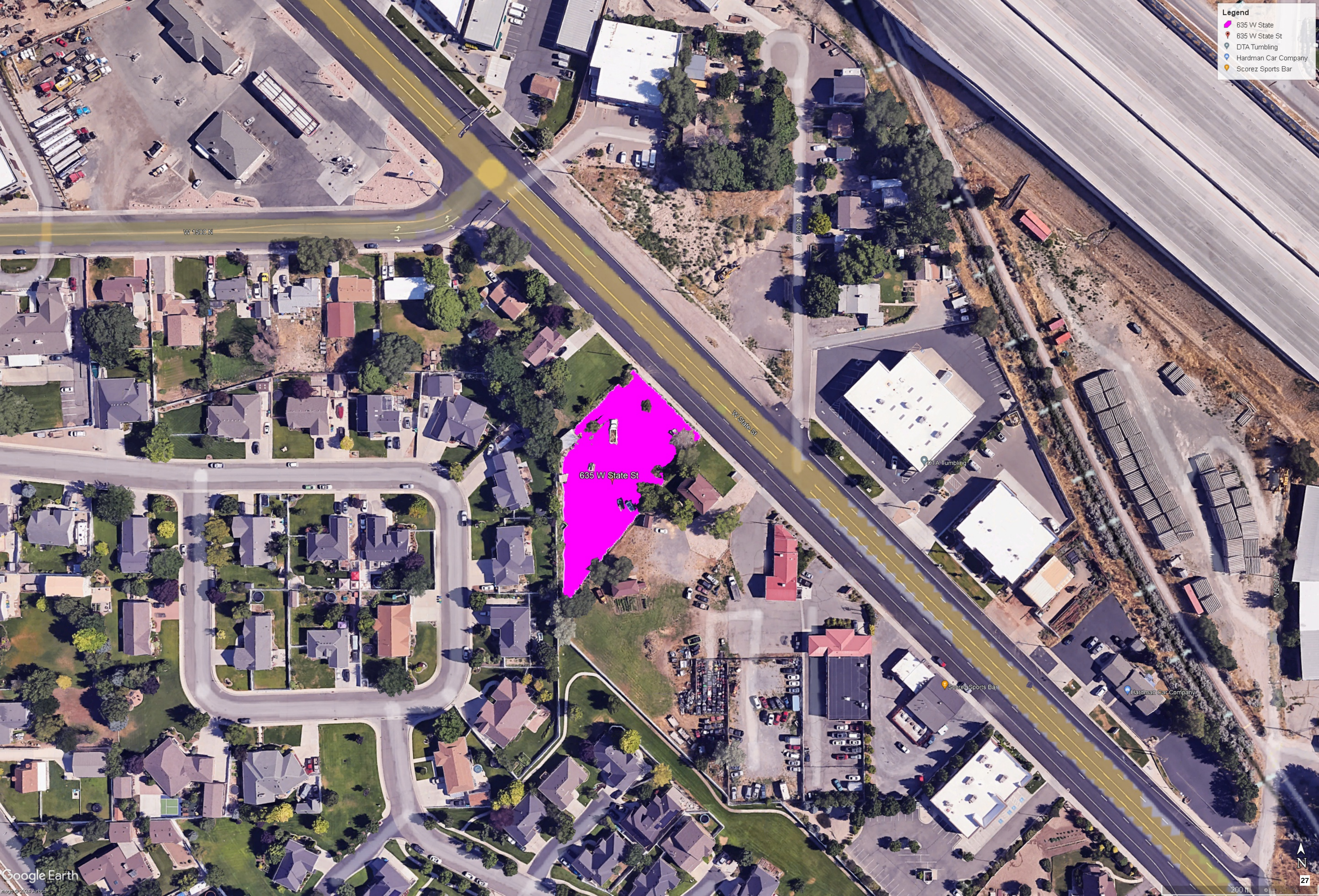
(a). Reason and Justification. To construct a multi tenant office warehouse with higher than the 50/50 percentage of office to warehouse square footage allowed in the current commercial zone and to give future tenants more beneficial options to their businesses and allow them to flourish in the area. The current zoning and allowable commercial uses in this area would make it financially difficult to remain in business based on the location and the surrounding properties and their current uses. This property is not a “destination property” which many of the current uses as defined in the zoning regulations presently allow.

(b). Consistency with Goals and Policies. This amendment change would be in line with the goals and policies of the general plan by promoting quality sustainable commercial business opportunities in the area that would be consistent with how the surrounding business entities operate.

(c). Compatibility. This new change would be consistent with the uses and zoning of the properties that are just north on State St as well as directly across State St. Visually it would be an improvement and would fit in with newer current buildings and designs.

(d). Effect of Proposal on Surrounding Area. Minimal impact would be felt in the surrounding area since few things would change even with the addition of a new structure on the property. Traffic would be impacted only slightly since the property is located on State St between two freeway entrances/exits and is a self contained property. No need to drive through residential areas or adjacent businesses to gain access. Completion of the project would only add to the visual aesthetics of the business community on the north end of State St.

(e). Community Benefit. Offering more sustainable business opportunities than are allowed in the current zoning category. It will improve property values as well as additional amenities for the economical growth in the community.



- Legend**
- 635 W State
 - 635 W State St
 - DTA Tumbling
 - Hardman Car Company
 - Scorez Sports Bar

A building that would match and blend with the architectural styles below is what we would like to have at this location, 635 W State St. Lehi.



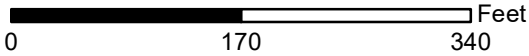


Legend

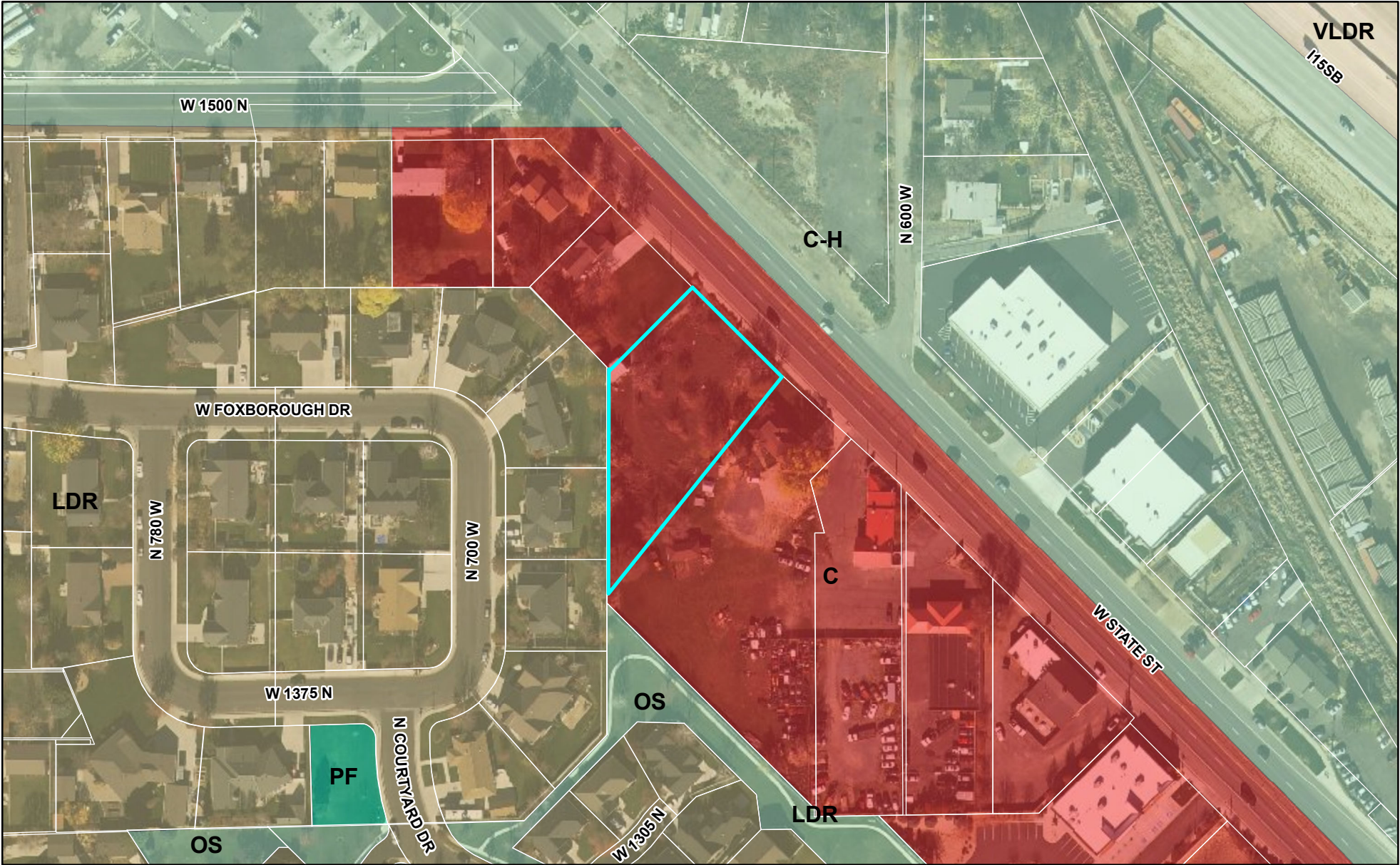
- 635 W State
- 635 W State St
- DTA Tumbling
- Hardman Car Company
- Scorez Sports Bar



Tronson General Plan Amendment
Aerial

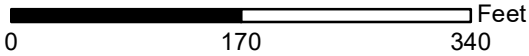
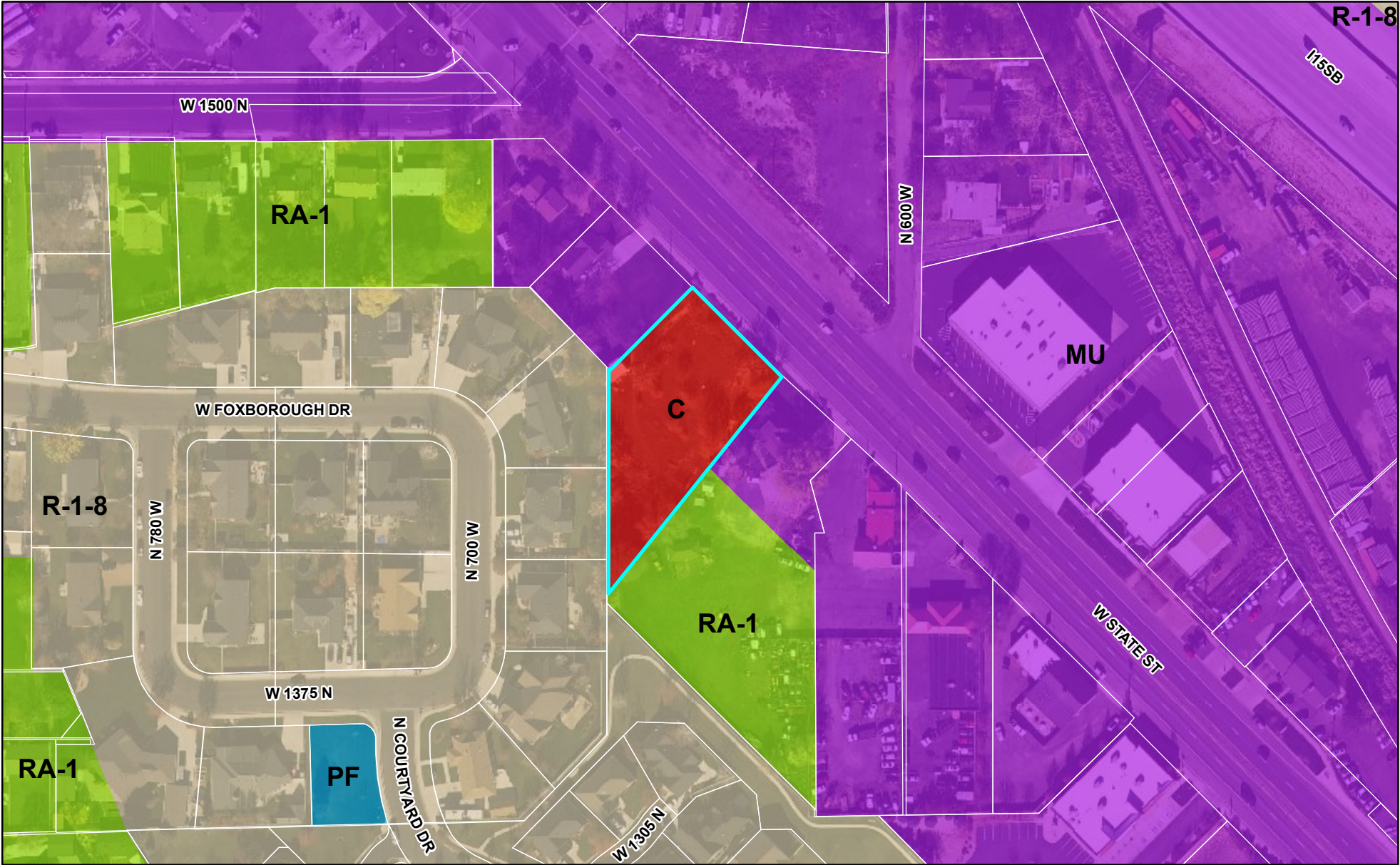


Tronson General Plan Amendment
General Plan



Tronson General Plan Amendment

Zoning



City Council Agenda Item Report

Meeting Date: October 8, 2024

Submitted By: Jacob Curtis

Submitting Department: Planning Division

Item Type: Ordinance

Agenda Section: Regular Agenda

Subject:

Consideration of Ordinance #59-2024 a Development Code Amendment to Chapter 26, Accessory Uses, revising the required side yard setback for accessory buildings on a corner lot.

Suggested Action:

Attachments:

[CC Staff Report Chapter 26 Accessory Uses Side Yard Setback Development Code Amendment 10.08.24.docx](#)

[Chapter 26 Accessory Uses Side yard setback corner lot Development Code Amendment DRC 08.21.24.docx](#)

[Ord 59-2024.docx](#)

[Ch26AccessoryUses - Corner Lot Setbacks.pdf](#)

CHAPTER 26 ACCESSORY USES DEVELOPMENT CODE AMENDMENT CITY COUNCIL REPORT

Applicant	Lehi City
Meeting Date	October 8, 2024
Requested Action/Purpose	Approval of a proposed amendment to the Lehi City Development Code
Date of DRC Review	August 21, 2024
Date of Planning Commission Review	September 12, 2024
REQUIRED ACTION	
Planning Commission	Review and recommendation
City Council	Final approval

APPLICABLE DEVELOPMENT CODE REGULATIONS

Section 04.060. Criteria for Approval.

No amendment to this Code, or the Zoning District Map(s), may be recommended for approval by the Commission nor approved by the City Council unless such amendment or conditions thereto are consistent with the General Plan. In considering a Code amendment, or Zoning District Map(s) amendment, the applicant shall identify, and the City Staff, DRC, Commission, and the City Council may consider the following factors, among others:

1. The effect of the proposed amendment on the character of the surrounding area;
2. Consistency with the goals and policies of the General Plan.
3. Consistency and Compatibility of the proposed zone with the General Plan land uses of nearby and adjoining properties.
4. The suitability of the properties for the uses requested and their suitability for the existing uses identified by the General Plan;
5. Whether a change in the uses allowed for the affected properties will unduly affect the uses, or proposed uses for nearby and adjoining properties;
6. The gain to the public health, safety and welfare from the existing classification to the proposed amendment; and
7. The overall community benefit of the proposed amendment.

REPORT ANALYSIS

Staff is requesting to amend Chapter 26 of the Development Code to clarify the standards for corner side yard setbacks. This update specifies that if a corner lot has a driveway or access from the street on the side yard they must maintain the corner side yard setback. The corner yard setback is larger than the new updates to accessory building setbacks based on height.

This amendment will ensure that there is a larger setback if there is a driveway access. This will help with safety and visibility.

There were no comments from the DRC.

POSSIBLE MOTIONS AND FINDINGS

The City Council may approve or deny the proposed development code amendment. Any motion should include findings. Possible findings include:

1. The proposed Development Code amendment is/is not in conformance with the purposes, intent, and provisions of the General Plan and its various elements.
2. Additional findings based upon information presented during the public hearing.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission reviewed the proposed amendment on September 12, 2024. The minutes and motion from this meeting are as follows:

3.5) Public hearing and recommendation of Lehi City's request for review of a Development Code Amendment to Chapter 26, Accessory Uses, revising the required side yard setback for accessory buildings on a corner lot.

Katie Bussel presented information on the agenda item.

Commission Chair Jackson opened the public hearing.

Matt Flake stated he was trying to build a shed on a corner lot and is in support of the amended code.

Commission Chair Jackson closed the public hearing.

Motion: Commissioner Jones moved to recommend approval of **Lehi City's request for review of a Development Code Amendment to Chapter 26, Accessory Uses, revising the required side yard setback for accessory buildings on a corner lot;** including all DRC comments and findings stated in the report. Commissioner Eyre seconded the motion.

Vote: Commissioner Jackson, yes; Commissioner Everett, yes; Commissioner Eyre, yes; Commissioner Kunze, yes; Commissioner Jones, yes. The motion passed unanimously.

**Chapter 26 Accessory Uses Development Code Amendment
DRC Redline Comments**

Lehi City- requests review of an amendment to the Lehi City Development Code Chapter 26, Accessory Uses, revising the required side yard setback for accessory buildings on a corner lot.

DRC Members Present: Glade Kirkham, Garion Rowett, Ryan Allred, Shelby Brewer, Kim Struthers, Gary Smith, Brad Kenison, James Farnsworth, Luke Seegmiller

Assigned Planner: Kim Struthers

Representatives of the Applicant Present:

Date of Plans Reviewed: 8/13/24

Time Start: 2:04pm

Time End: 2:04pm

DRC REDLINE COMMENTS:

Glade – Power: No comments

Garion – Fire: No comments

Ryan – Water/Sewer: No comments

James – Parks: No comments

Gary – Building/Inspections: No comments

Shelby – Public Works: No comments

Brad – Engineering: No comments

Luke- Traffic: No comments

Kim – Planning: No comments

THIS WILL BE SCHEDULED FOR PLANNING COMMISSION ON SEPTEMBER 12th

Note: This list of corrections and deficiencies should not be considered as an all-inclusive or final list. The items listed need to be corrected and resolved and a new set of information submitted for review by the DRC. Further corrections and deficiencies may still be noted as the DRC further reviews the resubmitted information.



ORDINANCE NO: 59-2024

**AN ORDINANCE AMENDING THE LEHI CITY DEVELOPMENT CODE
CHAPTERS 26**

WHEREAS, it has become necessary to amend Chapter 26 of the Lehi City Development Code; and

WHEREAS, this amendment seeks to clarify the standards for corner side yard setbacks; and

WHEREAS, following a public hearing on September 12, 2024, the Lehi City Planning Commission reviewed the proposed revisions and forwarded a positive recommendation to the City Council; and

WHEREAS, on October 8, 2024, the City Council held a duly noticed meeting to receive public comment and ascertain the facts regarding this matter, which facts and comments are found in the hearing record and which include the staff report, minutes from the Planning Commission meeting of September 12, 2024, and the positive recommendation of the Planning Commission; and,

WHEREAS, after considering the facts and comments presented to the Municipal Council, the Council finds: Chapter 26 of the Lehi City Development Code should be amended; and such action furthers the health, safety, and welfare of the citizens of Lehi.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Lehi City, Utah as follows:

PART I:

Chapter 26 of the Lehi City Development Code is hereby amended.

PART II:

A. If a provision of this Ordinance 59 -2024 conflicts with a provision of a previously adopted ordinance concerning the same title, chapter, and/or section number amended herein, the provision in this Ordinance shall prevail.

B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder shall not be affected thereby.

C. The City Council hereby directs that the official copy of the Lehi City Code be updated to reflect the provisions enacted by this Ordinance.

D. This Ordinance shall take effect immediately after being posted or published as required by law.

Approved and Adopted by the City Council of Lehi City this 8th day of October, 2024.

ATTEST

Mark Johnson, Mayor

Teisha Wilson, City Recorder

3. Conversion of an existing accessory building (permitted prior to January 1, 2021) into an ADU requires a Conditional Use Permit.

(a) The dwelling portion of the accessory building must be at least 300 square feet and does not require a garage.

(b) The dwelling portion of the building must have a minimum setback of 5 feet from the property line.

(c) If the building is built within the required setback for the zone no windows can be on the side(s) of the structure within the required setback.

(d) The conditional use approval will include review by the Reviewing Departments to determine adequate access, utilities, address location, and other design features.

Section 26.050. Location of Accessory Buildings. *(Amended 10/25/05; 7/10/07; 05/08/18)*

A. Accessory buildings and structures shall not be located within any required utility easement(s).

B. Accessory buildings and structures shall not be located closer than 12 feet to a dwelling on an adjacent lot or property.

C. All required setbacks include any eave, overhang, or projection.

D. Detached accessory dwelling units shall comply with the location standards in Section 26.040.

E. All accessory buildings and structures are prohibited in any required front yard area.

F. The location of all accessory buildings and structures in side yards shall be as follows:

1. Agriculture, Residential, Mixed Use and Planned Community Districts.

(a) Accessory buildings and structures shall maintain the side yard required for the principal building as identified in Table 05-040A except for the following:

(i) Accessory buildings and structures with a total height of less than sixteen (16) feet that are located either at least six (6) feet to the rear of the principal building or have a minimum 10-foot side-yard setback from the principal building

can have a minimum side yard of two (2) feet. This also applies to accessory buildings and structures with an area of six hundred (600) square feet or less, or light-frame construction, with an eave height of ten (10) feet or less.

(ii) Accessory buildings and structures with a total height of sixteen (16) feet to twenty-four (24) feet that are located either at least six (6) feet to the rear of the principal building or have a minimum 10-foot side-yard setback from the principal building can have a minimum side yard of five (5) feet.

(iii) Accessory buildings and structures with a total height greater than twenty-four (24) feet that are located either at least six (6) feet to the rear of the principal building or have a minimum 10-foot side-yard setback from the principal building can have a minimum side yard of eight (8) feet.

2. Other Districts.

(a) Accessory buildings and structures may be built to the side lot line in the Commercial (C), Technology and Manufacturing (T-M), Business Park (BP), Light Industrial (LI), Historical/Industrial (HI) and Industrial (I) districts provided the building and structure complies with all applicable requirements of the International Building Code, the International Fire Code and is not located within any required utility easement(s) and is not subject to the requirements of Section 12-080(A)(2) of this Code.

3. Corner Lots.

(a) Notwithstanding Section 26.050 (F) (1), all accessory buildings and structures that have a driveway or access from the street on the side yard shall maintain the minimum corner side yard setback required for the principal building as identified in Table 05-040-A or Table 05-040-B.

G. The location of accessory buildings and structures in rear yards shall be as follows:

1. Agriculture, Residential, Mixed Use and Planned Community Districts.

City Council Agenda Item Report

Meeting Date: October 8, 2024

Submitted By: Katie Bussell

Submitting Department: Planning Division

Item Type: Ordinance

Agenda Section: Regular Agenda

Subject:

Consideration of Ordinance #62-2024 a Development Code Amendment to Table 05.040A, revising the allowed side yard setback on corner lots from 20' to 15' for remodels.

Suggested Action:

Attachments:

[CC Staff Report Table 05.040A Development Code Amendment 10.08.24.docx](#)

[Table 05.040A - Side Yard Corner Lot Remodel Setback DRC 09.04.2024.docx](#)

[Ord 62-2024.docx](#)

[TBL05.040-A ResBulkIntensity Corner Lot Side Yard Setback for Remodels.pdf](#)

TABLE 05.040A DEVELOPMENT CODE AMENDMENT CITY COUNCIL REPORT

Applicant	Lehi City
Meeting Date	October 8, 2024
Requested Action/Purpose	Approval of a proposed amendment to the Lehi City Development Code
Date of DRC Review	September 4, 2024
Date of Planning Commission Review	September 12, 2024
REQUIRED ACTION	
Planning Commission	Review and recommendation
City Council	Final approval

APPLICABLE DEVELOPMENT CODE REGULATIONS

Section 04.060. Criteria for Approval.

No amendment to this Code, or the Zoning District Map(s), may be recommended for approval by the Commission nor approved by the City Council unless such amendment or conditions thereto are consistent with the General Plan. In considering a Code amendment, or Zoning District Map(s) amendment, the applicant shall identify, and the City Staff, DRC, Commission, and the City Council may consider the following factors, among others:

1. The effect of the proposed amendment on the character of the surrounding area;
2. Consistency with the goals and policies of the General Plan.
3. Consistency and Compatibility of the proposed zone with the General Plan land uses of nearby and adjoining properties.
4. The suitability of the properties for the uses requested and their suitability for the existing uses identified by the General Plan;
5. Whether a change in the uses allowed for the affected properties will unduly affect the uses, or proposed uses for nearby and adjoining properties;
6. The gain to the public health, safety and welfare from the existing classification to the proposed amendment; and
7. The overall community benefit of the proposed amendment.

REPORT ANALYSIS

Staff recommends amending Table 05.040A of the Lehi Development Code to clarify the setback requirements for remodels two years after construction. It was discovered that after making initial changes to the side-yard setbacks in residential zones to be 20-feet, Staff missed updating the notes for the R-1-12, R-1-10, R-1-18, R-1-Flex, R-2, R-2.5, and R-3 zones. In the notes, specifically note E, it states that the setbacks for those zones can be 20-feet for remodeling projects on single-family dwellings not less than 2 years old. This would match the current setbacks of the zone. Staff therefore decided to reduce the setback to 15-feet for remodeling projects on single-family homes not less than 2 years old.

The DRC had one comment, including:

1. Power – Remove the time limit. Either have it (the setbacks) be 15-feet or 20-feet for all to match.

Please consider all DRC comments in your motion.

POSSIBLE MOTIONS AND FINDINGS

The City Council may approve or deny the proposed development code amendment. Any motion should include findings. Possible findings include:

1. The proposed Development Code amendment is/is not in conformance with the purposes, intent, and provisions of the General Plan and its various elements.
2. Additional findings based upon information presented during the public hearing.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission reviewed the proposed amendment on September 12, 2024. The minutes and motion from this meeting are as follows:

3.7) Public hearing and recommendation of Lehi City's request for review of a Development Code Amendment to Table 05.040A, revising the allowed side yard setback on corner lots from 20 to 15 for remodels.

Katie Bussell presented information on the agenda item, explaining that the amendment was necessary due to an oversight.

Commissioner Everett asked for clarification regarding setbacks for new builds and remodels. He noted that a few years ago, the planning department updated the code, but there had been an oversight, and they now wanted to ensure consistency. The original intent was to provide homeowners, who met the setbacks when they initially built their homes, with some flexibility or incentive when remodeling.

Commission Chair Jackson opened the public hearing.

Ben Olsen spoke in support of the amendment, expressing his desire to add on to his home. He felt this amendment provided a great opportunity to remain in the neighborhood they love while also gaining additional square footage.

Commission Chair Jackson then closed the public hearing.

Kim Struthers clarified that this amendment pertained to the side yard setbacks on corner lots.

Motion: Commissioner Kunze moved to recommend approval of **Lehi City's request for review of a Development Code Amendment to Table 05.040A, revising the allowed side yard setback on corner lots from 20 to 15 for remodels;** including all DRC comments and findings stated in the report. Commissioner Eyre seconded the motion.

Vote: Commissioner Jackson, yes; Commissioner Everett, yes; Commissioner Eyre, yes; Commissioner Kunze, yes; Commissioner Jones, yes. The motion passed unanimously.

**Table 05.040A Development Code Amendment
DRC Redline Comments**

*Lehi City - Review of an amendment to the Development Code **Table 05.040A**, revising the allowed side yard setback on corner lots from 20' to 15' for remodels.*

DRC Members Present: Glade Kirkham, Garion Rowett, Ryan Allred, Shelby Brewer, Kim Struthers, Gary Smith, Brad Kenison, James Farnsworth, Luke Seegmiller

Assigned Planner: Kim Struthers

Representatives of the Applicant Present:

Date of Plans Reviewed: 8/22/2024

Time Start:

Time End:

DRC REDLINE COMMENTS:

Glade – Power:

1. Remove the time limit. Either have it be 15 feet or 20 feet for all to match - Glade

Garion – Fire: No Comments

Ryan – Water/Sewer: No comments

James – Parks: No comments

Gary – Building/Inspections: No comments

Shelbey – Public Works: No comments

Brad – Engineering: No comments

Luke- Traffic: No comments

Kim – Planning: No comments

THIS ITEM WILL BE SCHEDULED FOR PLANNING COMMISSION ON SEPTEMBER 12, 2024

Note: This list of corrections and deficiencies should not be considered as an all-inclusive or final list. The items listed need to be corrected and resolved and a new set of information submitted for review by the DRC. Further corrections and deficiencies may still be noted as the DRC further reviews the resubmitted information.



ORDINANCE NO: 62-2024

**AN ORDINANCE AMENDING THE LEHI CITY DEVELOPMENT CODE
TABLE 05.040A, SIDE YARD SETBACK CORNER LOT REMODELS**

WHEREAS, it has become necessary to amend Table 05.040A of the Lehi City Development Code; and

WHEREAS, this amendment seeks to update the side yard setback on corner lots from 20' to 15' for remodels;

WHEREAS, following a public hearing on September 12, 2024, the Lehi City Planning Commission reviewed the proposed revisions and forwarded a positive recommendation to the City Council; and

WHEREAS, on October 8, 2024, the City Council held a duly noticed meeting to receive public comment and ascertain the facts regarding this matter, which facts and comments are found in the hearing record and which include the staff report, minutes from the Planning Commission meeting of September 12, 2024, and the positive recommendation of the Planning Commission; and,

WHEREAS, after considering the facts and comments presented to the Municipal Council, the Council finds: Table 05.040A of the Lehi City Development Code should be amended; and such action furthers the health, safety, and welfare of the citizens of Lehi.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Lehi City, Utah as follows:

PART I:

Table 05.040A of the Lehi City Development Code is hereby amended.

PART II:

A. If a provision of this Ordinance 62-2024 conflicts with a provision of a previously adopted ordinance concerning the same title, chapter, and/or section number amended herein, the provision in this Ordinance shall prevail.

B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder shall not be affected thereby.

C. The City Council hereby directs that the official copy of the Lehi City Code be updated to reflect the provisions enacted by this Ordinance.

D. This Ordinance shall take effect immediately after being posted or published as required by law.

Approved and Adopted by the City Council of Lehi City this 8th day of October 2024.

ATTEST

Mark Johnson, Mayor

Teisha Wilson, City Recorder

TABLE 05-040-A
TABLE OF BULK AND INTENSITY REQUIREMENTS
AGRICULTURE AND RESIDENTIAL DISTRICTS

(Am 10/10/00; 3/27/01; 01/08/02; 03/11/03; 03/22/03; 07/08/03; 02/10/04; 12/14/04; 08/09/05; 9/12/06; 09/09/08; 10/11/11; 03/11/14; 02/24/15; 02/22/22; 02/28/23; 09/19/23)

	DISTRICT												
	TH-5	A-5	A-1	RA-1	R-1-22	R-1-15	R-1-12	R-1-10	R-1-8	R-1-Flex	R-2	R-2.5	R-3
Minimum Lot Size	5 Acres ^a	5 Acres ^a	1 Acre ^a	Single-Family Dwelling 15,000 Sq.Ft. ^a Other Allowed Uses 15,000 Sq.Ft. ^a	Single-Family Dwelling 22,000 Sq.Ft. ^a Other Allowed Uses 22,000 Sq.Ft. ^a	Single-Family Dwelling 15,000 Sq.Ft. ^a Other Allowed Uses 15,000 Sq.Ft. ^a	Single-Family Dwelling 12,000 Sq.Ft. ^a Other Allowed Uses 12,000 Sq.Ft. ^a	Single-Family Dwelling 10,000 Sq.Ft. ^a Other Allowed Uses 10,000 Sq.Ft. ^a	Single-Family Dwelling 8,000 Sq.Ft. ^a Other Allowed Uses 8,000 Sq.Ft. ^a	Single-Family Dwelling 8,000 Sq.Ft. ^a Other Allowed Uses 8,000 Sq.Ft. ^a	Detached Single-Family Dwelling or Duplex 8,000 Attached single family (townhomes or twin homes) No minimum lot size but must comply with the 6 DU/AC maximum. Sq.Ft. ^a Other Allowed Uses 8,000 Sq.Ft. ^a	As per PUD approval.	Residential minimum lot size is based on project acreage and the 12 DU/AC maximum. Other Allowed Uses 8,000 Sq.Ft. ^a
Maximum Dwelling Units Per Acre	0.2 ^a	0.2 ^a	1 ^a	2.5 ^a	1.75 ^a	2.5 ^a	3 ^a	3.5 ^a	4 ^a	3.5 ^a for projects > 10acres; 3.25 ^a for projects < 10	6 ^a	9 ^a	12 ^a
Minimum Lot Width/Frontage	Residential Uses 250 Ft. ^{a,b} Other Allowed Uses 250 Ft. ^{a,b}	Residential Uses 250 Ft. ^{a,b} Other Allowed Uses 250 Ft. ^{a,b}	Residential Uses 100 Ft. ^{a,b} Other Allowed Uses 160 Ft. ^{a,b}	Residential Uses 100 Ft. ^{a,b} Other Allowed Uses 160 Ft. ^{a,b}	Residential Uses 100 Ft. ^{a,b} Other Allowed Uses 160 Ft. ^{a,b}	Residential Uses 100 Ft. ^{a,b} Other Allowed Uses 160 Ft. ^{a,b}	Residential Uses 90 Ft. ^{a,b} Other Allowed Uses 160 Ft. ^{a,b}	Residential Uses 80 Ft. ^{a,b} Other Allowed Uses 160 Ft. ^{a,b}	Residential Uses 80 Ft. ^{a,b} Other Allowed Uses 160 Ft. ^{a,b}	Residential Uses 80 Ft. ^{a,b} Other Allowed Uses 160 Ft. ^{a,b}	Single Family 75 Ft. ^{a,b} Multi-Family As allowed by IBC Other Allowed Uses 150 Ft. ^{a,b}	As per PUD approval.	Single Family 65 Ft. ^{a,b} Multi-Family As allowed by IBC Other Allowed Uses 80 Ft. ^{a,b}
Minimum Front Yard	20 Ft to dwelling; 25 Ft to garage.	20 Ft to dwelling; 25 Ft to garage.	20 Ft to dwelling; 25 Ft to garage.	20 Ft to dwelling; 25 Ft to garage.	20 Ft to dwelling; 25 Ft to garage.	20 Ft to dwelling; 25 Ft to garage.	15 Ft to dwelling; 25 Ft to garage.	15 Ft to dwelling; 25 Ft to garage.	15 Ft to dwelling; 25 Ft to garage.	15 Ft to dwelling; 25 Ft to garage.	15 Ft to dwelling; 20 Ft to garage.	As per PUD approval.	15 Ft to dwelling; 20 Ft to garage.
Minimum Rear Yard (Interior Lots)	30 Ft.	30 Ft.	30 Ft.	30 Ft.	30 Ft.	30 Ft.	30 Ft. ^c	30 Ft. ^c	25 Ft. ^c	25 Ft. ^c	Single Family 15 Ft. Multi-Family As allowed by IBC	As per PUD approval.	Single Family 15 Ft. Multi-Family As allowed by IBC
Minimum Rear Yard (Corner Lots)	30 Ft.	30 Ft.	30 Ft.	30 Ft.	30 Ft.	30 Ft.	30 Ft.	15 Ft.	15 Ft.	15 Ft.	Single Family 15 Ft. Multi-Family As allowed by IBC	As per PUD approval.	Single Family 15 Ft. Multi-Family As allowed by IBC

	DISTRICT												
	TH-5	A-5	A-1	RA-1	R-1-22	R-1-15	R-1-12	R-1-10	R-1-8	R-1-Flex	R-2	R-2.5	R-3
Minimum Side Yard	Residential Uses 10 Ft. Other Allowed Uses 25 Ft. Total Side Yards Not Less Than 50 Ft.	Residential Uses 10 Ft. Other Allowed Uses 25 Ft. Total Side Yards Not Less Than 50 Ft.	Residential Uses 10 Ft. Other Allowed Uses 25 Ft. Total Side Yards Not Less Than 50 Ft.	Residential Uses 10 Ft. Other Allowed Uses 25 Ft. Total Side Yards Not Less Than 50 Ft.	Residential Uses 10 Ft. Other Allowed Uses 25 Ft. Total Side Yards Not Less Than 50 Ft.	Residential Uses 10 Ft. Other Allowed Uses 25 Ft. Total Side Yards Not Less Than 50 Ft.	Residential Uses 10 Ft. ^d Other Allowed Uses 25 Ft. Total Side Yards Not Less Than 50 Ft.	Residential Uses 8 Ft. Total Side Yards Not Less Than 20 Ft. ^d Other Allowed Uses 20 Ft. Total Side Yards Not Less Than 40 Ft.	Residential Uses 8 Ft. Total Side Yards Not Less Than 20 Ft. ^d Other Allowed Uses 20 Ft. Total Side Yards Not Less Than 40 Ft.	Residential Uses 8 Ft. and Total Side Yards Not Less Than 20 Ft. ^d Other Allowed Uses 20 Ft. and Total Side Yards Not Less Than 40 Ft.	Residential Uses 8 Ft. Total Side Yards Not Less Than 20 Ft. ^d Other Allowed Uses 20 Ft. Total Side Yards Not Less Than 40 Ft.	As per PUD approval.	Residential Uses 8 Ft. Total Side Yards Not Less Than 20 Ft. ^d Other Allowed Uses 20 Ft. Total Side Yards Not Less Than 40 Ft.
Minimum Side Yard (Corner Lot)	20 Ft.	20 Ft.	20 Ft.	20 Ft.	20 Ft.	20 Ft.	20 Ft. ^e	20 Ft. ^e	20 Ft. ^e	20 Ft. ^e	20 Ft. ^e	As per PUD approval.	20 Ft. ^e
Height	Max. 35 Ft. or 2 Stories. Min 1 Story	Max. 35 Ft. or 2 Stories. Min. 1 Story	Max. 35 Ft. or 2 Stories. Min. 1 Story	Max. 35 Ft. or 2 Stories. Min. 1 Story	Max. 35 Ft. or 2 Stories. Min. 1 Story	Max. 35 Ft. or 2 Stories. Min. 1 Story	Max. 35 Ft. or 2 Stories. Min. 1 Story	Max. 35 Ft. or 2 Stories. Min. 1 Story	Max. 35 Ft. or 2 Stories. Min. 1 Story	Max. 35 Ft. or 2 Stories. Min. 1 Story	Max. 35 Ft. or 2 Stories. Min. 1 Story	Max. 35 Ft. or 2 Stories. Min. 1 Story	Max. 45 Ft. or 3 Stories. Min. 1 Story
Minimum Ground Floor Area Per Residential Unit	1,000 Sq.Ft. ^f	1,500 Sq.Ft. ^g	1,500 Sq.Ft. ^g	1,000 Sq.Ft. ^f	1,500 Sq.Ft. ^g	1,000 Sq.Ft. ^f	1,000 Sq.Ft. ^f	1,000 Sq.Ft. ^f	1,000 Sq.Ft. ^f	1,000 Sq.Ft. ^f	900 Sq.Ft. (Ground Floor Not Less Than 600 Sq.Ft. With Total of 1,200 Sq.Ft. Min. For Stacked Attached Units) ^f	900 Sq.Ft. (Ground Floor Not Less Than 600 Sq.Ft. With Total of 1,200 Sq.Ft. Min. For Stacked Attached Units) ^f	900 Sq.Ft. (Ground Floor Not Less Than 600 Sq.Ft. With Total of 1,200 Sq.Ft. Min. For Stacked Attached Units) ^f
Minimum Driveway Length Front Load	20 Ft.	20 Ft.	20 Ft.	20 Ft.	20 Ft.	20 Ft.	20 Ft.	20 Ft.	20 Ft.	20 Ft.	20 Ft.	20 Ft.	20 Ft.
Driveway Length Alley/Rear Load	2 Ft.-4 Ft. or 20 Ft. Min.	2 Ft.-4 Ft. or 20 Ft. Min.	2 Ft.-4 Ft. or 20 Ft. Min.	2 Ft.-4 Ft. or 20 Ft. Min.	2 Ft.-4 Ft. or 20 Ft. Min.	2 Ft.-4 Ft. or 20 Ft. Min.	2 Ft.-4 Ft. or 20 Ft. Min.	2 Ft.-4 Ft. or 20 Ft. Min.	2 Ft.-4 Ft. or 20 Ft. Min.	2 Ft.-4 Ft. or 20 Ft. Min.	2 Ft.-4 Ft. or 20 Ft. Min.	2 Ft.-4 Ft. or 20 Ft. Min.	2 Ft.-4 Ft. or 20 Ft. Min.
Min. Area For PRD	N/A	10 Acre min.	10 Acre min.	10 Acre min.	10 Acre min.	10 Acre min.	10 Acre min.	10 Acre min.	10 Acre min.	10 Acre min.	10 Acre min.	10 Acre min.	10 Acre min.

Notes:

^a For subdivisions located along a master planned major roadway or master planned trail, the City Council, following review and recommendation from the DRC and Planning Commission, may allow higher density, reduced lot size, reduced frontage, or other design considerations in lieu of payment to the developer for right-of-way and/or other improvements required by the Lehi City General Plan, Master Transportation Plan and/or Lehi City Design Standards and Public Improvements Specifications Manual (concept plan required).

^b For subdivisions that are designed with curvilinear street layouts, or coving, or that incorporate traffic calming elements in their design, the City Council, following review and recommendation from the DRC and Planning Commission, may allow reduced frontage (concept plan required).

^c 15 ft. for remodeling projects on single family dwellings not less than 2 years old.

^d 6 ft. minimum with total side yards not less than 18 ft. for remodeling projects on single family dwellings not less than 2 years old.

^e 20-15 ft. for remodeling projects on single family dwellings not less than 2 years old.

^f 850 Sq. Ft. on two story single family detached unit with attached 2 car garage (garage not included in calculation of 850 Sq. Ft.) Must have a minimum of 1450 Sq. Ft. total finished floor area.

^g 1,250 Sq. Ft. on two story single family detached unit with attached 2 car garage (garage not included in calculation of 1,250 Sq. Ft.) Must have a minimum of 1,750 Sq. Ft. total finished floor area. Dwellings existing prior to December 12, 2004 are considered a conforming use.

City Council Agenda Item Report

Meeting Date: October 8, 2024

Submitted By: Brittney Harris

Submitting Department: Planning Division

Item Type: Ordinance

Agenda Section: Regular Agenda

Subject:

Consideration of Ordinance #60-2024 a Development Code Amendment to Table 05.030B, Nonresidential Uses, and Chapter 39, Definitions, adding data centers.

Suggested Action:

Attachments:

[CC Staff Report Data Centers Dev Code Amendment 10.08.24.docx](#)

[Data Centers Development Code Amendment DRC 08.21.24.docx](#)

[Ord 60-2024.docx](#)

[TBL05.030-B Nonresidential zones- Data Centers.pdf](#)

[Ch39Definitions- data center small scale.pdf](#)

DATA CENTERS DEVELOPMENT CODE AMENDMENT CITY COUNCIL REPORT

Applicant	Lehi City
Meeting Date	October 8, 2024
Requested Action/Purpose	Approval of proposed amendments to the Lehi City Development Code
Decision Type	Legislative
Date of DRC Review	August 21, 2024
Date of Planning Commission Review	September 12, 2024
REQUIRED ACTION	
Planning Commission	Review and recommendation
City Council	Final approval

APPLICABLE DEVELOPMENT CODE REGULATIONS

Section 04.060. Criteria for Approval.

No amendment to this Code, or the Zoning District Map(s), may be recommended for approval by the Commission nor approved by the City Council unless such amendment or conditions thereto are consistent with the General Plan. In considering a Code amendment, or Zoning District Map(s) amendment, the applicant shall identify, and the City Staff, DRC, Commission, and the City Council may consider the following factors, among others:

1. The effect of the proposed amendment on the character of the surrounding area;
2. Consistency with the goals and policies of the General Plan.
3. Consistency and Compatibility of the proposed zone with the General Plan land uses of nearby and adjoining properties.
4. The suitability of the properties for the uses requested and their suitability for the existing uses identified by the General Plan;
5. Whether a change in the uses allowed for the affected properties will unduly affect the uses, or proposed uses for nearby and adjoining properties;
6. The gain to the public health, safety and welfare from the existing classification to the proposed amendment; and
7. The overall community benefit of the proposed amendment.

REPORT ANALYSIS

Lehi City Staff requests approval of an amendment to Table 05.030.B, Nonresidential Table of Uses, and to Chapter 39 Definitions. There has been a growing interest in establishing data centers in Lehi City, but the current Table of Uses does not address them. This proposal aims to allow data centers in the Commercial, Heavy Commercial, Light Industrial, and Technical Manufacturing zones, while also imposing a size limitation.

According to Better Buildings, a government resource, small data centers are defined as those with 5,000 square feet or less of computer space, which accounts for half of all data centers. Given that data centers require substantial amounts of water and power for cooling—resources that are somewhat limited in Lehi—staff recommends capping the allowable size of data centers within the city.

DRC reviewed the proposed amendment and had two redline comments to update the wording. These updates have already been incorporated into the draft.

POSSIBLE MOTIONS AND FINDINGS

The City Council may approve or deny the proposed amendments to the Lehi City Development Code. Any motion should include findings. Possible findings include:

1. The proposed Development Code Amendment adds a use that is likely to come into Lehi at some time in the future.
2. The proposed Development Code Amendment allows for data centers while also considering the long-term sustainability of limited resources.
3. The proposed Development Code amendment is/is not in conformance with the purposes, intent, and provisions of the General Plan and its various elements.
4. Additional findings based upon information presented during the public hearing.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission reviewed the proposed Development Code Amendments on September 12, 2024. The minutes and motion from that meeting follow.

3.6) Public hearing and recommendation of Lehi City's request for review of Development Code Amendments to Table 05.030B, Nonresidential Uses, and Chapter 39, Definitions, adding data centers.

Katie Bussell presented information to the agenda item.

Commission Chair Jackson opened and closed the public hearing.

Commissioner Everett clarified the data was considered small scale.

Motion: Commissioner Eyre moved to recommend approval of **Lehi City's request for review of Development Code Amendments to Table 05.030B, Nonresidential Uses, and Chapter 39, Definitions, adding data centers;** including all DRC comments and findings stated in the report. Commissioner Jones seconded the motion.

Vote: Commissioner Jackson, yes; Commissioner Everett, yes; Commissioner Eyre, yes; Commissioner Kunze, yes; Commissioner Jones, yes. The motion passed unanimously.

**Data Centers Development Code Amendment
DRC Redline Comments**

Lehi City- requests review of an amendment to the Lehi City Development Code Table 05.030B for data centers, adding large and small data centers to the Table of Uses and to the Definitions.

DRC Members Present: Glade Kirkham, Garion Rowett, Ryan Allred, Shelby Brewer, Kim Struthers, Gary Smith, Brad Kenison, James Farnsworth, Luke Seegmiller

Assigned Planner: Brittney Harris

Representatives of the Applicant Present:

Date of Plans Reviewed: 8/12/24

Time Start: 1:57pm

Time End: 2:00pm

DRC REDLINE COMMENTS:

Glade – Power:

1. In the definition add that “A power study will be required for any data center “

Garion – Fire: No comments

Ryan – Water/Sewer: No comments

James – Parks: No comments

Gary – Building/Inspections: No comments

Shelbey – Public Works: No comments

Brad – Engineering: No comments

Luke- Traffic: No comments

Kim – Planning:

2. “Extra” water dedication should change to “Additional”. Add sentence that anything larger is not allowed.

THIS ITEM WILL BE SCHEDULED FOR PLANNING COMMISSION SEPTEMBER 12th

Note: This list of corrections and deficiencies should not be considered as an all-inclusive or final list. The items listed need to be corrected and resolved and a new set of information submitted for review by the DRC. Further corrections and deficiencies may still be noted as the DRC further reviews the resubmitted information.



ORDINANCE NO: 60-2024

**AN ORDINANCE AMENDING LEHI CITY DEVELOPMENT CODE
CHAPTER 39 AND TABLE 05-030-B**

WHEREAS, it has become necessary to amend Chapter 39, and Table 05-030-B of the Lehi City Development Code; and

WHEREAS, this amendment seeks to add Data Centers as a use in Table 05-030-B and Chapter 39; and

WHEREAS, following a public hearing on September 12, 2024, the Lehi City Planning Commission reviewed the proposed revisions and forwarded a positive recommendation to the City Council; and

WHEREAS, on October 8, 2024, the City Council held a duly noticed meeting to receive public comment and ascertain the facts regarding this matter, which facts and comments are found in the hearing record and which include the staff report, minutes from the Planning Commission meeting of September 12, 2024, and the positive recommendation of the Planning Commission; and,

WHEREAS, after considering the facts and comments presented to the Municipal Council, the Council finds: Chapter 39, and Table 05-030-B of the Lehi City Development Code should be amended; and such action furthers the health, safety, and welfare of the citizens of Lehi.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Lehi City, Utah as follows:

PART I:

Chapter 39, and Table 05-030-B of the Lehi City Development Code are hereby amended.

PART II:

A. If a provision of this Ordinance 60-2024 conflicts with a provision of a previously adopted ordinance concerning the same title, chapter, and/or section number amended herein, the provision in this Ordinance shall prevail.

B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder shall not be affected thereby.

C. The City Council hereby directs that the official copy of the Lehi City Code be updated to reflect the provisions enacted by this Ordinance.

D. This Ordinance shall take effect immediately after being posted or published as required by law.

Approved and Adopted by the City Council of Lehi City this 8th day of October 2024.

ATTEST

Mark Johnson, Mayor

Teisha Wilson, City Recorder

USE	DISTRICT										
	NC	C	C-H	CR	C-1	BP	LI	MU	T/M	PF	HI
Bakery, Retail	P	P	P	P		P		P			P
Bar			C				C				
Bed and Breakfast	P	P	P	P				P			
Body Art Facility							P				
Brew Pub	P	P	P	P		P	P	P			
Building and Property Maintenance Services		C	P				P		P		
Building Materials Supply Store		P	P				P				
Car Wash		P	P	P			P				
Check Cashing, Title Loans & other Credit Services (See Section 12.130E)		C	C			C	C				
Child Daycare (Commercial)	P	P		P		P		P		P	
Commercial Campgrounds										P	
Commercial Laundries, Linen Service							P				
Commercial Parking Lot/Structure (Paid Parking)		P	P	P		P	P	P	P		P
Commercial Entertainment Facility		C	C				C				
Commercial Recreational Facility	P	P	P	P		P	P	C	P		
Conference Center, Convention Center, Reception Center		P		P		P		P	P		
Construction Service			P				P				
Convenience Store, with Gasoline Sales		P	P	P			P				
Convenience Store, without Gasoline Sales	P	P	P	P		P	P	P			
Crematory			P				P				
Data Center Small Scale			P	P			P		P		
Dog Care Facility	C	C	C	C		C	C	C	C		

Notes:

P = Uses allowed as a Permitted Use.

P¹= Single family homes that existed at the time this code was adopted (9/11/12) shall continue; however new single-family dwellings shall only be permitted in areas with remaining density per Map 05.010 Maximum TOD and Mixed Use Density Map.P²= Allowed provided there is remaining density as allocated per Map 05.010 Maximum TOD and Mixed Use Density Map.P³= Only permitted for Financial Services and Pharmacy uses that: 1) are on a parcel adjacent to a UDOT Principal Arterial or along the 2100 North Corridor, 2) incorporate pedestrian-oriented design elements into the site plan (such as pedestrian walkway or trail), and 3) are designed to shield headlights from adjacent properties.

C = Uses allowed as a Conditional Use. Uses not identified as either a Permitted or Conditional Use are deemed to be prohibited.

* All uses in the Planned Community and Resort Community Zones must be authorized through an Area Plan pursuant to Chapter 15 or through a Land Use Plan pursuant to Chapters 38 and 39. All uses in the Transit Oriented Development Zone must be authorized by a Land Use Plan pursuant to Chapter 38 and 39.

Commercial Recreational Facility - A recreation facility operated as a business on private or public property and open to the public for a fee, such as a golf course, driving range, tennis court, skating rink, equestrian center, or substantially similar uses, and support facilities customarily associated with the development.

Commercial Uses - Retail business and service establishment, professional and governmental offices, and developed recreational uses.

Communications Tower - A structure intended for transmitting or receiving television, radio, or telephone communications.

Common Open Space - Facilities, land and yard areas identified within projects for the use and enjoyment of residents and maintained and operated by the City or an organization accepted by the City.

Commission - The planning commission of the City of Lehi, Utah.

Communications Facilities and Towers - See Section 12.140 of the Lehi City Development Code.

Concept Plan - A sketch preparatory to the preparation of the preliminary plat or preliminary site plan to enable a property owner/developer to gain an understanding of City policies and development requirements that may be considered by the City in reviewing a development application.

Concrete Manufacture - an operation that produces concrete products used in construction including the stockpiling of bulk materials used in the production process or a finished product manufactured on the premise.

Conditional Use - A use requiring special consideration and review in the manner identified in Chapter 9 of this Code.

Condominium - Any structure or group of structures, in which units are owned individually, and the structure(s), common areas and facilities are owned by all the owners on a proportional, undivided basis and which has been submitted to condominium ownership under the provisions of the Utah Condominium Ownership Act.

Conference Center, Convention Center, Reception Center - Facilities designed to host conferences, exhibitions, trade shows, receptions, and other similar

large group events. This use may also provide office facilities and a range of leisure activities but does not include any residential, housing, or lodging uses, even on a temporary basis.

Construction Service - An establishment providing services relating to the construction, maintenance or repair of dwellings and buildings, including plumbing, heating, air conditioning, painting, electrical services, masonry, carpentry and roofing. Typical uses include building contractors, sub-contractors, and handyman services.

Construction Service Yard - An establishment providing storage of large equipment, vehicles, or other materials commonly used for construction.

Convenience Store - A retail establishment smaller than 5,000 square feet offering for sale a limited range of prepackaged food products, snacks, beverages, and household items.

Corral, Pen - A fenced, unroofed enclosure used to contain livestock or animals. The enclosure may be permanent or temporary and may consist of dirt or vegetation. Although similar to a corral, a pen is usually smaller in size and used to keep an animal(s) in a confined area such as a holding pen.

Country Club - A facility providing land area and buildings containing golf courses, recreational facilities, a clubhouse, and customary accessory uses, open only to members and their guests.

Crematory - A place where the bodies of the dead are cremated.

Cultural and Artistic Uses - A facility for entertainment purposes that include but are not limited to museums, galleries, libraries, and performing art studios.

Data Center Small Scale - A building that is primarily used to house computer servers and remote storage of data and with 5,000 square feet or less of computer floor space. Data centers with a larger computer floor space are not allowed. Additional water dedication will be required based on the water usage of the cooling system, and a power study will be required for any data center.

Day Treatment - A facility providing specialized treatment for less than 24 hours a day for four or more persons who are unrelated to the owner or provider and who have emotional, psychological, developmen-

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City Council Agenda Item Report

Meeting Date: October 8, 2024

Submitted By: Brittney Harris

Submitting Department: Planning Division

Item Type: Ordinance

Agenda Section: Regular Agenda

Subject:

Consideration of Ordinance #61-2024 a Development Code Amendment to Chapters 12-A and 12-B, adding some additional requirements to grading.

Suggested Action:

Attachments:

[CC Staff Report Grading Dev Code Amendment 10.08.24.docx](#)

[Grading Development Code Amendments DRC 08.28.24.docx](#)

[Ord 61-2024.docx](#)

[Grading Development Code Amendments.pdf](#)

GRADING DEVELOPMENT CODE AMENDMENT CITY COUNCIL REPORT

Applicant	Lehi City
Meeting Date	October 8, 2024
Requested Action/Purpose	Approval of proposed amendments to the Lehi City Development Code
Decision Type	Legislative
Date of DRC Review	August 28, 2024
Date of Planning Commission Review	September 12, 2024
REQUIRED ACTION	
Planning Commission	Review and recommendation
City Council	Final approval

APPLICABLE DEVELOPMENT CODE REGULATIONS

Section 04.060. Criteria for Approval.

No amendment to this Code, or the Zoning District Map(s), may be recommended for approval by the Commission nor approved by the City Council unless such amendment or conditions thereto are consistent with the General Plan. In considering a Code amendment, or Zoning District Map(s) amendment, the applicant shall identify, and the City Staff, DRC, Commission, and the City Council may consider the following factors, among others:

1. The effect of the proposed amendment on the character of the surrounding area;
2. Consistency with the goals and policies of the General Plan.
3. Consistency and Compatibility of the proposed zone with the General Plan land uses of nearby and adjoining properties.
4. The suitability of the properties for the uses requested and their suitability for the existing uses identified by the General Plan;
5. Whether a change in the uses allowed for the affected properties will unduly affect the uses, or proposed uses for nearby and adjoining properties;
6. The gain to the public health, safety and welfare from the existing classification to the proposed amendment; and
7. The overall community benefit of the proposed amendment.

REPORT ANALYSIS

Lehi City requests approval of proposed amendments to Chapters 12A and 12B related to grading and landscaping, prompted by two main concerns.

Drainage and Landslide Concerns

The first concern involves grading activities for homes and landscaping following mass grading. Several areas in Traverse Mountain have experienced land movement from higher to lower elevation lots, particularly after rainstorms or improper drainage, which can compromise soil stability and retaining walls. City staff from planning, engineering, parks, and building departments, along with input from a local developer on the Traverse Mountain HOA board, have collaborated to address this issue.

The proposed amendment outlines necessary engineering measures for building on slopes of 30% or greater, including the requirement for a geotechnical report and a comprehensive retaining wall plan. Additionally, it introduces new requirements for grading permits, such as specifying drainage areas on each lot to indicate water flow and requiring elevation measurements at each corner. If homeowners plan landscaping or construction that alters drainage or elevation, they must submit a new grading permit. These measures aim to effectively mitigate drainage and landslide issues.

City Property Concerns

The second concern addresses the increasing instances of individuals grading or landscaping on City-owned property, including hillside and park areas. The proposed amendment explicitly prohibits this activity, categorizing it as a Class C Misdemeanor.

The DRC received two comments from the Parks Department regarding this issue. One concern is that landowners may grade or landscape on City property with the expectation that the City will eventually sell it to them. The parks department suggests adding language to prevent landowners from purchasing encroached property from the City. They also recommend reclassifying the violation to a Class B Misdemeanor, which carries a more serious penalty.

The City Council should consider if they would like these changes to be made to the proposed Development Code Amendment.

POSSIBLE MOTIONS AND FINDINGS

The City Council may approve or deny the proposed amendments to the Lehi City Development Code. Any motion should include findings. Possible findings include:

1. The proposed Development Code amendments will help prevent future landslide and grading issues.
2. The proposed Development Code amendments includes language to discourage encroaching onto City property.
3. The proposed Development Code amendment is/is not in conformance with the purposes, intent, and provisions of the General Plan and its various elements.
4. Additional findings based upon information presented during the public hearing.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission reviewed the proposed grading Development Code Amendments on September 12, 2024. The minutes and motion from that meeting follow.

3.8) Public hearing and recommendation of Lehi City's request for review of a Development Code Amendment to Chapters 12-A and 12-B, adding some additional requirements to grading.

Katie Bussell presented information on the agenda item.

Katie pulled up the map to show some of the occurrences. Commission Chair Jackson asked for clarification on misdemeanor charges and the associated penalties. Craig explained that the code enforcement team worked with residents who had encroached on City property. He outlined the justification for keeping these violations as misdemeanors, noting that it was not feasible for every code enforcement violation to address all issues. The cases that were brought to prosecution typically involved ongoing problems. Katie added that most complaints were initially sent to the planning staff, who would issue a letter asking the resident to contact the City for compliance. If the resident failed to comply, the case would then be forwarded to prosecution.

Commission Chair Jackson opened the public hearing.

Brandon Rudolph spoke about the seriousness of each misdemeanor, noting that most cases were sent to prosecution and resolved there. He confirmed that his experiences aligned with what Craig had stated.

Commission Chair Jackson then closed the public hearing.

Commissioner Everett emphasized the seriousness of residents developing on City property. Commissioner Eyre asked for clarification regarding the Jordan River Trail. Kim explained that the trail was on Utah County property, so the county would need to take a position on the matter. The Commission Chair inquired about the possibility of charging daily misdemeanors. Craig and the Commission discussed the process of notifying the tenant and allowing

them a grace period to respond or contact the City. Commissioner Everett pointed out that while there was discretion in enforcement, compliance often could not be achieved without penalties.

Motion: Commissioner Jones moved to recommend approval of **Lehi City's request for review of a Development Code Amendment to Chapters 12-A and 12-B**, including all DRC comments, with the findings stated in the report. Noting a grace period of 30 days of notice before a misdemeanor Class B charge can be brought to prosecution. Commissioner Everett seconded the motion.

Vote: Commissioner Jackson, yes; Commissioner Everett, yes; Commissioner Eyre, yes; Commissioner Kunze, yes; Commissioner Jones, yes. The motion passed unanimously.

**Grading Development Code Amendments
DRC Redline Comments**

Lehi City- requests review of an amendment to the Lehi City Development Code adding some additional requirements to grading in Chapters 12-A and 12-B.

DRC Members Present: Glade Kirkham, Garion Rowett, Ryan Allred, Shelby Brewer, Kim Struthers, Gary Smith, Brad Kenison, James Farnsworth, Luke Seegmiller

Assigned Planner: Kim Struthers

Representatives of the Applicant Present: None

Date of Plans Reviewed: 8/14/24

Time Start: 2:51 pm

Time End: 2:55 pm

DRC REDLINE COMMENTS:

Glade – Power: No comments

Garion – Fire: No comments

Ryan – Water/Sewer: No comments

James – Parks:

1. I think this idea has been tossed around, so I thought I would bring it up, could this section be strengthened even further by the addition of this sentence "The property owner found responsible for grading or encroaching on city property, by their own act or their agents', is thereby precluded from purchasing the City owned property from the City."
2. Is a class C Misdemeanor a severe enough deterrent? Would a Class B Misdemeanor have more teeth?

Gary – Building/Inspections: No comments

Shelbey – Public Works: No Comments

Brad – Engineering: No comments

Luke- Traffic: No comments

Kim – Planning: No comments

THIS ITEM WILL BE SCHEDULED FOR PLANNING COMMISSION ON SEPTEMBER 12, 2024

Note: This list of corrections and deficiencies should not be considered as an all-inclusive or final list. The items listed need to be corrected and resolved and a new set of information submitted for review by the DRC. Further corrections and deficiencies may still be noted as the DRC further reviews the resubmitted information.



ORDINANCE NO: 61-2024

**AN ORDINANCE AMENDING THE LEHI CITY DEVELOPMENT CODE
CHAPTERS 12A AND 12B**

WHEREAS, it has become necessary to amend Chapters 12A and 12B of the Lehi City Development Code; and

WHEREAS, this amendment seeks to add additional information for grading and landscaping requirements; and

WHEREAS, this amendment seeks to promote the health, safety and welfare of residents by preventing landslides, flooding and other related issues; and

WHEREAS, following a public hearing on September 12, 2024, the Lehi City Planning Commission reviewed the proposed revisions and forwarded a positive recommendation to the City Council; and

WHEREAS, on October 8, 2024, the City Council held a duly noticed meeting to receive public comment and ascertain the facts regarding this matter, which facts and comments are found in the hearing record and which include the staff report, minutes from the Planning Commission meeting of September 12, 2024, and the positive recommendation of the Planning Commission; and,

WHEREAS, after considering the facts and comments presented to the Municipal Council, the Council finds: Chapter 12A and Chapter 12B of the Lehi City Development Code should be amended; and such action furthers the health, safety, and welfare of the citizens of Lehi.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Lehi City, Utah as follows:

PART I:

Chapter 12A and Chapter 12B of the Lehi City Development Code are hereby amended.

PART II:

A. If a provision of this Ordinance 61 -2024 conflicts with a provision of a previously adopted ordinance concerning the same title, chapter, and/or section number amended herein, the provision in this Ordinance shall prevail.

B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder shall not be affected thereby.

C. The City Council hereby directs that the official copy of the Lehi City Code be updated to reflect the provisions enacted by this Ordinance.

D. This Ordinance shall take effect immediately after being posted or published as required by law.

Approved and Adopted by the City Council of Lehi City this 8th day of October 2024.

ATTEST

Mark Johnson, Mayor

Teisha Wilson, City Recorder

standards shall apply to all development within Hillside Preservation areas:

~~A-1. No person shall be permitted to grade, excavate, fill, erect any structure, or otherwise disturb any slope over thirty percent (30%) unless appropriate engineering measures are taken to address any associated hazards, as recommended by an engineering analysis and accepted by the Lehi City Engineer or City Council, depending on the applicable approval process identified in this Code. As part of the proposed engineering measures, the applicant shall provide a grading plan and drainage plan. The City Engineer may also require the applicant to provide a geotechnical report or a comprehensive retaining wall plan depending on the scale of the disturbance. The applicant shall provide a geotechnical report, a grading plan, a drainage plan, and a comprehensive retaining wall plan.~~

B. Any person proposing to grade, excavate, fill or erect any structure on any slope or hillside with a slope greater than ten percent (10%) shall be required to submit the following documents to the City for review and approval. These documents shall be submitted for review in addition to the development requirements for site plan and/or subdivision (whichever is applicable):

1. Soils report. The soils report shall be prepared and stamped by a geotechnical engineer, licensed by the State of Utah and qualified to prepare such report, and must contain the following information:

- (a) Stability analysis for "steep slopes";
- (b) Unified soil classification for the major horizons or layers of soil profile, or of the zone of the footing foundation;
- (c) Soils engineering tests to determine bearing capacity, settlement potential, and shrink/swell potential of the site soils;
- (d) Analysis of the soil suitabilities, constraints, and proposed methods of mitigating such constraints in implementing the proposed development;
- (e) Groundwater levels and flows that may affect the development and estimated elevation of groundwater levels;
- (f) Frost depth and potential frost action based upon material type and groundwater levels;
- (g) Irrigation, runoff, and surface flows that may affect the development;
- (h) Seismic considerations, including estimated peak ground accelerations, spectral

accelerations and the appropriate Site Class in accordance with the International Building Code (for projects involving structures), and other potential seismic hazards relating to the proposed development. The report should address the potential impacts of seismic ground motions on slope stability;

- (i) Bearing capacities, compaction, and other applicable factors deemed relevant by the geotechnical engineer.; and
- (j) Recommended means to minimize any hazards and/or adverse impacts to the natural environment. Recommendations should address concerns identified in the soils report as well as the geologic report.

2. Geologic report. A geologic report and map shall be prepared and stamped by geologist, licensed by the State of Utah and qualified to prepare such report. Mapping shall reflect careful attention to the rock composition, structural elements, and distribution of earth materials, and shall be drawn at a scale of 1"=100'. The report should include the following:

- (a) Location and size of subject area and its general setting with respect to major geologic features;
- (b) Location and probability of landslide potential;
- (c) Discussion of other potential geologic hazards, including but not limited to avalanche, rock fall, debris flow, flooding, groundwater-related hazards, fault rupture, and other seismic hazards;
- (d) Topography and drainage in the subject area;
- (e) Estimated depth to bedrock and geologic characteristics of bedrock layers;
- (f) Reference to any State, Federal, and County reports covering the area (responding to issues/concerns identified in the reports); and
- (g) Conclusions and recommendations regarding the effect of geological conditions on the proposed development, and recommendations covering the adequacy of sites to be developed.

3. Grading and drainage plan. A grading and drainage plan shall be prepared by an engineer, licensed by the State of Utah and qualified to prepare such report. The plan must be sufficient to determine erosion control measures necessary to prevent soil loss during construction. The plan shall also include the following information:

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CHAPTER 12-B**GRADING PERMITS**

Section 12-B.010	Grading Permit – Purpose and Intent.
Section 12-B.020	Grading Permit Requirements.
Section 12-B.030	Grading Permit General Conditions.
Section 12-B.040	Grading Permit Submittal Requirements.
Section 12-B.050	Grading Permit Issuance.
Section 12-B.060	Grading Permit Administration
Section 12-B.070	Landowner Grading Project Requirements
Section 12-B.080	Grading Permit Violations
Section 12-B.090	Penalties

Section 12-B.010 Grading Permit – Purpose and Intent (Amended 11/12/13; 09/13/16)

A. The purpose of this Chapter is to establish minimum requirements for grading, filling, and excavation work, and the procedures by which these requirements may be complied with and enforced.

B. During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing siltation of aquatic habitat for fish and other species. Eroded soil also necessitates increased maintenance of sewers, storm drains and ditches. In addition, clearing and grading during construction causes the loss of native vegetation, which can further cause erosion. The purpose and intent of this section is to:

1. Safeguard persons, protect property, and minimize damage to the environment and local infrastructure.
2. Promote the public safety and welfare by guiding, regulating, and controlling the construction process, as well as the use and maintenance of any development or activity that disturbs or breaks the topsoil or results in the movement of earth.
3. Remedy sediment pollution when it occurs.

C. For the purposes of this section, grading is defined as the act of leveling, smoothing, or otherwise preparing the rough grading of a development site for construction, by creating a level (or possibly sloped to a specific degree) base; or otherwise excavating, compacting, removing native vegetation, grubbing, cutting and/or filling a development site in preparation for the construction of an approved development project.

D. Grading does not include mining, which is defined as the removal, screening, or stockpiling of material without an approved development project, or otherwise removing, screening, or stockpiling material for economic gain. Grading also does not include importing of material to be crushed or screened, stockpiled, or sold; however, the incidental sale of excess materials may be allowed as a part of an approved grading permit.

Section 12-B.020 Grading Permit Requirements (Amended 11/12/13; 09/13/16; 09/24/19)

A. A grading permit is required for a project involving any of the following:

1. Any grading, clearing, or grubbing in excess of one (1) acre, (43,560 square feet). Clearing includes the felling or removal of trees, shrubs, or other native material when the ground has been disturbed in excess of one (1) acre.
2. Any fill and/or excavation that changes the elevation of the existing property more than two (2) feet from adjacent properties and surrounding roadway grades. Quantities of fill and excavation are separately calculated and then added together, even if excavated material is used as fill on the same site.
3. Retaining walls and modular block walls (including landscape walls, etc.) over four (4) feet in height as measured from the bottom of the footing. Base rock or block must be designed by a professional engineer and building permit obtained. Terraced walls having a total height greater than four feet are included in this requirement, unless individual walls are less than four feet high and the horizontal distance between walls is at least two times the individual wall height (reference Section 105.2 of the International Building Code).

B. The following activities are exempt from the requirements for a grading permit:

1. Agricultural crop management of existing farmed areas.

2. Routine landscape maintenance of existing landscaped areas on developed lots, including pruning, weeding, planting annuals, and other activities associated with maintaining an already established landscape.

3. Installation of residential landscaping or landscaping that is a part of a bonded and approved site plan or subdivision plat. Except in cases where:

(a) The proposed landscaping will change the drainage of the lot; or,

3-(b) Any cuts or retaining walls exceed-ing of four feet in height or more.

4. Any construction project that has a valid building permit. Except in cases where:

(a) The proposed changes will alter the fi-nal elevations of the exterior boundaries-of the corner of the lots as shown on the ap-proved grading plan for the subdivision or site plan; or,

(b) The drainage of the lot will change from the approved grading plan for the subdivi-sion or site plan; or,

4-(c) Any cuts or retaining walls of four feet or more.

5. Any construction project that has received final subdivision or site plan approval if all pre-construction meeting prerequisites have been satisfied including a development bond.

6. Work needed to correct an immediate danger to life or property in an emergency situation as declared by Lehi City.

7. Cemetery graves.

8. Routine drainage maintenance of existing, constructed stormwater drainage facilities located outside of a protected area, including, but not limited to, detention/retention ponds, wet ponds, sediment ponds, constructed drainage swales, water quality treatment facilities such as filtration systems, and regional storm facilities that are necessary to preserve the water quality treatment and flow control functions of the facility. This exemption does not apply to any expansion and/or modification to already excavated and constructed stormwater drainage facilities.

9. Industrial, manufacturing, and mining areas existing at the time this code is adopted.

10. Any public utility, park, or road project, including roadway repairs and overlays, and parks and trails construction and maintenance. This exemption includes the necessary removal and disposal of excess materials from public projects to off-site properties.

C. An exemption from a grading permit does not exempt the person doing the work from meeting all applicable city codes and obtaining any other required approvals.

Section 12-B.030 Grading Permit General Conditions *(Amended 11/12/13)*

A grading permit will be issued by the **Public Works Director** or his/her designee, following a completed application, all required fees and all necessary approvals, and is subject to the following conditions:

A. In order to minimize the impact of the grading, the smallest area of land possible shall be disturbed at any one time during development and the duration of such disturbance shall be kept to a practical minimum.

B. Whenever feasible, natural vegetation and the natural ground surface shall be retained and protected.

C. Disturbed soil shall be stabilized as quickly as practicable.

D. Diversions and outlets, both temporary and permanent, shall be constructed or installed to accommodate runoff caused by the changed soil and surface conditions during and after development, including surface flooding.

E. In the event that the International Building Code has differing requirements, the more restrictive provisions shall apply.

Section 12-B.040 Grading Permit Submittal Requirements *(Amended 11/12/13)*

An application for grading permit shall include the following:

A. A narrative outlining the project. The narrative must include a reason grading is required.

B. A re-vegetation plan must be provided for any disturbed land, including slopes created by grading,

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and any vegetation that will remain. The following provisions shall also apply:

1. Conserve topsoil removed during construction for later use on disturbed areas as needed, and as approved by the City.
2. All disturbed soil surfaces shall be stabilized before final acceptance of the development by the City. Stabilization shall include, at a minimum, six (6) inches of topsoil and native seed mix or other suitable treatment.
3. Native seed mix and the process of application shall be approved by the City.
4. In all areas under ownership and control of the Developer, the Developer shall be fully responsible for any destruction of native vegetation required to be retained and shall be responsible for replacing destroyed vegetation.

C. A general vicinity map of the proposed site.

D. A metes and bounds description of the proposed grading site is required. The description must be submitted in hard copy and electronically, in a format acceptable to Lehi City. The property limits and accurate contours of the existing ground must be provided.

E. A map of the subject area showing the elevations or finished contours to be achieved by grading and the boundaries of the grading site as required by subsection D above. The map should show representative depth of cuts/fills on the grading plan, as well as any critical or sensitive lands as identified by Section 12.060 (J) (K) of the Lehi City Development Code. It should also include the specifications and recommendations on any associated soil compaction of the site.

F. The finished elevation on the corner of all lots and the edge of the subdivision. These corner elevations shall remain at the indicated height unless a revised or new grading plan is submitted.

G. Proposed grading, drainage and contour lines along the boundaries of each lot. Drainage arrows and slopes shall be shown for each lot indicating the directional flow of water.

H. The amount of material to be moved and/or removed must be provided. Extractable volumes must also be provided in both bank cubic yards (BCY) and loose cubic yards (LCY). Where applicable, in fill

areas, compacted cubic yards (CCY) must be provided. The number of estimated total truck loads and the estimated number of truck loads per day must be provided.

I. A completion date must be provided. In no case can a grading permit be approved for a timeframe greater than one (1) year; however an extension may be requested if the project is not completed within the approval timeframe. All extensions shall be as per Section 10.120 of the Development Code.

J. The main haul route shall be outlined and shown on a map. A secondary haul route may be required when determined necessary. Haul routes should avoid school zones, and any areas of potential conflict where possible. The number of expected daily trips shall also be indicated. Haul routes for projects greater than ten (10) acres must be approved by the City Council

K. A plan showing the locations of retaining walls in excess of four (4) feet.

L. A map of the subject area showing the location and type of erosion and sedimentation control devices. Some erosion is unavoidable. The resulting sediment must be trapped on the site, even during design flood conditions. Construct sediment fences and sediment traps and basins before other land-disturbing activities occur. Sediment fences, traps, and basins must be properly maintained, regularly inspected, and cleaned as necessary. Dispose of the sediment removed during cleaning in a place where it will not flow back into the control structure. Consider the maintenance and repair costs of each erosion control practice before construction. Erosion and sediment control structures should be inspected and maintained. If not properly maintained, some practices may cause more damage than they prevent.

M. A written statement and or plan addressing the following provisions:

1. Temporary vegetative protection during time of development;
2. Dust control; and
3. Traffic control plans

N. No person shall block, impede the flow of, alter, or construct any structure or deposit any material or commit any act which will affect normal or flood

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flow in any stream or watercourse without first obtaining a permit from the appropriate agency.

M.O. All engineering work shall be approved and stamped by a licensed professional engineer who can demonstrate experience in geotechnical or geological sciences.

N.P. The landowner or his/her designee will be required to post a bond for all restoration of graded areas. The bond will cover the cost to restore the graded area to an acceptable level of appearance and stability and of needed reclamation, at a minimum the cost of topsoil, seeding, and erosion control measures. The bond must be placed in accordance with City bonding procedures as per Sections 11.220 and 11.320, Guarantees and Bonds, of the Lehi City Development Code.

O.Q. A current Storm Water Pollution Prevention Plan (SWPPP) and a Utah State Notice of Intent (NOI) will be submitted and maintained during the permit period.

P.R. Any grading near waterways will require a Stream Alteration Permit from the Utah Division of Water Rights, and a copy of that permit must be submitted with a grading application. (Contact www.waterrights.utah.gov for application.)

Section 12-B.050 Grading Permit Issuance

(Amended 11/12/13; 02/10/15; 07/30/19)

A. A grading permit may be issued in advance of a building permit and/or final development approval provided that the following approvals have previously been granted as per the development application requirements from Chapter 11 of this code:

1. A Preliminary Subdivision plat for single family residential projects; or
2. A Site Plan for commercial, institutional, or multi-family projects.

B. The approval of a grading permit may be combined and processed concurrently with the approval of a preliminary subdivision plat or site plan.

C. Grading permit applications shall be submitted to the Lehi City Planning Department.

1. Once the application has been deemed complete, the grading permit application shall be placed on the Reviewing Departments agenda for consideration.

2. Grading Permits for grading projects with ten (10) contiguous acres or less may be issued by the **Public Works Director** following a review by the Reviewing Departments. The **Public Works Director** may request that the approval of a Grading Permit be forwarded to the Planning Commission and City Council for approval as per item 3 below if they determine the project may have a significant impact on traffic, environmental quality, or the health, safety, or general welfare of the surrounding properties or residents.

3. Grading Permits for grading projects with more than ten (10) contiguous acres may be issued by the **Public Works Director** following review by the Reviewing Departments, review and recommendation following a public hearing by the Planning Commission and review and approval following a public hearing by the City Council.

(a) When considering the approval of the grading permit the **Public Works Director**, Reviewing Departments, and (when applicable), Planning Commission and City Council, will verify that all of the following criteria are met (in addition to other applicable requirements of this code and other city codes):

- (i) Approval of the proposal will not pose a threat to or be detrimental to the public health, safety, and welfare, nor be materially detrimental to fish and wildlife habitat and/or water resources as determined by an expert consultant.
- (ii) The proposal is not in a sensitive lands area, as defined by Sections 12.060 (J) (K) of the Lehi City Development Code.
- (iii) All subdivisions plats and/or site plans must have at least a preliminary approval prior to issuance of a grading permit.

D. If construction necessitates access, construction, or intrusion onto or across property not under the applicant's control, then the applicant must provide the City with a copy of a valid construction easement or right of entry before the permit can be issued.

E. The permit may be issued to the property owner or his/her agent. Both the property owner and the agent will be considered the permittee and are

each responsible for ensuring compliance with the terms of the permit.

F. Upon completion of the above, the grading permit will be issued. The grading permit along with the approved grading plans and the SWPPP must be kept on site through the duration of the grading project.

G. A grading permit is valid for one year from the date of issuance. Any amount of time exceeding one year shall require an extension, as per Section 10.120, Extensions, of the Lehi City Development Code.

Section 12B.060 Grading Permit Administration (Amended 11/12/13)

A. Before work begins on a grading project and after the bond is posted the **Public Works Director** will hold a preconstruction conference. The approved grading plans will be issued at this conference.

B. Once a grading permit is approved, the **Public Works Director** or his/her designee will be responsible for the grading permit project administration, in conjunction with the Streets Superintendent.

C. The Streets Department will monitor the grading project as often as deemed necessary by the department administration with an employee that is designated as the grading inspector.

D. The grading inspector will be responsible for inspecting and monitoring the following:

1. Grading is done only in the designated survey area.
2. Monitoring the approved extent and depth of the grading (both horizontally and vertically).
3. Verification that all required reports are submitted to the City. Reports must include daily logs of real-time data and may be requested by the inspector weekly or daily if needed.
4. Reviewing the daily truck trips and the weekly calculation of daily trip averages as outlined in 12-B.040 B. The effective capacity of each truck must be specified on every report.
5. Designated haul routes are being used and that safe hauling practices are being followed.

6. Reviewing a volumetric survey provided by the landowner or his/her designee, using a mutually agreed upon method, monthly.

Section 12-B.070 Landowner Grading Project Requirements (Amended 11/12/13)

A. The area approved for grading will be staked with stakes placed at least every one hundred fifty (150) feet so it is clear where the grading should be taking place. In order to protect the stakes from equipment, stakes may be placed a maximum of thirty feet off of legal survey line. The distance must be specified, submitted to the grading inspector in writing and written on the stakes.

B. The landowner or his/her designee must track number of truck loads that leave the site and these daily totals must be provided to the grading inspector in written form when requested. The daily average will be calculated weekly to make sure the estimated daily trips outlined in the permit process is not exceeded.

1. If during the grading project, the landowner or his/her designee find that the number of daily trips was estimated too low, he/she may request, in writing, the daily trips from the grading site be increased. This written request must be submitted to the **Public Works Director**.

2. The **Public Works Director** will consider the request taking into account haul route safety, volumetric survey results compared with truck load totals to check for major errors and inconsistencies and other mitigating circumstances.

C. The landowner or his/her designee will ensure the trucks hauling from the grading site are following the approved main haul route. If the secondary haul route is to be used the grading inspector will be notified.

D. The contractor/owner will meet as often as necessary with the **Public Works Director**, Streets Superintendent and grading inspector to provide project updates.

E. If the landowner or his/her designee does not believe the grading project will be or can be completed by the specified deadline he/she may request an extension. The request for extension must be submitted as per the requirements for extension as per Section 10.120 of this code.

Section 12-B.080 Grading Permit Violations

Grading Permits

Adopted 11/18/08

(Amended 11/12/13)

A grading project will be deemed in violation if any of the following occur:

- A. Any grading that takes place outside the official surveyed area.
- B. Removal of survey stakes and/or not maintaining clearly marked survey stakes.
- C. Grading that removes more material than specified in the permit request.
- D. Trucks hauling from the grading site not following approved haul routes for following safe trucking standards.
- E. Grading that occurs after the grading permit has expired.
- F. Exceeding the average daily truck trips by more than ten percent (10%) in a 30 day period without requesting a higher average in writing.
- G. Any work is not performed in compliance with the SWPPP Plan.

Section 12-B.090 Penalties

(Amended 11/12/13)

A. If grading occurs without a valid grading permit or outside the approved surveyed area the grading project may be stop work ordered and all work will be stopped. The stop work order will stay in place until the area graded outside of the approved area is returned to its original elevation and re-vegetated. If grading is conducted outside the surveyed area a second time no grading will be allowed for 30 days as well as the unauthorized graded area will be returned to original elevation and re-vegetated. If grading occurs a third time outside the approved area the grading permit will be revoked and the landowner or his/her designee must apply for a new grading permit paying the permit fee again as well as a new bond, if applicable and the disturbed ground outside the approved area must be restored before the new grading permit will be considered.

A.B. Grading and/or landscaping onto City owned property (except for park strips) is prohibited. If grading onto City property has occurred, and the property shall be restored to its previous condition at the owner's expense. Any offense is a Class C Misdemeanor.

B.C. The same rules apply for removal and maintenance of survey stakes, too much material removed

and trucks not following designated haul routes or not practicing safe trucking standards.

C.D. Grading that occurs without a valid grading permit or after the grading permit has expired will result in a minimum daily fine of five hundred dollars (\$500) per day.

D.E. Any person who is found to be in violation of an approved grading permit, or who is found to be in violation of this Code, may be charged with a misdemeanor and subject to enforcement by the City, as per Section 34.010 of this Code.

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City Council Agenda Item Report

Meeting Date: October 8, 2024

Submitted By: Katie Bussell

Submitting Department: Planning Division

Item Type: Ordinance

Agenda Section: Regular Agenda

Subject:

Consideration of Ordinance #63-2024 a Development Code Amendment to Chapter 20, Home Occupations, adding provisions for micro schools.

Suggested Action:

Attachments:

[CC Staff Report Chapter 20 Microschools Development Code Amendment 10.08.24.docx](#)

[Development Code Amendment Ch 20 Microschools DRC 08.28.24.docx](#)

[Ch20HomeOccupations - Microschools.pdf](#)

CHAPTER 20 MICROSCHOOLS DEVELOPMENT CODE AMENDMENT CITY COUNCIL REPORT

Applicant	Lehi City
Meeting Date	October 8 th , 2024
Requested Action/Purpose	Approval of a proposed amendment to the Lehi City Development Code
Date of DRC Review	August 28, 2024
Date of Planning Commission Review	September 12, 2024
REQUIRED ACTION	
Planning Commission	Review and recommendation
City Council	Final approval

APPLICABLE DEVELOPMENT CODE REGULATIONS

Section 04.060. Criteria for Approval.

No amendment to this Code, or the Zoning District Map(s), may be recommended for approval by the Commission nor approved by the City Council unless such amendment or conditions thereto are consistent with the General Plan. In considering a Code amendment, or Zoning District Map(s) amendment, the applicant shall identify, and the City Staff, DRC, Commission, and the City Council may consider the following factors, among others:

1. The effect of the proposed amendment on the character of the surrounding area;
2. Consistency with the goals and policies of the General Plan.
3. Consistency and Compatibility of the proposed zone with the General Plan land uses of nearby and adjoining properties.
4. The suitability of the properties for the uses requested and their suitability for the existing uses identified by the General Plan;
5. Whether a change in the uses allowed for the affected properties will unduly affect the uses, or proposed uses for nearby and adjoining properties;
6. The gain to the public health, safety and welfare from the existing classification to the proposed amendment; and
7. The overall community benefit of the proposed amendment.

REPORT ANALYSIS

Staff is requesting to amend Chapter 20 of the Development Code to add a section detailing regulations surrounding microschools as home occupations. Microschools are defined in the Utah State Code section 53G-6-201 as “an individual or association of individuals that i) registers as a business entity in accordance with state and local laws; and ii) for compensation, provides kindergarten through grade 12 education services to 16 or fewer students from an individual’s residential dwelling, accessory dwelling unit, or residential property”. The Utah State Code was recently updated to include microschools and states they shall be a permitted use in all zoning districts. Staff is proposing this amendment to be in compliance with state code and more clearly define regulations around microschools in home-occupations.

There was one comment from the DRC, including:

1. Fire – home-based microschool shall have enough space for at least 35 net square feet per student.

Please consider all DRC comments in your motion.

POSSIBLE MOTIONS AND FINDINGS

The City Council may approve or deny the proposed development code amendment. Any motion should include findings. Possible findings include:

1. The proposed Development Code amendment is/is not in conformance with the purposes, intent, and provisions of the General Plan and its various elements.
2. Additional findings based upon information presented during the public hearing.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission reviewed the proposed amendment on September 12, 2024. The minutes and motion from this meeting are as follows:

3.9) Public hearing and recommendation of Lehi City's request for review of a Development Code Amendment to Chapter 20, Home Occupations, adding provisions for micro schools.

Katie Bussell presented information on the agenda item.

Commission Chair Jackson opened and closed the public hearing.

Craig Chambers clarified we can't trump state code unless the state allows.

Motion: Commission Eyre moved to approve **Lehi City's request for review of a Development Code Amendment to Chapter 20, Home Occupations, adding provisions for micro schools;** including all DRC comments and findings stated in the report. Commissioner Everett seconded the motion.

Vote: Commissioner Jackson, yes; Commissioner Everett, yes; Commissioner Eyre, yes; Commissioner Kunze, yes; Commissioner Jones, yes. The motion passed unanimously.

**Ch 20 Development Code Amendment- Microschools
DRC Redline Comments**

Lehi City- requests review of an amendment to the Lehi City Development Code Chapter 20, Home Occupations, adding provisions for micro schools.

DRC Members Present: Glade Kirkham, Garion Rowett, Ryan Allred, Shelby Brewer, Kim Struthers, Gary Smith, Brad Kenison, James Farnsworth, Luke Seegmiller

Assigned Planner: Kim Struthers

Representatives of the Applicant Present: None

Date of Plans Reviewed: 8/14/24

Time Start: 3:07 pm

Time End: 3:10 pm

DRC REDLINE COMMENTS:

Glade – Power: No comments

Garion – Fire:

1. home-based microschool shall have enough space for at least 35 net square feet per student.

Ryan – Water/Sewer: No comments

James – Parks: No comments

Gary – Building/Inspections: No comments

Shelbey – Public Works: No Comments

Brad – Engineering: No comments

Luke- Traffic: No comments

Kim – Planning: No comments

THIS ITEM WILL BE SCHEDULED FOR PLANNING COMMISSION ON SEPTEMBER 12, 2024.

Note: This list of corrections and deficiencies should not be considered as an all-inclusive or final list. The items listed need to be corrected and resolved and a new set of information submitted for review by the DRC. Further corrections and deficiencies may still be noted as the DRC further reviews the resubmitted information.

secondary to the residential use of the dwelling and does not change the character of the building from common residential uses;

Q. activities in connection with the home occupation are not in conflict with the objectives and characteristics of the district in which the home occupation is located; and

R. if the applicant for a home occupation is not the legal owner of the residence, the applicant presents written permission from the legal owner of the residence to conduct the activities proposed.

S. The facility must also comply with any applicable IFC and IBC Codes.

Section 20.030. Employees.

(Amended 03/28/00; 01/08/13)

A. Residents of the dwelling for which a home occupation has been approved may be employed by the home occupation.

B. Recognizing that for some home occupations additional employees are necessary or practical, the City may allow one employee not residing in the premises to work at the location of a home occupation during daytime business hours. Off-street parking shall be required for all on-premises employees of an approved home occupation.

C. Off-premise employees shall not be allowed to frequent the premise of a home occupation.

Section 20.040. Patrons. (Amended 07/18/02; 8/10/04; 01/08/13; 03/11/14; 04/11/17; 06/14/22; 02/14/24; 05/14/24)

A. The number of patrons permitted at a home occupation shall be based on the amount of off-street parking the residence can provide (excluding the required parking for the residence) plus the amount of on-street parking immediately along the residence's frontage, with the exception of daycare, child in-home instruction, and swimming lessons. In no case shall there be more than six parking spaces occupied at one time related to the home occupation.

B. There shall be no more than four classes or sessions per day.

C. If the home occupation involves training or grooming of Category 4 animals (see Table 12.260) and does not have a kennel permit, the maximum number of client's animals that may be kept at the home at a given time shall not exceed three.

1. Any home occupation involving the boarding or caring (i.e., daycare) of Category 4 animals (see Table 12.260) shall require a kennel permit.

2. No overnight keeping of client's animals shall be allowed.

D. Off-street parking is required for all patrons of an approved home occupation.

E. In the case of child in-home instruction, including preschools, dance, music, art instruction, and athletic instruction, there shall not be more than 12 persons at one time nor more than two classes or sessions per day. A drop-off circulation plan shall be provided. The facility must also comply with any applicable IFC and IBC Codes.

F. In the case of home-based microschools (as allowed by Utah State Code Section 10-9a-305) there shall not be more than 16 students at one time. All requirements of the Utah State Code for microschools must also be met including the facility space requirements per student. A drop-off circulation plan shall be provided. The facility must also comply with any applicable IFC and IBC Codes.

F-G. In the case of child daycare, the total number of children that may be allowed in attendance at one time shall be limited to 12. In order to maintain the validity of a Lehi City business license for any child day care, the applicant shall obtain and keep valid a Utah Department of Health childcare certificate. Any child day care home occupation shall also strictly comply with all other requirements set forth in Utah Admin. Code § R430-50-1, *et seq.*

G-H. In the case of swimming lessons, the following provisions shall apply:

1. the total number of patrons that may be allowed in attendance at one time shall be limited to six.

2. there shall be no more than four classes or sessions per day.

3. the license holder and any other instructors shall have and maintain current certifications issued by the American Red Cross in each of: 1) cardio-pulmonary resuscitation; 2) first aid; and 3) swim coaches safety training or water safety instruction.

4. the pool facility shall meet all State requirements for pool cleanliness, microbes, sanitation,

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