Lehi Planning Commission Meeting
Lehi City Planning Commission Meeting Agenda
January 11, 2024

7:00 PM - Lehi City Council Chambers 153 N 100 E

1. Call to Order

2. Regular Agenda

   2.1. Public hearing and consideration of Rafael Pena's request for conditional use approval for JMR Trucks & Equipment with vehicle storage located at approximately 4250 North Digital Drive.
   JMR 1.pdf
   JMR 2.pdf

   2.2. Public hearing and recommendation of Dave Scoville's request for review of the Newbold Estates zone change, 7.3-acres located at approximately 600 North 500 West, changing the zoning from A-1 (agriculture) & R-2 (medium density residential) to R-1-Flex (single family residential).
   Newbold 1.pdf
   Newbold 2.pdf

   2.3. Consideration of Gary Clark's request for approval of the Clark Subdivision, a 2-lot subdivision with an existing home located at 1460 North 1700 West.
   Clark 1.pdf
   Clark 2.pdf

   2.4. Recommendation of Lehi City's request for review of a Development Code Amendment to Table 37.080, Off-Street Parking requirements, removing a proximity requirement for townhomes adjacent to on-street parking. (Tabled from the December 14th meeting)
   Dev Code Off Street Parking.pdf

   2.5. Public hearing and recommendation of Lehi City's request for review of a Development Code Amendment to Chapter 35, Community Forestry, clarifying the City's regulations for both private and public trees
   Dev Code 35.pdf

2.6. Public hearing and recommendation of Lehi City's request for review of Development Code Amendments to Chapters 10, 11 & 39 and for Figures 8 & 9, amending the City's subdivision review process to meet State Code.
Dev Code subdivisions.pdf

2.7. Public hearing and recommendation of Lehi City's request for review of a Development Code Amendment to Chapters 20 & 39, adding athletic instruction as a use, under in-home instruction, for a Home Occupation.
Dev Code 20 & 39.pdf

3. City Business

4. Adjournment

- Public is invited to attend all Planning Commission 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.

Agenda Item No: 2.1

Planning Commission Agenda Item Report

Meeting Date: January 11, 2024
Submitted By: Noreen Edwards
Submitting Department: Planning Division
Item Type: Public Hearing
Agenda Section: Regular Agenda

Subject:
Public hearing and consideration of Rafael Pena's request for conditional use approval for JMR Trucks & Equipment with vehicle storage located at approximately 4250 North Digital Drive.

Suggested Action:

Attachments:

JMR 1.pdf

JMR 2.pdf

JMR TRUCKING VEHICLE STORAGE CONDITIONAL USE

PLANNING COMMISSION REPORT

Applicant	Rafael Pena		
Meeting Date	January 11, 2024		
Requested Action/Purpose	Public hearing and approval of a proposed conditional use and site plan		
Decision Type	Administrative		
Location	Approximately 4250 N Digital Drive		
Project Area	Approximately 2.13 acres		
Existing Zoning	Light Industrial		
General Plan Designation	Commercial		
Existing Land Use	Vehicle Storage and Food Truck/Tent (unpermitted)		
Adjacent Zoning and Land Use	*North*	Light Industrial	Freedom Trucking School
	South	Planned Community	Undeveloped
	East	Planned Community	Rail Trail Corridor
	West	Light Industrial	Pool Storage
Date of DRC Review	December 13, 2023		
Assigned Planner	Brittney Harris		

REQUIRED ACTION

Planning Commission	Public hearing and final approval
City Council	No action required

APPLICABLE DEVELOPMENT CODE REGULATIONS

Section 09.060. Conditions

A. Conditions. In granting a Conditional Use permit, the Commission may impose such requirements and conditions which the Commission, in its sole discretion, deems necessary for the protection of persons and properties in the vicinity of the proposed Conditional Use, as well as the preservation of the integrity of the General Plan. Said requirements and conditions may include (but are not limited to) location, construction, size, maintenance, operation, site planning, traffic control and parking, relocations, dedications, installation and upgrading of public services and roads, and time limits for the proposed Conditional Use, in addition to the following non-exclusive list of potential requirements and conditions:

1. That the site will be suitably landscaped and maintained and that the design, setbacks, fences, walls and buffers of all buildings and other structures are adequate to protect property and preserve and/or enhance the appearance and character of the area.
2. That all buildings or other structures are architecturally attractive and add to the quality of the area.
3. Provision of parking facilities, including vehicular ingress and egress and the surfacing of parking areas and driveways to specified standards.
4. Street and highway dedication and improvements, including sidewalks, curbs and gutters.
5. Water supply and fire protection.
6. The mitigation of nuisance factors such as noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, glare, electro-magnetic disturbances and radiation.
7. The regulation of operating hours for activities affecting normal neighborhood schedules and functions.
8. Regulation of signs.
9. Provisions for a guarantee, bond or other surety that the proposed conditional use will be maintained and operated in compliance with all approval conditions and requirements.
10. Such other conditions determined necessary by the Commission to allow the establishment and operation of the proposed conditional use in an orderly and efficient manner and in compliance with all elements of the General Plan, and the intent and purpose of this Code.

The Commission may require guarantees, bonds, or other assurances that such requirements and conditions are being, or will be, satisfied, including (but not limited to) requiring an applicant to prepare and record covenants running with the land and to be binding upon the applicant and its successors in interest

PROPERTY HISTORY

March 25, 1996 Property came into the City as part of the Transwest Annexation

REPORT ANALYSIS

The applicant requests approval of vehicle storage located at approximately 4250 North Digital Drive. The parcel for this proposed use is south of the Freedom Trucking School parcel that received approval for Vehicle Storage in December 2023.

The applicant provided a sketch plan showing the access and vehicle storage areas. They also label the type of vehicles and show the location of a dumpster. In their narrative and on their site plan they reference a food truck and tent. Most of the DRC comments relate to these items. The applicant still has not submitted an application for the food truck or tent. Please include in your motion that approval of this application will allow for the vehicle storage, but not the food truck or tent. An application must be submitted for these uses or additional enforcement measures will take place.

City Staff originally received a complaint about the vehicle storage which initiated talking to the applicant. The vehicle storage at that time extended into the neighboring parcels which are zoned Planned Community but not part of the Traverse Mountain or any other Area Plan. The applicant would need to rezone these properties in order to store vehicles on them. They are aware of this and agreed to keep the vehicles on the parcel zoned Light Industrial. The plans they submitted show compliance with this requirement. However, when this report was written vehicles were still parked on the parcels.

These parcels do not have access to water or sewer which limits the landscaping potential. It also puts some limits on the conditions that could be placed on the approval.

The DRC reviewed the application and had the following three comments:

1. Any temporary tent structure intended for general occupancy must posses a tent permit through Lehi City Fire Department.
2. The food truck parked on this property needs to submit a temporary use application.
3. Use can only go on these lots that are zoned LI. The parcels that are zoned PC need to be rezoned before any other uses can be put on them.

SCOPE OF APPROVAL

Conditional uses allow for public comment. The comments should focus on the impact of the conditional use of vehicle storage and any conditions that could help mitigate against potential negative impact to surrounding properties.

The Planning Commission may at their discretion, require reasonable conditions.

POSSIBLE MOTIONS AND FINDINGS

The Planning Commission may move to approve or deny the proposed conditional use and site plan. Any motion should include findings. Possible findings include:

1. The proposed use, at the proposed location, will/will not be detrimental or injurious to property or improvements in the vicinity.
2. The proposed use will/will not be located and conducted in a manner in compliance with the goals and policies of the Lehi City General Plan and the purposes of this Code.
3. That the property on which the use, building, or other structure is proposed to be established is of adequate size and dimensions to permit construction of the facilities and the conduct of the use in such a manner that it will not be detrimental to adjoining properties and the area.
4. Additional findings based upon information presented during the public hearing.

JMR Truck Conditional Use
DRC Redline Comments

JMR Trucks and Equipment- requests review of the JMR Truck Conditional Use for storage of vehicles located at approximately 4250 North Digital Drive.

DRC Members Present: Glade Kirkham, Garion Rowett, Ryan Allred, Shelbey Brewer, Kim Struthers, Gary Smith, Ross Dinsdale, James Farnsworth, Luke Seegmiller
Assigned Planner: Brittney
Representatives of the Applicant Present: N/A
Date of Plans Reviewed: 11/30/23
Time Start: 2:02 pm
Time End: 2:07 pm

DRC REDLINE COMMENTS:
Glade – Power: No comments
Garion – Fire:
1. Any temporary tent structure intended for general occupancy must posses a tent permit through Lehi City Fire Department.

Ryan – Water/Sewer: No comments
James – Parks: No comments
Gary – Building/Inspections: No comments
Shelbey – Public Works: No comments
Ross – Engineering: No comments
Luke- Traffic: No comments
Kim – Planning:
2. The food truck parked on this property needs to submit a temporary use application.
3. Use can only go on these lots that are zoned LI. The parcels that are zoned PC need to be rezoned before any other uses can be put on them.

THIS ITEM WILL BE SCHEDULED FOR PLANNING COMMISSION ON JANUARY 11, 2023

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.

JMR Trucks & Equipment's Initiative:

Dear Honorable Mayor Mark Johnson,

Esteemed Council Members: Paige Albrecht, Chris Condie, Paul Hancock, Katie Koivisto, Mike Southwick,

and Director of Community Development: Kim Struthers.

I am Rafael Guillermo Peña with JMR TRUCKS & EQUIPMENT LLC, a modest yet dedicated trucking company. The predicament of finding parking space for commercial trucks has long been a challenge for smaller enterprises like mine. In our pursuit of a solution, we discovered an unused piece of land and connected with Mr. Merchant, the owner of Merchant & Sons Inc, who owns Parcel #58:002:0222, 58:002:0227, 58:002:0228, and a portion of Parcel #58:002:0229 on Digital Drive in Lehi, Utah. Mr. Merchant had been dealing with issues such as trespassing, illegal dumping, and encroachment on his properties by heaps of trash and mounds of construction debris. He was actively seeking a temporary solution until a permanent use for the property could be determined.

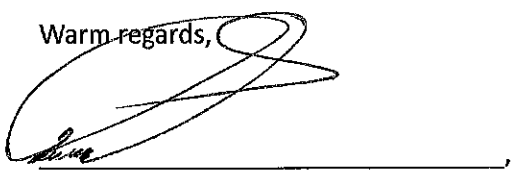
Providing Mr. Merchant with the historical context of the surrounding parcels and their past use for parking significantly eased our discussions. This historical background made it much easier to persuade Mr. Merchant to agree to a solution that would alleviate his ongoing problems. As a result, he agreed to enter into a short-term, month-to-month ground lease agreement with JMR TRUCKS & EQUIPMENT LLC. You can find the lease agreement attached for your reference.

The leased land serves distinct purposes: Parcel #58:002:0228 and a portion of Parcel #58:002:0229 are designated for overnight commercial truck parking, while Parcel Numbers 58:002:0222 and 58:002:0227 will accommodate a food truck and provide space for maneuvering larger vehicles. Our operations run seamlessly, without causing disruptions or safety concerns. Most of our trucks are actively in use during daytime hours, with our drivers leaving their personal vehicles on-site while on duty and retrieving them at the end of their shifts or after a few days.

Residing on the leased premises at any time is strictly prohibited and will not be allowed. We are committed to upholding the highest standards of maintenance, which includes minimizing noise disturbances, especially during nighttime hours. Additionally, we actively discourage any unauthorized activities on the property to foster a safer and more secure community environment.

We are currently pursuing a conditional use permit to formalize our operations. Despite the mounting challenge of securing parking for commercial vehicles, small trucking companies like ours often go unnoticed. Our fleet consistently meets safety regulations, with regular emissions and safety inspections. Maintaining the leased parcels and our parking area in an organized and safe condition is a point of pride for us. We are unwavering in our commitment to ensure that our operations do not pose any risk to the community and are dedicated to adhering to all city and state laws and regulations. Your support and understanding are crucial, not only for our small business but for the overall well-being of our community. We sincerely appreciate your consideration.

Warm regards,



Rafael Guillermo Peña

JMR TRUCKS & EQUIPMENT LLC.




PUBLIC
HEARING



JMR Trucking

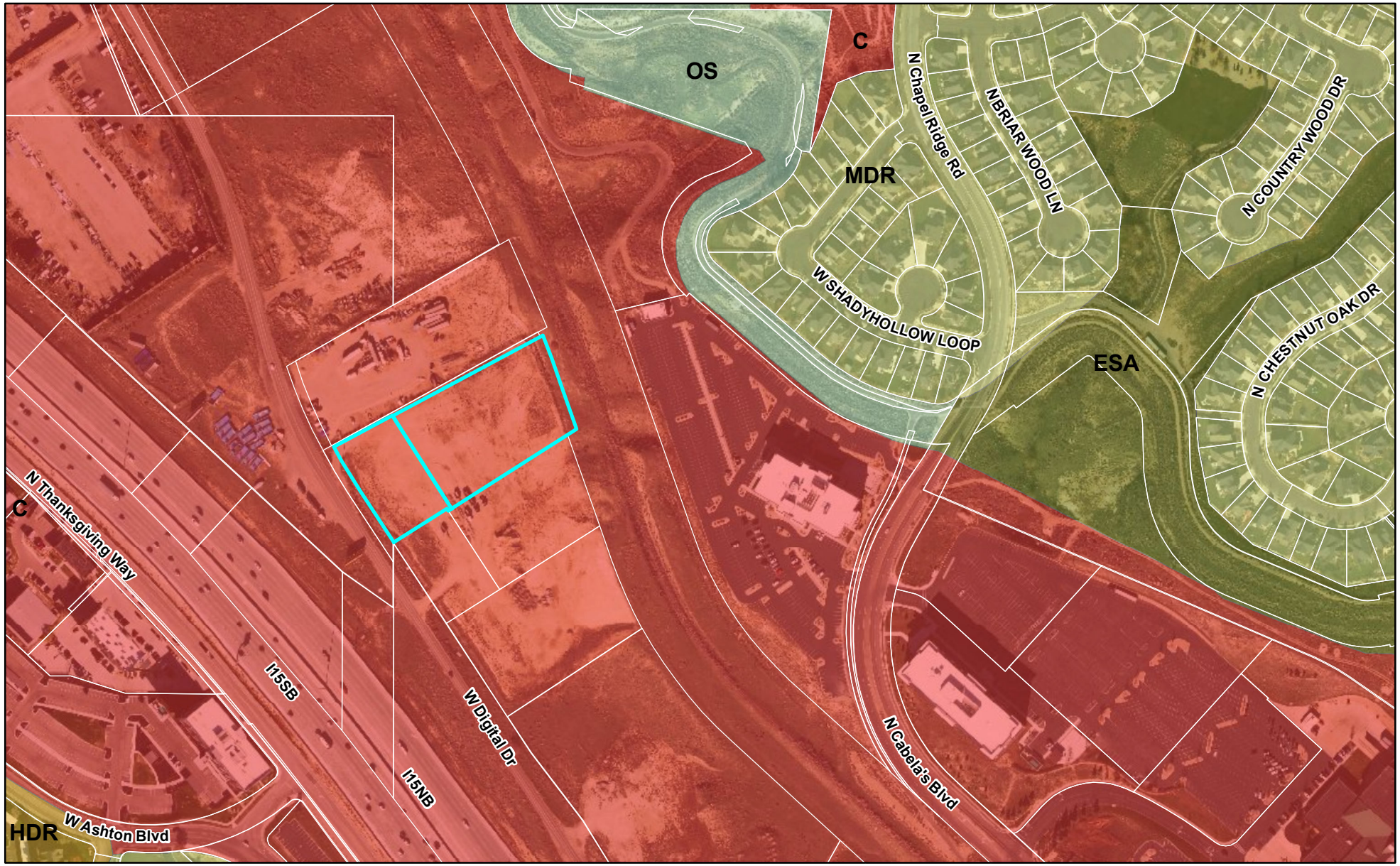
Aerial



LEHI CITY

JMR Trucking

General Plan



LEHI CITY

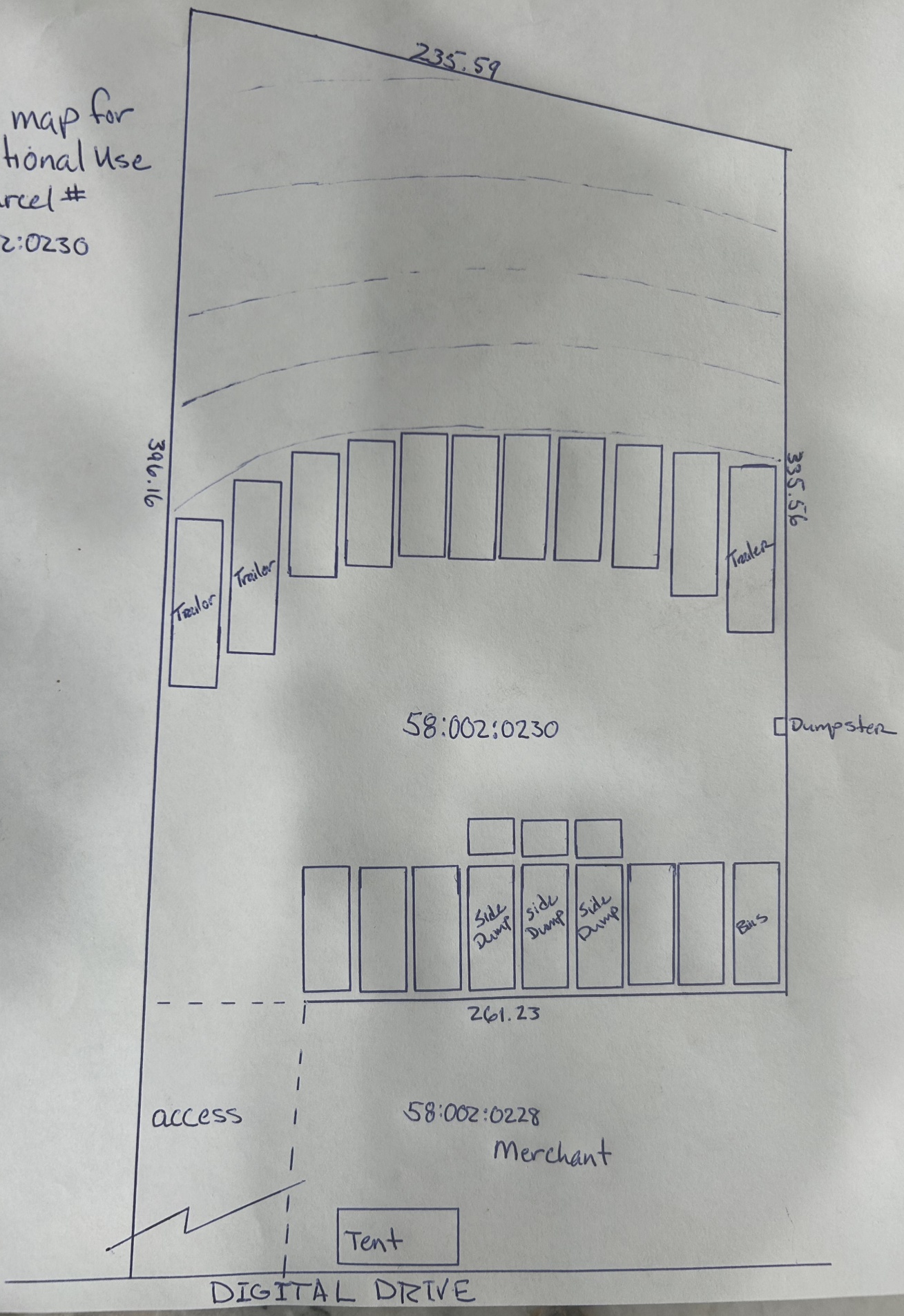
JMR Trucking

Zoning



LEHI CITY

Plat map for conditional use of Parcel # 58:002:0230



Agenda Item No: 2.2

Planning Commission Agenda Item Report

Meeting Date: January 11, 2024
Submitted By: Noreen Edwards
Submitting Department: Planning Division
Item Type: Public Hearing
Agenda Section: Regular Agenda

Subject:
Public hearing and recommendation of Dave Scoville's request for review of the Newbold Estates zone change, 7.3-acres located at approximately 600 North 500 West, changing the zoning from A-1 (agriculture) & R-2 (medium density residential) to R-1-Flex (single family residential).

Suggested Action:

Attachments:

Newbold 1.pdf

Newbold 2.pdf

NEWBOLD ESTATES ZONE CHANGE
PLANNING COMMISSION REPORT

Applicant	Dave Scoville		
Meeting Date	January 11, 2024		
Requested Action/Purpose	Public hearing, review, and recommendation of a proposed zone change		
Decision Type	Legislative		
Location	Approximately 600 North 500 West		
Acreage	7.3 acres		
Existing Zoning	A-1 & R-2		
Existing General Plan Land Use Designation	LDR & MDR		
Proposed Zoning Designation	R-1-Flex		
Existing Land Use	Single family residential		
Adjacent Zoning and Land Use	*North*	A-1	Undeveloped
	South	A-1	Single family residential
	East	R-2	Single family residential
	West	A-1	Railroad ROW
Date of DRC Review	December 13, 2023		
Assigned Planner	Jacob Curtis		

REQUIRED ACTION

Planning Commission	Public hearing, review, and recommendation
City Council	Final approval

APPLICABLE DEVELOPMENT CODE REGULATIONS

From Section 04.060 Criteria for Approval, of the Lehi City Development Code, the Planning Commission should consider the following factors, among others, when reviewing a zone 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

RESIDENTIAL DEVELOPMENT
Accommodate a range of housing and neighborhood types suitable for a variety of lifestyles, ages, affordability levels, and design options.

PROPERTY HISTORY

June 15, 1872 This property is part of the original boundaries of Lehi City.

REPORT ANALYSIS

The applicant is seeking review and recommendation of a proposed zone change from A-1 and R-2 to R-1-Flex on 7.3 acres of property located at approximately 600 North 500 West. The General Plan designation of LDR and MDR is consistent with the zone change request.

The rezone application will allow the applicant to build new single-family homes. This matches the existing residential area and the applicant decided not to maximize the potential density of the area. They could have asked for more lots with the R-2 designation, but the applicant was more interested in having quarter acre lots throughout the project.

The DRC reviewed the proposed Zone Change and had two redline comments.

1. As a condition of recording the zone change ordinance and prior to submission of an application for preliminary subdivision, the owner needs to complete the required water dedication for the R-1-Flex Zone. The amount of culinary water is 1.58 acre feet per acre and irrigation water is 2.11 acre feet per acre.
2. The proposed zone change is consistent with the General Plan designation of Low Density Residential.

Please consider the DRC comments in the motion.

SCOPE OF APPROVAL

Zone changes that follow the General Plan must be approved unless there is significant evidence that doing so will have a negative impact on the health, safety or welfare of residents.

This is a public hearing item, meaning the public can speak on this item. However, the public should realize that the zone change cannot be denied simply because they do not like the proposed development. Comments should focus on negative impacts that would take place with the zone change.

POSSIBLE MOTIONS AND FINDINGS

The Planning Commission may move to recommend approval or denial of the proposed zone change. Any motion should include findings. Possible findings include:

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 overall community benefit of the proposed amendment.

Newbold Estates Residential Zone Change
DRC Redline Comments

Dave Scoville- requests review of the Newbold Estates Zone Change, 7.3-acres located at approximately 600 North 500 West, changing the zoning from A-1 & R-2 to R-1-Flex.

DRC Members Present: Glade Kirkham, Garion Rowett, Ryan Allred, Shelbey Brewer, Kim Struthers, Gary Smith, Ross Brad Kenison, James Farnsworth
Assigned Planner: Jacob
Representatives of the Applicant Present: Dave Scoville
Date of Plans Reviewed: 11/30/23
Time Start: 1:06 pm
Time End: 1:18 pm

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
Shelbey– Public Works: No comments
Brad – Engineering: No comments
Kim – Planning:

1. As a condition of recording the zone change ordinance and prior to submission of an application for preliminary subdivision, the owner needs to complete the required water dedication for the R-1-Flex Zone. The amount of culinary water is 1.58 acre feet per acre and irrigation water is 2.11 acre feet per acre.
2. The proposed zone change is consistent with the General Plan designation of Low Density Residential.

THIS ITEM WILL BE SCHEDULED FOR PLANNING COMMISSION ON JANUARY 11, 2023.

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.

UTAH HOME BUILDER

EST. 2013

ARIVE HOMES, LLC

Friday, December 1, 2023

Dear Lehi City,

We would like to introduce you to the proposed Newbold Estates, residential single-family subdivision, located just North of the Lehi Rodeo Grounds just off of 500 West. This twenty-one lot neighborhood would require a zone change from A-1, and we propose to change to the R-1 Flex zone. Our vision is to have quarter acre lots throughout. We went over three different concepts with our architects and feel that this proposed layout was the best use for the property.

In time, if adjacent property owners wish to sell their ground, we would be very happy to see this project continue North and connect eventually with the Hadfield Subdivision. We welcome any feedback regarding this project.

Regards,

Dave Scoville

Owner

(801) 798-5485
733 N MAIN ST SPANISH FORK, UT 84660
ARIVEHOMES.COM

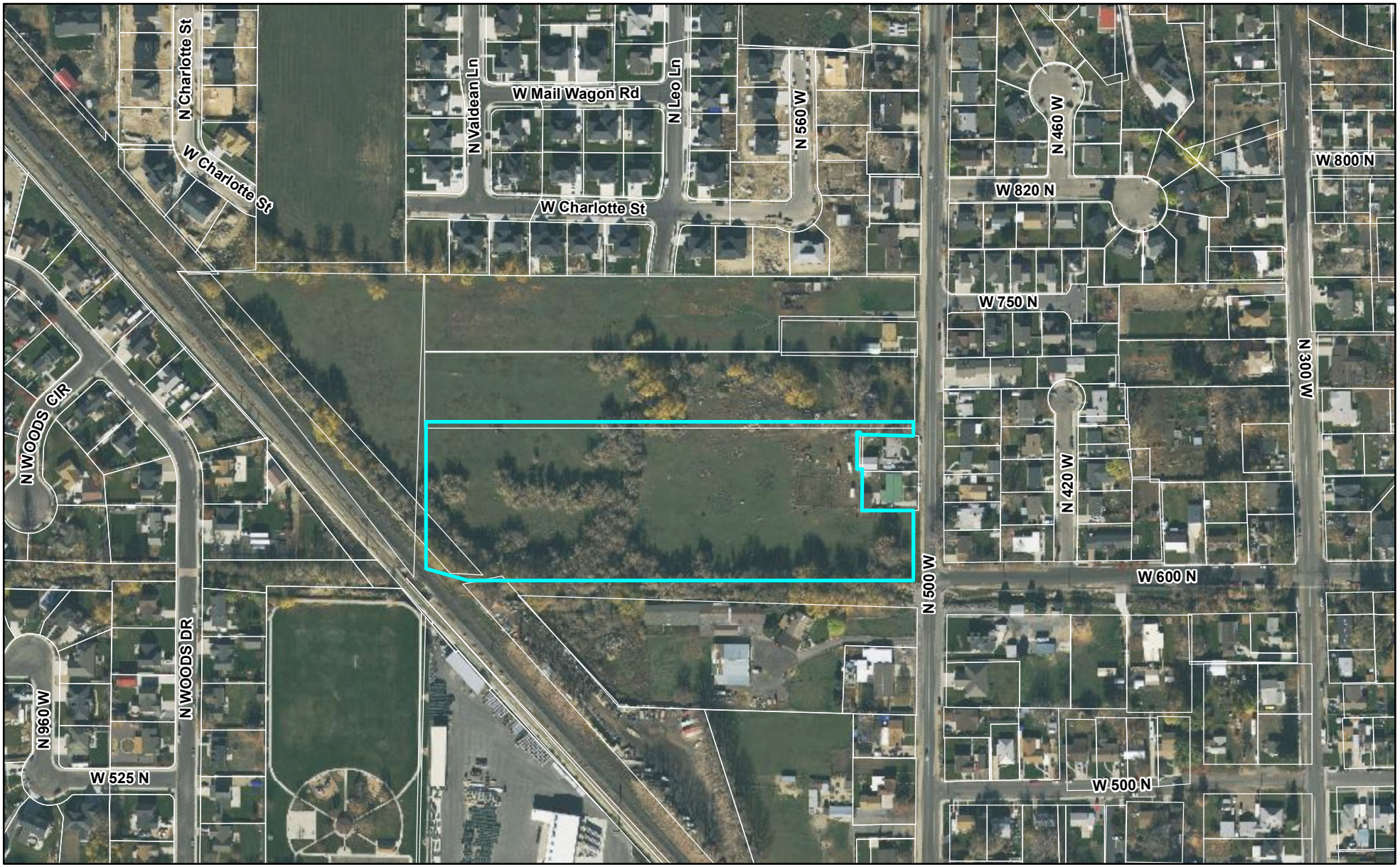



CED
MIT
O
PUBLIC
HEARING


PUBLIC
HEARING

Newbold Estates Zone Change

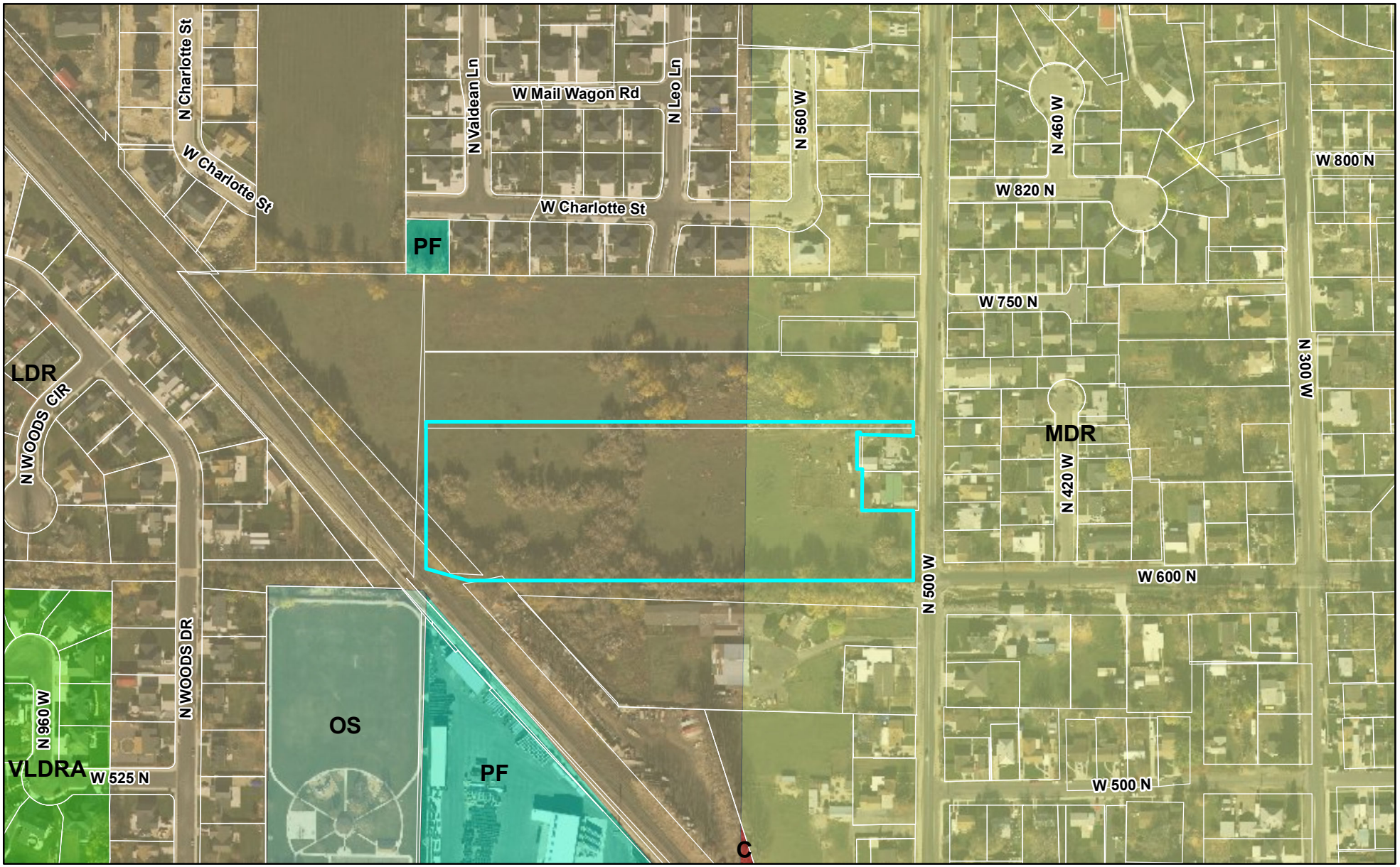
Aerial



LEHI CITY

Newbold Estates Zone Change

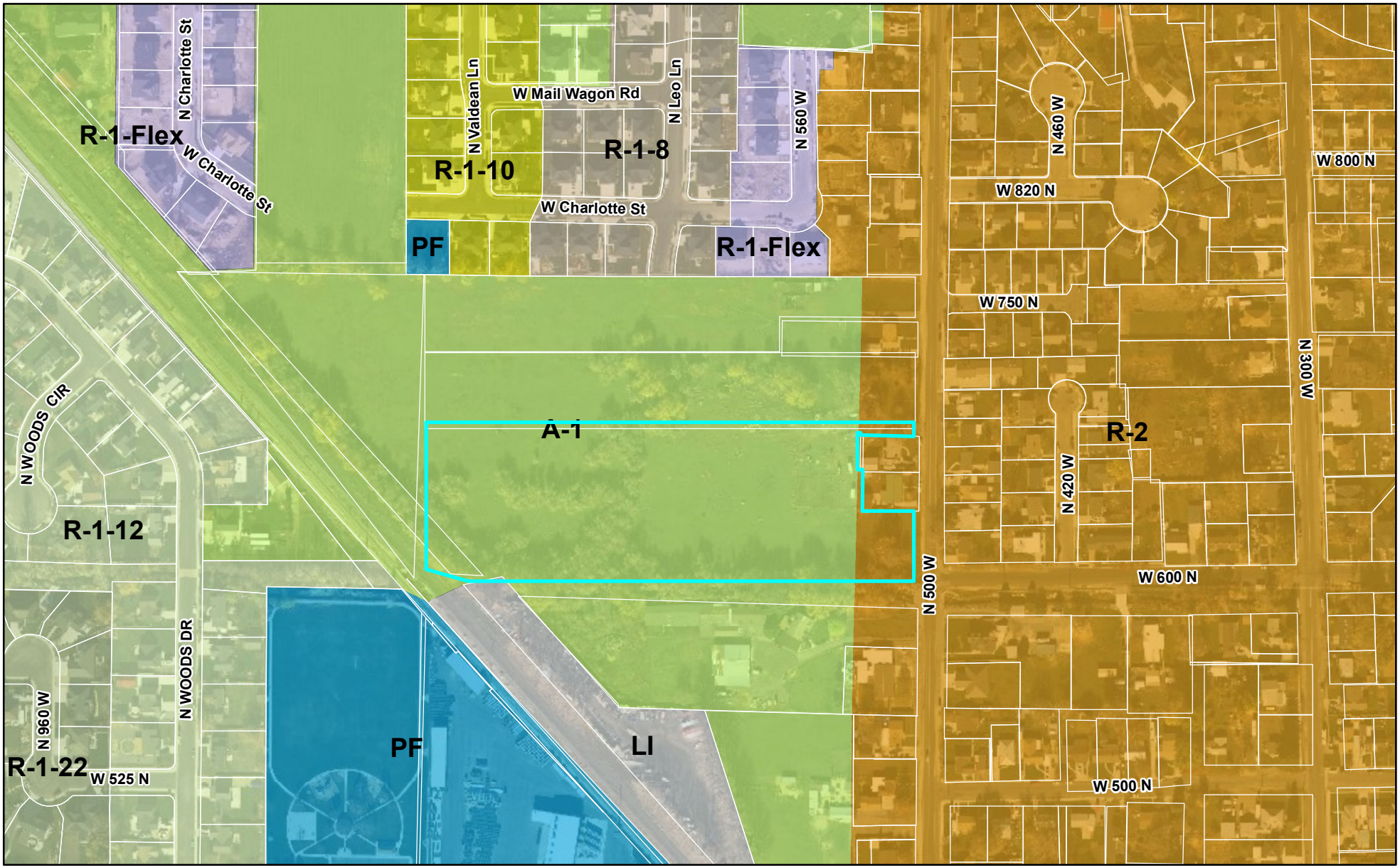
General Plan



LEHI CITY

Newbold Estates Zone Change

Zoning



LEHI CITY

Agenda Item No: 2.3

Planning Commission Agenda Item Report

Meeting Date: January 11, 2024
Submitted By: Noreen Edwards
Submitting Department: Planning Division
Item Type: Action Item
Agenda Section: Regular Agenda

Subject:
Consideration of Gary Clark's request for approval of the Clark Subdivision, a 2-lot subdivision with an existing home located at 1460 North 1700 West.

Suggested Action:

Attachments:

Clark 1.pdf

Clark 2.pdf

CLARK TWO-LOT SUBDIVISION
PLANNING COMMISSION REPORT

Applicant	Gary Clark		
Meeting Date	January 11, 2024		
Requested Action/Purpose	Approval of a proposed two-lot subdivision		
Decision Type	Administrative		
Location	1460 North 1700 West		
Project Area	0.92 acres		
Existing Zoning	RA-1		
General Plan Land Use Designation	VLDRA		
Existing Land Use	Single family residential		
Adjacent Zoning and Land Use	*North*	R-1-22	Single family residential
	South	R-1-22	Single family residential
	East	R-1-22	Single family residential
	West	RA-1	Single family residential
Date of DRC Review	December 13, 2023		
Assigned Planner	Jacob Curtis		

REQUIRED ACTION

Planning Commission	Review and recommendation
City Council	Chief Building Official authorized to sign final plat

APPLICABLE DEVELOPMENT CODE REGULATIONS

Section 11.060. Two (2) Lot Subdivision with an Existing Home
Two (2) Lot Subdivision Criteria. For the purposes of this section a two (2) lot subdivision is defined as a subdivision which includes an existing home (at least five (5) years old) and where both lots can meet the criteria outlined under the "Urban" category of Table 12-060 and are in compliance with all other development requirements and standards with the following exceptions:

1. The lot with an existing home shall be exempt from the curb and sidewalk improvements. However, this exemption does not apply to a 2 lot subdivision with a flag lot.
2. Both lots shall be exempt from the Right to Farm mitigation requirements specified in Section 18.030 of this Code, including the agricultural no climb fence.
3. In determining whether connection to the City sewer and water systems are required, the additional 150 feet (sewer) in Note 1 and the additional 250 feet (water) in note 3 of Table 12-060 shall not apply for the lot with an existing home.

PROPERTY HISTORY

December 11, 1978 This property was annexed into Lehi City as part of the Lehi Meadows Addition.
August 22, 2023 This property was rezoned to the RA-1 designation by the City Council.

REPORT ANALYSIS

The applicant requests approval of the Clark Two-Lot Subdivision located 1460 North 1700 West in the RA-1 zone.

The proposed two-lot subdivision is not a flag lot, and both lots will need to meet the 100-foot frontage requirement of

the zone, as well as the minimum 15,000 square foot lot size. The lot with the existing home is proposed to be 20,071 square feet and the new lot is 20,071 square feet. As part of the DRC comments, it was noted that Lot 102 will need to meet the 100 foot frontage requirement of the RA-1 zone.

The DRC reviewed the proposed subdivision and had three redline comment, included below.

1. Include final plat with the 2-lot subdivision.
2. Lot 102 needs to meet the frontage requirement of 100 feet at the 25-foot front setback.

Please consider including the DRC comment in your motion.

SCOPE OF APPROVAL

Subdivisions are an administrative item that must be approved if they meet the Code requirements. The proposed subdivision does meet the requirements. The Planning Commission reviews them to ensure all Code requirements are met.

POSSIBLE MOTIONS AND FINDINGS

The Planning Commission may move to approve or deny the proposed two-lot subdivision. Any motion should include findings. Possible findings include:

1. The proposed two-lot subdivision does/ does not meet the requirements of the Lehi City Development Code in regards to two-lot subdivision approvals.
2. Other findings based upon information presented at the public hearing.

Clark 2-Lot Subdivision
DRC Redline Comments

Gary Clark- requests review of the Clark Subdivision, a 2-lot subdivision with an existing home located at 1460 North 1700 West.

DRC Members Present: Glade Kirkham, Garion Rowett, Ryan Allred, Shelbey Brewer, Kim Struthers, Arnie Hunt, Brad Kenison, James Farnsworth
Assigned Planner: Jacob
Representatives of the Applicant Present: Gary Clark
Date of Plans Reviewed: 12/5/23
Time Start: 1:49 pm
Time End: 1:56 pm

DRC REDLINE COMMENTS:
Glade – Power:
1. RMP asset transfer required.

Garion – Fire: No comments
Ryan – Water/Sewer: No comments
James – Parks: No comments
Arnie – Building/Inspections: No comments
Shelbey – Public Works: No comments
Brad – Engineering: No comments
Kim – Planning:
2. Include final plat with the 2-lot subdivision.
3. Lot 102 needs to meet the frontage requirement of 100 feet at the 25-foot front setback.

PRECON MEETING REQUIRED? (FULL)
PRIOR TO SCHEDULING A PRECONSTRUCTION MEETING:
1. Provide an engineer's cost estimate for the cost of all improvements to Lehi City Engineering. (Stefanie Daggs- Sdaggs@lehi-ut.gov or 385-201-2523)
2. 10% Warranty Escrow Bond or Letter of Credit and Public/Private Improvement Agreement for all public and private improvements must be in place (from a financial institution with a branch in Utah).
3. Pay all necessary inspection fees and any up-front supply costs required by the City for power supplies, water system supplies, public signs (stop signs, address signs, etc.) and any other associated costs so that the City can order all necessary supplies for the development.
4. Prior to Preconstruction Comment - A Payment in Lieu of Detention will be required for lot 102
5. Include surveyor's and engineer's stamps and signatures on the construction drawings.
6. Show lot addresses on the final plat (must coordinate with Planning Division).
7. When lot 102 develops, a common plan SWPPP will be required
8. Obtain PLSS (Public Land Survey System) clearance letter from the Utah County Surveyor Office. If there are PLSS monuments located on or adjacent to property a monument excavation permit may be required. Per Utah Code 17-23-14 and 17-23-15. Contact info. Email surveyor@utahcounty.gov Address 2855 South State Street, Provo, UT 84606 (801) 851-8671 or (801) 851-8669.
9. Address any comments or conditions from Planning Commission approval.
10. Plans need to be signed by Community Development Director and Public Works Director before precon can be scheduled

PRIOR TO RECORDING OF PLAT:
1. Provide a Mylar of the final plat for recording with the owners notarized signature(s).
2. Include surveyor's and engineer's stamps and signatures on the plat.
3. Submit a title report to be reviewed by Lehi City Attorney.
4. Developer shall provide a letter with an exhibit of the property covered from their title company guaranteeing that the property taxes including rollback/greenbelt taxes have been paid of open space or right of way is being dedicated.

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.

5. Provide a signed easement verification sheet (for proposed public utility easements on the plat).
6. All City utilities/infrastructure has been accepted and signed off by all Lehi City Inspectors.

DRC GENERAL COMMENTS:

1. On the power, developer will install conduit; Lehi City Power will install all other required power infrastructure shown on the plans and charge the developer for the costs. These costs are separate from power impact fees that are paid with the building permit.
2. Developer is responsible to purchase, move or remove any existing RMP facilities.
3. Developer is responsible to furnish adequate rights of way or easements for construction of off-site power line extensions.
4. Once approved by the Planning Commission or City Council (whichever is applicable) plans may be submitted for check-off. Check-off plans consist of one 24x36 set of plans submitted to the Planning Department. When changes need to be made to a check-off set, revise the affected sheets only. Each new submittal will require a revision date on each new sheet.
5. Prior to the pre-construction meeting, Lehi City Staff will make copies of plans for the meeting from the check-off set and the developer will pay fees for the copies.
6. All signage will require a separate review and approval process
7. All required private improvements (except private landscaping) shall be completed prior to the certificate of occupancy being granted.
8. The approval of a development shall be effective for a period of two (2) years from the date the development is approved by the Planning Commission or City Council, whichever is applicable.
9. Approved vehicle access for firefighting shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 100 feet of temporary or permanent fire department connections. Vehicle access shall be provided by either a twenty (20) foot minimum width temporary or permanent road, capable of supporting vehicle loading under all weather conditions. Vehicle access shall be kept clear of all fencing, barricades, dumpsters, vehicles, construction materials and debris and maintained until permanent fire apparatus access roads are available.

THIS ITEM WILL BE SCHEDULED FOR PLANNING COMMISSION ON JANUARY 11, 2023.

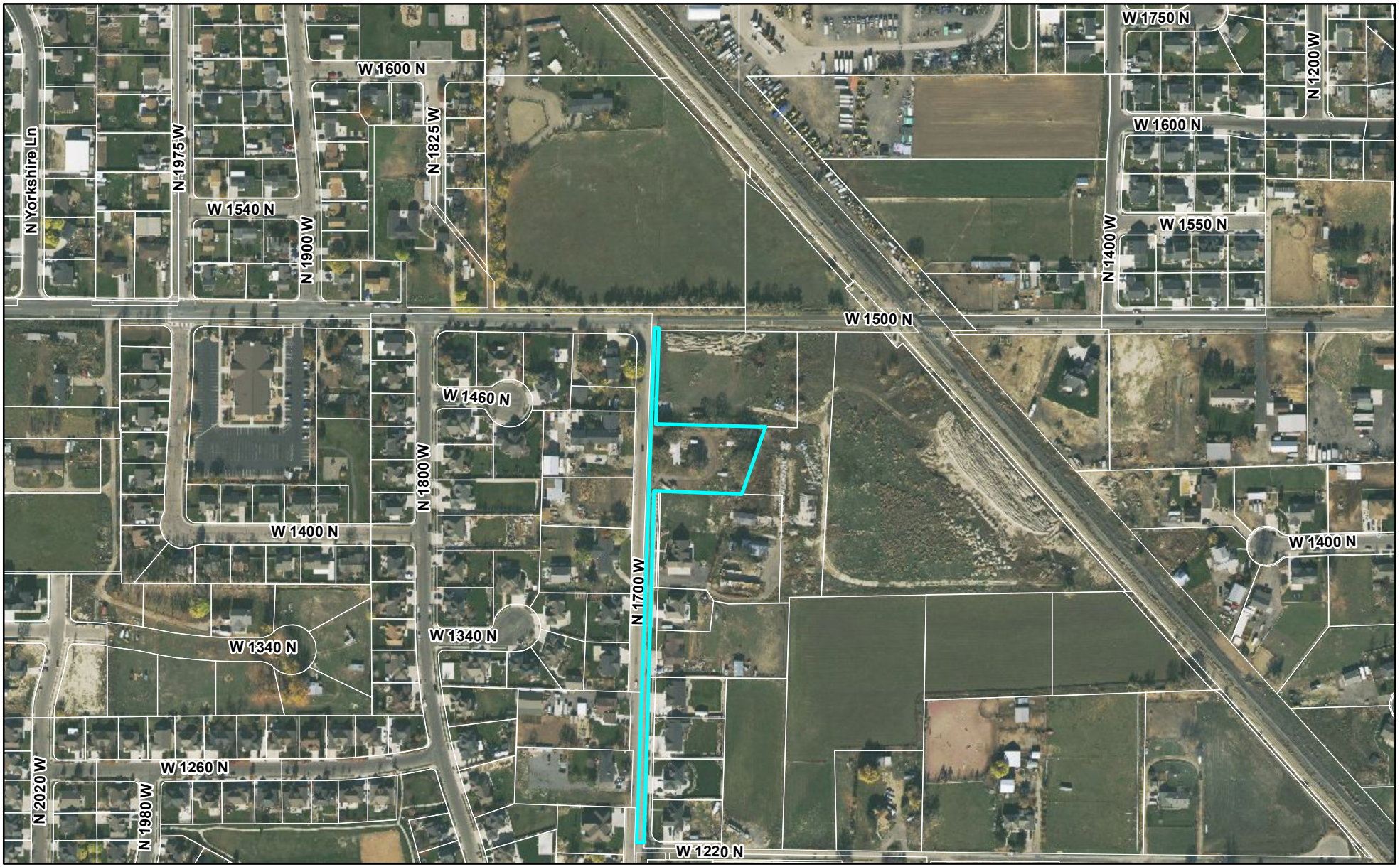
PLANNER REMEMBER TO SEND PLAN SET TO POWER

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.


CAT 246D

Clark 2-Lot Subdivision

Aerial



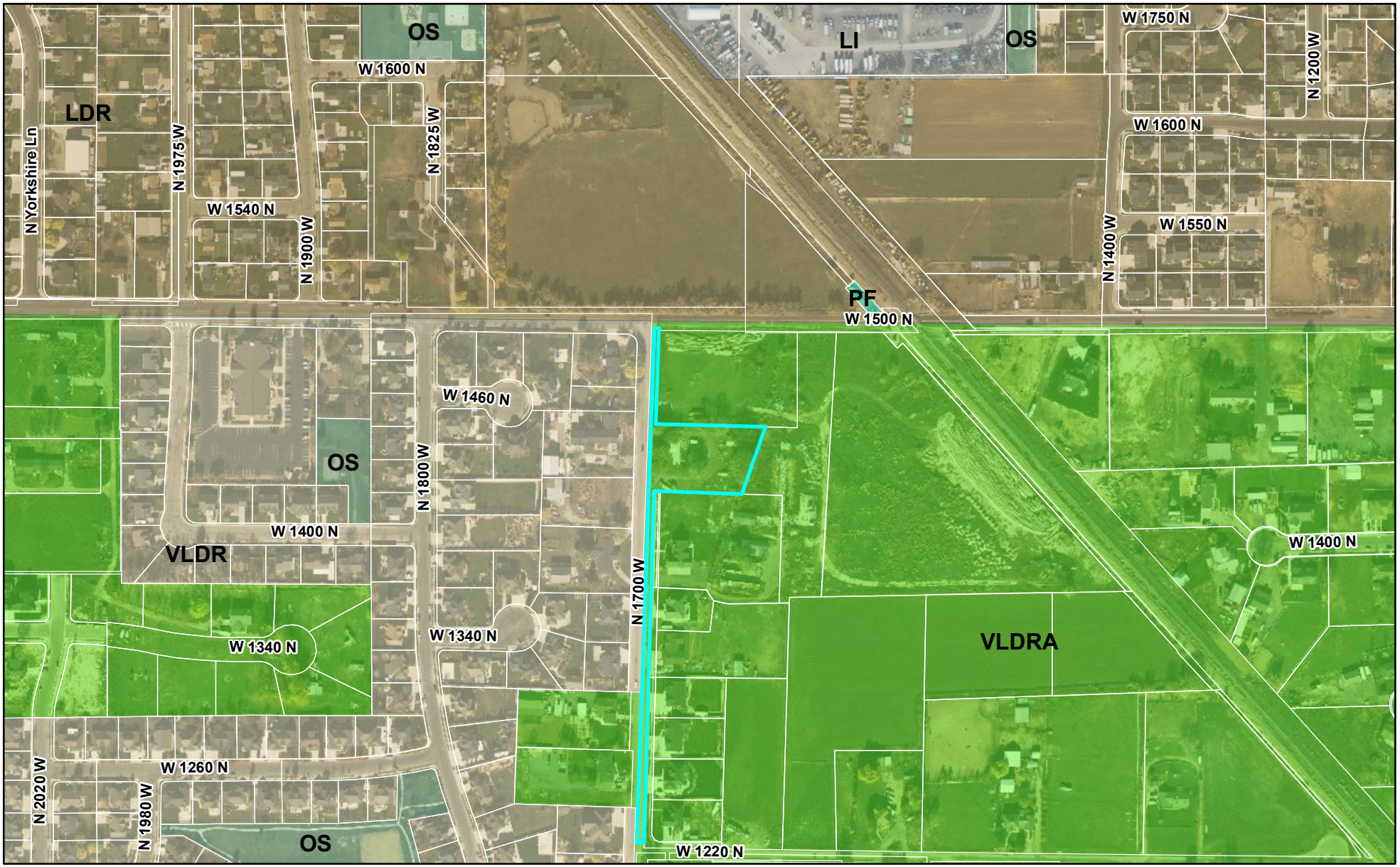
Feet

0 425 850

LEHI CITY

Clark 2-Lot Subdivision

General Plan

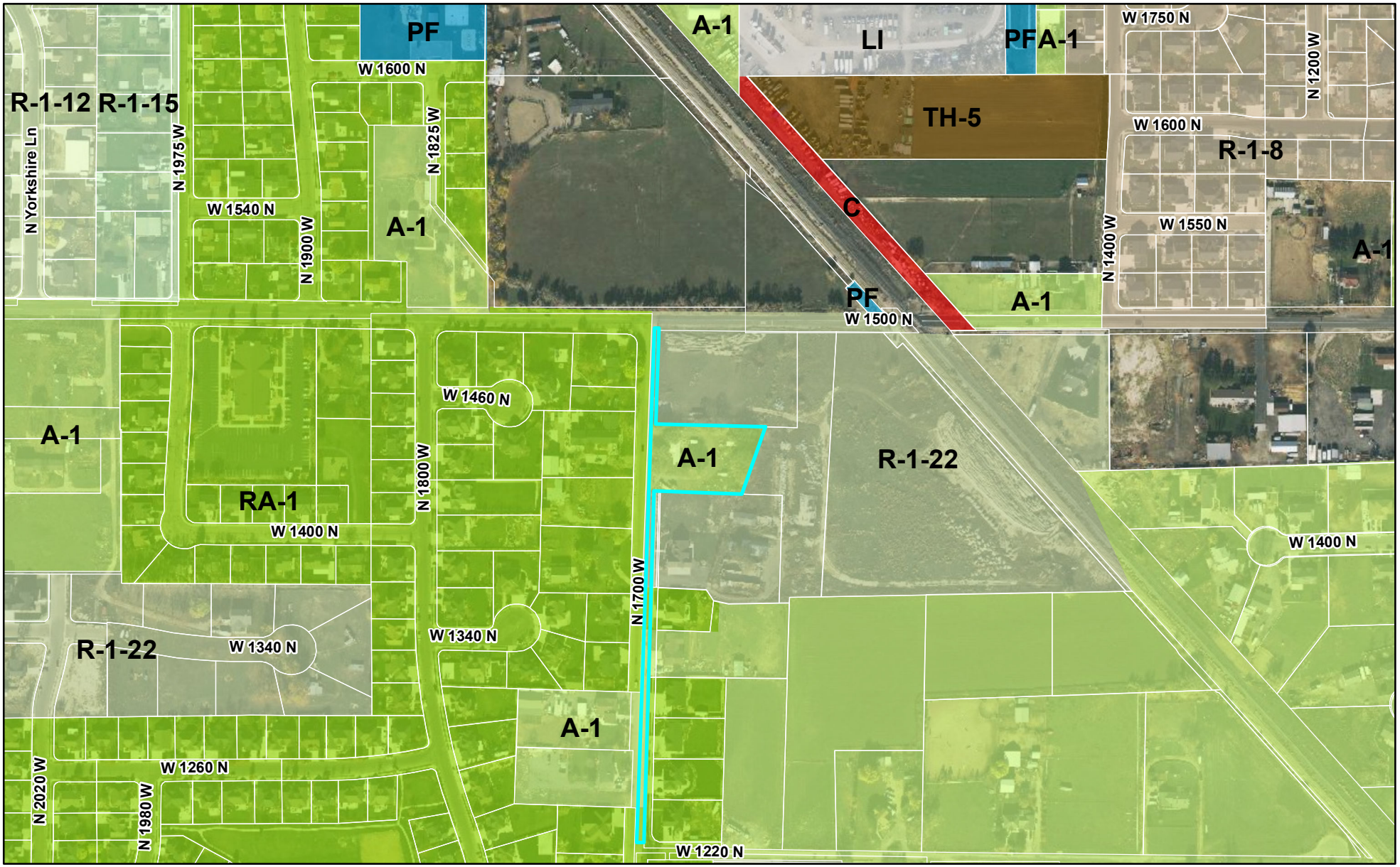


0 425 850 Feet

LEHI CITY

Clark 2-Lot Subdivision

Zoning



Feet

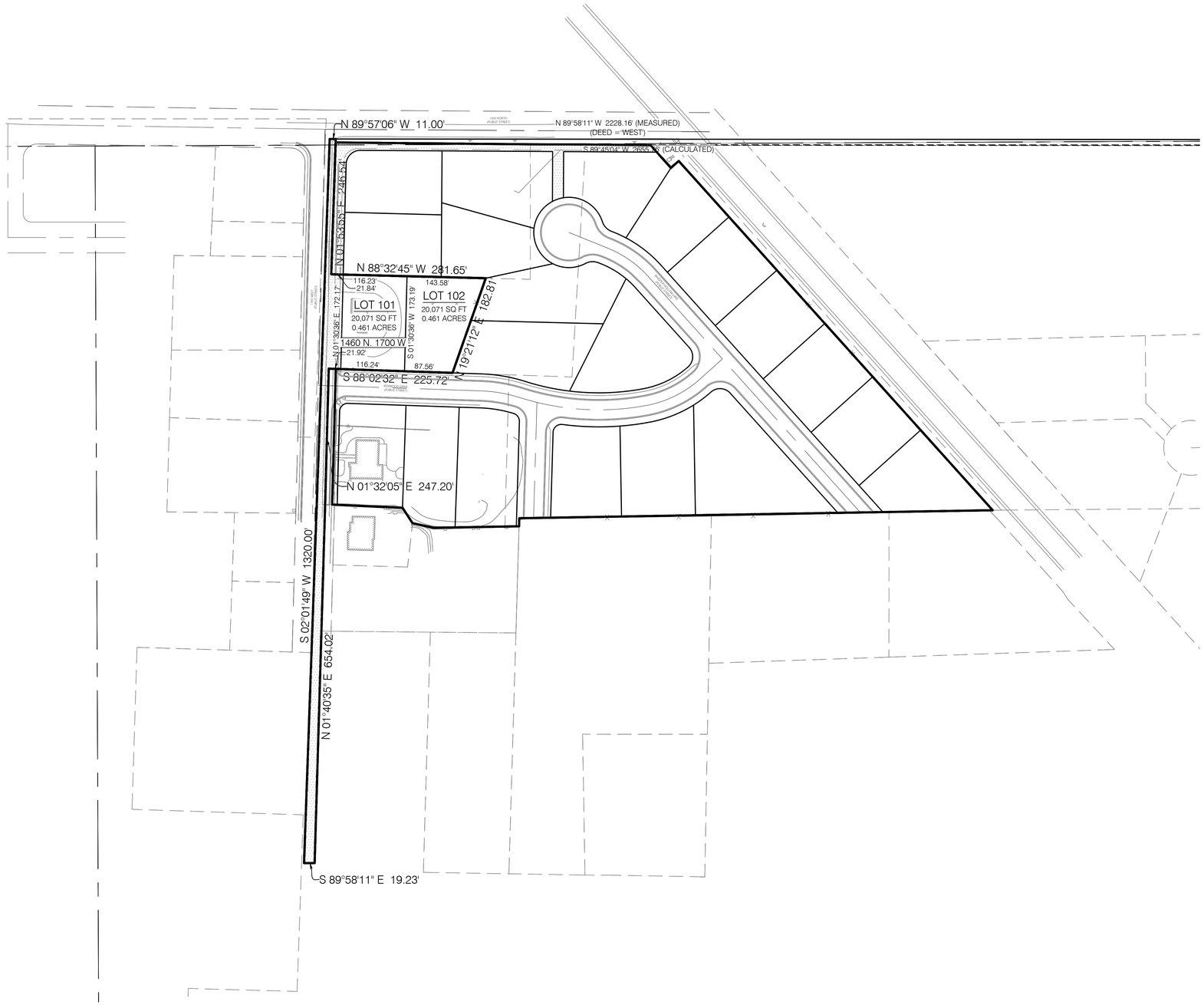
0 425 850

LEHI CITY

CLARK SUBDIVISION

LOCATED IN THE NORTHEAST QUARTER OF SECTION 7,
TOWNSHIP 5 SOUTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN

1460 NORTH 1700 WEST
LEHI CITY, UTAH COUNTY, UTAH



NORTH

GRAPHIC SCALE

100 0 50 100 200

(IN FEET)
1 inch = 100.



VICINITY MAP
N.T.S

OWNER/DEVELOPER:
GARY CLARK
801-380-6803
gclarkmlc@gmail.com

DRAWING INDEX

COVER	COVER SHEET
CGN.01	GENERAL NOTES, LEGEND & ABBREVIATION
CSP.01	SITE AND UTILITY PLAN
CEP.01	EROSION CONTROL PLAN
CEP.02	EROSION CONTROL DETAILS
CDT.01	DETAILS & NOTES

PRELIMINARY CIVIL PLANS
NOT FOR CONSTRUCTION

BENCHMARK CIVIL

PROFESSIONAL ENGINEER
No. 11366633
ALLISON G. ALBERT
STATE OF UTAH
11 30 23

BENCHMARK ENGINEERING & LAND SURVEYING
9138 SOUTH STATE STREET SUITE # 100
SANDY, UTAH 84070 (801) 542-7192
www.benchmarkcivil.com

CLARK SUBDIVISION
1460 NORTH 1700 WEST
LEHI CITY, UTAH

DRAFT: FAC	DESIGN: FAC	CHECK: AGA
DATE: 11/28/2023	DATE: 11/28/2023	DATE: 11/30/2023

PROJECT NO. 2207194

No.	DATE	DESCRIPTION

COVER

BENCHMARK ENGINEERING CONTACT: ALLISON G. ALBERT , PE

NORTH

GRAPHIC SCALE

20 0 10 20 40

(IN FEET)
1 inch = 20ft.

CONSTRUCTION KEY NOTE REFERENCE		
NO.	DESCRIPITON	DETAIL
(1)	3/4" WATER METER & VAULT PER LEHI CITY STDS.	2/CDT.01
(2)	3/4" BLUE IPS POLY WATER SERVICE LINE PER LEHI CITY STDS.	
(3)	1" PRESSURIZED IRR METER & VAULT PER LEHI CITY STDS.	1/CDT.01
(4)	1" IPS PURPLE POLY IRR SERVICE LATERAL PER LEHI CITY STDS.	
(5)	4" PVC SDR-35 SEWER LATERAL PER LEHI CITY STDS.	3/CDT.01
(6)	UTILITY TRENCHING (B)	4/CDT.01

NOTE:
PRIOR TO FABRICATION OR CONSTRUCTION, BEGIN AT THE LOW END OF ALL GRAVITY UTILITY LINES AND VERIFY THE INVERT ELEVATION OF THE POINT OF CONNECTION. NOTIFY ENGINEER FOR REDESIGN IF CONNECTION POINT IS HIGHER THAN SHOWN OR IF ANY UTILITY CONFLICTS OCCUR. GRAVITY CONNECTIONS MUST BE DONE PRIOR TO BUILDING FOOTINGS AND ROUGH PLUMBING ARE CONSTRUCTED.

NOTE A: (A)
18" OF VERTICAL SEPARATION REQUIRED BETWEEN SEWER AND WATER LINES. CONTACT ENGINEER FOR REDESIGN IF NECESSARY

NOTE B: (B)
ALL UTILITIES TO BE CONSTRUCTED PRIOR TO INSTALLATION OF WHISPER HOLLOWS SIDEWALK, CURB & GUTTER, AND ROADWAY. IF CONSTRUCTION OCCURS AFTER OTHER IMPROVEMENTS A T-PATCH AND SAWCUT PER LEHI CITY STANDARDS #WATER-1 MUST BE PROVIDED.

NOTE C: (C)
TO BE CONSTRUCTED BY WHISPER HOLLOW SUBDIVISION.

NOTE:
POTHOLE TO IDENTIFY ANY CONFLICTS BEFORE ANY PIPE INSTALLATION. CONTACT ENGINEER IF ANY CONFLICTS ARE IDENTIFIED.

NOTE:
USE EVERY 50 FT SEWER CLEAN OUT BOX

NOTE:
IF RMP RELOCATES TO UGP THEN THEY MUST BE IN THE BACK HALF OF THE EASEMENT, AND ALL LEHI POWER CONDUITS MUST BE STAMPED AS LEHI POWER

NOTE:
THE LOWEST FLOOR LEVEL CAN BE NO DEEPER THEN 3' BELOW FINISH GRADE.

QUANTITY TABLE (PROPOSED)	
PARTICULARS	QUANTITY
TOTAL ACRES	0.92
TOTAL LOTS	2
OPEN SPACE	0
UNITS / ACRE	2.0

NOTE:
SAWCUT WIDTH, LOCATIONS AND TIE-IN ELEVATIONS TO EXISTING GRADE ARE APPROXIMATE. CONTRACTOR TO FIELD VERIFY LOCATION, EXTENT OF SAWCUTTING, AND TIE-IN SLOPES TO EXISTING GRADE PRIOR TO CONSTRUCTION. IT IS THE INTENT ON THESE PLANS THAT ALL PAVEMENT SHALL TIE INTO EXISTING GRADE PER SLOPES LISTED ON CGN.01 NOTE 68. SEE NOTES 64, 68, & 83 ON CGN.01 FOR FURTHER DETAIL.

NOTE:
ALL WORK WITHIN PUBLIC ROADS TO BE DONE IN STRICT ACCORDANCE WITH CURRENT LEHI CITY STANDARDS AND SPECIFICATIONS.

No.	DATE	DESCRIPTION

SCALE MEASURES 1-INCH ON FULL SIZE SHEETS
ADJUST ACCORDINGLY FOR REDUCED SIZE SHEETS

DRAWN BY: FAC
CHECKED BY: AGA
FIELD CREW: DM/JM
DATE: 11/30/2023
DWG FILE: 2207194 SITE

PROFESSIONAL ENGINEER
No. 11366633
ALLISON G. ALBERT
STATE OF UTAH
11/30/23

BENCHMARK ENGINEERING & LAND SURVEYING
9138 SOUTH STATE STREET SUITE #100
SANDY, UTAH 84070 (801) 542-7192
www.benchmarkcivil.com

CLARK SUBDIVISION
1460 NORTH 1700 WEST
LEHI CITY, UTAH

PROJECT NO. 2207194

SITE & UTILITY PLAN

CSP.01
3 OF 6

Blue Stakes of UTAH 811
Bluestakes.org

Agenda Item No: 2.4

Planning Commission Agenda Item Report

Meeting Date: January 11, 2024
Submitted By: Noreen Edwards
Submitting Department: Planning Division
Item Type: Action Item
Agenda Section: Regular Agenda

Subject:
Recommendation of Lehi City's request for review of a Development Code Amendment to Table 37.080, Off-Street Parking requirements, removing a proximity requirement for townhomes adjacent to on-street parking. (Tabled from the December 14th meeting)

Suggested Action:

Attachments:

Dev Code Off Street Parking.pdf

TABLE 37.080 OFF-STREET PARKING DEVELOPMENT CODE AMENDMENT

PLANNING COMMISSION REPORT

Applicant	Lehi City
Meeting Date	January 11, 2024
Requested Action/Purpose	Review and recommendation on proposed amendments to the Lehi City Development Code
Decision Type	Legislative
Date of DRC Review	November 8, 2023

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 37.080 Off-Street Parking Requirements to remove the proximity requirement for townhome parking, when townhomes are adjacent to on-street parking. The proximity requirement was added last year to ensure that visitor parking is spread out throughout a development. However, Staff realized it does create some challenges with space for power equipment and amenities. Staff also realized the parking proximity requirement does not have the same need when on-street parking is available. This will not remove the proximity requirement when on-street parking is not provided, and will also not remove the number of off-street parking stalls required. This just allows more flexibility in the location of the off-street parking.

This item was tabled at the December 14, 2023 meeting.

The DRC had one comment to update the wording which was updated in the Planning Commission packet.

SCOPE OF APPROVAL

Development Code Amendments are legislative items and also public hearings. The public can share their opinions on the amendments and recommend any changes. Ultimately, they would need the Planning Commission to include the proposed changes into their motion.

POSSIBLE MOTIONS AND FINDINGS

The Planning Commission may move to recommend approval or denial of the proposed amendments to the Lehi City Development Code. Any motion should include findings. Possible findings include:

1. The proposed Development Code amendment will reduce the burden of requiring off-street parking near all of the units when the units already have on-street parking available.
2. The proposed Development Code amendment is/is not in conformance with the purposes, intent, and provisions of the General Plan and its various elements.
3. Additional findings based upon information presented during the public hearing.

TBL 37.080 Off-Street Parking Requirements Development Code Amendment
DRC Redline Comments

Lehi City- requests review of an amendment to the Lehi City Development Code, Table 37.080 Off-Street Parking requirements, eliminating the proximity requirement for parking with on-street parking provided.

DRC Members Present: Glade Kirkham, Garion Rowett, Ryan Allred, Shelbey Brewer, Kim Struthers, Gary Smith, Ross Dinsdale, James Farnsworth, Luke Seegmiller
Assigned Planner:
Representatives of the Applicant Present:
Date of Plans Reviewed: 10/30/23
Time Start: 1:35pm
Time End: 1:40pm

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
Shelbey – Public Works: No comments
Ross – Engineering:
1. Change wording to read "This additional off-street parking must be within 250 feet of the assigned units."

Luke- Traffic: No comments
Kim – Planning: No comments

THIS ITEM WILL BE SCHEUDLED FOR PLANNING COMMISSION ON DECEMBER 14, 2023

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.

TABLE 37.080
TABLE OF OFF-STREET PARKING REQUIREMENTS

(Amended 12/12/00; 05/08/01; 10/25/05; 12/14/10; 01/13/15; 01/26/16; 08/09/16; 06/09/20; 08/23/22; 11/15/22)

USE	PARKING SPACES REQUIRED
RESIDENTIAL USES	
Single-Family Dwelling	2 stalls per dwelling unit, not in tandem configuration, and both stalls must be within a fully enclosed garage. Lots with less than 50' of frontage shall provide additional off-street parking stall(s) at a rate of one space for every three dwelling units.
Two-Family Dwelling (see Sec. 12.130 B)	2 stalls per dwelling unit, not in tandem configuration. 1 stall per unit to be within a fully enclosed garage.
Three-Family Dwelling (see Sec. 12.130 B)	2 stalls per dwelling unit, not in tandem configuration. 1 stall per unit to be within a fully enclosed garage.
Four-Family Dwelling (see Sec. 12.130 B)	2 stalls per dwelling unit, not in tandem configuration. 1 stall per unit to be within a fully enclosed garage.
Multi-Family Dwellings – One bedroom or less (>4 dwelling units) (see Sec. 12.130 B)	1 stall per dwelling unit which must be within an enclosed garage or parking structure 1 additional parking stall per 3 dwelling units. All additional off-street parking must be within 300 feet of the assigned units.
Multi-Family Dwellings – Two or more Bedrooms (>4 dwelling units) (see Sec. 12.130 B)	2 stalls per dwelling unit, not in tandem configuration, one of which must be within an enclosed garage or parking structure. 1 additional parking space per 3 dwelling units. All additional off-street parking must be within 300 feet of the assigned units.
Townhouses (see Sec. 12.130 B)	2 stalls per dwelling unit, not in tandem configuration, one of which must be within an enclosed garage or underground parking structure. 1 additional parking space per 3 dwelling units if unit is adjacent to on street parking. 1 additional parking space per 2.5 dwelling units if unit is not adjacent to on street parking. ~~All additional O~~off-street parking must be within 250 feet of the assigned units with no adjacent on street parking~~.~~

Townhouses (see Sec. 12.130 B)	2 stalls per dwelling unit, not in tandem configuration, one of which must be within an enclosed garage or underground parking structure. 1 additional parking space per 3 dwelling units if unit is adjacent to on street parking. 1 additional parking space per 2.5 dwelling units if unit is not adjacent to on street parking. Off-street parking must be within 250 feet of the assigned units.

Agenda Item No: 2.5

Planning Commission Agenda Item Report

Meeting Date: January 11, 2024
Submitted By: Noreen Edwards
Submitting Department: Planning Division
Item Type: Public Hearing
Agenda Section: Regular Agenda

Subject:
Public hearing and recommendation of Lehi City's request for review of a Development Code Amendment to Chapter 35, Community Forestry, clarifying the City's regulations for both private and public trees

Suggested Action:

Attachments:

Dev Code 35.pdf

CHAPTER 35 COMMUNITY FORESTRY DEVELOPMENT CODE AMENDMENT
PLANNING COMMISSION REPORT

Applicant	Lehi City
Meeting Date	January 11, 2024
Requested Action/Purpose	Review and recommendation on proposed amendments to the Lehi City Development Code
Decision Type	Legislative
Date of DRC Review	November 8, 2023

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

The City Forester, Jessica Smith, requests review and recommendation of proposed amendments to Chapter 35 of the Development Code on Community Forestry. Park Staff along with DRC reviewed Chapter 35 of the Development Code and made some minor changes to increase readability, clarify between public and private regulations, and eliminate unnecessary information. The main reasons for changes are for greater consistency and understanding throughout the chapter when it comes to public trees. Reducing the wording in the chapter along with adjusting sections for better clarity and organization to the appropriate sections are also part of the reason for the proposed changes.

The DRC reviewed the proposed changes and had some minor text revisions they suggested. See their comments and Jessica's response to them in the DRC Comments document included with the packet information for this item.

Please include all DRC comments in your motion.

SCOPE OF APPROVAL

Development Code Amendments are legislative items and also public hearings. The public can share their opinions on the amendments and recommend any changes. Ultimately, they would need the Planning Commission to include the proposed changes into their motion.

PLANNING DIVISION RECOMMENDATION

The Planning Commission may move to recommend approval or denial of the proposed amendments to the Lehi City Development Code. 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.

Chapter 35, Community Forestry Development Code Amendment
DRC Redline Comments

Lehi City- requests review of amendments to the Lehi City Development Code Chapter 35, Community Forestry, clarifying the City's regulations for both private and public trees.

DRC Members Present: Glade Kirkham, Garion Rowett, Ryan Allred, Shelbey Brewer, Kim Struthers, Gary Smith, Ross Dinsdale, James Farnsworth, Luke Seegmiller
Assigned Planner:
Representatives of the Applicant Present: James
Date of Plans Reviewed: 10/16/23
Time Start: 1:15
Time End: 1:35

DRC REDLINE COMMENTS:
Glade – Power:
1. Reference NESC paragraph. 8' is clear space, not centerline.

Add "follow NESC Encroachment Standards and" after shall in the sentence.

Garion – Fire: No comments
Ryan – Water/Sewer:
2. Change paragraph J to read, "Water or Pressurized Irrigation meter"

Will change this to read Water or Pressurized Irrigation Meter

3. An exception for tree replacement due to conflict with any public utility must be provided in section 35.170.

The exception is noted within the last sentence with approval by the Urban Forester or the Parks Department.

4. conflict with utilities

The current Lehi City Development Code would address the replacement tree and the restrictions. If the tree cannot be replaced withing the right of way the tree would be placed within the landscape elsewhere following the Design standards where the Parks Department or Urban Forester has it replaced within the landscape.

James – Parks: No comments
Gary – Building/Inspections: No comments
Shelbey – Public Works: No comments
Ross – Engineering: (See Bluebeam Session for the following comments)
5. Change text to "may be"

Will change to may be

6. and section 2 of the Lehi City Design Standards and Public Improvement Specifications

? Not sure what section. I don't have Bluebeam to see the location of the comments.

7. Update Item I to strike the reference to fire hydrant and add "power cabinet or power equipment". We should allow trees within 10' of driveway, this doesn't seem to be a conflict.

Fire hydrants and transformers have been in the ordinances with the 10' clearance of a tree and with some shrubs get very large at maturity so that is why they are being added. With the Hydrant in emergencies clearance can be crucial to time saved and a 15' height above the hydrant is needed and larger tree branches. The transformer a 10' clearance of trees and shrubs are noted on the transformer and is the National Standard. The 10' from the Driveway I did not catch. It is supposed to be 5' from a driveway. This planting restriction is in the permit and is meant to protect the drive approach and the curb where they meet from the tree's root flare. I will add another line separate for the Driveway restriction of 5'.

8. Update Item J to say "water or pressurized irrigation meter, fire hydrant or blowoff".

Will change this to read Water or Pressurized Irrigation Meter

9. Change to A.A.S.H.T.O

Will Change the spelling to the correct abbreviation.

10. and section 2 of the Lehi City Design Standards and Public Improvement Specifications

? Not sure what section. I don't have Bluebeam to see the location of the comments.

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.

11. On the restriction of planting trees in park strips less than 7', recommend adding some flexibility on a case-by-case basis as approved by the Forester. Maybe restrict all trees in park strips less than 4', and then allow the flexibility between 4' and 7' and refer to the Public Tree Selection Guide for guidance.

The last sentence does give the ability to the parks department the exceptions to change the location/species in the park strip. Trees are not rarely denied and are added back to the park strips even as wide of 3'.

Luke- Traffic: No comments

Kim – Planning:

12. Question on 35.030A - do we have a permit system in place for public tree planting? This will require a lot of management to keep track of.

The permit system has been in place since June 2020. The permit is used as education to help the homeowner choose a better tree and placement for the park strip along with notifying them of certain restrictions for planting, the unacceptable tree list, and that they are planting on city property. It's a simple form filled out online and submitted to the Urban Forester. It takes very little time to approve and send back the permit that notes those restrictions again, how they can reach the forester with questions or concerns and attached are proper planting and basic care for establishment of the tree. The permit is added to the tree inventory system and attached to that address.

THIS ITEM WILL BE SCHEDULED FOR PLANNING COMMISSION ON DECEMBER 14, 2023

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.

Proposed Changes to Chapter 35 – Community Forestry

The reasons for changes are for greater consistency and understanding throughout the chapter when it comes to public trees. Reducing the wording in the chapter along with adjusting sections for better clarity and organization to the appropriate section are the main reasons for these proposed changes.

Some of the more noted changes are. (Note- There was something up with the formatting)

- Change street trees to all being referred to public trees throughout the entire chapter.
- 35.020 Adding A.A.S.H.T.O. was added.
- 35.080F-Changing the spacing of tree to just referring to the design standards instead of having the spacing for size listed.
- 35.080 – Changing the title to Public and Private Guidelines from Street tree Guidelines
- 35.080.D- Changed the spacing of the public trees to the current design standards guidelines instead of noting the spacing and size of trees to be consistent to the spacing now being the same.
- 35.080.F- Added placement of private trees and placement of properties that abut a public sidewalk or trail.
- 35.080.G- Added Private trees and placement on properties that abut a Power station.
- 35.080.H- Changed the height of vegetation to 24” within the clear view triangle to be consistent with traffic laws and the Flip a Strip Program.
- 35.080.J- added vegetation planted within 5’ of a water meter.
- 35.089 changed to 35.090.
- 35.100 – Changed from Street Trees to Private Property Owners Responsibilities
- 35.100 Entire section was adjusted for improved clarity and responsibility when it pertains to public trees .
- 35.110 – Entire section was adjusted for improved clarity and responsibilities of vegetation and public right of ways.
- 35.150- Adding that all contractors shall be certified to work on trees around power lines.
- 35.190 Hazardous tree and a timeline and consequences of not mitigating the hazards after notifying the party.
- 35.220 – Removed the appeal

CHAPTER 35

COMMUNITY FORESTRY

(Revised 07/14/20)

Section 35.010. Purpose
Section 35.020. Definitions
Section 35.030. Applicability
Section 35.040. Coordination between Departments
Section 35.050. Trees Advisory Board
Section 35.060. Annual Plan of Work
Section 35.070. Public Tree Care Specifications and Standards
Section 35.080. Street Tree Guidelines
Section 35.090. Street Tree and Public Tree Care
Section 35.100. Street Trees – Private Owner Responsibility
Section 35.110. Street, Sidewalk and Corner Clearance
Section 35.120. Tree Preservation
Section 35.130. Injuring Trees
Section 35.140. Appraisal of Trees
Section 35.150. Power Line Clearance Standards
Section 35.160. Resolution of Conflicts Between Trees and Structures
Section 35.170. Replacement of Street Trees
Section 35.180. Dangerous or Hazardous Conditions Which are Declared a Public Nuisance
Section 35.190. Abatement or Removal of Dangerous or Hazardous Trees on Private Property
Section 35.200. Interference with Maintenance and Removal Unlawful
Section 35.210. Penalty for Violation
Section 35.220. Appeals

Section 35.010 Purpose.

The City of Lehi recognizes that trees are a valuable community resource that need to be protected and enhanced throughproper management, education, and stewardship. Healthy trees reduce air and noise pollution, provide energy- saving shade and cooling, furnish habitat for wildlife, enhance aesthetics and property values, and are an important contributor to community image, pride, and quality of life. This chapter is not intended to resolve or regulate any disputes over trees or any vegetation on private property that do not affect public safety. The provisions of thischapter are enacted to:

A. establish, preserve and maintain the maximum amount of quality tree cover on public and private lands within the boundaries of Lehi City to enhance the City's environmental, economic and social character with mature trees;

B. encourage site and utility planning, building and development practices to prevent indiscriminate removal or destruction of trees and avoid unnecessary disturbance to trees within the City and its area of impact;

C. protect public safety, health and welfare by maintaining public trees in a healthy and non- hazardous condition through appropriate arboricultural practices;

D. provide for the planting, maintenance, and removal of dead, dying or hazardous trees on City lands, and on private lands as needed;

E. inform and educate property owners and City staff of new and existing guidelines for dealing with public trees adjacent to their property, and hazardous trees on private properties;

F. establish and maintain appropriate diversity of tree species and age classes to provide a stable and sustainable community forest;

G. provide for the preservation, marking and maintaining of historic or notable trees through an initial inventory of trees within the City;

H. develop and maintain a tree selection guide;

I. develop and maintain an Annual Urban Forestry Plan of Work;

~~I.~~J. protect the City's electric power system and promote public health and safety, and protect, as much as possible, the health and vigor of the trees adjacent to or under power lines within the City while preventing tree-related electric power outages; and

~~J.~~K. implement the goals and objectives of the general plan.

Section 35.020 Definitions.

For the purpose of as used in this Chapter:

A. "Arboricultural Standards and Specifications" shall refer to the standards and specifications in this chapter.
B. "Adjacent Property Owner" means any person owning property adjacent to a public right-of-way.
C. "American National Standards Institute" or "A.N.S.I." refers to a current set of nationally established standards for tree care operations and maintenance adopted by the City of Lehi in this chapter.
D. "A.P.P.A." shall refer to the American Public Power Association.
~~D.~~E. "A.A.S.H.T.O" shall refer to The American Association of State Highway and Transportation Officials.
~~E.~~F. "Best Management Practices" or "BMP" shall refer to the ISA series developed for the purposes of interpreting tree care standards and providing guidelines to those working with trees, as adopted by Lehi City.
G. "Community Forest Program" shall mean the program and staff of all departments in Lehi City charged with the care and management of public trees.
H. "Hazardous Tree(s)" shall mean public or private dead or dying trees, dead parts of a live tree, or unstable live trees, either due to structural defects or other factors, that are within striking distance of either people or public property and that have the potential to cause damage, personal injury, or a fatality in the event of a failure.
~~F.~~I. "Heritage Trees" refers to any tree or group of trees so designated by the Utah Division of Forestry, Fire and State Lands in accordance with the criteria given in Utah Code Ann. 65A-8-302.; A Heritage Trees Advisory Committee composed of five persons appointed by the division.
~~G.~~J. "International Society of Arboriculture" or "I.S.A." shall refer to the internationally recognized organization for arboriculture whose mission is to foster a greater appreciation for trees and to promote the research, technology, and practice of professional arboriculture.
~~H.~~ "Invasive Species" shall mean a species of tree, vegetation, or pest that is likely to cause economic or environmental harm to either the environment or human health.
~~I. "Hazardous Trees" shall mean dead or dying trees, dead parts of a live tree, or unstable live trees, either due to structural defects or other factors, that are within striking distance of either people or property and that have the potential to cause damage, personal injury, or fatality in the event of a failure.~~
~~J.~~K. ~~"Heritage Trees" refers to any tree or group of trees so designated by the Utah Division of Forestry, Fireand State Lands in accordance with the criteria given in Utah Code Ann. 65A-8-302., A Heritage Trees Advisory Committee composed of five persons appointed by the division.~~
~~K. "Non-Public Trees" shall mean trees on private property.~~
L. "Planter Strip" or "Park Strip" shall mean the area between the curb and the sidewalk~~, or publicly owned land adjacent to a publicly owned street or sidewalk~~.
~~L.~~M. "Private tree"- shall refer to trees growing on private property.
~~M.~~N. "Public Right-of-Way" refers to improved or unimproved public property owned by, dedicated to, or deeded to the public or for public use for the purpose of providing vehicular, pedestrian, or other public use. Such public property provides circulation and travel to abutting properties and includes, but is not

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limited to streets, sidewalks, bike lanes, landscaping, provisions for ~~public~~public utilities, cut and fill slopes, and open public space.

~~N.~~O. "Public Tree"~~ or "Street Tree"~~ shall mean a tree in any public place or~~,~~ located on Lehi City property, ~~in- cluding~~including but not limited to planter strips, and the~~a~~ P~~p~~ublic R~~r~~ight ~~-~~of ~~-~~W~~w~~ay.~~.~~

~~O.~~P. "Public Utility" refers to any company, or municipal department, duly authorized to furnish under public regulation, electricity, gas, telephone, internet, transportation, and water or sewer service.

~~P.~~Q. "Tree Advisory Board" refers to a board consisting of the Urban Forester and other City departments that serves and collaborates about citywide matters pertaining to the planting, health, and care of the community urban forest.~~ The primary functions of the Board are to make an Arbor Day Proclamation.~~

Q.R. "Top" or "Topping" shall mean the severe cutting back of limbs to stubs within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree or severely alter the species' genetic structural characteristics.

R.S. "Tree Litter" refers to any plant material or debris such as leaves, bark, needles, twigs, cones/seeds or fruit that has fallen to the ground

S.T. "Tree City USA" shall mean a designation by the National Arbor Day Foundation recognizing cities that effectively manage their tree resources based on four main standards which include: a tree committee, a community tree ordinance, a community forestry program with an annual budget of at least $2 per capita, and an annual Arbor Day observance and proclamation.

T.U. "Tree Permit" shall refer to a permit obtained from the City to install a new tree within any PublicCity Rright- of-Wway.

U.V. "Urban Forester" shall mean the City arborist responsible for the care and management of the urban canopy.

V.W. "Vegetation" shall include trees, bushes, shrubs, hedges and any other vegetation coming under the pro- visions of this chapter.

Section 35.030 Applicability.

This chapter applies to all trees, shrubs and other vegetation in Lehi City located on public property or in the Ppublic Rrights-of-Wways, along with public and private trees or vegetation that are a public nuisance or hazard. In the case of any discrepancy between this chapter and, the current Lehi City Munic ipalMunicipal Code and , Design Standards and Public Improvement Specifications, this chapter shall take precedence.

Section 35.040 Coordination between Departments.

There shall be close coordination between the Parks Department andDepartment and otherall city departments when necessary corrective action is needed on public trees.public trees are affected to take the necessary corrective action. Sight distance concerns for stop signs, traffic signals and , other regulatory signs ,or and clear view areas at street intersec- tionsintersections or heaving sidewalks shall be referred to the Streets Engineer or Street Department Supervisor, who shall coordinate with the Urban Forester to take the necessary corrective action. Plans for all lighting, power transmission and distribution shall be referred to Lehi City Power Department., sewerSewer, irrigation, water, street and other public works projects shall be referred to the Public Works Department. considered ,with reference to their effect upon trees on public property prior to the beginning of work on such projects.C The various city department heads shall coordinate all projects and programs with the Parks Department and follow ISA and BMP to minimize damage to trees on all projects. and follow all ISA and BMP protocols.

Section 35.050 Trees Advisory Board.

The Trees Advisory Board shall serve as an advisory body to the Parks Department and other cCity dDepartments inmaking decisions pertaining to this Chapter. The Tree Advisory Board shall:

A. assist the Parks Department in the development and administration of a community tree management program;

B. review development applications that includes elements pertaining to community forestry, and provides recommendations to the Parks Department, Planning Commission and City Council regarding the applications;

C. assist the Parks Department in establishing educational and information programs;

D. in cooperation with the Lehi City Historic Preservation Commission, assist the Urban Forester in marking notable or historic trees for preservation; and

E. assist the Urban Forester in scheduling and planning an annual Arbor Day observance.

Section 35.060 Annual Plan of Work.

A. An annual plan of work shall be prepared by the Urban Forester with communication and guidance from each department involved with the care, planting, maintenance, or removal of trees. The plan shall be updated every year and prepared in such a way that it meets the criteria for Tree City USA designation. The plan may address items such as species diversity, planting needs, Hhazardous Ttrees, insect and disease problems, and a pattern of regular care such as pruning and watering.

B. An updated inventory of Ppublic Ttrees, work performed, maintenance and future plans shall be kept by the Urban Forester and Parks Department and may be modified by the Urban Forester at any time.

C. The Lehi City Tree Selection Guide, the Unacceptable PublicStreet Tree List, and the Landscape Specifications and Standards shall be reviewed each year and may be modified by the Urban Forester.Parks Department

Section 35.070 Public Tree Care Specifications and Standards.

A. A permit shall not be required for work performed by the city during their duties. The Urban ForesterParks Department shall direct all work being performed on any Ppublic Ttree. An ISA certified arborist must be on site when any pruning work is performed of any Ppublic Ttree unless otherwise approved by the Urban Forester. Inadequate or improperly trained personnel shall not be utilized for any work on trees beyond their capacity or ability.

1. Warning devices on streets and sidewalks shall be used as required by sthe State and cCity laws while work on Ppublic Ttrees or shrubs is being performed.

2. All work on Public Ttrees shall be performed according to the latest revision of the following national stand-ards and BMP's:
   (a) A.N.S.I. A300 Tree Care Operations – Tree, Shrub and Other Woody Plant Maintenance – Standard Practices;
   (a) ANSI Z133 Safety Standards Arboricultural Operations Safety Requirements;
   (b) Tree Care Operations Standard A.N.S.I. Z-133.1, Pruning, Trimming, Repairing, Maintaining, and Removing Trees, and Cutting Brush – Safety Requirements;
   (c) I.S.A. Tree Pruning Guidelines;
   (d) A.P.P.A. Safety Manual as adopted by the Lehi City Power Department; and
   (e) Lehi City Arboricultural Standards and Specifications.

B. It is unlawful for any person to allow, permit or cause an entire Public or Private tree to be cut down or felled upon, over or across any public street, thoroughfare, sidewalk or alley without first obtaining writtena permissiont from Public Works. The Public Works Director may require a bond prior to commencement of work.

C. All stumps of street and Ppublic Ttrees shall be removed no less than six inches below the surface of the ground. Any holes remaining in the ground shall be backfilled to the surrounding grade.

D. All debris generated from any tree maintenance operation shall be removed promptly. The work area shall be kept safe until all cleanup is completed. It shall be the obligation of the homeowner or contractor to clean up any debris including any branches, trunks, chips, tree litter, soil, and gravel, etc. from thework area and to dispose of such debris in such manner that it will not remain on city streets, sidewalks, gutters and storm drains; so that it will not flow into city sewers;, or that it will not have to be hauled off by the Ceity.

Section 35.080 Street Public and Private Tree Guidelines.

All street tree plantings shall be in conformance with the provisions of this Chapter and as follows:

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A. Public Tree Planting Permit Required. No person shall plant a ~~street tree,~~ Ppublic Ttree or other vegetation ~~, or water wise landscape~~ within the Public Right-of-Waya ~~City right-a-way or City owned property~~ without first obtaining a permit from the Parks Department.

1. Permits shall be free of charge.

2. Any Public Tree or vegetation planted contrary to the provisions of this ~~chapter~~chapter or in violation of a permit~~, or any permit issued hereunder~~ maybe removed by the City.

3. A permit shall not be required for work performed by the City or its agents during their duties.

~~B.~~ The Parks Department shall have the authority and it shall be its duty to inspect and approve all pro~~-~~posed Public~~street~~ T~~t~~ree plantings for residential ~~and~~ , commercial subdivisions and developments within the City.

~~C. Street tree planter strips shall conform to the current Lehi City Design Standards, Development Codes, and Public Improvement Specifications.~~

B.

~~D. Street trees shall have a minimum caliper size of two inches.~~

~~E.~~C. The Parks Department shall develop and maintain a Tree Selection Guide that includes a list of allowed trees for planting along streets in three size classes based on mature height: small~~,~~ under 25 feet; ~~or~~ ~~me-dium~~medium between~~,~~ 25 and~~to~~ 40 feet;~~; and~~ large~~,~~ over 40 feet. Tree species shall be selected from the Tree Selection Guideand shall be appropriate to their location. Drought tolerant and pest resistant species are encouraged whenever possible and appropriate.

~~F.~~D. The spacing of Public~~street~~ T~~t~~rees shall conform to Chapter 12 of the Lehi City Development Code. ~~be in accordance with the tree species size classes listed in the Tree Se- lection Guide, and shall be spaced at the equivalent of at least one(1) tree per 30 feet of street frontage and may be clustered or spaced linearly by approval by the Lehi Parks Department according to the following; small trees, 20 feet; medium trees, 30feet; large trees, 40 feet, except that trees may be spaced closer together in special plantings designed or approved by a landscape architect.~~when required.. The Parks Department ~~shall give special considerations and~~ may change the spacing and species requirements to accommodate any utility~~ies~~ obstructions or signage.

E. In order to minimize damage to public improvements, ~~the distance that trees may be planted from curbs and sidewalks will be in accordance with Tree Selection Guide. Private trees shall not be planted within 4 feet of sidewalk or curb. All~~ all trees shall be centered in the park strip.

F. Private Trees ~~located on private property~~ that abut any public sidewalk shall not be planted within 4' of a public sidewalk~~,~~ or public trail.

G. Private Trees ~~located on private property~~ shall not be planted within 8' of a p~~P~~ower s~~S~~ubstation wall~~.~~

H. No ~~street~~ trees~~ or any~~ , shrub or vegetation that matures over 24" ~~shall be planted within the clear view area at street intersections, nor shall a tree canopy extend within the clear view area as defined in Chapter 12.070 D.. The clear view area is a triangular area formed by the streets at the property lines and a line connecting them at points 35 feet from the intersection of the street right of- way lines.~~ The clear view measurement area may increase or be adjusted by the Traffic Engineer to meet the A.A.S.H.O.T.A. specifications.

I. No Public ~~street~~ T~~t~~ree or shrub shall be planted within ~~ten~~ 10' feet of any fire hydrant, power transformer or driveway.

~~I.~~J. No Public T~~t~~ree or shrub shall be planted within 5' of a water meter.

~~J.~~K. No Public ~~street~~ T~~t~~ree shall be planted within 35' ~~feet~~ of a street warning sign.

~~K.~~L. No Public ~~street~~ T~~t~~ree shall be planted in park strips less than ~~seven~~ seven feet wide. The Parks Department may ~~may give special considerations and~~ approve Public T~~t~~rees in planter strips less than seven feet wide ~~7'~~.

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~~L.~~M. It shall be unlawful to plant~~ within any public right-of-way~~ any Public T~~t~~ree on the current U~~u~~nacceptable Public~~Street~~ Tree List~~ that is provided with a tree permit application obtained by Lehi City and found also on Lehi City's website~~. Every~~ Any person who~~ shall~~ plants ~~any such~~a ~~prohib-ted~~ a prohibited tree shall be required to remove it~~ and plant an approved species at their own expense~~. ~~.~~

Section 35.0~~90~~89 ~~Street Tree and~~ Public Tree Care.

A. The City shall have the right to plant, prune, spray, maintain, and remove trees and~~,~~ vegetation~~plants and shrubs~~ withinthe Public~~street~~ R~~r~~ight-of-W~~w~~ay~~ and other public grounds,~~ as may be necessary to ensure public safety or to pre~~-~~serve or enhance the symmetry and beauty of such public areas.

~~B.~~ Following consultation and recommendation by the Urban Forester, City employees may be authorized to maintain, remove, or cause to be removed any P~~p~~ublic T~~t~~ree, vegetation, or part thereof, including roots, which is in an unsafe condition or which by reason of its nature is, or may become injurious to public utilities~~, sewers,~~

B. ~~storm drains, electric power lines, gas lines, water lines,~~ or other public improvements, is an invasive species o~~r~~f is infected with any injurious fungus, insect, or ~~an~~other pest. The City shall also have the authority to remove any P~~p~~ublic T~~t~~ree or other vegetation that has been planted in violation of this Code or any other ordinance of the City. The removal or cutting down of any Public T~~t~~ree ~~on public property~~ shall not be allowed without a city employee first ~~ob taining~~obtaining written permission from the Urban Forester or designee~~Parks Department~~. ~~Verbal or written~~Written notice shall also be given to the affected adjacent property owner prior to commencement of work.

Section 35.100 ~~Street Trees —~~Private Property Owner Responsibility.

Any ~~property owner~~ owner~~, citizen, occupant, and their agents~~ of private property abutting a City planter strip~~s~~ in~~upon~~ which Public~~street~~ T~~t~~rees or other vegetation are located shall have the following responsibilities for the protection and maintenance of the park strip. P~~p~~ublic T~~t~~rees, other landscaping, and sidewalks unless~~except in those areas that are~~ maintained by Lehi City~~:~~;~~:~~

A. O~~o~~btain a permit and follow current planting restrictions ~~a planting permit~~ before ~~panting~~ installing any new Public T~~t~~ree, waterwise landscape, or a re-landscape of any ~~exist ing~~ park strip;~~:~~;

B. W~~P~~p~~rovide periodic w~~ater~~ing~~, fertiliz~~cation~~, and ~~minor~~ prun~~cing of~~ Public~~street~~ T~~t~~rees when necessary to maintain clearance of limbs, good structure, ~~health~~health, and vigor in accordance with Lehi Development Code Sections~~:~~ 35.070 and 35.110;~~:~~;

C. P~~p~~rotect Public~~street~~ T~~t~~rees against damage caused by lawn mowers, weed trimmers, snow blowers, and similar equipment or attachment of any item such as signs, nails, wires, ropes,~~ and~~ chains etc. ~~in accordance with 35.130~~by maintaining a ring around the tree free from grass, weeds, or other vegetation~~; and~~;

D. M~~m~~aintain the P~~p~~ublic R~~r~~ight~~s~~-of-W~~w~~ay~~s~~ and park strips.~~:~~ in a neat, clean, orderly, and healthy~~h~~ful condition;~~. This is meant to include weeding, removal of tree litter, mowing of lawns, replacement of dead trees and plants and the regular watering of all plantings.~~;

E. Maintain all vegetation ~~either horizonal or vertical~~ from obstructing pedestrian traffic on~~f~~ a public sidewalk, alleyway, or trail~~way;~~;

F. Cleanup and remove fallen leaves or other debris so that these do not ~~to~~ impede storm drain systems.

~~D. Trees and other vegetation located on private property are the responsibility of the respective private property owner.~~

Section 35.110 Street, Sidewalk, and Corner Clearance.

~~The City shall have the right to require T~~the property owner abutting the Public Right-of-Way ~~a city planter strip, public sidewalk, street, or intersection~~ is required to prune or remove any tree or shrub when it interferes with the pedestrian use of a sidewalk, visibility of any traffic control device, traffic sign or the clear view area at intersections in accordance with A.A.S.H.T.O. and the following provisions:~~:~~

A. Any tree or shrub planted within a clear view triangle shall ~~follow and~~ be planted and maintained in accordance with the Lehi Development ~~codes in Chapter 37 and 35.080.~~code.

B. ~~Every~~Every~~-~~ adjacent property owner of any tree overhanging any Public Right-of-Way~~street or right-of-way~~ within the c~~C~~ity shall prune the branches so that such branches do not obstruct the light from any streetlamp, the view of any street intersection, or the ability of pedestrians to use the sidewalk.

C. There shall be no tree planted within 35' of an oncoming traffic regulatory or warning sign. ~~V All v~~egetation ~~such as weeds~~, trees, shrubbery, and other materials ~~such as maintenance, utility materials and equipment~~ shall not obscure the face of the sign or object marker.

D. ~~There~~ A ~~shall be a~~ clear space free of any vegetation or obstructions shall be maintained ~~space of~~ 14 ~~feet~~ feet~~'~~ above the street surface and 8 ~~eight~~ feet above the sidewalk surface.

E. Property owners abutting a Public Right-of-Way~~city plater strip or city street~~ shall ~~R~~remove any P~~p~~rivate T~~t~~rees or tree limbs that have fallen upon a Public Right-of-Way~~city street or sidewalk~~.

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F. ~~Such~~Property owners abutting a Public Right-of-Way~~city planter strip or city street owners~~ shall remove all dead~~, dangerous~~ trees, broken or ~~de- cayed~~decayed limbs that constitute a danger~~menace~~ to the safety of the public within five days of notification of the obstruction.~~The City shall have the right to require the property owner to prune any tree or shrub on private property when it interferes with the pedestrian use of a sidewalk, visibility of any traffic control device or sign or clear view area at intersections. The property owner may be charged with the cost of removal or pruning.~~

~~A.~~ Failure of a property owner abutting a Public Right-of-Way~~city planter strip or city street~~ to remedy any of the requirements found in this section may be ~~The property owner may be~~ assessed~~charged~~ with the cost of ~~removal or pruning.~~remedying the issue.

G. Violation of this Section may be prosecuted as a Class C Misdemeanor.

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Section 35.120 Tree Preservation.

A. Protection near Construction Activities. Any Public Tree ~~tree on City property~~ in the immediate vicinity of any ~~ex- cavation, fill, soil compaction, demolition, renovation or~~ construction activity site ~~of any building, structure, or street work,~~ which in the Urban Forester's opinion has any potential for injury or damage, shall be pro-tected according to Arboricultural Standards and Specifications. Public T~~Protected t~~rees shall be guarded with a substantial fence, frame, or box. Such protective structure shall be not less than four feet high and eight feet square, or at a distance in feet from the tree equal to two times the diameter of the tree trunk in inches measured 4½ feet above ground, whichever is the greater distance from the tree. All building ma-terials, vehicles, extra dirt, or other debris shall be kept outside the barrier. Tree protection shall be co-ordinated with the Parks Department both pre-and post-construction to mitigate damage to the tree and danger to the public. It shall be unlawful to engage in any construction work without first taking the steps to protect the tree(s) and any injury or death to the tree may result in reimbursement to the City. The value of the tree shall be pre-determined by the Urban Forester and made known to the contractor before con-struction begins in accordance with~~of~~ Chapter 35.140.

B. State of Utah Heritage Trees. Heritage trees are governed by the State of Utah and designated by the Utah Division of Forestry, Fire and State Lands and the Utah Community Forest Council. Lehi City en-courages the protection of accepted and recognized ~~'~~Heritage Trees according to Utah Code 65A-8-301 et seq.

Section 35.130 Injuring Public Trees.

A. Abuse orf Mutilation of Trees. It shall be unlawful for any person to:

1. deut, carve, break, transplant, remove, mutilate, or otherwise damage or kill any Public Ttree on city property unless authorized by the City as part of an approved tree care or tree maintenance project;

2. attach any rope, hammock, straps, wire, nails, advertising poster, or other contrivance to any Ppublic Ttree;

3. allow or to place in or upon any Public Right-of-Wayparking strip, parking area, or public plat any gaseous, liquid, or solidsubstance which is harmful and damagingeleterious to the soil or vegetation andthat maycould come in contact with any tree, shrub or turf on city propertPublic Tree or vegetationy.

4. negligently, intentionally or, maliciously or through negligence to injure or destroy any vegetation in any Public Right-of-WayCity Park, street me- dian,median, planter strip, or other landscaped portions of a public right-of-way under the City's jurisdiction, except as authorized by the Parks Department.

B. City Property – Placing Materials Thereon. No person shall deposit, place, store, or maintain upon any Public Right-of-Waypublic property any stone, brick, sand, concrete, or other material which may prevent the passage of wa-ter, air, or nutrients to the roots of any Public Ttree growing therein, other than decorative rock gardens or other planned and approved landscaping materials. No unsightly materials shall be placed, stored, or kept on the planter strip within the Ppublic Rrights-of-Wway.

C. Tree Topping. Topping of any Publicstreet Ttree, park tree or any tree on public property shall be prohibited. Public un-less specifically coordinated with the Parks Department. TTrees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where other pruning practices are im-practical may be exempted from this section of the Chapter through a determination of the Urban For-ester.

D. Replacement – Compensation. In the event any person removes, destroys, or damages any Ppublic Ttree except as otherwise required by Lehi Development Code Sections 35.089, 35.100 or 35.110law, that person shall be required to replace such tree with a tree of equivalent dollar value on public property, unless otherwise determined by the Urban Forester. If no suitable location exists in the vicinity of the tree removed or if the replacement tree is of lesser value, the person causing the tree to be removed shall make a compensatory payment to the City equal to the difference in value between the tree removed and any replacement tree.

E. Devaluation. Any Ppublic Ttree that is determined by the Urban Forester to be damaged, but not sufficient-ly damaged to justify removal, shall be considered to be devalued. The amount of devaluation as determined by the Urban Forester in accordance with Lehi Development Code Section 35.140 and shall be paid to the City by the person causing the damage.

Section 35.140 Appraisal of Trees.

Anyone who causes damage or destruction to a Ppublic Ttree without proper in violation of this Chapterwritten permission, shall compensate the City for such damages. The damages shall be determined by the City using the methodology of the I.S.A. andCouncil of Landscape Appraisers at full appraised value. The cCity aAttorney, or designee, may take whatever action is neces-sary in a court of competent jurisdiction to collect such damages thatas are not voluntarily paid after assessment. Any funds collected for tree damage shall be earmarked for use for tree replacements or enhancements. The val-ue of the tree(s) shall be determined by the Urban Forster by using the methods of the most recent edition of the Guide for Plant Appraisals, published by ISA.

Section 35.150 Power Line Clearance Standards.

Rules in this subsection relating to the health and care of the trees and other vegetation within the A.P.P.A. Safety Manual as adopted by the Lehi City Power Department. All work on trees shall be performed in conformance

with- the BMP standards listed in this Section.

A. As it relates to power line clearance work, a notice shall be provided to the property owner before any pruning or removal of private trees or other vegetation located on private property is performed. In cases of an emergency when time is not available to provide prior notice, effort to make written or oral notification of work performed will be done as soon as practical, after the fact.

B. The power line clearance tree trimming crews shall have the right to enter private property in order to conduct work as described in the provisions stated in this chapter. Apart from pruning and removal efforts, all private property will be left in the condition it was found.

C. When the property owner refuses trimming or removal of a tree that is necessary to ensure proper line or facilities clearance, any damage that is caused by the conflicting tree or vegetation to the Lehi City ~~Power Department~~ power system shall be the responsibility of the property owner. Any damage to public or private property and any bodily injury or death due to the property owner refusing trimming or removal of a tree shall also be the responsibility of the property owner. The property owner shall be required to pay all monetary and legal damages and the repair costs incurred.

D. Public Utility Companies. All public utility companies shall notify the Urban Forester or designee~~Parks Department~~ prior to pruning any Public Tree ~~located on City-owned property~~ for the purpose of maintaining safe line clearance and shall have a current ISA Utility Specialist Certification, carry out such work in accordance with ANSI A-300, ANSI - Z133 ~~and~~, BMP Utility Pruning, and BMP arboricultural standards.

Section 35.160 Resolution of Conflicts Between Trees and Structures.

Where sidewalk or curb damage due to Public Tree roots occurs, every effort shall be made to correct the problem without removing or damaging the tree. The Urban Forester or designee~~Parks Department~~ shall be responsible for developing or coordinating corrective measures in consultation with the Public Works Director, City Engineer, and Streets Superintendent. The Urban Forester shall have the authority and jurisdiction of regulating the removal of trees and vegetation that cannotbe corrected without removal.

Section 35.170 Replacement of Public~~Street~~ Trees.

Whenever Public~~street~~ Trees are removed from any Public Right-of-Way~~street, avenue or planter strip,~~ an adequate replacement shall be ~~made by the person to whom permission for such removal was given~~ installed~~replaced~~ within 1 year if it conforms to~~. The new trees shall conform to~~ the ~~Street Tree Selection Guide,~~ Lehi Development Codes~~,~~ and the Lehi Landscape Standards and Specifications. ~~The replacement trees shall be planted within one year of the former trees' removal .~~ If a Public~~street~~ Tree cannot be replaced due to current Lehi City Development Codes or the ~~,~~ Lehi Landscape Standards and Specifications~~conflict with utilities, street signs or line of sight issues~~, a suitable tree may be planted within the Public Right-of-Way~~ithin the property~~ with the approval~~recommendation~~ of~~from~~ the Urban Forester or designee.~~-~~

Section 35.180 ~~Dangerous or~~ Hazardous Trees ~~Conditions Which are~~ Declared a Public Nuisance.

~~A. It shall be prohibited to knowingly keep or maintain a public tree, or private tree, shrub, or other vegetation that is a danger or a hazard to other trees, other vegetation, structures , or plants or to humansthe general public. because the tree is host to a communicable or destructive disease or because of the size, location, or other characteristics of the tree.~~

A. The following are hereby ~~defined and~~ declared to be a public nuisance:

~~B.~~1. Hazardous Trees;

~~1.~~2. any vegetation on public or private property that is dead, partially uprooted or blown over so as to be in danger of falling, or which serves as a host to a communicable or destructive disease or other pestilence and constitutes a potential threat to other trees;

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~~2.~~3. the roots of any tree which cause the surface of a public street, curb, or sidewalk to be upheaved or otherwise disturbed or which cause damage to sewers, storm drains, electric power lines, gas lines, water lines, or other public utility lines; and

3. ~~-~~any public or private~~non-public~~ tree or portion thereof which by reason of location or condition, interferes with any power transmission line, public street, sidewalk, or signage, or constitutes an imminent ~~dan-ger~~danger or hazard to the health, safety or well-being of the public.

4. keep or maintaining a tree, shrub, or other vegetation that is a danger or a hazard to other trees, other vegetation, structures, or the general public.

Section 35.190 Abatement or Removal of ~~Dangerous or~~ Hazardous Trees on Private Property.

Where a ~~dangerous or~~ Hhazardous Ttree is located on private property, the following provisions shall apply:

A. Upon the determination by the Urban Forester or designee~~Parks Department~~ or Risk Management that a ~~dangerous or~~ Hhazardous Ttree exists ~~and that such a tree constitutes a public hazard~~, the Urban Forester or designee shall give written notice to the owner of the property upon which the Hhazardous Tree exists to trim, remove, or otherwise control such tree in such a manner as will abate the hazard.

B. Property owners are responsible for t~~T~~rimming within 14 days of delivery of notice and shall bear the cost of trimming.~~or removal shall be done by the property owners at their expense within 30 days after the dateof service of notice. Failure to comply with such written notice within 30 days thereafter is a violation of this section. Once in violation, the City shall have the right to cause the trimming or removal of any trees deemed to be a public hazard on private property or procure abatement thereof and may charge thecost of removal or corrective action to the owners of record on the property tax notice.~~

C. Property owners are responsible for removal~~Removal~~ of a Hhazardous Tree ~~tree shall be done by the property owner at their expense~~ within 14 days after the delivery of notice and shall bear the cost of removal.~~date of service of notice.~~

~~B.~~D. Failure to comply with such written notice is~~s are~~ a violation of this section. Once in violation, the City shall~~shall~~ have the right to cause the trimming or removal of any Hazardous Ttree~~s deemed to be a public hazard~~ on private property ~~or procure abatement thereof~~ and may charge the cost of ~~removal or~~ corrective action to the owners of record on the property tax notice.

~~C.~~E. Notwithstanding subsections 35.190.~~(~~A~~-~~D~~ and BB, and C)~~, if the tree is deemed to be an immediate hazard or an ~~immi-nent~~imminent danger to life or property, the City may take immediate action to trim or remove the Hazardous Ttree and charge the cost of ~~re-moval~~removal or trimming to the owners of record ~~on the property tax notice~~ on the property tax notice.~~.~~

Section 35.200 Interference with Maintenance and Removal Unlawful.

No person, firm, or corporation shall interfere with the City or persons acting under the applicable department head's authority while engaged in planting, mulching, pruning, or removing any tree, shrub or plant along any Public Right-of-Way.~~street, right-of-way or public place in the City.~~

Section 35.210 Penalty for Violation.

A. Any person who violates any provisions of this chapter or fails to comply therewith, or who violates or fails to comply with any order made there under, shall be guilty of a Class C M~~m~~isdemeanor, punishable by a fine of not more than $1,000.00 or by imprisonment for not more than 180 days, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable period. When not otherwise specified, each ten days that prohibited conditions are main~~-~~tained shall constitute a separate offense.

~~B.~~ In addition to any criminal penalties that may be imposed, Lehi City may pursue civil penalties and res~~-~~

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titution for actual damages.

~~Section 35.220 Public Appeals.~~

B. ~~Any decision of the City regarding this Chapter may be appealed to and heard by the City Council, following review and recommendation regarding the appeal by the Urban Forester and Tree Commission. To be effective,a written appeal must be filed with the City Recorder within 30 days after the decision of the City. The appeal shall clearly specify the reasons for which a hearing is requested. After the City Council has received a recom- mendation from the Urban Forester and Tree Commission, the City Council shall have the matter placed on its agenda for hearing and shall thereafter render its decision in writing. The decision of the City Council shall be final.~~

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Agenda Item No: 2.6

Planning Commission Agenda Item Report

Meeting Date: January 11, 2024
Submitted By: Noreen Edwards
Submitting Department: Planning Division
Item Type: Public Hearing
Agenda Section: Regular Agenda

Subject:
Public hearing and recommendation of Lehi City’s request for review of Development Code Amendments to Chapters 10, 11 & 39 and for Figures 8 & 9, amending the City's subdivision review process to meet State Code.

Suggested Action:

Attachments:

Dev Code subdivisions.pdf

SUBDIVISION REVIEW DEVELOPMENT CODE AMENDMENTS
PLANNING COMMISSION REPORT

Applicant	Lehi City
Meeting Date	January 11, 2024
Requested Action/Purpose	Review and recommendation on proposed amendments to the Lehi City Development Code
Decision Type	Legislative
Date of DRC Review	December 20, 2023

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 review and recommendation of proposed amendments to the Development Code changing the subdivision approval process. These changes come from State Code requirements.

The Planning Commission is now the land use authority for most preliminary subdivisions. The City Council will only review and approve Planned Unit Development (PUD) and Planned Residential Development (PRD) and Transit Oriented Development (TOD) subdivisions. Final plats will be reviewed by the DRC and approved by the Zoning Administrator.

The effected chapters include Chapter 10 Development Applications, Chapter 11 Development Application Requirements, Chapter 39 Definitions, and Figures.

Chapter 10
State Code specifies that pre-application meetings cannot be required but may be requested by applicants. The City's proposed amendment codifies pre-application meetings and specifies the information that will be provided to the applicant.

Chapter 11
Changes the Planning Commission to the approval body for all preliminary subdivisions that do not require a concept plan.

It also adds information about what Staff can review for a final subdivision and that an application must be complete, this also complies with State Law. The number of final subdivision review times is limited to four, so adding the required information provides Staff a way to ensure that the four reviews are effective.

Changes were also made to simplify the Condominium Plat section to the approval process and reference the State Code for other requirements.

Chapter 39
Definitions were added for Land Use Authority and Subdivision Review Cycle.

Figures
Updated the Subdivision Approval Process figures to reflect the changes mentioned above.

The DRC had no redline comments on these changes.

SCOPE OF APPROVAL

Development Code Amendments are legislative items which allow for discretion. However, where these changes are in accordance with State Code, any changes would still need to comply with the State requirements.

This is a public hearing item, The public can share their opinion and request changes as well.

POSSIBLE MOTIONS AND FINDINGS

The Planning Commission may move to recommend approval or denial of the proposed amendments to the Lehi City Development Code. Any motion should include findings. Possible findings include:

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

Chapter 10, 11, 39, and Figures 8/9 Development Code Amendment
DRC Redline Comments

Lehi City- requests review of a Development Code Amendment to Chapter 10, 11, 39 and Figures 8 and 9, amending the City's subdivision review process to conform to State Code.

DRC Members Present: Glade Kirkham, Garion Rowett, Ryan Allred, Shelbey Brewer, Kim Struthers, Gary Smith, Brad Kenison, James Farnsworth, Luke Seegmiller
Assigned Planner: Brittney
Representatives of the Applicant Present: None
Date of Plans Reviewed: 12/14/23
Time Start: 2:20 pm
Time End: 2:23 pm

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
Shelbey – Public Works: No comments
Brad – Engineering: No comments
Luke- Traffic: No comments
Kim – Planning: No comments

THIS ITEM WILL BE SCHEDULED FOR PLANNING COMMISION ON JANUARY 11, 2023.

PRECON MEETING REQUIRED? (FULL, TAIILGATE, NONE)

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.

The steps in the review and consideration of the various development applications, permits, and licenses authorized by this Code are identified in the Appendix of this Code.

Section 10.050. Combined Actions Permitted.
(Amended 11/28/06; 12/13/16; 09/14/21)

A. The applicant may request and the Planning Division, the Reviewing Departments, the Planning Commission, the Hearing Examiner, or the City Council may, at their discretion, combine the processing and hearing of various development applications, administrative actions, and legislative actions. The sequence of review and approval of applications authorized by this Code requires that compliance with the Lehi City General Plan be considered initially.

B. Combined actions shall only be considered, and if deemed appropriate, permitted as follows:

1. Application for a General Plan amendment, including text and map amendments, may be combined with an Application for Annexation.

2. Application for Zone District Map amendment may be combined with an Application for Area Plan approval.

3. Application for Zone District Map amendment, Lehi City Development Code amendment, site plan approval, preliminary subdivision approval, final subdivision approval, Planned Residential Design (PRD) approval, Planned Unit Development (PUD) approval, and an application for a conditional use, variance, or other required approvals may be combined.

4. Application for a General Plan amendment may be combined with an Application for a Zone District Map amendment when the designations for both are proposed to be Public Facility.

5. Concept plan applications may be combined with any other application.

Section 10.060. Permits Required.
The standards and requirements of this Code shall apply to all uses, development, or development activity located within Lehi City. No use, development, or development activity may be commenced or undertaken unless all necessary approvals, permits, and licenses have been issued in accordance with the provisions of this Code.

Section 10.070. Pre-Application Meeting Prior to Application Submission for a Standard Subdivision.

A. If an applicant requests a pre-application meeting for a standard subdivision (no PRD, PUD, PC or TOD), the City shall, within 15 business days after the request, schedule the meeting to review the application and give initial feedback.

B. At the pre-application meeting, the staff shall provide or have available on the city website the following:

a. copies of applicable land use regulations;

b. a complete list of standards required for the project;

c. preliminary and final application checklists; and

d. feedback on the concept plan.

Section 10.070. Development Application; Initiation.
An application for a development approval, permit or license required by this Code shall be initiated by submitting the appropriate application to the City. All applications shall be processed in accordance with the provisions of this Code.

Section 10.080. Determination of Application Completeness.
After receipt of an application, the Planning Division shall determine whether the application is complete. If the Planning Division determines that the application is not complete, the Planning Division shall notify the applicant in writing, identifying the deficiencies of the application, including any additional information that must be provided, and advise the applicant that no action can be taken by the City until the deficiencies have been corrected. Determinations made by the Planning Division concerning application completeness shall be reviewed by the Reviewing Departments if the applicant considers the staff determination to be in error.

Section 10.090. Remedying Application Deficiencies.
If the applicant fails to correct the specified deficiencies within 30 days following notification of the deficiency, the application for development approval or a development permit or license shall be deemed withdrawn and will be returned to the applicant. All application fees shall be refunded.

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CHAPTER 11
(Amended 10/09/18)
DEVELOPMENT APPLICATION REQUIREMENTS

Section 11.010. Concept Plan – Applicability.
Section 11.020. Concept Plan Approval Process
Section 11.030. Consideration and Effect of Concept Plan.
Section 11.040. Concept Plan Requirements.
Section 11.050. Single Lot Building Permits Outside a Recorded Subdivision.
Section 11.060. Two-Lot Subdivision with an Existing Home.
Section 11.070. Application Requirements for Preliminary Subdivision Plats.
Section 11.080. Preliminary Plat Approval Process
Section 11.090. Lack of Preliminary Subdivision Application Information.
Section 11.100. Effect of Preliminary Subdivision Plat Approval.
Section 11.110. Effective Period of Preliminary Plat Approval.
Section 11.120. Application Requirements for Final Subdivision Plat.
Section 11.130. Application Requirements for Final Subdivision Plat with No Improvements
Section 11.140. Revisions.
Section 11.150. Final Plat Approval Process.
Section 11.160. Plat Materials; Size and Copies.
Section 11.170. Multiple Sheets and Plat Accuracy.
Section 11.180. Nature and Effect of Final Subdivision Plat.
Section 11.190. Effective Period of Final Subdivision Plat Approval.
Section 11.200. Recording the Approved Final Subdivision Plat.
Section 11.210. Proceeding with Subdivision Construction.
Section 11.220. Completion Assurance and Improvement Warranty.
Section 11.230. Site Plan Approval Required.
Section 11.240. Application Requirements for Site Plans.
Section 11.250. Site Plan Approval Process.
Section 11.260. Lack of Site Plan Information.
Section 11.270. Multiple Sheets and Plat Accuracy.
Section 11.280. Nature and Effect of Site Plan Approval.
Section 11.290. Effective Period of Site Plan approval.
Section 11.300. Proceeding with Construction.
Section 11.310. Guarantees and Bonds.
Section 11.320. Condominium Plats.
Section 11.330. Amendment to Recorded Plats.
Section 11.340. Plat Amendments and Recordation.
Section 11.350. Lot Line Adjustments.
Section 11.360. Vacation of a Public Street.

Section 11.010. Concept Plan - Applicability.
(Amended 08/13/02)

A. To promote efficiency in the approval process, to create an opportunity for an understanding of the applicable public policies, to promote an understanding of the development issues and development approval process, and to allow applicants to present their initial development proposals, the applicant may present, and the City may require the applicant to provide a concept plan.

B. The concept plan gives the applicant, staff, Planning Commission and City Council an opportunity to discuss the project in the conceptual stage. The applicant can use the concept plan meetings to receive direction on project layout as well as discuss the procedure for approval, the specifications and requirements that may be required for the layout of streets, drainage, water, sewerage, fire protection, and similar matters prior to the preparation of a more detailed preliminary subdivision plat.

Section 11.020. Concept Plan Approval Process.
(New 08/13/02; Amended 02/10/15)

The approval process for a concept plan varies depending upon the type of project, as per the following:

A. PRDs, PUDs, Planned Communities, TODs, and other processes requiring a Concept Plan. Following review of a concept plan by the Reviewing Departments, the Planning Commission may recommend approval, approval with conditions, or denial of the concept plan. The City Council, following review of the concept plan and the Planning Commission's recommendations may approve, amend and approve, approve with conditions, remand the application back to the Planning Commission for further discussion, or deny approval of the concept plan.

B. Site Plans, Subdivisions without PRD or PUD overlay, and other processes that do not require a Concept Plan. Although these processes do not require a concept plan, the approval process follows the approval process that is required by subsequent project approvals. The Reviewing Departments and~~,~~ Planning Commission ~~and City Council~~ may advise the applicant of specific changes or additions, if any, they will require as a prerequisite to subsequent project approvals.

Section 11.030. Consideration and Effect of Concept Plan. *(Amended 08/13/02; 02/10/15)*

A. Approval of a concept plan indicates the general trend of a development and may be used as a guide for preparing the preliminary plat or site plan. The subsequent submittals may refine and/or alter the concept plan based on changed circumstances, hearing input, compliance with City, State, or other codes, infrastructure requirements, technical data, and interactions with adjacent properties and roads. Substantial deviations from the approved concept plan may require a new concept review by the Reviewing Departments, Planning Commission and City Council.

B. The concept plan is an informal discussion document designed to allow the identification of City policies, development issues, application procedures, development standards, requirements of this Code, and other items that may be considered in the review and approval processes of the City once a formal development application is received. The concept plan shall not constitute a development permit.

Section 11.040. Concept Plan Requirements. *(Amended 08/13/02)*

To promote the identification of all items necessary for consideration by the applicant, the following submission requirements are identified:

A. overall layout and locations of uses including potential civic and religious uses;

B. proposed density and intensity of uses and a description of amenities if a density bonus is proposed;

C. proposed site-planning standards including architecture and materials of buildings;

D. park areas, open space areas, trails, and other community amenities;

E. proposed landscaping, buffering, and transitioning treatments;

F. location of critical lands;

G. any other item deemed necessary to evaluate the merits of the proposed development by the Planning Division, Planning Commission, and City Council.

Section 11.050. Single Lot Building Permits Outside a Recorded Subdivision. *(Amended 02/13/01)*

A. An application for a single lot development outside a recorded subdivision is exempt from the regular subdivision review and approval process but must, as a minimum, meet the requirements of Table 12.230 and the following requirements prior to the issuance of a building permit:

1. The development shall comply with the development requirements of the zoning district in which the property is located.

2. The developer shall provide to the City a copy of the deed conveying the property to the current owner.

3. The developer shall post a 110% cash bond for the estimated cost, as determined by the City Engineer, of all public and private improvements as required herein. Interim draws for payment of improvements may be arranged.

B. The City's Chief Building Official shall be the designated review and approval authority for all matters concerning single lot development. Upon request of the owner, the City Council may modify the public improvement requirements of Table 12.230 in cases where such requirements present exceptionally difficult design problems or where such improvements are not in the best interest of the City.

Section 11.060. Two-Lot Subdivision with an Existing Home. *(Amended 5/22/01; 04/09/02; 08/13/02; 11/18/03; 03/27/07; 04/27/10; 07/10/12)*

A. Two- Lot Subdivision Criteria. For the purposes of this section, a two-lot subdivision is defined as a subdivision which includes an existing home at least five years old, and where both lots can meet the criteria outlined under the "Urban Lot Less Than One Acre" category of Table 12.230 and are in compliance with all other development requirements and standards with the following exceptions:

1. The lot with an existing home shall be exempt from the curb and sidewalk improvements. However, this exemption does not apply to a two-lot subdivision with a flag lot.

2. Both lots shall be exempt from the Right to Farm mitigation requirements specified in Section 18.020 of this Code, including the agricultural no climb fence.

3. In determining whether connection to the City sewer and water systems is required, the ad-

ditional 150 feet sewer in Note 1 and the additional 250 feet water in note 3 of Table 12.230 shall not apply for the lot with an existing home.

B. General Requirements. The subdivision plat shall be prepared by a land surveyor licensed to practice in the State of Utah. All engineering and surveying documents submitted for City review shall bear the seal of the professional engineer and professional land surveyor in accordance with UCA85-22-602. The plat shall be of such size and material as is acceptable for filing in the office of the Utah County Recorder, but shall not be less than 24 x 36 inches. The applicant shall submit one electronic copy in PDF format of the proposed final plat and any necessary construction drawings. Following Planning Commission approval of the subdivision, a reproducible Mylar copy of the final plat shall also be provided for recording which has been endorsed by each person having a security interest in the subdivision.

C. Features to be Shown on the Final Plat. The final plat shall show, at a minimum, the following information. The applicant may be required to provide other information required by the Reviewing Departments, Planning Commission or Chief Building Official necessary to evaluate the merits of the proposed plat:

1. a title block which contains the following:
   (a) name of the subdivision;
   (b) type of development, whether residential, commercial, or mixed use;
   (c) surveyor's certificate that has been signed and dated, showing the name and registration number of the surveyor responsible for making the survey;
   (d) a legal description of the subdivision boundaries that includes the quarter-quarter section, section, township, range, principal median and the County of its location;
   (e) the owner's dedication that includes the dedication of all public ways or spaces, signed by every person having a security interest in the subdivision property, dated, and notarized;
   (f) signature blocks for the dated signatures of the Chief Building Official, City Engineer, and Notary Public's acknowledgment.

2. north point and scale;

3. a vicinity map;

4. the exterior boundaries of the platted areas, giving lengths and bearings of the boundary lines;

5. location of existing and proposed easements, including any required easements for water, sewer, drainage, or irrigation, and a ten-foot public utility easement shown along front lot lines and any rear lot lines adjacent to a public right-of-way or as otherwise required by the City in order to accommodate necessary public utilities;

6. indication of lot areas in square feet;

7. lot addresses for the new lot as obtained from the Lehi City Planning Division and the existing home;

8. Location, names, and zoning of adjacent properties and property owners and platted subdivisions;

9. an indication of the zoning on the property being subdivided;

10. location of the existing home and any other buildings within the proposed subdivision that are to remain;

11. all existing and proposed monuments including property corners, and other points established in the field;

12. a notation of the distance, shown as a dimension and note on the plat, from the centerline of each existing road right-of-way or the centerline of existing asphalt to the new property line of the subdivision; and

13. if the proposed subdivision is adjacent to or in close proximity to an existing agricultural area or activity, the following note regarding the Right to Farm shall be added to the Plat:
"This area is subject to the normal, everyday sounds, odors, sights, equipment, facilities, and any other aspects associated with agricultural lifestyle. Future residents should also recognize the risk inherent with livestock."

D. Construction Drawings. Construction plan and profile drawings of all required public improvements consistent with Lehi City Design Standards and Public Improvement Specifications shall be provided with the subdivision plat. Construction drawings shall bear the seal of the professional engineer and professional land surveyor in accordance with Utah Code Ann. §58-22-602. Construction drawings shall include:

1. plan and profile of the curb and sidewalk with the street width, name, and cross-section;

2. plan and profile of sewer line extensions with manholes, line sizes and beginning elevation tied to U.S.G.S. benchmark;

3. plan and profile plans for surface water, storm water, irrigation water and ground water culverts, and drainage channels with pipe sizes, and types;

4. location of fire hydrants, valves, and blowoffs; and

5. location of existing and proposed water and sewer service laterals.

E. Additional Required Information. In addition to the information required on the preliminary and final plats, the applicant shall provide the following:

1. a copy of the deed conveying property to current owner;

2. drainage system calculations and an explanatory narrative stamped and signed by a licensed engineer;

3. for detention and retention areas, calculations to justify sizing based on a 100-year design storm; and

4. a written statement from the appropriate agency, which may include irrigation companies and private land owners, regarding the effect of the proposed subdivision on any irrigation channels or ditches and any piping or other mitigation required.

F. Approval Process. The review and approval process for a two-lot subdivision with an existing home is identified in the appendix of this Code, including review by the Reviewing Departments and approval by the Planning Commission. A preliminary plat is not required, and the Chief Building Official is designated as the land use authority, on behalf of the City Council, to approve and sign the final plat.

G. Approvals and Guarantees. A two-lot subdivision shall be subject to the other provisions of Final Subdivision Plat approval and subdivision construction as contained in Sections 11-140 through 11-180, including the posting of a bond for the estimated cost, as determined by the Chief Building Official, of all public improvements as required.

Section 11.070. Application Requirements for Preliminary Subdivision Plats *(Amended 5/22/01; 04/27/10; 07/10/12; 02/10/15; 08/09/16)*

The following information is required for all preliminary subdivision plats, in addition to other information as may be required by the Reviewing Departments, Commission, or City Council necessary to evaluate the merits of the proposed subdivision plat:

A. General Requirements. The preliminary plat shall be prepared by a licensed engineer or land surveyor licensed to practice in the State of Utah. All engineering and surveying documents submitted for City review shall bear the seal of the professional engineer and professional land surveyor in accordance with Utah Code Ann. §58-22-602. The sheets shall be numbered in sequence if more than one sheet is used, and shall be of such size as is acceptable for filing in the office of the Utah County Recorder, but shall not be less than 36 x 24 inches. The applicant shall submit one electronic copy in PDF format. The City may request additional copies if required.

B. Features to be shown on Preliminary Plat. The preliminary plat shall contain at a minimum the following information:

1. a title block showing:
   (a) name of the subdivision;
   (b) type of development;
   (c) name and address of owner of record, developer, and designer;
   (d) name and address of engineer or land surveyor;
   (e) date of preparation; and
   (f) tabulation of acres, lots, open space, and units per acre;

2. proposed subdivision boundary lines, existing property lines, and adjacent existing property lines.

3. graphic and written scale at no more than one inch equals 100 feet or as recommended by City Engineer;

4. north arrow;

5. vicinity map at a scale of one inch equals 1,000 feet;

6. topographic contour intervals of no greater than two feet.

7. surveyed boundary of the development, ac-

curate in scale, dimension, and bearing including:

(a) Location and names of adjacent properties/property owners and platted subdivisions.

8. location of zoning boundary lines within and adjacent to the proposed subdivision;

9. location, height, and type of existing fence lines within and contiguous to the subdivision;

10. location and dimensions of all existing buildings within the proposed subdivision. Indicate which buildings are to remain and which are to be removed;

11. location of all proposed lots including:
(a) lot dimensions;
(b) lot frontage;
(c) lot area in square feet; and
(d) building setback lines also known as building envelopes;

12. lots consecutively numbered or lettered in alphabetical order;

13. location of existing features within and contiguous to the proposed subdivision including:
(a) existing public utility easements;
(b) existing major utilities
(c) irrigation ditches;
(d) drain pipes;
(e) drainage channels;
(f) culverts;
(g) railroads;
(h) bridges;
(i) power lines;
(j) water bodies;
(k) springs or water sources within or adjacent to the property;
(l) existing wells. Show and label whether the well is to remain or be abandoned; and
(m) equestrian, pedestrian, and bicycle trails;

14. location and dimensions of any common space or open space areas including property to be set aside for parks, playgrounds, trails, or other public or private uses, with a designation of the purpose of those areas, and conditions, if any, of the dedication or reservation. Add labels identifying if each area is to be public or private;

15. location and width of all existing and proposed roads, rights-of-way, alleys, and other public ways, with all main roads complying with the Lehi City Master Transportation Plan;

16. cross-sections of all existing and proposed roads;

17. proposed names of all new roads;

18. location of all existing and proposed curb, gutter, and sidewalk within the subdivision including:
(a) an indication of the roadway grades, retaining wall locations, and steep cuts and fills, and areas where roadway grades are expected to exceed 6% or be less than 1%; and
(b) flow arrows showing direction of storm water surface flows;

19. location of any necessary temporary turnaround easements for emergency access on dead end roads;

20. if adjacent to a state road, specify UDOT access size and location, noting UDOT approval will be required at final plat;

21. location and size of existing and proposed culinary and pressure irrigation water lines, including existing lines adjacent to or affected by the proposed subdivision;

22. location of existing and proposed sewer mains, including existing lines adjacent to or affected by the proposed subdivision;

23. existing and proposed storm drainage improvements including:
(a) major drainage facilities, outfalls, and discharge; and
(b) drainage pipe locations;

24. location of detention/retention basins with an indication that the basin will include the following:
(a) minimum one-foot freeboard;
(b) 3:1 slopes or flatter;
(c) grass covering and underground sprinkler system;
(d) designation of the purpose and conditions, if any, of the dedication or reservation;

25. location, and size, of any required piping for irrigation ditches as per the irrigation company letter;

26. identification of natural features or sensitive lands including, but not limited to:
    (a) wetlands;
    (b) floodplains, floodways and areas, which would be covered in water in a 100-year storm event;
    (c) areas where ground water rises periodically to within two feet of the surface of the ground;
    (d) slopes exceeding 30 percent;
    (e) vegetation areas including name and size of all existing trees and shrubs which could be incorporated into the subdivision; and
    (f) threatened or endangered species habitat areas;

27. the proposed treatment of the perimeter of the development, including materials and techniques used, which may be required to comply with Chapter 18, Right to Farm, such as:
    (a) fences;
    (b) berms; and
    (c) walls;

28. a circulation plan including:
    (a) the proposed road, sidewalks, and trails layout;
    (b) required and proposed street connectivity index;
    (c) block and cul-de-sac lengths; and
    (d) proposed traffic calming features; and

29. a note on the preliminary plat which states that the following items will be reviewed at the time of Final Plat review:
    (a) plan and profiles and construction drawings of public improvements;
    (b) all pipe types, specific locations, and details including bends and detector tape;
    (c) valves;
    (d) blowoffs, including size type & protection;
    (e) manholes, boxes, and related details;
    (f) water and sewer service details;
    (g) fire hydrants;
    (h) lot line utility easements;
    (i) street lights, street signs, and traffic signs; and
    (j) power line extensions and dome or transformer locations.

C. Additional Information Required. In addition to the Preliminary Plat, the applicant shall provide:

1. a copy of the surveyor's plat showing existing fence lines, existing deed lines, existing road rights-of-way and their widths, and proposed subdivision boundary lines;

2. a development phasing schedule if applicable, including the sequence for each phase, approximate size in area of each phase, and proposed phasing of construction of public improvements, recreation, and common open space areas;

3. an explanation of any proposed restrictive covenants, reservations, or private easements;

4. if the subdivision is proposed as a PRD or PUD, an application for PRD or PUD providing detailed information regarding proposed features including building elevations, materials, and amenities;

5. a Right to Farm Analysis for all subdivisions adjacent to or in close proximity to an existing agricultural area or activity, an agricultural or irrigation right-of-way or easement, or an agricultural open space or agricultural preservation area, in accordance with Chapter 18 of the Lehi City Development Code;

6. drainage system calculations and an explanatory narrative stamped and signed by a licensed engineer, and for detention and retention basins, calculations to justify sizing based on a 100-year design storm;

7. a written statement from the appropriate agency such as irrigation companies or private landowners, accepting responsibility for all surface and subsurface drainage that is directed into channels owned by the agency;

8. a written statement from the appropriate agency such as irrigation companies and private land owners, regarding the effect of the proposed subdivision on any irrigation channels or ditches, and any piping or other mitigation required;

9. three copies of the geotechnical report with California bearing ratio (CBR) test results;

10. letters of intent for any necessary offsite utility easements across privately owned land;

11. a letter from the Army Corp of Engineers regarding any wetland areas within boundaries of the proposed plat;

12. a landscaping plan for all park, open space, and common ownership areas including:
    (a) location, name, and size of all proposed trees, shrubs, and plants;
    (b) an indication of proposed seed mix for grass areas; and
    (c) an indication of proposed irrigation facilities; and

13. stamped, addressed envelopes of all owners of real property within 300 feet of the parcel of land proposed for development, in accordance with Section 03.100.

Section 11.080. Preliminary Plat Approval Process. *(Amended 05/22/01; 07/10/12)*
The review and approval process for a preliminary subdivision plat is identified in the appendix of this Code, including review by the Reviewing Departments, and review and ~~recommendation~~approval by the Planning Commission following a public hearing ~~by the Planning Commission, and review and approval by the City Council~~.

Section 11.090. Lack of Preliminary Subdivision Application Information. *(Amended 08/13/02)*
A. In reviewing the preliminary subdivision application, the City may require:
1. additional information relating to an applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications for construction of public improvements; and
2. modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.

B. The City's request for additional information or modifications to plans under Subsection (D)(a)(i) or (ii) shall be specific and include citations to all City ordinances, standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.

C. The lack of information under any item specified in Section 11.060, or improper information supplied by the applicant, may be cause to find the application incomplete or for disapproval of a preliminary subdivision plat application.

Section 11.100. Effect of Preliminary Subdivision Plat Approval.
A preliminary subdivision plat shall not authorize the development of land. After a preliminary subdivision plat has been approved by the ~~City Council~~Planning Commission, the applicant may file an application for final subdivision plat approval.

Section 11.110. Effective Period of Preliminary Plat Approval. *(Amended 07/28/09; 07/10/12)*
The approval of a preliminary plat shall be effective for two years from the date the preliminary plat is approved by the ~~City Council~~Planning Commission, by the end of which time the applicant must have submitted a final subdivision plat for approval for the entire preliminary plat, or portion thereof. If a final subdivision plat is not submitted for approval within the two-year period, or as extended by the ~~City Council~~Planning Commission according to the provisions of Section 10.120, the preliminary plat approval shall be void and the applicant shall be required to submit a new preliminary plat for review and approval subject to the then existing provisions of this Code and the General Plan.

Section 11.120. Application Requirements for Final Subdivision Plat. *(Amended 04/09/02; 05/22/01; 02/10/15; 02/27/18; 06/23/20)*
The following information is required for all final subdivision plats, excluding those mentioned in Section 11.130, in addition to any other information required by the Reviewing Departments, Commission or City Council to evaluate the merits of the proposed subdivision:

A. General Requirements. The final plat shall be prepared by a land surveyor licensed to practice in the State of Utah and the final copy for recording shall be printed on Mylar. The final plat shall comply with the approved preliminary plat, including any changes or additions as required by the City Council.

B. Features to be shown on the Final Plat. The final plat shall contain at a minimum the following information:

1. a title block which contains:
   (a) the name of the subdivision;
   (b) type of development;
   (c) a surveyor's certificate that has been signed and dated, showing the name and registration number of the surveyor responsible for making the survey;
   (d) a legal description of the subdivision boundaries including the quarter-quarter section, section, township, range, principal meridian and the County of its location;

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(e) the owner's dedication of all public ways or spaces, signed by every person having a security interest in the subdivision property, dated, and notarized, including a reference to any covenants that may be declared and blanks where the County Recorder may enter the book and page number of their recording; and
(f) signature blocks for the dated signatures of the Mayor, City Recorder, Planning Commission Chair, City Engineer, and the Notary Public's acknowledgment;

2. written and graphic scale, not smaller than 1" to 100' or as recommended by the City Engineer;

3. the basis of bearings used and a north point;

4. a vicinity map locating the subdivision within the section, identifying adjoining or nearby plats or certificates of survey, and showing prominent landmarks;

5. a notation of any adjoining plats or certificates of survey and titles thereto;

6. the exterior boundaries of the platted area, giving lengths and bearings of the boundary lines, and if the subdivision is bounded by a water body or watercourse, a closing meander traverse of that boundary;

7. where curving boundaries are used, sufficient data to establish the boundary on angle, and arc length, showing proper closures in all boundaries of the subdivision, and no final plat will be approved that shows a plus or minus distance for closure;

8. location of existing easements or rights-of-way, including those contiguous to the platted area, their nature, width, and the book and page number of their recording in the County's records;

9. location of proposed easements including any required easements for water, sewer, drainage or irrigation, temporary turnaround easements and a ten-foot public utility easement shown along front lot lines and any rear or side lot lines adjacent to a public right-of-way, or as otherwise required by the City to accommodate necessary public utilities; A fifteen foot public utility easement shall be required on both sides of a private roadway, alley, or access way where there is not a planter strip. Adequate building setback distance to accommodate code mandated clearances to various utilities is required. The public utility easement shall be free and clear of permanent structures including but not limited to: building footings, foundation walls, window wells, retaining walls, retention and detention facilities, geotextile reinforcing, and tie-backs.

10. all lots, blocks, and rights-of-way, including open space, created by the subdivision with their boundary, bearings, lengths, widths, name, number, or purpose, including for curved boundaries, the curve radius, central angle, and length of arc;

11. an indication of lot areas in square feet;

12. lots consecutively numbered or lettered in alphabetical order;

13. proposed addresses shown on each lot, with corner lots showing two addresses, as obtained from the Lehi City Planning Division;

14. all proposed new streets named or numbered in accordance with the street naming and numbering system of the City;

15. location and names of adjacent properties and property owners and platted subdivisions;

16. location of zoning boundary lines within and adjacent to the proposed subdivision;

17. location of all existing homes or buildings within the proposed subdivision that are to remain;

18. all existing monuments found during the course of the survey, including a physical description such as "brass cap";

19. all monuments erected or to be erected, including corners and other points established in the field, with the monuments made of brass and the legend indicating the diameter, length, and weight of the monuments, and all exterior boundary angle points of the subdivision and lot corners marked in accordance with the Lehi City Design Standards and Public Improvements Specifications including brass pins in the back of curb for all front property lines;

20. location, type, and height of any new fencing, berming, or other buffering to be installed as part of the development, including any fencing

required to comply with Chapter 18, Right to Farm indicating new fencing on the Final Plat and new and existing fencing on the construction drawings;

21. a notation of the distance from the asphalt centerline of each existing road to the new property line of the subdivision;

22. a detail diagram showing typical setbacks for corner and interior lots;

23. a summary of total project acreage, total acreage in lots, total number of units, total acreage of open space or other dedicated parcels, and total acreage in roads and lane miles of road;

24. a notation of any limited access restrictions on the lots that are affected;

25. if surface drainage is to be directed onto a privately owned area for detention or retention as part of the storm drainage system, an easement around the detention or retention area on the final plat with the following note on the easement area:

"Permanent detention/retention (whichever is applicable) facility to be owned and maintained by the owners of this property."; and

26. if the proposed subdivision is adjacent to or in close proximity to an existing agricultural area or activity, the following note regarding the Right to Farm:

"This area is subject to the normal, everyday sounds, odors, sights, equipment, facilities, and any other aspects associated with agricultural lifestyle. Future residents should also recognize the risk inherent with livestock."

C. Construction Drawings. Final construction and plan and profile drawings of all required public improvements consistent with Lehi City Design Standards and Public Improvement Specifications shall be provided with the final plat. Construction drawings shall bear the seal of the professional engineer and professional land surveyor in accordance with Utah Code Ann. §58-22-602. All revision dates must be shown on the construction drawings. If any revision is included on the final plat which was not present on the preliminary plat or came as a requirement of approval by the ~~City Council~~Planning Commission, it is the applicant's responsibility to inform the Reviewing Departments~~, Planning Commission, and City Council~~ of the changes. Failure to inform the Reviewing Departments~~, Planning Commission, and City Council~~ of revisions may result in revocation of any or all approvals. Construction drawings shall include:

1. an overall public improvement plan or index sheet that includes a summary of all improvement and utility information, for use by the Reviewing Departments to prepare the bond for public improvements;

2. location of water and sewer service laterals for each lot including the location of the laterals in relation to each other, with water laterals located at the center of the lot and sewer laterals ten feet downstream from the water laterals;

3. location, depth, pipe type noted in a legend, and slope of all drainage and sewer lines, including the location and spacing of all boxes, manholes, and other improvements and details of any detention basins and related piping and orifices;

4. if the placement of irrigation system improvements is required, a separate sheet within the construction drawings showing the irrigation improvements including all piping, head gates, boxes, and grates, all in conformance with letter issued by the irrigation company, with the sheet stamped and signed by the irrigation company;

5. location, pipe type, and size of existing and proposed culinary and pressurized irrigation lines and associated fire hydrants, valves, and blowoffs, with a note where bends are required on water lines;

6. cross sections of all roads including the location of underground utilities, pavement design, base, and subbase amounts, indicating the CBR value used to determine the amount of subbase required on the cross section;

7. location of power line extensions, streetlights, domes, and transformers;

8. a landscaping plan for all park, open space, and common ownership areas including:

(a) planting areas with a list of the name, number, and size of plants designated for each area;

(b) location, name and size of all existing and proposed trees and shrubs;

(c) location and sizes of proposed irrigation facilities adequate to maintain the planting areas;

(d) an indication of proposed seed mix for grass areas and rate of application;

9. street signs and traffic control signs;

10. two eight-inch utility casings where required at intersections and utility crossings;

11. a note stating that three sets of as-built drawings shall be submitted to the City upon completion of the public improvements;

12. all other specifications, details, and references required by the Design Standards and Public Improvements Specifications and Standard Drawings.

D. Additional Information Required. In addition to the final plat and construction drawings, the applicant shall provide:

1. prepared easements for any necessary offsite water, sewer, and drainage lines, and temporary turnarounds, across privately owned land;

2. any deeds or boundary line agreements necessary for recording the final plat;

3. any required UDOT approvals for access;

4. an engineer's estimate of costs for construction of all required public improvements;

5. evidence that all property taxes are current, that rollback taxes have been paid, and that no other debts or obligations are outstanding and no liens or encumbrances are placed on the property.

6. a preliminary title report covering all the property located within the subdivision, prepared or updated within 30 days of the date of recording of the final plat;

7. a final copy of any restrictive covenants, reservations, or private easements;

8. a letter from the Utah County Health Department regarding any proposed septic tanks or leach fields; and

9. prior to recording the final plat, staking of the new property line adjacent to existing roads.

Section 11.130. Lack of Final Subdivision Application Information.

D. In reviewing the final subdivision application, the City may require:

1. additional information relating to an applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications for construction of public improvements; and
2. modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.

E. The City's request for additional information or modifications to plans under Subsection (D)(a)(i) or (ii) shall be specific and include citations to all City ordinances, standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.

F. The lack of information under any item specified in Section 11.120, or improper information supplied by the applicant, may be cause to find the application incomplete or for disapproval of a final subdivision plat application.

Section 11.130. Final Subdivision with No Improvements

(New 01/10/23)

The Final Plat Subdivision with No Improvements Application allows for a legal subdivision of land but does not allow for the construction of any new utilities, roads, or other improvements. The following information is required for all final subdivision with no improvement plats. The Reviewing Departments ~~or City Council~~ may require additional information as needed to evaluate the merits of the proposed subdivision:

A. General Requirements. The final plat shall be prepared by a land surveyor licensed to practice in the State of Utah and the final copy for recording shall be printed on Mylar.

E. Features to be shown on the Final Plat. The final plat shall contain at a minimum the following information:

1. a title block which contains:
   (a) the name of the subdivision;
   (b) type of development;
   (c) a surveyor's certificate that has been signed and dated, showing the name and registration number of the surveyor responsible for making the survey;
   (d) a legal description of the subdivision

boundaries including the quarter-quarter section, section, township, range, principal meridian and the County of its location;
(e) the owner's dedication of all public ways or spaces, signed by every person having a security interest in the subdivision property, dated, and notarized, including a reference to any covenants that may be declared and blanks where the County Recorder may enter the book and page number of their recording; and
(f) signature blocks for the dated signatures of the Mayor, City Recorder, Planning Commission Chair, City Engineer, and the Notary Public's acknowledgment;

2. written and graphic scale, not smaller than 1" to 100' or as recommended by the City Engineer;

3. the basis of bearings used and a north point;

4. a vicinity map locating the subdivision within the section, identifying adjoining or nearby plats or certificates of survey, and showing prominent landmarks;

5. a notation of any adjoining plats or certificates of survey and titles thereto;

6. the exterior boundaries of the platted area, giving lengths and bearings of the boundary lines, and if the subdivision is bounded by a water body or watercourse, a closing meander traverse of that boundary;

7. where curving boundaries are used, sufficient data to establish the boundary on angle, and arc length, showing proper closures in all boundaries of the subdivision, and no final plat will be approved that shows a plus or minus distance for closure;

8. location of existing easements or rights-of-way, including those contiguous to the platted area, their nature, width, and the book and page number of their recording in the County's records;

9. location of proposed easements including any required easements for water, sewer, drainage or irrigation, temporary turnaround easements and a ten-foot public utility easement shown along front lot lines and any rear or side lot lines adjacent to a public right-of-way, or as otherwise required by the City to accommodate necessary public utilities; A fifteen foot public utility easement shall be required on both sides of a private roadway, alley, or access way where there is not a planter strip. Adequate building setback distance to accommodate code mandated clearances to various utilities is required. The public utility easement shall be free and clear of permanent structures including but not limited to: building footings, foundation walls, window wells, retaining walls, retention and detention facilities, geotextile reinforcing, and tie-backs.

10. all lots, blocks, and rights-of-way, including open space, created by the subdivision with their boundary, bearings, lengths, widths, name, number, or purpose, including for curved boundaries, the curve radius, central angle, and length of arc;

11. an indication of lot areas in square feet;

12. lots consecutively numbered or lettered in alphabetical order;

13. proposed addresses shown on each lot, with corner lots showing two addresses, as obtained from the Lehi City Planning Division;

14. all proposed new streets named or numbered in accordance with the street naming and numbering system of the City;

15. location and names of adjacent properties and property owners and platted subdivisions;

16. location of zoning boundary lines within and adjacent to the proposed subdivision;

17. location of all existing homes or buildings within the proposed subdivision that are to remain;

18. all existing monuments found during the course of the survey, including a physical description such as "brass cap";

19. all monuments erected or to be erected, including corners and other points established in the field, with the monuments made of brass and the legend indicating the diameter, length, and weight of the monuments, and all exterior boundary angle points of the subdivision and lot corners marked in accordance with the Lehi City Design Standards and Public Improvements Specifications including brass pins in the back of curb for all front property lines;

20. a detail diagram showing typical setbacks for corner and interior lots;

21. a summary of total project acreage,

All other sections in this Code applicable to final plat subdivisions are also applicable to Final Plat Subdivisions with No Improvements.

Section 11.140. Revisions.
(Amended 5/22/01; 3/27/07; 04/27/10)

A. If any revision is included on the final plat that was not present on the Preliminary Plat or came as a requirement of approval by the ~~City Council~~Planning Commission, it is the applicant's responsibility to inform the Reviewing Departments~~, Planning Commission and City Council~~ of the change. Failure to inform the ~~Planning Commission or City Council~~ Reviewing Departments of the revisions may result in revocation of any or all approvals.

B. Revisions to approved construction drawings for subdivisions or site plans shall be coordinated with the Public Works Director. The Public Works Director may require Reviewing Departments review of the proposed revisions. The applicant shall provide one electronic copy in PDF format of the revisions, unless otherwise approved by the Public Works Director. The copies shall be made on colored paper where available; otherwise a red revision stamp shall be required on the drawings in the right hand margin to distinguish revised pages from the original approved pages, as directed by the Public Works Director. All revisions shall be indicated with clouding. The plans shall include a revision block filled out including the date of the revisions.

Section 11.150. Final Plat Approval Process.
(Amended 5/22/01; 11/15/11)
The review and approval process for a final subdivision plat is identified in the appendix of this Code, including review by the Reviewing Departments, and ~~review~~ and approval by the Zoning Administrator ~~City Council. In reviewing an application for final subdivision plat approval, the Reviewing Departments may, at their discretion, require review of the final plat by the Planning Commission prior to a final decision by the City Council.~~ Following approval by the ~~City Council~~Zoning Administrator, the Mayor is authorized to sign the Mylar plat on behalf of the City ~~Council~~.

Section 11.160. Plat Materials; Size and Copies. *(Amended 05/22/01; 04/27/10; 07/10/12)*
The final subdivision plat shall be prepared on linen or on a stable base polyester Mylar film. The plat shall be of such size as is acceptable for filing in the office of the Utah County Recorder, but shall not be less than 24 x 36 inches. The applicant shall provide one electronic copy in PDF format of the final plat and construction drawings. The City may request additional copies if required. A computer disk copy, in a computer format acceptable to the City Engineer, shall also be provided.

Section 11.170. Multiple Sheets and Plat Accuracy.
Multiple sheet plats may be used. All sheets shall be numbered and referenced to an index map, and all required certificates shall appear on a single sheet, along with the index and vicinity maps. Bearings shall be shown to the nearest second, lengths to the nearest hundredth foot, and areas to the nearest hundredth acre.

Section 11.180. Nature and Effect of Final Subdivision Plat.
It is the intent of this Code that approval of a final subdivision plat be a ministerial action by the City assuring compliance with the requirements of Section 11.060 and Section 11.100 of this Code and any conditions imposed by the ~~City Council~~Planning Commission for preliminary plat approval. After a final subdivision plat has been approved by the ~~City Council~~Zoning Administrator and recorded in the Office of the Utah County Recorder, the applicant may apply for building permits consistent with the approved final subdivision plat.

Section 11.190. Effective Period of Final Subdivision Plat Approval.
(Amended 07/28/09; 02/10/15)
The approval of a final subdivision plat shall be effective for a period of two years from the date the final plat is approved and signed by the ~~City Council~~ Mayor, by the end of which time the final plat shall have been recorded in the office of the Utah County Recorder. If the approved final plat is not recorded within two years of the date of approval, or as extended according to the provisions of Section 10.120, the final plat approval shall be void and the applicant shall be required to submit a new preliminary plat for review and approval subject to the existing provisions of this Code and the General Plan.

Section 11.200. Recording the Approved Final Subdivision Plat. *(Amended 01/08/02; 07/28/09)*
One Mylar drawing of the final subdivision plat, following the receipt of all necessary approvals, shall be

submitted by the City for review, checking, and recording in the office of the Utah County Recorder. Any deficiency, gap, or overlap identified during the County and City review process shall be corrected prior to plat recording. All approvals shall become void unless the plat is offered to the City for recording within one year from the date of approval or as extended according to the provisions of Section 10.120. The filing of any unapproved plat is prohibited and any recording officer who records such a plat shall be guilty of a misdemeanor. Any sale or contract to sell any land in violation of the legal controls of this Code is voidable at the option of the purchaser.

Section 11.210. Proceeding With Subdivision Construction. *(Amended 02/13/01; 08/09/16)*
Following the recording of the final subdivision plat in the office of the Utah County Recorder, the developer or landowner may proceed with construction of the approved subdivision in accordance with the applicable provisions of the Lehi City Design Standards and Public Improvement Specifications. A grading permit application is not required for an approved final subdivision to proceed with construction if all preconstruction meeting prerequisites have been satisfied, including posting of the bond. A grading permit may be obtained in advance of final subdivision approval in accordance with Development Code Chapter 12-B, Grading Permits.

Section 11.220. Completion Assurance and Improvement Warranty.
(Amended 02/13/01; 11/18/03; 11/15/05; 05/22/07; 01/08/08; 07/28/09; 04/26/11; 07/08/14; 02/28/17)

A. A developer or owner must complete to the City's satisfaction all required public and private improvements, as well as any required landscaping, known as the "Required Improvements," associated with a particular subdivision before the corresponding subdivision plat can be recorded with the Utah County Recorder and before any development activity that requires a building permit takes place thereon. Prior to commencing work on the Required Improvements, the developer or owner must first demonstrate its practical and financial ability to complete all such Required Improvements to the City's satisfaction. The developer or owner shall also pay all necessary inspection fees and any up-front supply costs required by the City for power supplies, water system supplies, public signs, and any other associated costs so the City can order all necessary supplies for the development. In the event the developer or owner begins the Required Improvements as contemplated by this Section 11.220(A), but is unable to complete the same, any approvals, permits, licenses, and the like which are applicable to the unfinished subdivision and which have been issued by the City, shall be void.

B. In the event a developer or owner desires to record a subdivision plat with the Utah County Recorder before starting the Required Improvements, the developer or owner must first post an improvement completion Assurance consistent with applicable City codes, which Assurance shall guarantee the proper and timely completion of all such Required Improvements. The developer or owner shall also pay all necessary inspection fees and any up-front supply costs required by the City for power supplies, water system supplies, public signs, and any other associated costs so the City can order all necessary supplies for the development. The Assurance must be posted, and all inspection and supply fees must be paid, prior to the developer or owner beginning any work on the Required Improvements, and before the recordation of any corresponding subdivision plat. The Assurance shall be posted in the full amount of the City's Estimate. The Assurance must also be in a form acceptable to the City, approved by the City Attorney, and must be issued by a financial institution insured by the Federal Deposit Insurance Corporation or National Credit Union Association.

C. If a developer or owner decides to begin work as contemplated by Section 11.220(A), then subsequently desires to record a plat by posting the Assurance as contemplated by Section 11.220(B) for any remaining unfinished improvements, the developer or owner shall first:

1. submit new plans and drawings to the City from the developer or owner's engineer and surveyor;

2. submit as-built plans for any improvements already begun;

3. submit a revised cost estimate from the developer or owner's engineer for any remaining improvements to be completed;

4. submit a new development application to the City, along with any applicable fees;

5. be subject to a new review process by the Reviewing Departments; and

6. obtain any necessary approvals and permits from the City.

D. Whether the developer or owner completes all of the Required Improvements prior to plat recordation as contemplated by Section 11.220(A) or

posts an Assurance as contemplated by Section 11.220(B), the developer or owner shall post an improvement warranty security evidencing the developer's or owner's unconditional warranty that the corresponding Required Improvements comply with the City's written standards for design, materials, and workmanship, and that said Required Improvements will not fail in any material respect within the improvement warranty period as a result of poor workmanship or materials. The improvement warranty security shall be in an amount equal to ten percent of the lesser of: (i) the City's estimated cost of completion; or (ii) the developer's or owner's reasonable proven completion costs for all Required Improvements. The improvement warranty security shall be posted prior to recording the final plat or simultaneously with the developer's or owner's Assurance. All public improvement costs and inspection fees shall be paid prior to scheduling a preconstruction meeting. The form of the improvement warranty security shall be acceptable to the City, approved by the City Attorney, and shall be issued by a financial institution insured by the FDIC or NCUA. The improvement warranty period shall commence upon the City's acceptance of all Required Improvements, and shall expire one year from the date of said acceptance, unless a longer improvement warranty period is allowed by Title 10 of the Utah State Code. For the purposes of this Section 11.220, the City's written approval of all Required Improvements, in addition to the release of the entire Assurance, shall constitute acceptance of all Required Improvements.

E. The City shall be entitled to payment of all amounts remaining in any Assurance posted by the developer or owner in the event the developer or owner is unable to complete the Required Improvements pursuant to a corresponding written agreement with the City. The individual line-item amounts set forth in the City's Estimate, which shall serve as a basis for and correspond with the developer's or owner's Assurance, shall be considered separate with respect to releases by the City, but each amount shall be applicable and available to every other line item in the event of the developer or owner's failure to perform one or more of the Required Improvements to the City's satisfaction. Notwithstanding the itemization of type and cost of any improvement or landscaping, any sum available pursuant to the Assurance may be used by the City, and not released to the developer or owner, for any other improvement or landscaping covered by the Assurance, in addition to the specified improvement or landscaping. The defaults and corresponding remedies contemplated by this Section 11.220(E) shall be made by certification from the City Engineer evidencing any such default. Moreover, the remedies contemplated herein are not exhaustive, and the City may pursue any other remedies available in law or in equity.

F. The City Engineer or designee shall have authority to release to the developer or owner from any portion of the Assurance. However, the City Engineer shall not release, prior to final acceptance, any amount of an Assurance for each specified improvement in excess of 90% thereof. Through the City's established inspection process, the City Engineer may authorize two base releases per each line item in the Assurance. One final release shall be authorized when the corresponding improvement or landscaping is completed by the developer or owner, and subsequently approved by the City. For Assurances in excess of one million dollars, an additional release per line item may be authorized for each additional million dollars contemplated by the Assurance.

G. In the event of an emergency requiring a more expeditious completion of the Required Improvements, the City may, after providing the developer or owner with a 30-day notice, complete the Required Improvements and compensate itself for its expenses from any remaining amount in the corresponding Assurance and improvement warranty security, plus 15% to recover overhead and other costs incurred by the City.

H. Assurances and improvement warranty securities contemplated by this Section 11.220 are for the sole benefit of the City and are not for the individual benefit of any other entity, citizen, or identifiable class of citizens, including the owners or purchasers of lots or units within a subdivision. The Assurances and improvement warranty securities are not for the purpose of ensuring payment of contractors, subcontractors or suppliers of labor or materials, and no contractors, subcontractors or suppliers of labor or materials shall have a cause of action against the City or the Assurance or improvement warranty security.

Section 11.230. Site Plan Approval Required.

A. The following applications shall be required to obtain site plan approval:

1. development requests to allow multi-family residential, mixed use, and nonresidential uses; and
2. requests for conditional use approval.

B. A request for permitted use approval may be required to obtain site plan approval.

Section 11.240. Application Requirements for Site Plans. *(Amended 5/22/01; 08/13/02; 04/27/10; 07/10/12; 08/09/16; 08/22/23)*
The following information is required for all site plans, in addition to other information required by the Reviewing Departments, Commission, or City Council to evaluate the merits of the proposed site plan:

A. General Requirements. The site plan shall be prepared in pen and the sheets shall be numbered in sequence if more than one sheet is used and shall not be less than 36 x 24 inches. All engineering and surveying documents shall bear the seal of the professional engineer and professional land surveyor in accordance with Utah Code Ann. §58-22-602. The applicant shall provide one electronic copy in PDF format. The City may request additional copies if required.

B. Features to be shown on Site Plan. The site plan shall show:

1. name of development;

2. surveyed boundary of the site plan accurate in scale, dimension, and bearing, including all adjacent and contiguous property under the control of the owner, even if only a portion is to be developed, giving the location and ties to the nearest horizontal control monument and section corner, benchmark, or monument if a survey is required;

3. graphic and written scale at no more than one inch equals 100 feet or as recommended by City Engineer;

4. north arrow;

5. topographic contour intervals of no greater than two feet, unless otherwise stipulated by City Engineer;

6. location and names of adjacent properties, property owners, and platted subdivisions;

7. location of zoning boundary lines within and adjacent to the proposed site plan;

8. location of existing easements or rights-of-way, including those contiguous to the platted area, their nature, width, and the book and page number of their recording in the County's records;

9. location of proposed easements, including any required easements for water, sewer, drainage or irrigation, temporary turnaround easements and a ten-foot public utility easement along front lot lines and any rear lot lines adjacent to a public right-of-way, or as otherwise required by the City in order to accommodate necessary public utilities;

10. location, height, and type of existing fence lines within and contiguous to the site plan;

11. location, type, and height of any new fencing, berming, or other buffering to be installed as part of the development including any fencing required to comply with Section 12.080 – Project Buffering and Screening Requirements or Section 18.010, Right to Farm;

12. location and dimensions of all existing buildings within the proposed site plan, with an indication of whether the buildings are to remain or be removed;

13. location, dimensions, and square footage of all proposed buildings as part of the site plan;

14. building setback lines and building envelopes;

15. location and extent of all cuts and fills exceeding three feet anywhere on the project site and any associated retaining walls;

16. location of existing features within and contiguous to the proposed site plan including:
(a) existing public utility easements;
(b) irrigation ditches;
(c) drain pipes;
(d) drainage channels;
(e) culverts;
(f) railroads;
(g) bridges;
(h) power lines;
(i) water bodies;
(j) springs or water sources within 2,500 feet; and
(k) equestrian, pedestrian, and bicycle trails;

17. the location of existing and proposed roads including their names, dimensions, and cross sections;

18. the location and width of all existing and proposed entrances onto adjacent roads;

19. the location, dimensions, and surface type of all parking facilities, including ADA accessible stalls and loading areas, the location and dimension of backup aisles, bike parking locations, and bike parking detail;

20. location of all existing and proposed curb, gutter, and sidewalk within the site plan including:
    (a) an indication of the grades; and
    (b) flow arrows showing direction of storm water surface flows;

21. location of any necessary temporary turnaround easements for emergency access on dead-end roads;

22. if adjacent to a state road, UDOT access size and location and UDOT approval;

23. location and size of existing and proposed culinary and pressure irrigation water lines, including existing lines adjacent to or affected by the proposed site plan;

24. location of existing and proposed sewer mains including size, depth, and slope, including existing lines adjacent to or affected by the proposed site plan;

25. existing and proposed storm drainage improvements including:
    (a) major drainage facilities, outfalls, and discharge; and
    (b) drainage pipe locations, sizes, and depths;

26. location of detention and retention basins with an indication that the basins will include the following:
    (a) minimum one-foot freeboard;
    (b) 3:1 slopes or flatter;
    (c) grass covering and underground sprinkler system; and
    (d) a designation of the purpose and conditions, if any, of the dedication or reservation;

27. the location, size, and grade of any required piping for irrigation ditches;

28. location of solid waste containers;

29. The location, dimensions, materials, and colors of signs, including the type and height of those signs.

30. location, type, and height of any fencing, berming, or other buffering to be installed as part of the development, including any fencing required to comply with Section 12.080 – Project Buffering and Screening Requirements or Section 18.010, Right to Farm;

31. identification of natural features or sensitive lands including:
    (a) wetlands;
    (b) floodplains, floodways, and areas, which would be covered in water in a 100-year storm event;
    (c) areas where ground water rises periodically to within two feet of the surface of the ground;
    (d) slopes exceeding 30 percent;
    (e) vegetation areas, including name and size of all existing trees and shrubs which could be incorporated into the site plan; and
    (f) threatened or endangered species habitat areas;

32. A landscaping plan for all landscaped areas which includes:
    (a) planting areas with a list of the name, number, and size of plants designated for each area;
    (b) location, name, and size of all existing trees and shrubs to be incorporated as part of the landscape plan; and
    (c) location and sizes of any proposed irrigation facilities adequate to maintain the planting areas;

33. the location of all existing and proposed outdoor lighting fixtures and the manufacturer's specifications of the area to be lighted with such fixtures including:
    (a) exterior lights;
    (b) parking lot lighting; and
    (c) transformers;

34. location of solid waste containers including design provisions for screening;

35. if roadway dedication is required, a notation of the distance from the asphalt centerline of each existing road to the new property line of the site plan;

36. calculation of site plan areas including:
    (a) total acreage;
    (b) total project density for multi-family residential site plans;
    (c) square footage and percentage of all

landscaped areas including:
(i) total landscaped area;
(ii) total irrigated area; and
(iii) total parking lot landscape;
(d) square footage of all impervious surfaces, including:
(i) rooftop area of all buildings;
(ii) roads and parking facilities;
(iii) curb and gutters;
(iv) walks;
(v) loading areas; and
(vi) asphalt or concrete aprons for solid waste containers or outdoor mechanical equipment;
(e) gross building square footage;
(f) parking calculations including:
(i) required number of parking stalls;
(ii) proposed number of parking stalls;
(iii) required number of bicycle stalls; and
(iv) proposed number of bicycle stalls;

37. a circulation plan showing:
(a) pedestrian walkways;
(b) crosswalks;
(c) master planned trail connections; and
(d) cross access points;

38. construction and plan and profile drawings of all required public improvements consistent with Lehi City Design Standards and Public Improvement Specifications, including:
(a) a utility index or cover sheet at the same scale as the Preliminary Plat which includes all of the information from the approved Preliminary Plat, including any changes or modifications required for preliminary approval and all public utility information;
(b) location, depth, pipe type, and slope of all drainage, sewer, and irrigation lines in conformance with the letter issued by the irrigation company, including the location and spacing of all boxes, manholes, and other improvements and details of any detention basins and related piping and orifices;
(c) location, pipe type, and size of existing and proposed culinary and pressurized irrigation lines, and associated fire hydrants, valves, and blowoffs, noting where bends are required on water lines;
(d) cross sections of all roads including pavement design, base, and subbase amounts, indicating the CBR value used to determine the amount of subbase required on the cross section;
(e) location of power line extensions, easements for line extensions, distribution lines and related equipment.
(f) street signs and traffic control signs;
(g) two eight-inch utility casings where required at intersections and utility crossings;
(h) a note stating that three sets of as-built drawings shall be submitted to the City upon completion of the public improvements;
(i) all other specifications, details, and references required by the Design Standards and Public Improvements Specifications and Standard Drawings.

C. Additional Information Required. In addition to the site plan, the applicant shall provide:

1. proposed building elevations including dimensions, colors, and proposed building materials with a breakdown showing percentages of each material;

2. a development phasing schedule if applicable, including the sequence for each phase, approximate size in area of each phase, and proposed phasing of construction of public improvements, recreation, and common open space areas;

3. drainage system calculations and an explanatory narrative sealed by a licensed engineer, and for detention and retention basins, calculations to justify sizing based on 100-year design storm;

4. a statement from the appropriate agency accepting responsibility for all surface and subsurface drainage that is directed into channels owned by the agency;

5. a written statement from the appropriate agency such as irrigation companies and private land owners, regarding the effect of the proposed subdivision on any irrigation channels or ditches, and any piping or other mitigation required;

6. a letter from the Army Corp of Engineers regarding any wetland areas within the boundaries of the proposed plat;

7. if the site plan is proposed as a PUD, an application for a PUD providing detailed information regarding proposed features including building elevations, materials, and amenities;
8. where required, three copies of the California bearing ratio test results;

9. prepared easements for any necessary offsite

water, sewer, or drainage easements across privately owned land, and for temporary turnarounds;

10. any deeds or boundary line agreements necessary for approval of the site plan;

11. any required UDOT approvals for access;

12. an engineer's estimate of costs for construction of all required public improvements;

13. a preliminary title report covering all the property located within the site plan, prepared or updated within 30 days of the date of the site plan approval;

14. a final copy of any restrictive covenants, reservations, or private easements;

15. a letter from the Utah County Health Department regarding any proposed septic tanks or leach fields;

16. prior to issuance of a building permit, staking of the new property line adjacent to existing roads; and

17. other information required by the Reviewing Departments, Commission, or City Council necessary to evaluate the merits of the proposed site plan.

Section 11.250. Site Plan Approval Process. *(Amended 5/22/01; 08/13/02; 11/09/04; 10/11/22; 08/22/23)*
The review and approval process for a site plan shall be as follows:

A. Permitted Uses.

1. Site plans associated with a permitted use require review an approval by the Reviewing Departments. Site Plans requesting exceptions to Code requirements require approval by the Planning Commission for the requested exceptions. The Reviewing Departments may require that the approval of a site plan be forwarded to the Planning Commission if they determine the standards in the Development Code are unclear, or that the project is likely to have extenuating or unforeseen impacts beyond what would normally be expected on issues such as traffic, lighting, or compatibility of uses.

B. Conditional Uses. The approval process for Site Plans associated with a Conditional Use shall be the same as that required for the issuance of a Conditional Use Permit as outlined in Section 09.020, including review by the Reviewing Departments and approval by the Planning Commission following a public hearing.

C. All new development projects or exterior renovations to existing buildings located within the boundaries of the Historic District shall receive additional review by the Historic Preservation Commission. The Commission, acting in an advisory role, provides input to assist in the implementation of the vision of the Historic District. If input from the Commission is provided, it shall be submitted prior to final review and approval.

Section 11.260. Lack of Site Plan Information. *(Amended 08/13/02)*
The lack of information under any item specified in Section 11.210, or improper information supplied by the applicant, may be cause to find the application incomplete or for disapproval of a site plan application.

Section 11.270. Multiple Sheets and Plan Accuracy.
Multiple sheet site plans may be used. All sheets shall be numbered and referenced to an index map, and all required certificates shall appear on a single sheet along with the index and vicinity maps. Bearings shall be shown to the nearest second, lengths to the nearest hundredth foot, and areas to the nearest hundredth acre.

Section 11.280. Nature and Effect of Site Plan Approval. *(Amended 08/13/02)*
It is the intent of this Code that approval of a site plan be a ministerial action by the City assuring compliance with the requirements of Section 11.210 and Section 11.250 of this Code and any conditions imposed by the Reviewing Departments, Planning Commission or City Council for site plan approval. After a site plan has been approved by the Reviewing Departments, Planning Commission, or City Council and no subdivision plat is required, the applicant may apply for building permits consistent with the approved site plan. No building permit application may be approved by the Chief Building Official unless the approved building permit conforms to the approved site plan.

Section 11.290. Effective Period of Site Plan Approval. *(Amended 08/13/02; 07/28/09)*
The approval of a site plan shall be effective for two years from the date that the site plan is approved by the City, by the end of which time construction shall

have commenced or a building permit application shall have been submitted and a building permit issued. If site improvements have not commenced within the two-year period or as extended according to the provisions of Section 10.120, or if a building permit application has not been submitted and a building permit issued, the site plan approval shall be void and the applicant shall be required to submit a new site plan for review and approval subject to the then existing provisions of this Code and General Plan.

Section 11.300. Proceeding With Construction. *(Amended 2/13/01; 08/13/02; 08/09/16)*
Following the approval of a site plan the developer or owner may proceed with construction in accordance with the applicable provisions of the Lehi City Design Standards and the Public Improvement Specifications. A grading permit application is not required for an approved site plan to proceed with construction if all preconstruction meeting prerequisites have been satisfied, including posting the bond. A grading permit may be obtained in advance of site plan approval in accordance with Development Code Chapter 12-B, Grading Permits.

Section 11.310. Guarantees and Bonds.
(Amended 02/13/01; 3/11/03; 11/18/03; 11/15/05; 05/22/07; 01/08/08:07/28/09; 04/26/11; 02/28/17)

A. Based on a cost estimate submitted by the developer's or owner's engineer, the City Engineer or designee shall prepare the bond estimate, revising the costs as required to match prevailing conditions for the construction and installation of all required public improvements as well as all private improvements required pursuant to the site plan approval process, and including a ten percent contingency fee. A bond shall be posted by the developer or owner guaranteeing the construction of all required public improvements and private landscaping. The bond shall be in the form of an Escrow Bond or Irrevocable Letter of Credit. The form must be approved by the City Attorney and must be issued by a financial institution having an operating branch in the State of Utah and insured by the Federal Deposit Insurance Corporation or National Credit Union Association. The form shall be acceptable to the City, unless otherwise approved by the City Council due to extraordinary circumstances. The properly issued and executed bond, together with all required inspection fees, shall be submitted to Lehi City before any building permits will be issued. The bond shall be held for a two-year construction period, unless extended in writing by Lehi City.

B. The amounts stated in the bond estimate shall be considered separate with respect to releases by Lehi City, but each amount shall be applicable to every other part in the event of the developer's or owner's failure to perform one or more of the improvements as required by the Code. Notwithstanding the itemization of type and cost of improvements, any sum available pursuant to the bond may be used by the City, and not released to the developer for any other improvement covered by the bond as well as the specified improvement.

C. The City Engineer or designee shall have authority to release to the developer or owner any funds held by the City. The City Engineer shall not release, prior to final acceptance, any amount for each specified improvement in excess of 90% thereof. The City Engineer shall authorize through the normal inspection process two base releases per each line item in the bond. For bonds over one million dollars, an additional release per line item shall be authorized for each additional million dollars in the bond.

D. After final acceptance, ten percent of the amount pertaining to all specified improvements shall be held for a period of one year from the date of final acceptance, notwithstanding the provisions referring to the two-year obligation. The ten percent may be released any time after six months have passed at the discretion of the City Engineer, the purpose being to guarantee the materials and workmanship of the completed improvements.

E. The City shall have the power to require payment to the City of all amounts remaining in the bond upon certification by the City Engineer that the developer or owner has failed to comply with an obligation to install public improvements and private landscaping in a manner satisfactory to the City Engineer, or that the developer or owner is in default, whether the two-year period has elapsed or not. Any such funds shall be segregated by the City Treasurer in a special account and expended for the purposes set forth in the public improvements and private landscaping contract entered into by the developer or owner. Should an emergency arise the City may, after providing the developer or owner with a 30-day notice period, complete the required improvements and be compensated from all bond amounts plus 15% to recover overhead and other costs incurred by the City to complete the required improvements.

F. Bonds required by this section are for the sole benefit of the City. The bonds are not for the individual benefit of any citizen or identifiable class of citizens, including the owners or purchasers of lots or units within a PUD. The bonds are not for the purpose of ensuring payment of contractors, subcontractors or

suppliers of labor or materials, and no contractor, subcontractor or supplier of labor or materials shall have a cause of action against the City or the bond.

G. Developments requiring a site plan shall complete all required private improvements, except private landscaping, prior to the certificate of occupancy being granted.

H. Residential developments shall complete all required private improvements prior to commencing construction on units totaling more than 80% of the allowed units in the development.

Section 11.320. Condominium Plats.
(Amended 07/10/12)

A. Condominium plats shall follow all requirements in Utah State Code Section 57-8.

B. The review and approval process for condominium plats shall include review of a preliminary plat or site plan by the Reviewing Departments, and approval by the Planning Commission, following a public hearing. Final plat approval requires review by the Reviewing Departments and approval by the City Council.

~~A.~~C. Where an existing building is being converted to a condominium, the approval process shall include review by the Reviewing Departments and final approval by the City Council. ~~Reference is made to Section 57-8 Utah Code for definition and specific requirements.~~

~~B.Building permits for condominium units may be issued following approval of the final plat by the City Council as provided by this Code. The building permit will be issued based upon a certified architectural plan of the building elevation and floor plans as approved by the Chief Building Official.~~

~~C. All condominium plats shall be filed in the office of the Utah County Recorder following completion of construction and before acceptance of improvements.~~

Section 11.330. Vacating, Altering, or Amending a Recorded Subdivision Plat.
(Amended 07/10/12)

A. The Planning Commission, following review by the Reviewing Departments, shall be the Land Use Authority for approving any proposed vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any road or lot contained in a subdivision plat. The Planning Commission shall follow all requirements and procedures identified in Utah State Code Section 10-9a-608.~~City Council may consider, after Reviewing Departments review, any proposed vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any road or lot contained in a subdivision plat.~~

~~B. A fee owner of land, as shown on the last county assessment roll, in a subdivision that has been laid out and platted as provided in this part may file an application to have some or all of the plat vacated or amended.~~

~~C. The City Council shall hold a public hearing within 45 days after the day on which the application is filed if:~~

~~1. any owner within the plat notifies the City of the owner's objection in writing within ten days of mailed notification; or~~

~~2. a public hearing is required because all of the owners in the subdivision have not signed the revised plat.~~

~~D. The public hearing requirement of Subsection C does not apply and the City Council may consider at a public meeting an owner's request to vacate or amend a subdivision plat if the application seeks to:~~

~~1. join two or more of the applicant fee owner's contiguous lots;~~

~~2. subdivide one or more of the applying fee owner's lots, if the subdivision will not result in a violation of a land use ordinance or a development condition;~~

~~3. adjust the lot lines of adjoining lots or parcels if the fee owners of each of the adjoining lots or parcels join in the application, regardless of whether the lots or parcels are located in the same subdivision;~~

~~4. on a lot owned by the applying fee owner, adjust an internal lot restriction imposed by the City; or~~

~~5. alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not:~~
~~a. owned by the applicant; or~~
~~b. designated as a common area.~~

~~E. Each request to vacate or amend a plat that contains a request to vacate or amend a public street, right-of-way, or easement is also subject to the State Code requirements for vacation of a public right-of-~~

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~~F. Each request to vacate or amend an entire plat or a portion of a plat shall include:~~

~~1. the name and address of each owner of record of the land contained in the entire plat or on that portion of the plat described in the application; and~~

~~2. the signature of each owner described in Subsection F.1 who consents to the application.~~

~~Section 11.340. Plat Amendment Approval Process and Recordation. *(Amended 07/10/12)*~~

~~A. Following a review by the Reviewing Departments, the City Council may approve the vacation or amendment of a plat by signing an amended plat showing the vacation or amendment if the Council finds that:~~

~~1. there is good cause for the vacation or amendment; and~~

~~2. no public street, right-of-way, or easement has been vacated or amended.~~

~~B. The City Council shall ensure that the amended plat showing the vacation or amendment is recorded in the Office of the County Recorder.~~

~~C.~~B. ~~An amended plat may not be submitted to the County Recorder for recording unless it is signed and acknowledged by each owner of record on the portion of the plat that is amended.~~

Section 11.350. Lot Line Adjustments.
(Amended 11/09/04; 07/10/12)

A. The owners of record on adjacent parcels that are described by either a metes and bounds description or a recorded plat may exchange title to portions of those parcels or make lot line adjustments if the exchange of title or adjustment is approved by the Zoning Administrator in accordance with Subsection B. The Zoning Administrator may require the approval of a lot line adjustment be forwarded to the Reviewing Departments or Planning Commission if the Zoning Administrator determines the adjustment may have an impact on the health, safety, or general welfare of the surrounding properties, property values, or residents.

B. All applications for lot line adjustments shall include:

1. a scaled drawing showing the proposed lot line adjustment, including the location of adjacent streets, the location of each lot affected by the adjustment, lot dimensions and lot sizes of the subject properties before and after the proposed lot line adjustment, and any other information deemed necessary by the Zoning Administrator to determine whether the proposed adjustment will result in a violation of applicable zoning requirements;

2. a legal description of the proposed lot line adjustment prepared by a licensed surveyor; and

3. if the lot line adjustment affects any public utility easements, a Disclaimer of Easement Verification Form provided by the City, signed by each affected public utility necessary to vacate the public utility easement.

C. The Zoning Administrator shall approve an exchange of title under Subsection A if:

1. no new dwelling lot or housing unit will result from the exchange of title;

2. the exchange of title will not result in a violation of applicable zoning requirements; and

3. any affected public utility easements have been vacated or modified as necessary.

D. If an exchange of title is approved under Subsection C, a notice of approval shall be recorded by the Zoning Administrator or designee, in the Office of the County Recorder which:

1. is executed by each owner included in the exchange and by the Zoning Administrator, or Planning Commission Chair, whichever is applicable;

2. contains an acknowledgment for each party executing the notice in accordance with the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and

3. recites the descriptions of both the original parcels and the parcels created by the exchange of title.

E. A notice of approval recorded under this section does not act as a conveyance of title to real property and is not required for the recording of a document purporting to convey title to real property.

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F. Following approval of the lot line adjustment, the applicant is responsible to file the necessary title conveyance documents with the Utah County Recorders' Office.

Section 11.360. Vacation of a Public Street
(New 07/10/12)
All petitions to vacate a public right-of-way shall follow the approval procedures outlined in the Utah State Code and shall require review by the Reviewing Departments, recommendation by the Planning Commission following a public hearing, and approval by the City Council. Each request to vacate a public right-of-way shall include:

A. a written narrative describing the reasons for the proposed public street vacation;

B. an exhibit showing the portion of public street to be vacated including:

1. north arrow;

2. surrounding streets and buildings;

3. the acreage of the vacated street area;

4. the surveyed boundary of the vacated street area; and

5. the location of all adjacent properties and the ownership identified;

C. a petition to vacate some or all of a public street, right-of-way, or easement, including:

1. the name and address of each owner of record of land that is:
   a. adjacent to the public street, right-of-way, or easement; or
   b. accessed exclusively by or within 300 feet of the public street, right-of-way, or easement;

2. the signature of each owner under Subsection C.1 who consents to the vacation; and

3. proof of mailed notification to surrounding owners as required by State Code and the Lehi City Development Code.

the occupancy and design requirements of Section 12.130-B of this Code.

Indoor Shooting Range – a specialized facility designed for firearm usage qualifications, training, practice, or competitions.

Juvenile Group Facility – A 24-hour group living environment for adolescents under the age of 18, unrelated to an owner or operator that offers room, board or specialized services to residents.

Kennel - Any lot or premises or portion thereof on which three or more dogs, cats and other household domestic animals are maintained, boarded, bred or cared for in return for compensation or kept for sale.

Laboratory (Medical, Dental, Optical) - An establishment primarily engaged in commercial or non-commercial physical and biological research, development, and production of products for the medical, dental, or optical profession.

Land use authority - An individual, board, or commission, appointed or employed by the City, including the staff, Planning Commission, or City Council, and who is designated as the person or body responsible for final decisions and approvals of land use applications identified in this Code.

Laundry Services - An establishment primarily engaged in providing the following services: pressing and finishing, dry cleaning, washing, tailoring, or clothing repair or alteration. The establishment can include washing and drying machines, and clothes dry cleaning machines, either coin operated or attendant operated, and are provided on a rental basis for use by individuals doing their own laundry and dry cleaning. Does not include outdoor drying facilities.

Light Manufacturing, Processing, and Assembly - An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, which are not obnoxious or offensive by reason of emission of odor, dust, smoke, noxious gases, noise, vibration, glare, heat, or other impacts. Also, includes the processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales and distribution. This use does not include the processing of animal, vegetable or fish products or the rendering and refining of fats and oils. It also encloses all equipment, compressors, generators and other ancillary equipment within a building or structure. Light manufacturing includes the manufacturing of the following items and similar goods: professional instruments, watches/clocks, jewelry, musical instruments, toys/sporting goods, office supplies and equipment, and other similar products as approved by the Planning Commission

Light Office/Warehouse Combination – A commercial building, no larger than 30,000 square feet, designed for office and light warehouse uses. Usable office space shall comprise a minimum of 50 percent of the total square footage, and usable warehouse space shall not exceed 50 percent of the total square footage. Facades fronting roadways shall have an office/storefront appearance. Roll-up doors shall be on facades not fronting roadways. Tilt-up concrete construction is prohibited.

Liquor Store – A State-run facility engaged in the retail sale of packaged alcoholic beverages, such as ale, beer, wine, and liquor, for consumption off the premises.

Loading and Unloading Spaces - A permanently maintained space on the same lot as the principal building with access to a road and not less than 10 feet in width, 20 feet in length, and 14 feet in height.

Lot - A parcel or unit of land described by metes and bounds and held or intended to be held in separate lease or ownership, or shown as a lot or parcel on a recorded subdivision, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger lot, parcel, or tract into two or more smaller lots or units.

Lot Area - The area of a horizontal plane within the lot lines of a lot.

Lot, Corner - A lot which has an interior angle of 135 degrees or less at the intersection of two road lines. A lot abutting upon a curved road is considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of 135 degrees or less.

Lot Coverage - The percentage of the area of a lot that is occupied by all buildings, and other covered structures and impervious surfaces.

Lot, Double-Sided - A lot having frontage on two parallel or approximately parallel streets.

Lot Frontage – The width of a lot, measured parallel

Subdivide - The act or process of creating a subdivision.

Subdivider - Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest, lot, parcel site, unit, or plat in a subdivision, or, who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit or plat in a subdivision, and who (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

Subdivision - Any land, vacant or improved, which is divided or proposed to be divided or re-subdivided into two or more lots, parcels, sites, units, plots, condominiums, tracts or other division for the purpose of offer, sale, lease or development whether immediate or future, either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat or other recorded instrument. Subdivision includes re-subdivision and condominium creation or conversion.

Subdivision Plat - The final map or drawing, described in this Code, of a plan of subdivision to be presented to the City for approval and when approved, may be submitted to the Utah County Recorder for filing.

Subdivision Review Cycle - As required by Utah State Code Section 10-9a-604.2 for standard subdivisions, it means the occurrence of:

1. the applicant's submittal of a complete subdivision land use application;
2. the City's review of that subdivision land use application;
3. the City's response to that subdivision land use application, in accordance with this section; and
4. the applicant's reply to the City's response that addresses each of the municipality's required modifications or requests for additional information.

Tandem Parking - The parking of one vehicle behind another.

Temporary - Not to exceed a period of one year.

Towing and Impound Yard – An establishment engaged in the temporary storage of vehicles that have been towed, carried, hauled or otherwise moved from public or private property for impoundment in a public or private impound yard. This use includes vehicle transport companies engaged in similar activities as described above. This use does not include vehicle rental or sales of new or used vehicles or parts (except for necessary sales of unclaimed impounded vehicles), vehicle repair, automobile wrecking yard, junk or salvage yard, or a freight terminal. All towing and impound yards must meet the requirements found in Section 12.130 (G) of this Code.

Trailer - A vehicle designed for carrying property or persons on its own structure and for being drawn by a motor vehicle.

Transit Station – A facility or area where trains, buses, and other forms of public transportation stop to load or unload passengers, freight, or both.

Unoccupied Structures – a structure that is not designed or intended for human occupancy and is only accessed occasionally for persons performing support services for the intended use of the structure and does not fall under any other use found in this Code.

Use - The purpose or purposes for which land or a building is occupied, maintained, arranged, designed, or intended.

Vehicle - A device by which any person or property may be propelled, moved or drawn upon a highway, excepting a device moved by human power.

Vertical Mixed Use (Residential Above Commercial) - A building that contains a mix of residential and commercial uses. Typically, commercial uses (i.e., retail shops, restaurants, offices) are located on the lower levels, while residential units (condominiums or apartments) are located on upper levels.

Veterinary Office - Any facility providing medical or surgical treatment, clipping, bathing or other services, including incidental boarding to dogs, cats, and other animals. Services are entirely within an enclosed building.

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FIGURE 8
PRELIMINARY SUBDIVISION
PLAT APPROVAL
FOR
PUD, PRD, PC, AND TOD PROJECTS
(Amended 5/22/01; 7/10/12)

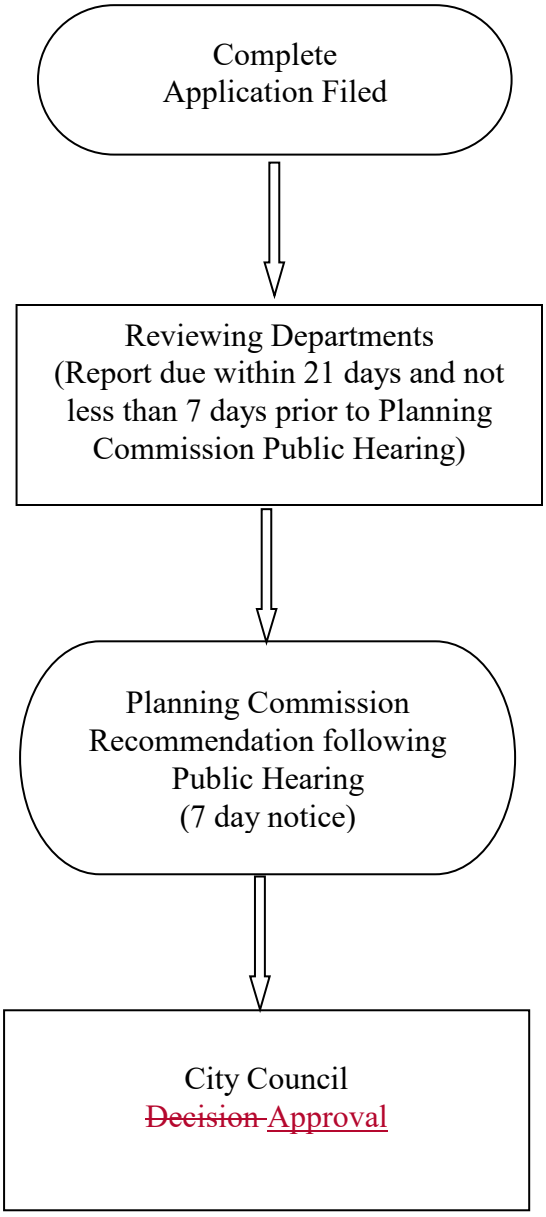


FIGURE 8
PRELIMINARY SUBDIVISION
PLAT APPROVAL
FOR
STANDARD PLATS
(Amended 5/22/01; 7/10/12; 1/23/24)



FIGURE 9
FINAL SUBDIVISION
PLAT APPROVAL
FOR
PUD, PRD, PC, AND TOD PROJECTS

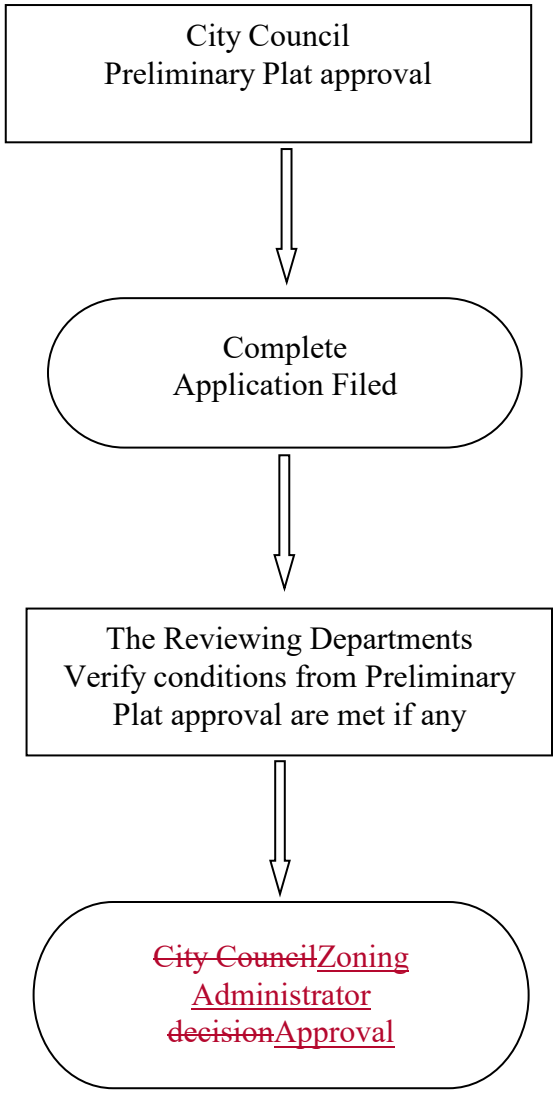
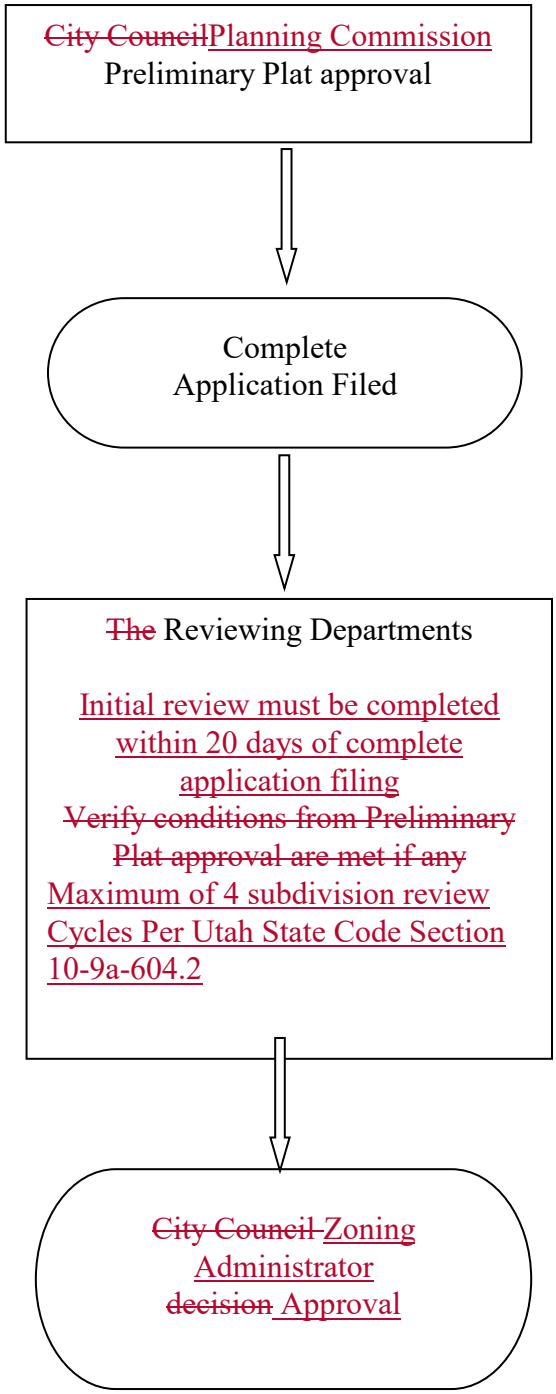


FIGURE 9
FINAL SUBDIVISION
PLAT APPROVAL
FOR
STANDARD PLATS



Agenda Item No: 2.7

Planning Commission Agenda Item Report

Meeting Date: January 11, 2024
Submitted By: Noreen Edwards
Submitting Department: Planning Division
Item Type: Public Hearing
Agenda Section: Regular Agenda

Subject:
Public hearing and recommendation of Lehi City's request for review of a Development Code Amendment to Chapters 20 & 39, adding athletic instruction as a use, under in-home instruction, for a Home Occupation.

Suggested Action:

Attachments:

Dev Code 20 & 39.pdf

CHAPTER 20 DEVELOPMENT CODE AMENDMENT
PLANNING COMMISSION REPORT

Applicant	Lehi City
Meeting Date	January 11, 2024
Requested Action/Purpose	Review and recommendation on proposed amendments to the Lehi City Development Code
Decision Type	Legislative
Date of DRC Review	December 20, 2023

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 Chapters 20 and 39 of the Development Code by expanding some of the uses of the Home Occupation chapter and changing the definition of “Child In-Home Instruction” to “In-Home Instruction”. Specifically, staff recommends adding clarifying language to list “athletic instruction” as a permitted use within Chapter 20, and recommend changing the definition to make it clear that in-home instruction is not limited to children.

These changes were initiated when citizens were requesting to build sheds in their backyard to conduct sports classes or fitness classes. In the past staff have interpreted the code not to allow this type of use as part of Chapter 20 because of the original language of the code, and due to concerns over traffic. However, after reflection, staff believes this type of use will foster community connections within Lehi as more businesses would be within neighborhoods and serving the immediate community rather than forcing people to drive out of their area. The other requirements of Chapter 20 will be required to be met, including that the number of patrons shall be limited to 12 an hour, and that the home occupation does not take up more than 25% of the livable area of the residence. Because the additional regulations of the home occupation chapter will need to be followed, staff does not believe there will be significant issues with traffic in neighborhoods.

The DRC had no redline comments.

SCOPE OF APPROVAL

Development Code Amendments are legislative items and also public hearings. The public can share their opinions on the amendments and recommend any changes. Ultimately, they would need the Planning Commission to include the proposed changes in their motion.

POSSIBLE MOTIONS AND FINDINGS

The Planning Commission may move to recommend approval or denial of the proposed amendments to the Lehi City Development Code. 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.

Chapter 20 Development Code Amendment
DRC Redline Comments

Lehi City- requests review of the Chapter 20 Development Code Amendment, adding athletic instruction as a use under in-home instruction for a home occupation.

DRC Members Present: Glade Kirkham, Garion Rowett, Ryan Allred, Shelbey Brewer, Kim Struthers, Gary Smith, Brad Kenison, James Farnsworth, Luke Seegmiller
Assigned Planner: Katie
Representatives of the Applicant Present: N/A
Date of Plans Reviewed: 12/11/23
Time Start:
Time End:

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.
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 JANUARY 9TH.

PRECON MEETING REQUIRED? (FULL, TAIILGATE, NONE)

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.

CHAPTER 20

HOME OCCUPATIONS

(Amended 05/22/18)

Section 20.010. Purpose.
Section 20.020. Requirements of Approval.
Section 20.030. Employees.
Section 20.040. Patrons.
Section 20.050. Mobile Home Occupations
Section 20.060. Prohibited Home Occupations.
Section 20.070. Appeals.
Section 20.080. Noncompliance and Revocation.
Section 20.090. Business License Required.

Section 20.010. Purpose. *(Amended 03/28/00; 01/08/13; 04/11/17)*

It is the intent of Lehi City to encourage business activities in appropriate commercial districts. Business activities may be conducted within a residence on a limited basis provided that the proposed activity complies with the standards and provisions of this Chapter. All home occupations shall be secondary and incidental to the residential use of the structure. Home occupations are a temporary privilege that can be revoked at any time if disruption of the residential neighborhood occurs, or if the applicant fails to comply with any condition of approval.

Section 20.020. Requirements of Approval.
(Amended 03/28/00; 8/10/04; 12/08/09; 01/08/13; 03/11/14; 04/11/17; 08/29/17; 12/08/20)

To protect the character of residential neighborhoods in the City, a Home Occupation Permit shall be obtained prior to use of a residential dwelling or accessory building for a business. An application for a Home Occupation Permit may be approved provided:

A. the applicant resides in the residence for which the permit is being sought;

B. no alteration to the exterior of the residence is made and the residence maintains the general character and appearance of a residential dwelling;

C. the home occupation occupies no more than 25% of the total finished, livable floor area of the dwelling;

D. the home occupation is carried out within the home, garage, accessory building, or other space of a residential property but is not observable by the general public from the street in front of the residence, and the business activities do not create a nuisance for adjacent properties or disrupt the normal residential character of the neighborhood in which the residence is located;

E. any space that is used for the business in a garage or accessory building is counted toward the maximum allowed square footage for the home occupation;

F. garage doors remain closed while business is conducted therein;

G. required off-street parking for both the primary residence, any permitted ADU or STR, and home occupation is maintained as per Table 37.080, Section 12.230.G, Section 26.030.C, and Section 20.040.B of this Code;

H. a home occupation located in a garage or accessory building complies with all applicable building and fire codes, which may require approval for business activities by the Building Official and fire marshal;

I. if the home occupation is swimming lessons, they are conducted within an accessory building covering the swimming pool;

J. if the home occupation involves raising, keeping, caring, or selling of animals, an inspection by the Animal Control Officer shall occur prior to issuance of a business license;

K. a certificate of occupancy is first issued for the residence;

L. the applicant obtains a Lehi City Business License for the home occupation on an annual basis;

M. there are no signs or product displays;

N. no more than one home occupation is approved per residence unless the applicant can demonstrate the additional home occupations will not impact the residential nature of the area;

O. the applicant provides off-street parking for all vehicles related to the home occupation, that no on-street parking related to the business is allowed, and the business activities do not create a demand for on-street parking;

P. there is no storage or parking of tractor trailers, semi-trucks, or other heavy equipment on the premises or on the streets in the vicinity of the premises of the home occupation, except that not more than one truck of one-ton capacity or less may be

parked at the premises during off hours;

Q. to ensure the home occupation, once authorized, does not become a nuisance to the neighbors, the Zoning Administrator may impose operating conditions initially and also subsequently to protect the public health, safety, peace, and welfare of the residents of the surrounding residential area;

R. the home occupation is clearly incidental and secondary to the residential use of the dwelling and does not change the character of the building from common residential uses;

S. 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

T. 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.

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)*

A. A home occupation shall not create the demand for more than two patrons per hour, with the exception of daycare, in-home ~~child~~ instruction, and swimming lessons as provided in this section. In no case, shall the number of clients exceed 12 per hour and 24 per day.

B. 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.

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

D. In the case of in-home ~~child~~ instruction, including preschools, dance, music, ~~and~~ art, and athletic instruction, there shall not be more than 12 persons~~children~~ at one time nor more than two classes or sessions per day.

~~D.~~E. All children participating in a preschool program must be a minimum of three years of age. The facility must also comply with any applicable IFC and IBC Codes.

~~E.~~F. In the case of child daycare, the total number of children that may be allowed in attendance at one time shall conform to the Utah State Regulations for residential childcare found at Utah Admin. Code R430-50-1, *et seq.* 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.*

~~F.~~G. 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, chemicals, lifesaving apparatus, periodic sampling of water, and water purification treatment.

5. the pool design must be an in-ground built-

in pool. Temporary, portable, or above ground pools shall not be used.

6. all instructors are required to have YMCA accreditation or other nationally approved accreditation standards for swim instruction.

~~G.~~H. For child day care and in-home ~~child~~ instruction and swimming lessons, the backyard of the home is required to be fully fenced and all gates shall have self-closing latches.

~~H.~~I. For any business expecting patrons, including salons, daycare, in-home ~~child~~ instruction, and swimming lessons, the applicant must pass a fire and safety inspection prior to the issuance of a business license.

Section 20.050. Mobile Home Occupations.

(New 06/09/20)

A. Mobile Home Occupation shall be defined as a personal service or pet grooming facility business that operates out of a mobile unit.

B. A Home Occupation Permit may be issued for a Mobile Home Occupation if the use meets the definition of personal services or pet grooming facility in this Code and all other requirements listed in this Chapter.

C. The business license for a Mobile Home Occupation shall have a residential address in Lehi City for the home office.

D. No services shall be provided while the mobile unit is in motion.

E. The mobile unit shall be self-contained and self-supporting. The unit shall not connect into any city utilities or dispose of waste in city storm drain or sanitary sewer.

F. The mobile unit shall have fresh water for each business day. Should the fresh water run out during a business day, the business shall discontinue operations until the fresh water holding tank has been re-filled.

G. All furniture shall be anchored to the mobile unit and chemicals shall be stored in cabinets with safety catches.

~~I.~~J. No part of the mobile unit shall be used for living or sleeping quarters.

~~J.~~K. Mobile Home Occupation operators and vendors shall comply with the Lehi City Municipal Code Title 5, Chapter 3, Noise Control.

~~K.~~L. Mobile Home Occupations shall, at all times comply with all applicable laws to this type of service and all county health department regulations.

~~L.~~M. Parking of the mobile unit shall comply to the following:

1. Mobile Home Occupations shall not be parked in a manner that impedes vehicular or pedestrian traffic flow or public safety. A minimum clearance of 15 feet shall be kept between the Mobile Home Occupation and any fire hydrant, utility box, ADA accessibility ramp, or building entrance.

2. A Mobile Home Occupation shall not park on any landscaped parking strip.

3. Mobile Home Occupations shall not be operated on public streets where the speed limit exceeds 35 miles per hour, or at any locations that are otherwise deemed hazardous by Lehi City, unless the roadway or location has been closed to vehicular traffic for a public event.

4. Mobile Home Occupations shall be parked lawfully on public right-of-way. Mobile Home Occupations shall be parked so that neither the vehicle or customers interfere with public access to adjacent parking stalls, driveways, or entrances of existing buildings or uses.

5. Each Mobile Home Occupations operator shall ensure that its use of the right-of-way, including the sidewalk, does not interfere with or limit sidewalk users' passage.

6. All Mobile Home Occupations shall be removed from the public right-of-way at the close of each business day, Mobile Home Occupations shall park off-street during non-business hours. Parking of the Mobile Home Occupation can occur in a driveway as allowed by the CC&R's of the subdivision. No services shall be provided while the mobile unit is parked in the driveway.

Section 20.060. Prohibited Home Occupations.

(New 12/08/09; Amended 01/08/13; 08/29/17; 10/13/20; 06/14/22)

For the purpose of protecting residential character, the following types of businesses and those of a similar nature are prohibited as home occupations when performed on premise and not as a home office:

A. body art facilities;

B. clinics, hospitals, and related medical and dental facilities, excluding outpatient counseling and therapy services;

C. cosmetic facilities that require biohazard disposal including, but not limited to, micro-blading, derma fillers, Botox injections, and neuromodulators;

D. animal and veterinary clinics, kennels, or other facilities which entail the raising, or keeping of dogs, cats or other animals in excess of what is permitted by Table 12.070 of this Code;

E. restaurants;

F. automobile, truck, or recreational vehicle related businesses, including repair services, wholesale or retail sales, painting and auto body repair;

G. construction or landscape maintenance businesses that require equipment, materials, or vehicles to be stored at the home;

H. ambulance services;

H. retail sales businesses, excluding internet sales;

I. sexually oriented businesses; and

K. engine or appliance repair services.

Section 20.070 Appeals. *(Amended 01/08/13; 12/13/16)*
If an applicant for a Home Occupation Permit is either denied a permit or desires to appeal any condition of approval placed on the application by the Zoning Administrator, the applicant may present an appeal to the Hearing Examiner within ten days of the decision, as per Section 03.040. The applicant shall notify the Zoning Administrator, in writing, of the appeal. The Zoning Administrator will schedule an appeal hearing with the Hearing Examiner and provide at least 14 days' public notice consistent with the notification procedures of Section 03.080. At the hearing, the Hearing Examiner may hear from the Zoning Administrator, staff, applicant, public and other interested parties prior to making a decision on the appeal. Following the hearing, the Hearing Examiner may approve, approve with conditions, or deny the appeal.

Section 20.080. Noncompliance and Revocation.
Any Home Occupation Permit shall be revoked by the Zoning Administrator upon violation of any of the requirements of this Chapter, or upon failure to comply with any condition of the permit, unless the violation is corrected within ten days of receipt of written notice of the violation. A permit may be revoked for repeated violations of the requirements of this Chapter, notwithstanding compliance to the violation notice.

Section 20.090. Business License Required.
(New 12/08/09)
A Home Occupation Permit is not a business license. Granting of the permit shall not relieve the permittee of any other license requirement of the City or of any other public agency, including the requirement to obtain a business license.

Cannabis Cultivation - See Section 12.130 of the Lehi City Development Code

Cannabis Production - See Section 12.130 of the Lehi City Development Code

Capital Improvement - An existing public facility or improvement with a life expectancy of six or more years, owned and/or operated by or on behalf of the City, a public entity or a private service provider.

Carport - A roofed automobile structure open and unobstructed on two or more sides.

Car Wash - An establishment primarily engaged in the washing and cleaning of passenger or recreational vehicles using automated equipment operated by one or more attendants or self-service facilities using customer operated equipment activated by a coin, token, card, or other similar means.

Cemetery - The use or intended use of land for the burial of the dead and dedicated for cemetery purposes, including columbaria, crematoriums, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Change of Use - Any use which substantially differs from the previous use of a building or land or is classified as a different use on the Table of Uses.

Check cashing, Title Loans & Other Credit Services – An establishment engaging in the business of a check casher as defined in the Utah Check Cashing Registration Act, Utah Code Section 7-23-101 et.seq. (as amended). Check cashing is also defined as providing loans, cash advances, or other forms of credit upon presentation of a personal check or title to a vehicle to be held by the person or entity making the loan, cash advance, or providing the credit. Check cashing includes uses commonly known as payday advances/loans, deferred deposit loans, title loans, and other businesses of a similar nature. However, the definition of check cashing does not include the providing of credit to finance the initial purchase of personal property or the sale of such debt obligations to a factor or financial institution that purchases debt instruments connected with such transactions in the normal course of its business. Banks, credit unions, and pawnshops are not included in the definition of check cashing.

Child Day Care Home Occupation - Is any activity that meets the requirements of Utah Admin. Code § R430-50-3, including the number of children allowed. The facility must also comply with any applicable IFC and IBC Codes.

Child Day Care, Commercial - Is the care of children within a residential or nonresidential structure providing for the care, supervision and protection for 13 or more children and complying with all the requirements as licensed and monitored by the State of Utah Department of Human Services. For the purposes of this Code Child Day Care (Commercial) includes preschools offering educational programs to 13 or more children at any one time. The facility must also comply with any applicable IFC and IBC Codes.

~~Child~~ **In-Home Instruction** – The instruction and/or education of no more than 12 persons~~Is the care of children~~ within a residential structure~~, providing for the instruction and/or education of no more than 12 children~~ for less than three hours at one time. ~~All children participating in a preschool program must be a minimum of three years of age. The facility must also comply with any applicable IFC and IBC Codes.~~

Church - An institution that persons regularly attend to participate in religious services, meetings, and other related activities.

Club - An association of persons for the promotion of some common object, members of which are admitted only upon invitation, and the chief activity of which is not conducted for profit.

Cluster - A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, other open space and for preservation of environmentally-sensitive and critical areas.

Commercial Campgrounds - Any plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.

Commercial Entertainment Facility – A recreation facility operated as a business on private or public property and open to the public for a fee, such as an amusement park, laser tag facility, indoor go-cart race track, water park, paintball facility, or substantially similar uses, and support facilities customarily associated with the development.

Commercial Laundries, Linen Service - An industrial scale establishment where clothing, linens, rags,