

LINDON CITY CODE

Chapter 17.20

CONDITIONAL USES GENERALLY

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Section 17.20.010 Purpose and intent.

The purpose of this chapter and the intent of the local jurisdiction in its adoption is to promote the health, safety, convenience, and general welfare of the present and future inhabitants of the local jurisdiction. This subdivision accomplishes the aforesaid purpose and intent by providing sufficient flexibility to allow in certain areas compatible integration of uses which are related to the permitted uses of the district or are of a temporary nature only, but which may be suitable and desirable only in certain locations in that district due to conditions and circumstances peculiar to that location and/or upon certain conditions which make the uses suitable and/or only if such uses are designed, laid out, and constructed on the proposed site in a particular manner. While flexibility in allowing uses which would otherwise be generally suitable to a given district is an important goal of this chapter, it is also recognized that constraints on governmental decision making are a legal imperative. This subdivision, therefore, also provides a framework of standards within which those governmental decisions must be made. (Ord. no. 111 §1(part), 1985; prior code §12-107-1(A).)

Section 17.20.020 Permit--Required.

A conditional use permit shall be required for all uses listed as conditional uses in this division. For the following types of conditional uses final plat approval shall constitute the conditional use permit: subdivision, and recreation vehicle parks. For all other types of conditional uses, a specified conditional use permit shall be issued for the particular use as hereinafter provided. (Ord. no. 111 §1(part), 1985; prior code §12-1071(B).)(Ord. 2000-11, Amended, 10/04/2000)

Section 17.20.030 Permit--Revocation--Authority.

In the event any person holding a conditional use permit pursuant to this chapter violates the terms of the permit, or conducts or carries on such site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood of the property of the permittee, a temporary suspension may be made effective immediately upon notification by the zoning administrator. (Ord. no. 111 §1(part), 1985; prior code §12-107-1(C)(1).)

Section 17.20.040 Permit--Revocation--Hearing notice.

No conditional use permit shall be permanently revoked or suspended unless a hearing is held by the Planning Commission. The permittee shall be notified in writing of such hearing and said notification shall state:

- 1. The grounds for complaint or reasons for the revocation or suspension, in clear and concise language;
2. The time and place such hearing is to be held. Such notice shall be served by registered mail or personal service on the permittee at least five days prior to the date set for the hearing. At any such hearing the permittee shall be given an opportunity to be heard, and he may call witnesses and present evidence on his behalf. Upon conclusion of such hearing, the Planning Commission shall determine whether or not the permit shall be suspended or revoked. In the event the determination is

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to suspend or revoke the permit, the permittee may appeal the decision to the governing body in the manner provided by this division.

- 3. The Planning Commission shall hold a hearing to consider recommendations for revocation or suspension of permits which have been temporarily suspended, at the next regularly scheduled meeting of the Planning Commission, at which all conditions of Section 17.20.040 (2) can be fulfilled. (Ord. no. 111 §1(part), 1985; prior code §12-107-1(C)(2).)

Section 17.20.050 Permit--Expiration.

Every conditional use permit shall expire by limitation and become null and void if the work authorized by such permit has not been commenced within one hundred and eighty days, or is not completed within one year from date of issue; except that the zoning administrator may, if the permit holder presents satisfactory evidence that unusual difficulties have prevented work being started or completed within the specified time limits, grant a reasonable extension of time if written application is made before the expiration date of the permit. (Ord. no. 111 §1(part), 1985; prior code §12-107-1(D).)

Section 17.20.060 Permit--Grounds for application denial.

The following shall constitute grounds for denial of a conditional use permit application:

- 1. Under circumstances of the particular case, the proposed use will be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity, and there is no practical means available to the applicant to effectively mitigate such detrimental effects;
- 2. The applicant cannot or does not give the Planning Commission reasonable assurance that conditions imposed incident to issuance of a conditional use permit will be complied with. (Ord. no. 111 §1(part), 1985; prior code §12-107-1(E).)

Section 17.20.070 Permit--Issuance dependent on affirmative findings.

- 1. Conditional uses may be approved by the Planning Commission in locations permitting such uses in this division. Before approval is granted, a report to the governing body by the Planning Commission shall find that the proposed development will meet the requirements of this division.
- 2. Exceptions.
 - a. The Planning Commission may authorize exceptions to any of the requirements and regulations set forth in this division.
 - b. Application for any exception shall be made by a verified petition of the applicant stating fully the grounds of the application and the facts relied upon by the petitioner. Such petition shall be filed with the conditional use permit application. In order for the land referred to in the petition to come within the provisions of this chapter, it is required that the planning commission find all of the following facts with respect thereto:
 - i. That the land is of such shape or size, or is affected by such physical conditions, or is subject to such title limitations of record that it is impossible or impractical for the developer to comply with all of the regulations of this division;
 - ii. That the exception is necessary for the preservation and enjoyment of a substantial property right by the petitioner;
 - iii. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the vicinity of the subject property.
 - c. Each proposed exception shall be referred to the officers or agencies involved, and such officers or departments shall transmit to the Planning Commission their recommendations, which recommendations shall be reviewed prior to the granting of any exceptions.

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3. Approval by the Planning Commission. The Planning Commission shall hold a public hearing on the proposed exception, after which it may approve the conditional use permit application with the exceptions and conditions it deems necessary, or it may disapprove such conditional use permit application. Any such approval or disapproval of requested exceptions will be accompanied by written findings of fact and conclusions therefrom. (Ord. no. 111 §1(part), 1985; prior code §12-107-1(F).)

Section 17.20.080 Design and improvement standards--Variance.

Where in the opinion of the governing body, the literal enforcement of the design and improvement standards in this division would result in an unreasonable utilization of land and water or undue hardship due to unique circumstances, variances may be issued from one or more of the design improvement standards according to the following procedure:

1. Application for a variance shall be made to the governing body and shall include:
 - a. A description of the land to be developed;
 - b. An identification of the division provision from which the variance is requested;
 - c. A description of the peculiar physical conditions pertaining to the land in question and which do not pertain to other lands in the general area;
 - d. A description of the hardships which will accrue to the detriment of the property owner if the requested variance is not granted;
 - e. A non-refundable variance review fee, payable to the local jurisdiction, in accordance with the currently applicable fee schedule as adopted by resolution of the local governing body.
2. The governing body shall submit the variance application to the Planning Commission for review and comments upon receipt of the application.
3. The Planning Commission shall review the variance application and shall submit its

written recommendations for approval or disapproval and such applications to the governing body, along with written reasons therefor within thirty calendar days from receipt of the application from the governing body at a regularly scheduled meeting of the Planning Commission.

4. The governing body shall hold a public hearing before granting the variance. Notice of the public hearing shall be given by at least one publication in a newspaper of general circulation in the local jurisdiction. The hearing shall be held no later than thirty (30) calendar days from receipt by the governing body of the recommendations of the Planning Commission and no less than the fifteen (15) calendar days from the publication of notice.
5. Subsequent to and within fifteen (15) calendar days of the public hearing, the governing body shall approve or deny the request for a variance. A variance shall be granted only if the governing body makes a finding upon the record submitted to it that the issuance of a variance will be in the interest of the public safety, health, or welfare and the proposed development complies with the local master plan and the local zoning ordinance.
6. A record of all correspondence, recommendations, submissions, and official action regarding all variance applications shall be maintained for a reasonable time by the local jurisdiction as a public record. (Ord. no. 111 §1(part), 1985; prior code §12-107-1(G).)

Section 17.20.090 Inspection--Generally.

Following the issuance of a conditional use permit by the Planning Commission, the zoning administrator shall inspect such use to ensure that development is undertaken and completed in compliance with the conditional use permit. (Ord. no. 111 §1(part), 1985; prior code §12-107-1(H).)

Section 17.20.100 Construction and improvement standards -
-Adoption.

Construction standards, including drawings,

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tables, charts, references, and regulations may be adopted by the governing body, and when having been done, shall constitute standard specifications supplementing this division. (Ord. no. 111 §1(part), 1985; prior code §12-107-1(I).)

Section 17.20.110 **C o n f l i c t i n g** p r o v i s i o n s .
Where specific requirements are made or exemptions allowed under other subdivisions of this division, those requirements or exemptions shall prevail over the land development standards supplementing this division. (Ord. no. 111 §1(part), 1985; prior code §12-107-1(J).)

Section 17.20.120 **C o n s t r u c t i o n** o f
 i m p r o v e m e n t s - -
 O b l i g a t i o n .
Improvements required by this division shall be constructed at the expense of the developer and shall comply with the land development standards supplementing this division. (Ord. no. 111 §1(part), 1985; prior code §12-107-1(K).)

Section 17.20.130 **C o m m e n c e m e n t** o f
 c o n s t r u c t i o n .
Site improvements or grading of any proposed development site prior to preliminary design plan approval by the Planning Commission is prohibited. (Ord. no. 111 §1(part), 1985; prior code §12-107-1(L).)

Chapter 17.22

**PERFORMANCE STANDARDS FOR
CONDITIONAL USES**

Sections:

17.22.010	Requirements--Generally.
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17.22.050	Compliance with master plan and neighborhood characteristics.
17.22.060	Conditions relating to performance.
17.22.070	Public hearing.

Section 17.22.010 **R e q u i r e m e n t s** - -
 G e n e r a l l y .

Applicants for conditional use permits shall meet all specific requirements made in this division. In addition, the Planning Commission may establish additional requirements as outlined herein to meet the concerns of safety for persons and property, health and sanitation, environment, master plan proposals and neighborhood needs, performance, and administration. More specifically, the Planning Commission may require as set out in Sections 17.22.020 through 17.22.070. (Ord. 111 S1 (part), 1985; prior code S12-107-2(part))

Section 17.22.020 **S a f e t y** f o r p e r s o n s a n d
 p r o p e r t y .

Conditions relating to safety for persons and property shall be as follows:

1. Building elevations and grading plans which will prevent or minimize floodwater damage, where property may be subject to flooding;
2. The relocation, covering or fencing of irrigation ditches, drainage channels, and other potential attractive nuisances existing on or adjacent to the property;
3. Increased setback distances from lot lines where the Planning Commission determines it to be necessary to ensure the public safety and to ensure compatibility with the intended characteristics of the district as outlined in this division;
4. Appropriate design, construction, and location of structures, buildings, and facilities in relation to any earthquake fault which may exist on the property, and limitations and/or restrictions on the use and/or location of uses due to special site conditions, including but not limited to geologically hazardous areas; floodplains, fault zones, landslide areas;
5. Limitations and control of the number, location, color, size, height, lighting, and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and appearance and harmony with adjacent development;
6. Plans for the location, arrangement, and dimensions of truck loading and unloading

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facilities;

- 7. Construction of curbs, gutters, drainage culverts, sidewalks, streets, fire hydrants, and street lighting.

(Ord. 111 S1(part), 1985: prior code S12-107-2(A))

Section 17.22.030 Health and sanitation.

Conditions relating to health and sanitation shall be as follows:

- 1. A guarantee of sufficient water to serve the intended land use, and a water delivery system meeting standards adopted by the local governing body;
2. A wastewater disposal system and a solid waste disposal system meeting standards adopted by the local governing body;
3. Construction of water mains, sewer mains, and drainage facilities serving the proposed use, in sizes necessary to protect existing utility users in the district and to provide for an orderly development of land in the local jurisdiction.

(Ord. 111 S1(part), 1985: prior code S12-107-2(B))

Section 17.22.040 Environmental concerns.

Environmental concerns shall be as follows:

- 1. Limitations and/or restrictions on the use and/or location of uses in sensitive areas due to soils capabilities, wildlife and plant life;
2. Processes for the control, elimination, or prevention of land, water, or air pollution; the prevention of soil erosion; and the control of objectionable odors;
3. The planting of groundcover or other surfacing to prevent dust and erosion;
4. Restructuring of the land and planting of the same as directed by the Planning Commission when the conditional use involves cutting and/or filling the land and where such land would be adversely affected if not restructured.

(Ord. 111 S1(part), 1985: prior code S12-107-2(C))

Section 17.22.050 Compliance with master

plan and neighborhood characteristics.

Conditions relating to compliance with intent of master plan and characteristics of vicinity (or neighborhood) shall be as follows:

- 1. The removal of structures, debris, or plant materials incompatible with the intended characteristics of the district outlined in this division;
2. The screening of yards or other areas as protection from obnoxious land uses and activities;
3. Landscaping to ensure compatibility with the intended characteristics of the district as outlined in this division;
4. Limitations or controls on the location, height, and materials of walls, fences, hedges, and screen plantings to ensure harmony with adjacent development, or to conceal storage areas, utility installations, or other unsightly development;
5. The relocation of proposed or existing structures as necessary to provide for future streets on the major street plan of the local jurisdiction, adequate sight distances for general safety, groundwater control, or similar problems;
6. Provisions for or construction of recreational facilities necessary to satisfy needs of the conditional use;
7. Population density and intensity of land use limitations where land capability and/or vicinity relationships make it appropriate to do so to protect health, safety, and welfare;
8. Other improvements which serve the property in question and which may compensate in part or in whole for possible adverse impacts to the district from the proposed conditional use.

(Ord. 111 S1 (part), 1985: prior code S12-107-2(D))

Section 17.22.060 Conditions relating to performance.

Conditions relating to performance shall be as follows:

- 1. Time limits on the validity of the conditional use permit. Such time limits shall be

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determined by the following guidelines:

- a. A conditional use permit for uses which are of a temporary nature only may be issued for the intended duration of the temporary use or for two years, whichever period of time is shorter.
b. Unless there is substantial action under a conditional use permit within a period of one year of its issuance, such permit shall expire.
2. The Planning Commission may grant a maximum extension for six months, when deemed in the public interest.
a. A bond or other valuable assurance in favor of the local jurisdiction in an amount to be determined by the governing body. The amount of the bond or other valuable assurance shall not exceed the amount calculated by the developer's engineer and approved by the local engineer as necessary to assure compliance with all conditions.
b. Specific short and long-range plans of development.

(Ord. 111 S1(part), 1985: prior code S12-107-2(E))

Section 17.22.070 Public hearing.

A public hearing may be held when deemed by the Planning Commission to be in the public interest. However, in the following instances the holding of a public hearing shall be mandatory:

- 1. The Planning Commission determines that existing streets and thoroughfares are not suitable and adequate to carry anticipated traffic, and increased densities resulting from the proposed use may generate traffic in such amounts as to overload the street network outside the district;
2. The Planning Commission determines that increases in miscellaneous traffic, light, odor, or environmental pollution generated by the proposed use may significantly change the intended characteristics of the district as outlined in this division;
3. The Planning Commission determines that the architectural design of the proposed use varies

significantly from the architectural characteristics of the district (as outlined in this division) in which such use is proposed. (Ord. 111 S1(part), 1985: prior code S12-107-2(F))

Chapter 17.24

GENERAL STANDARDS FOR CONDITIONAL USE DEVELOPMENTS

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17.24.150 Plan preparation by qualified professionals.
17.24.160 Storm drains.
17.24.170 Building permits.

Section 17.24.02 Ownership.

The development shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property. (Ord. no. 111 §1(part), 1985; prior code §12-107-3(A).)

Section 17.24.010 Applicability.

When applicable, the general standards set out in this chapter shall apply to all conditional use developments within the local jurisdiction, unless waived for good and sufficient reasons by the planning commission. (Ord. no. 111 §1(part), 1985; prior code §12-107-3 (part).)

Section 17.24.030 Landscaping, fencing and screening.

Landscaping, fencing, and screening within the

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site and as a means of integrating the proposed development into its surroundings shall be planned and presented to the planning commission for approval, together with other required plans for the development. (Ord. no. 111 §1(part), 1985; prior code §12-107-3(B).)

Section 17.24.040 Signs and lighting.

The size, location, design and nature of signs, if any, and the intensity and direction of area lighting or floodlighting shall be detailed in the application.

(Ord. no. 111 §1(part), 1985; prior code §12-107-3(C).)

Section 17.24.050 Grading and drainage.

A grading and drainage plan shall be submitted to the Planning Commission with the application. (Ord. no. 111 §1(part), 1985; prior code §12-107-3(D).)

Section 17.24.060 Planting.

A planting plan showing the proposed tree, shrubbery, and lawn plantings shall be prepared for the entire site to be developed, including yards which abut upon public streets. (Ord. no. 111 §1(part), 1985; prior code §12-107-3(E).)

Section 17.24.070 Health, safety and welfare.

It shall be shown that under the circumstances of the particular case, the proposed use will not be detrimental to the health, safety, or general welfare of persons residing in the vicinity. (Ord. no. 111 §1(part), 1985; prior code §12-107-3(F).) (Ord. 2000-11, Amended, 10/04/2000)

Section 17.24.080 Water and sewer service.

All buildings used for human occupancy when completed shall be served by a central water system and central sewage disposal system which have been approved by the local health officer and which are in compliance with applicable local and state law. (Ord. no. 111 §1(part), 1985; prior code §12-107-3(G).)

Section 17.24.090 Bonding.

In order to ensure that the development will be constructed to completion in accordance with approved plans, the Planning Commission may require the developer to post a bond or mortgage or other valuable assurance acceptable to the governing body in an amount equal to the estimated cost, plus ten percent, of constructing all required landscaping, road improvements, street lighting, pedestrian ways, curbs and gutters, hard surfacing, sewer lines, and domestic sewage disposal facilities, as shown on the final site plan. An estimate of cost shall be furnished by the developer which will be checked for accuracy by the Planning Commission staff. Final determination of the amount of the bond or other assurance shall be made by the governing body.

1. The duration of the bond or other assurance shall be for two years from the date of approval of the development by the governing body and an extension of time for completion may be granted by the governing body upon application by the developers, provided such application is submitted at least sixty days prior to the expiration of the bond or other assurance and provided the issuer of the bond is willing to extend the time of the assurance.
2. In the event the developer defaults or fails or neglects to satisfactorily install the required improvements within two years from the date of approval of the development by the governing body or to pay all liens in connection therewith, the governing body may declare the bond or other assurance forfeited and the local jurisdiction may install or cause the required improvements to be installed using the proceeds from the collection of the bond or other issuance to defray the expense thereof.
3. The developer shall be responsible for the quality of all materials and workmanship. At the completion of the work, or not less than ten (10) days prior to the release date of the bond or other assurance, the Planning Commission shall cause a preliminary inspection of the improvements to be made and shall submit a report to the governing

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body setting forth the conditions of such facilities. If all liens are paid and other conditions thereof are found to be satisfactory, the governing body shall release the bond or other assurance. If the condition of material or workmanship shows unusual depreciation or does not comply with the acceptable standards of durability or if any of the outstanding liens are not paid, the governing body may declare the developer in default. (Ord. no. 111 §1(part), 1985; prior code §12-107-3(H).)

Section 17.24.100 Street dedications.

In the event that the land contained within a development is traversed by a proposed major street shown on the master plan, such development shall be designed in accordance therewith and the right-of-way across the development for the major streets shall be dedicated to the public. (Ord. no. 111 §1(part), 1985; prior code §12-107-3(I).)

Section 17.24.110 Environmental considerations.

Grouping and spacing of buildings and dwellings in residential areas shall provide for a restful and uncrowded environment. Landscaped areas shall be encouraged as the dominant features of the development. Areas not covered by buildings or by off-street parking space or driveways shall generally be planted into natural vegetation, lawn, trees and shrubs, and otherwise landscaped and maintained in accordance with good landscape practice as approved on the final plan. Permanent sprinkler systems shall be installed when required by the Planning Commission to provide for irrigation of planted areas. (Ord. no. 111 §1(part), 1985; prior code §12-107-3(J).)

Section 17.24.120 Design and construction.

Details of plans, plots, and documents to be submitted showing the size of water lines, sewer lines and other domestic sewage disposal facilities, garbage and trash disposal, the quality of material and improvements, protection from

adverse influences, lighting, landscaping, off-street parking, grading and other details of design and construction shall conform to standards as set forth in such resolutions pertaining to such standards as may be adopted by the Planning Commission. (Ord. no.111 §1(part), 1985; prior code §12-107-3(K).)

Section 17.24.130 Compliance required.

The development shall meet all standards and requirements of this division and all requirements of applicable ordinances. (Ord. no. 111 §1(part), 1985; prior code §12-107-3(L).)

Section 17.24.140 Conformance with district characteristics.

The development shall be in keeping with the general character of the district within which it is to be located. (Ord. no. 111 §1(part), 1985; prior code §12-107-3(M).)

Section 17.24.150 Plan preparation by qualified professionals.

Depending upon the complexity of the project, the Planning Commission may require that plans for the development be prepared by a qualified professional team. In all cases, it is recommended that professional design and other assistance be obtained early in the program. It is the intent of the local jurisdiction that the developer solve his problems before approval is given and construction begins. (Ord. no. 111 §1(part), 1985; prior code §12-107-3(N).)

Section 17.24.160 Storm drains.

Storm drainage facilities shall be so constructed as to protect residents of the development as well as adjacent property owners. Such facilities shall be of sufficient capacity to ensure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the development. (Ord. no. 111 §1 (part), 1985; prior code §12-107-3(O).)

Section 17.24.170 Building permits.

All structures required by this division to have building permits and all uses required to have use

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permits shall be inspected by the local building official in accordance with procedures established by the currently adopted building code, as adopted by the local jurisdiction and this division; provided, however, that no building permit for such structures or use permits shall be issued until the Planning Commission, or the zoning administrator if authorized by the Planning Commission, has issued a conditional use permit for the building site or use or has determined that a conditional use permit is not required by this division. (Ord 2008-4, amended 2/19/2008, Ord. no. 111 §1(part), 1985; prior code §12-107-3(P).)

Chapter 17.30

LANDFILLS AND LAND EXCAVATIONS

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Section 17.30.010 Purpose and intent.

This chapter is adopted to promote public safety and the general public welfare; to protect property against loss from erosion, earth movement and flooding; to maintain a superior community environment; to ensure the maximum preservation of the natural scenic character of major portions of the local jurisdiction by establishing minimum

standards and requirements relating to land grading, excavations, and fills, and procedures by which these standards and requirements may be enforced. It is intended that this chapter be administered with the foregoing purpose in mind and specifically in an attempt to:

1. Ensure that the development of each site occurs in a manner harmonious with adjacent lands so as to minimize problems of drainage, erosion, earth movement and similar hazards;
2. Ensure that public lands and places, water courses, streets, and all other lands in the local jurisdiction are protected for erosion, earth movement or drainage hazards;
3. Ensure that the planning, design and construction of all development will be done in a manner which provides maximum safety and human enjoyment and, except where specifically intended otherwise, makes such construction as unobtrusive in the natural terrain as possible;
4. Ensure, insofar as practicable, the maximum retention of natural vegetation to aid in protection against erosion, earth movement and other hazards and to aid in preservation of the natural scenic qualities of the local jurisdiction. (Ord. no. 111 §1(part), 1985; prior code §12-107-6(A).)

**Section 17.30.020 Permit required--
Exceptions.**

No person shall commence or perform any grading or excavation, including those in gravel pits and rock quarries, in excess of the limits specified below without first obtaining a conditional use permit for grading or excavation. In this chapter, all references to "conditional use permit" mean a "conditional use permit for grading or excavation."

1. A conditional use permit shall be required in all cases where development comes under any one or more of the following provisions unless such work is otherwise exempted elsewhere in this chapter:
 - a. Excavation, fill or any combination thereof exceeding one thousand cubic yards;

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- b. Fill exceeding five feet in vertical depth at its deepest point measured from the adjacent undisturbed ground surfaces;
 - c. An excavation exceeding five feet in vertical depth at its deepest point;
 - d. An excavation, fill or combination thereof exceeding an area of one acre;
 - e. Vegetation removal from an area in excess of one acre.
2. A conditional use permit shall not be required in the following cases:
- a. Excavations below finished grade for which a building permit is required and has been issued by the local jurisdiction, including but not limited to, the following:
 1. Septic tanks and drain fields,
 2. Tanks,
 3. Vaults,
 4. Tunnels,
 5. Equipment basements,
 6. Swimming pools,
 7. Cellars, or
 8. Footings for buildings or structures;
 9. Excavation or removal of vegetation within property owned by public utility companies or within public utility easements by public utility companies;
 10. Removal of vegetation as a part of the work authorized by an approved building permit;
 11. Tilling of soil or cutting of vegetation for agricultural or fire protection purposes;
 12. Commercial quarries operating with valid conditional use permits and/or in appropriate industrial zones as provided for in this division;
 13. Engineered interior fills or surcharge on the property with respect to industrial development;
 14. Items not covered by this chapter which are exempted from required permits by this division and the building code of the local jurisdiction;

15. Grading and/or excavation done pursuant to an approved final subdivision plan. (Ord. no. 111 §1(part), 1985; prior code §12-107-6(B).)

Section 17.30.030 Responsibility.

Failure of local jurisdiction officials to observe or recognize hazardous or unsightly conditions, or to recommend denial of the conditional use permit, or of the planning commission to deny such permit shall not relieve the permittee from responsibility for the condition or damages resulting therefrom, and shall not result in the local jurisdiction, its officers or agents, being responsible for the conditions and damages resulting there from. (Ord. no. 111 §1(part), 1985; prior code §12-107-6(C).)

Section 17.30.040 Retention of plans.

Plans, specifications and reports for all excavation conditional use permit applications submitted to the local jurisdiction for approval shall be retained by the local jurisdiction for a minimum period of two years. (Ord. no. 111 §1(part), 1985; prior code §12-107-6 (D).)

Section 17.30.050 Inspections--Generally.

The zoning administrator, with assistance from the local engineer, shall make the inspections hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the same fails to comply with this chapter. Where it is found by inspection that conditions are not substantially as stated or shown in the conditional use permit application, the inspector may stop further work until and unless approval is obtained for a revised grading plan conforming to the existing conditions.

Plans for grading work, bearing the stamp of approval from the Planning Commission, shall be maintained at the site during the progress of the grading. Until the final inspection is made, a card issued by the local jurisdiction indicating permission to grade has been granted shall be prominently displayed near the front property line

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of the property involved so as to be visible from the street on which the property fronts. In order to obtain inspections, the permittee shall notify the local jurisdiction at least twenty-four (24) hours before such inspection is to be made. Inspections shall be made:

1. Before commencement of grading operations and after required construction stakes have been set; and
2. When all rough grading has been completed; and
3. When all work, including installation of all drainage and other structures and required planting has been completed. (Ord. no. 111 §1(part), 1985; prior code §12-107-6(E).)

Section 17.30.060 Applicability.

All grading and excavation shall comply with the requirements set forth in this chapter in addition to other requirements of this division. (Ord. no. 111 §1(part), 1985; prior code §12-107-6(F)(1).)

Section 17.30.070 Hours of operation.

All grading and excavation in or contiguous to residential neighborhoods shall be carried on between the hours of seven a.m. to five-thirty p.m. The zoning administrator may waive this requirement if it is shown that restricting the hours of operation would unduly interfere with the development of the property and it is shown that other properties or neighborhood values would not be adversely affected. (Ord. no. 111 §1(part), 1985; prior code §12-107-6(F)(2).)

Section 17.30.080 Dust and dirt control.

All graded or disturbed surfaces of excavations, and all equipment materials and roadways on the site shall be dampened or suitably treated, managed, or contained to prevent the deposit of dust on neighboring properties; all materials transported to or from the site shall be so contained during transportation as to prevent spillage on streets or other property outside of the site. (Ord. no. 111 §1 (part), 1985; prior code §12-107-6(F)(3).)

Section 17.30.090 Slopes.

The zoning administrator may require the percent of slope of a cut or fill to be reduced if it is found that the cut or fill is subject to unusual or excessive erosion, or if other conditions make such requirements necessary for stability. The zoning administrator may permit steeper slopes where the material being cut is unusually stable. (Ord. no. 111 §1(part), 1985; prior code §12-107-6(F)(4).)

Section 17.30.100 Fill material.

All fill, except in publicly approved refuse disposal or other landfill operation, shall be earth, rock, or other materials free from organic material and free of metal, except that topsoil spread on cut and fill surfaces may incorporate humus for desirable moisture retention and plant growth properties. (Ord. no. 111 §1(part), 1985; prior code §12-107-6(F)(5).)

Section 17.30.110 Drainage.

Adequate provisions shall be made to prevent any surface waters from damaging the cut face of an excavation or any portion of a fill. All drainage ways and structures shall carry surface waters without producing erosion to the nearest practical street, storm drain or natural water course approved by the local engineer as a safe place to deposit and receive such waters. The local engineer may require such drainage structures to be constructed or installed as necessary to prevent erosion damage or to prevent saturation of the fill or material behind cut slopes. (Ord. no. 111 §1(part), 1985; prior code §12-107-6(F)(6).)

Section 17.30.120 Finished cuts and slopes.

The exposed or finished cuts or slopes of any fill or excavation shall be smoothly graded. All exposed slopes of any cut or fill shall be protected by approved planting, crib walls or walls and planting, terracing, or combination thereof. (Ord. no. 111 §1(part), 1985; prior code §12-107-6(F)(7).)

Section 17.30.130 Backfilling.

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Any pipe trench or other trenching or excavation made in any slope of any excavation or filled site shall be backfilled and compacted to the level of the surrounding grade. (Ord. no. 111 §1(part), 1985; prior code §12-107-6(F)(8).)

Section 17.30.140 Compaction of fills.

Unless otherwise directed by the zoning administrator, all fills governed by this division intended to support buildings, structures, or where otherwise required to be compacted for stability, shall be compacted, inspected and tested in accordance with the following provisions:

1. The natural ground surface shall be prepared by removal of topsoil and vegetation and, if necessary, shall be graded to a series of terraces.
2. The fill shall be spread in a series of layers, each not exceeding six inches in thickness, and shall be compacted by sheepsfoot roller compactor (after each layer is spread) or other methods approved by the local engineer.
3. The moisture content of the fill material shall be controlled at the time of the spreading and compaction to obtain required maximum density.
4. The fill material after compaction shall have an average dry density of not less than ninety-five percent of maximum dry density and a minimum of ninety percent in all portions of the fill requiring compaction, as determined by the AASHTO Soil Compaction Test Method T99-57 or T180-57, or other testing method approved by the local engineer and zoning administrator.
5. A written report of the compaction, showing location and depth of test holes, materials used, moisture conditions, recommended soil-bearing pressures, and relative density obtained from all tests, prepared by a civil engineer or soils engineer licensed by the state, shall be submitted to the zoning administrator.
6. The zoning administrator may require additional tests or information if, in his opinion, the conditions or materials are such that additional information is necessary, and

may modify or delete any of the above- listed requirements that in his opinion are unnecessary to further the purpose of this division. (Ord. no. 111 §1(part), 1985; prior code §12-107-6(F)(9).)

Section 17.30.150 Erosion control and landscaping.

All cut and fill surfaces created by grading except for firebreak purposes shall be planted with a groundcover that is compatible with the natural ground covers in the local jurisdiction. Topsoils are to be stockpiled during rough grading and used on cut and fill slopes. When slopes too steep to support continuous groundcover have been permitted and in lieu thereof niches and ledges provided for planting, such slopes need not be planted with a continuous groundcover, but may instead be screened with vines and planting. Cuts and fills along public roads may be required to be landscaped so as to blend into the natural surroundings. All plant materials must be approved by the planning commission and zoning administrator prior to issuance of a conditional use permit. (Ord. no. 111 §1(part), 1985; prior code §12-107-6(F)(10).)

Section 17.30.160 Filling for agricultural and fire protection purposes.

Filling of the ground for agricultural or fire protection purposes shall be accomplished with such practices as will prevent erosion and damage to natural drainage channels. (Ord. no. 111 §1(part), 1985; prior code §12-107-6(F)(113).)

Section 17.30.170 Final inspection.

If upon final inspection of any grading it is found that the work authorized by the conditional use permit has been satisfactorily completed in accordance with the requirements of this division and any other requirements imposed, the zoning administrator shall approve such work.

1. The zoning administrator shall have the power to revoke any conditional use permit whenever it is found that the work covered by

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the certificate has been materially extended or altered without prior approval, or that any planting, retaining walls, cribbing, drainage structures, or other protective devices as shown on the approved plans and specifications submitted with the application for a permit have not been maintained in good order and repair.

2. Before such revocation, the zoning administrator shall first give written notice to the owner of the property involved, specifying the defective condition and stating that unless such defective condition is remedied satisfactorily, the conditional use permit may be revoked. If the defective condition is remedied to the satisfaction of the zoning administrator, the certificate shall not be revoked. (Ord. no. 111 §1(part), 1985; prior code §12-107-6(F)(12).)

Section 17.30.180 Special precautions.

Special precautions shall be taken to preserve life, property values, stable soils conditions and aesthetics, including but not limited to the following:

1. Requiring a more level exposed slope, construction of additional drainage facilities, beams, terracing, compaction, or cribbing, installation of plant materials for erosion control, and reports of a registered soils engineer and/or an engineering geologist whose recommendation may be made a requirement for further work. Such requirement by a zoning administrator shall constitute a change order in the work;
2. Where it appears that storm damage may result from work performed hereunder, such work may be stopped and the permittee required to take such measures as may be necessary to protect adjoining property or the public safety. On large operations or where unusual site conditions prevail, the zoning administrator may specify the time at which grading may proceed and the time of the completion or may require that the operation be conducted in specific stages so as to ensure completion of protective measures or devices

prior to the advent of seasonal rains. (Ord. no. 111 §1(part), 1985; prior code §12-107-6(F)(13).)

Section 17.30.190 Excavation limitations-- Exception.

All excavations shall be limited as follows:

1. No cut slope shall exceed a vertical height of one hundred feet unless horizontal benches with a minimum width of thirty feet are installed at each one hundred feet of vertical height.
2. No excavation shall be made with a cut face steeper in slope than two horizontal to one vertical.

Exception: The planning commission, upon appeal, may permit the excavation to be made with a cut face steeper in slope than two horizontal to one vertical if the applicant can reasonably show the zoning administrator that the material making up the slope of the excavation and the underlying bedrock is capable of holding satisfactorily on a steeper gradient. No slopes shall be cut steeper than the bedding planes, fault or joint in any formation where the cut slope will lie on the dip side of the strike line of the fracture, bedding plane, fault or joint. No slopes shall be cut in an existing landslide, mud flow, or other form of naturally unstable slope except as recommended by a qualified geological engineer.

Where the excavation is exposed straight above the top of the cut which will permit the entry of water along bedding planes, this area shall be sealed with a compacted soil blanket having a minimum thickness of two feet. The soil for this blanket shall be relatively impervious and must be approved for such use by the soils engineering geologist. If the material of the slope is of such composition and character as to be unstable under the anticipated maximum moisture content, the slope angle shall be reduced to a stable value.

3. No excavation for construction of new utility and telephone lines shall be made in paved streets within five years after paving. During

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