

LINDON CITY COUNCIL

Chapter 17.56

SA--SENSITIVE AREA DISTRICT

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Section 17.56.010 Purpose and intent.

1. The purpose of the Sensitive Areas (SA) district is to designate and describe those areas within the city that possess physical or environmental characteristics that require special public consideration of uses that might affect the structure of the land (sensitive areas); the management of surface or subsurface water; safety of future land occupants due to increased fire, earthquake, or storm hazards from the proposed development; or the uneconomic extension of public facilities and services. Of specific concern is development in flood-prone areas, earthquake zones, landslide areas, areas of steep slope or unstable soils, and other sensitive areas requiring careful assessment prior to alteration.
2. It is the intent of these regulations to permit a reasonable latitude in the use of property, while at the same time requiring design solutions which will avoid detrimental impacts on sensitive natural areas, as well as provide protection from adverse natural forces and hazards.

3. With the enactment of this chapter, it is the intent of the city council:
 - a. To place upon landowners and the engineers, architects, geologists, biologists, hydrologists, developers and other professionals hired by the landowners the responsibilities, liabilities and expenses of evaluating and mitigating the reasonably foreseeable environmental and health impacts of a proposed development, assessing the condition of potentially unstable land and the impact of land conditions on the proposed development and adjacent properties, and determining restrictions that should be placed on the development to prevent and mitigate adverse impacts on the health and safety of the community, its residents, and the environmental stability of sensitive areas;
 - b. To restrict the development of land to those uses that do not present unreasonable risks to persons or property because of geologic hazards; and
 - c. To prevent fraud in land sales relating to the geologic condition of real property.
4. With the enactment of this chapter, it is the intent of the City Council to authorize a governmental function of regulation within the meaning of Section 63-30-3 and 63-30-10 (1), (3) and (4) of the Utah Code.
(Ord. no. 111 §1(part), 1985; prior code §12-116-1.) (Ord. 99-13, Amended, 09/08/2000)

Section 17.56.020 General provisions

These provisions are intended to minimize floods, erosion, and other environmental hazards, to protect the natural scenic character of all areas and developments in the city, and to insure the efficient expenditure of public funds. To insure that the improvement of proposed sensitive lands areas shall reflect the best interests of Lindon City and its residents, all grading or other improvement of any land, including but not limited to land in approved subdivisions or other development plans shall conform to the development standards, guidelines, and criteria of this chapter. This

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chapter shall be interpreted to address the following concerns:

1. a. Minimizing grading deviations from the natural contour of the land;
- b. Rounding off, in a natural looking manner, sharp angles at the tops and ends of cut and fill slopes; and
- c. Avoiding a "staircase" or "padding" effect.
2. Requiring the preservation of trees and other vegetation that stabilize steep hillsides, retain moisture, prevent erosion, or enhance a natural scenic view, and where necessary, requiring additional landscaping to enhance the safety, environmental and scenic characteristics of the hillside.
3. Requiring the immediate planting of vegetation wherever appropriate to stabilize cut and fill slopes, to conceal the raw soil from view and to minimize erosion.
4. Preserving natural drainage channels.
5. Encouraging retention of natural landmarks, prominent natural features, wildlife habitation, and open space.
6. Preserving and enhancing the visual and environmental quality by using natural vegetation and minimizing excavation and terracing.
7. Protecting the public from natural hazards of storm water run-off and erosion by requiring adequate drainage facilities.
8. Minimizing the threat of fire damage by establishing fire protection measures.
9. Establishing land use management policies and procedures that will encourage protection of natural elements while allowing a harmonious and satisfying residential environment.
10. Encouraging a consistent regard for the view of the foothills as well as view from the foothills.
11. Protect and indemnify Lindon City from hazards of, expenses associated with, and potential damage by shallow groundwater, unstable slopes, and other geologic conditions by requiring investigation prior to, and placing appropriate restrictions upon,

development and construction and requiring all owners of property in shallow groundwater areas or in areas of other potentially hazardous geologic conditions to indemnify and hold the city harmless from all damages or injury resulting from flooding or any other damage resulting from shallow groundwater, slope instability, or other geologic condition.

12. Maintain the safety and efficiency of access by emergency vehicles, city services, and residents to developments and residences within the city by establishing appropriate restrictions on road construction, grades, and other development.

(Ord. 99-13, Amended, 09/08/2000)

Section 17.56.030 Permitted uses

The following uses are permitted in the SA district:

1. Tilling of the soil;
2. Raising of crops; and
3. Horticulture and gardening, excluding agricultural industries. (Ord. no. 111 §1(part), 1985; prior code §12-116-2.)

(Ord. 99-13, Amended, 09/08/2000)

Section 17.56.040 Conditional uses

The SA district is an overlay district requiring additional review of proposed uses in the underlying districts. To this end, any use that would be a permitted use in a district not overlaid by a SA district, with the exception of those uses permitted in Section 17.56.030, shall be a conditional use in areas overlaid by the SA district. Conditional uses authorized in districts overlaid by the SA district remain conditional uses. (Ord. no. 111 §1(part), 1985; prior code §12- 116-3.) (Ord. 99-13, Amended, 09/08/2000; Ord. 99-9, Add, 09/08/2000)

Section 17.56.050 Established sensitive area districts

The following Sensitive Area Districts have been designated, established, and created by the Lindon Planning Commission and City Council:

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1. District 1 - Sensitive Area District 1 shall include all property incorporated into Lindon City that is east of the Salt Lake Aqueduct, as shown on the attached Exhibit 1.
2. District 2 - Sensitive Area District 2 shall include all property incorporated into Lindon City that is below elevation 4,650 feet, as shown on the attached Exhibit 2.
3. District 3 - Sensitive Area District 3 shall include all property in the area commonly referred to as "the Hollow", as bounded by the FEMA Flood Zone A as shown on the attached Exhibit 3.



(Ord. 99-13, Add, 09/08/2000)

Exhibit 1

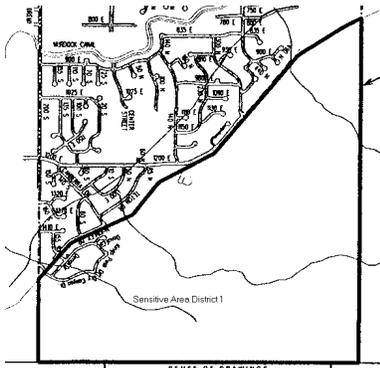


Exhibit 2

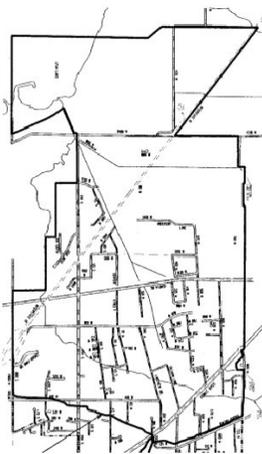


Exhibit 3

Section 17.56.060 Preliminary determination by Development Review Committee (D.R.C.)

All proposals to grade, fill, or excavate land or to erect any structure in a Sensitive Area District shall be referred to the Development Review Committee (D.R.C.). The D.R.C. shall make a preliminary determination of whether or not any of the concerns identified in Section 17.56.020 or any of the following unsafe physical conditions appear to exist in relation to the real property affected by the proposal:

1. shallow groundwater (water close to the surface);
2. surface water;
3. expansive soils;
4. collapsible soils;
5. proximity to an active or potential landslide area;
6. proximity to a primary or secondary fault;
7. soil evidencing previous liquefaction or a propensity for future liquefaction;
8. steep slopes; or
9. any other unsafe condition.

(Ord. 99-13, Add, 09/08/2000)

Section 17.56.070 Requirement to submit a geotechnical report and environmental assessment (ea) or an environmental impact statement (EIS), as necessary

1. If the D.R.C. determines that no concern identified in Section 17.56.020 and no unsafe

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- physical condition described in Section 17.56.060 appears to exist in relation to the proposal and property it impacts, the development may proceed as proposed, subject to all other requirements of this code.
2. If a landowner or applicant for a proposed action or development is not already required by another section of this code to complete and provide a geotechnical report to the D.R.C., and the D.R.C. is unable to readily determine whether any of the concerns identified in Section 17.56.020 or the unsafe physical conditions described in Section 17.56.060 exist in relation to the subject property, the D.R.C. shall:
 - a. require the landowner or applicant to submit such further information about the physical and environmental characteristics of the property that the D.R.C. determines is necessary to enable the D.R.C. to complete the preliminary determination described in Section 17.56.060;
 - b. withhold completion of the determination described in Section 17.56.060 until the required information has been received; and
 - c. after reviewing and considering the additional information about the physical and environmental characteristics of the property provided by the landowner or applicant, determine whether or not any of the concerns identified in Section 17.56.020 or any of the unsafe physical conditions described in Section 17.56.060 appear to exist in relation to the subject property.
 3. If the D.R.C. determines that any of the concerns identified in Section 17.56.020 or any of the unsafe physical conditions described in Section 17.56.060 appear to exist in relation to the subject property, the applicant shall submit a geotechnical report as required by Chapter 17.57, Hillside Protection District, and shall comply with the remainder of this chapter.
 4. Any geotechnical reports and other reports that may be required or received by the D.R.C. pursuant to this chapter shall consider and address all recommendations in any reports prepared by the Utah Geological Survey (UGS) in relation to the subject property. The geotechnical report shall indicate distances from fault lines and other geologic hazards within which building construction shall not be allowed. In no reports have been prepared by the UGS in relation to the subject property, the applicant shall consult with the appropriate UGS official, obtain comments addressing the geologic conditions affecting the area, and provide those comments to the D.R.C.
 5. If, after completing the process described in Section 17.56.060 and reviewing any geotechnical reports and other information required by the D.R.C. or by this code, the D.R.C. determines that a proposed development poses a substantial risk in impacting soils, ground cover, or the environmental condition of the property or surrounding properties, the D.R.C. shall require the applicant to complete and submit an Environmental Assessment (EA) as contemplated by 40 C.F.R. Section 1051.4 (1991). The EA shall also consider and address the concerns identified in Section 17.56.020 and the unsafe physical conditions identified in Section 17.56.060.
 6. If, after reviewing the EA, the D.R.C. determines that the proposed action or development is substantially likely to have a significant environmental impact on the property or on adjacent properties, or to be impacted by an unsafe geologic condition, the applicant shall complete an Environmental Impact Study (EIS) as contemplated by 43 U.S.C.A. Section 4332. The EIS required by this section shall, at a minimum, include a detailed statement on:
 - a. The unsafe geologic conditions that may affect the property and the probability that those conditions will detrimentally impact the proposed development or surrounding properties within fifty (50)

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- years from the date of the statement;
 - b. The environmental impact of the proposed action, including a projected "worst case scenario" of the detrimental effects the proposed action or development may have on the safety and environmental stability of the property and adjacent properties;
 - c. Any adverse environmental effects that cannot be avoided should the proposal be implemented;
 - d. Alternative to the proposed action or development;
 - e. The relationship between proposed short-term and long-term uses of the subject property and the maintenance and enhancement of long-term geologic and environmental stability;
 - f. Any irreversible geologic and environmental consequences that are substantially likely to result from the proposed action or development; and
 - g. The initial and ongoing infrastructure requirements and economic costs to residents of the proposed development and to the city of providing utility, emergency, and municipal services to the proposed development and its residents.
- (Ord. 99-13, Add, 09/08/2000)

Section 17.56.080 Engineer qualifications
 A geotechnical report (described in Section 17.56.070) shall be stamped and signed by a Licensed Professional Engineer registered in the State of Utah with experience in preparing and rendering geotechnical reports. (Ord. 99-13, Add, 09/08/2000)

Section 17.56.090 Post-construction inspection and certification

For real property with respect to which any development has proceeded on the basis of a geotechnical report acknowledged by the D.R.C., no final inspection shall be completed, nor any certificate of occupancy issued, nor any performance bond released, until a geotechnical

engineer qualified by related experience and licensure in the State of Utah certifies that the completed improvements and structures conform to the descriptions and requirements contained in the geotechnical report. However, when necessary to address conditions discovered after the D.R.C. has acknowledged the geotechnical report, the improvements and structures may, with the written consent of the city engineer, deviate from the descriptions and requirements contained in the geotechnical report. (Ord. 99-13, Add, 09/08/2000)

Section 17.56.100 Restrictive covenant required

1. If any geotechnical report, disclosure, or other information required to resolve issues regarding the subject property has been submitted to the D.R.C., no subdivision plat or other development plan shall be approved, and no building permit shall be issued for construction, until the owners of the subject real property have signed and delivered a restrictive covenant to the city, have included the restrictive covenant in any CC&Rs affecting the property, and have obtained approval of the restrictive covenants from the D.R.C. The restrictive covenant shall be in a form suitable for recording and shall contain not less than the following:
 - a. A complete description of the geotechnical conditions of the subject real property, including references to all relevant reports and studies;
 - b. A description of all grading, filling, excavating of land, or erection of a structure human habitation, to be undertaken, approved in the geotechnical report acknowledged by the D.R.C., along with a detailed summary of all requirements and restrictions imposed thereon;
 - c. A covenant and agreement enforceable by the city and any subsequent owner of the subject real property stating that only the grading, filling, or excavating of land or erection of a structure contemplated by

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and set forth in the acknowledged geotechnical report will be constructed or maintained unless and until a new proposal is submitted and further compliance with this chapter is completed.

2. No subdivision plat or other development plan shall be approved, and no building permit shall be issued for construction, until any statements required by subsection (1), and until a notice of interest regarding applicable ordinance restrictions, is duly recorded with the county recorder.

(Ord. 99-13, Add, 09/08/2000)

Section 17.56.110 Phased development

The phased development required by Section 17.12.220 shall also apply to development in sensitive area districts except:

1. The twenty-five (25) lot limit in Subsection 17.121.220(3) is reduced to fifteen (15) lots; and
2. The seventy percent (70%) on-site improvement completion requirement of Subsection 17.12.220(2) includes the completion of landscaping and revegetation, meaning a lot is not completed until all proposed structures are built and pass inspection and the lot is fully landscaped, reseeded, and revegetated to the satisfaction of the D.R.C. and in conformance with Chapter 17.57.

(Ord. 99-13, Add, 09/08/2000)

Section 17.56.120 Hillside development standards

1. Cuts and fills.
 - a. Fills shall be compacted to at least ninety-six percent (96%) of AASHTO (American Association of State Highway Officials) T99 density for those areas intended as structural foundations, including roadways.
 - b. Borrowing for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan, or imported from outside the

hillside area of Lindon City.

- c. Cut slopes shall be constructed to eliminate sharp angles of intersection with the existing terrain, shall be rounded and contoured as necessary to blend with existing topography to the maximum extent possible, and shall otherwise fully comply with Chapter 17.57. The city will not accept the dedication and maintenance of cut and fill slopes except those within the required street right-of-way. Where a cut or fill slope occurs between two (2) lots, the slope shall be made part of the downhill lot.
2. Streets and sidewalks.
 - a. Considering the increased snow fall at higher elevations, streets in Sensitive Area District #1 cannot exceed a ten percent (10%) grade, instead of the twelve percent (12%) grade permitted in other areas, and no section of road in a sensitive area district with a ten percent (10%) grade shall exceed the length permitted for roads of twelve percent (12%) grade in other areas.
 - b. The width of the level graded section shall extend at least two (2) feet beyond the back of the sidewalk on each side of the street.
 3. Drainage.
 - a. Required storm water run-off collection facilities shall be so designed as to divert surface water away from cut faces or sloping surfaces of a frill.
 - b. Material from construction, including soil and other solid materials, shall not be deposited within a natural or manmade drainage course nor within irrigation channels.
 4. Vegetation and revegetation.

All development, excavation, or grading in sensitive areas shall fully comply with the grading and vegetation requirements of Chapter 17.56 governing Hillside Protection Districts and the revegetation requirements of Section 17.56.040(7).
 5. Fire Protection.

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All development in sensitive areas shall fully comply with the fire protection requirements of Chapter 17.56 governing Hillside Protection Districts. (Ord 2008-2, amended 02/19/2008, Ord. 99-13, Add, 09/08/2000)

Section 17.56.130 Shallow groundwater area development standards

Development in shallow groundwater areas shall be subject to the following standards:

1. Wetlands, as defined by either the Corps of Engineers or the Environmental Protection Agency, may not be included as part of any buildable subdivision or development lot.
2. Wetlands may not be included in area requirements for lots or for calculation of density.
3. The Planning Commission may require wetlands to be fenced if it finds the wetlands are detrimental to public health, safety, or welfare.
4. Drainage water from the proposed new development may not be placed upon nor pass through other properties, except:
 - a. Where a pre-existing drainage system of adequate capacity is already in use, or
 - b. Where a permanent drainage easement of a size sufficient to carry projected flows has been obtained and a statement from the owners of both the host and guest properties is executed on proper deeds duly recorded with the county recorder specifying the following:
 - i. The city will held harmless from all damages or injuries resulting from water pollution and flooding from drainage crossing the property.
 - ii. The property owner will allow the owner of the easement to enter onto the property to maintain the drainage facility on the easement.
 - iii. The drainage channel can be placed in a pipe or culvert at such time as deemed appropriate by the owner of the easement.
5. Drainage from the proposed new development will not be placed in an irrigation ditch or irrigation canal originally constructed for irrigation purposes, except where a written easement running with the land has been recorded and the approval of, and signature by, all irrigation and canal companies whose ditches or canals cross the development areas or that may receive surface drainage is obtained. These recorded instruments shall include the following:
 - a. The city will be held harmless from all damage or injury resulting from flooding, water pollution, or high ground water from drainage in the ditch or canal;
 - b. The irrigation ditch or canal can be placed in a pipe or culvert when deemed necessary by the owner of the easement;
 - c. The owner of property which is the subject of a development plan will provide, and record with the county recorder, a statement holding the city harmless from all damage within the project resulting from flooding or shallow groundwater;
 - d. A disclosure statement will be placed upon all subdivision plats in the subject area, stating that the subdivision lot is in an area potentially subject to flooding or shallow groundwater problems; and
 - e. Drainage easements will be granted to the city and drainage facilities will be installed as part of the development at developer's expense.
6. No building shall be constructed in a shallow groundwater area of the city where the building proposed to be built includes a basement, unless prior to the issuance of the building permit, the owner shall produce a statement which has been recorded on proper deeds with the County Recorder, and the obligations of which run with the land and bind future owners of the property, stating that the city will be held harmless from all damages or injury resulting from flooding or any other damage resulting from a shallow groundwater area.
7. A comprehensive drainage and grading plan

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may be required of the developer of any property within a shallow groundwater area. The plan addressing the following points shall be approved by the D.R.C. before final residential subdivision approval, or approval is given for any residential subdivision, commercial, or industrial development or building.

- a. Approval of, and signatures by, all irrigation and canal companies if their ditches or canals cross the development area, or if surface or subsurface drainage is to outfall into the ditch or canal.
- b. Quantities of run-off shall be determined for the complete development area by any engineering method acceptable to the D.R.C.
- c. At all outfall points from the development, quantities of run-off for a "ten-year" storm shall be determined and indicated on the plan in cubic feet per second.
- d. The capacity of any irrigation ditch, storm drain, or other channel shall be determined from the inlet point to the outfall point of the channel if it is to be used for runoffs. If there is a sufficient capacity to handle added flows, it will not be used.
- e. A topographic map shall be prepared indicating sufficient slopes in all areas to take surface drainage water into the designated street or storm drain. Water will not be allowed to pond any place other than a designated detention basin.
- f. A plan of all proposed curbs, gutters, and cross-gutters shall be submitted. Such plan shall indicate on each curb the proposed grade, directions gutter capacity of flow, and quantities of flow.
- g. No building permit shall be issued in any development until the required subsurface and storm drainage system has been constructed and is in operable condition.
- h. Accompanying the drainage and grading plan shall be a soil test provided by a Licensed Professional Engineer for all

areas in which underground private and public utilities will be installed. The engineer's statement must indicate what remedial action must be taken to stabilize utility lines to assure that they will not shift, buckle, or lose alignment.

- i. The engineering plan shall include a cross-section acceptable to the D.R.C. of a proposed utility trench showing configuration and type of materials to be used in backfill and as a "bed" for utility lines.
- j. All water mains in shallow groundwater areas must be poly wrapped. areas must be poly wrapped.

(Ord. 99-13, Add, 09/08/2000)

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