

ISSUE

Lehi City – Requests approval of an amendment to the Lehi City Development Code Chapter 36-B, Jordan River Protection Overlay Zone.

- A. Ordinance Approving

BACKGROUND

Lehi City requests review and recommendation of a proposed Development Code amendment to create a new Chapter 36-B for the Jordan River Overlay Zone. This item has been reviewed by the Planning Commission on June 11, 2015 where the Commission tabled the item to give the property owners along the Jordan River the opportunity to work with staff to provide input for the ordinance. As part of the process, a public meeting was held on September 3, 2015 to receive input for the redraft of the ordinance. Since the public meeting, staff has met with many property owners along the Jordan River to discuss their concerns and ideas on their individual properties.

Staff has since created a new draft of the ordinance based on the public comment. The most notable items in the new ordinance are as follows:

- The determination of ownership of the buffer area is done on a case-by-case basis and can be publicly owned, privately owned, or owned by an HOA.
- The buffer area shown on the maps will have a final determination of the buffer location at the time of development and is based on the required concept plan and site features map.
- General design standards are included and only restrict rear-facing lots where a proposed development is adjacent to the Jordan River Parkway Trail. Limiting rear-facing lots is encouraged on the west side of the Jordan River but will not be required. In either case, design considerations and/or a density bonus can be provided for proposed developments.
- Permitted uses are listed and restrict buildings larger than 750 square feet from being located within the buffer unless otherwise approved by the Planning Commission and City Council. There is a clause that allows the Zoning Administrator to consider other uses not addressed in the permitted uses section.

The proposed ordinance allows flexibility and the consideration of ownership on a case-by-case basis that was not included in the previous ordinance. The proposed ordinance is essential to achieve Goal 6 of the General Plan to preserve and protect the Jordan River as a natural feature and community asset while also providing some flexibility for land owners along the River.

The proposed river buffer is shown on that maps included in the packet and is wider in some areas and more narrow in other areas. The location of the river buffer is based on topography, existing development, natural features, General Plan land use designations, and input received from property owners along the Jordan River.

RECOMMENDATION

Planning Division Staff Recommendation:

Planning staff recommends **APPROVAL** of the proposed Jordan River Overlay Zone and adding a new Chapter 36-B to the Development Code including any DRC or Planning Commission comments. This proposed Jordan River Overlay Zone is essential in achieving Goal 6 from the Lehi City General Plan to preserve and protect the Jordan River. The Jordan River is a valuable asset to the community for recreational opportunities, preservation of open space, and enjoyment of nature. The overlay zone limits development from encroaching up to the River which provides an additional degree of protection from flooding or danger to structures from river bank erosion over time. This proposed ordinance also furthers the goals of the Jordan River Commission to protect the river and provide an open space buffer.

Planning Commission Recommendation:

Planning commission reviewed this proposed amendment on February 25, 2016 at a public hearing. The Commission made the following recommendation:

Commissioner Hemmert moved to recommend approval to the City Council for the amendment to the Lehi City Development Code, Chapter 36-B, Jordan River Protection Overlay Zone; including the DRC comments; with the findings that the staff has met and worked with many of the property owners near the Jordan River to create the ordinance that addresses the property owners concerns and still achieves the goals of preserving the open space along the river; the proposed Jordan River Overlay Zone is essential to implementation of goal 6 of the General Plan and would enhance and preserve the areas adjacent to the Jordan River for future generations of Lehi residents; third finding of fact that the proposed amendment to the development code is not detrimental to the public health, safety and general welfare of the city; also a note to the Council to look at the old iron bridge and see what can be done to preserve and maintain the bridge, and look at turning the jumping and other recreational uses from an illegal activity to a legal and supervised activity. Commissioner Dean seconded the motion.

Minutes from the Planning Commission meeting on February 25, 2016 are as follows:

- 5. *Lehi City – Requests review and recommendations of an amendment to the Lehi City De-
- 2 development Code, Chapter 36-B, Jordan River Protection Overlay Zone.

Mr. West gave a brief overview of the purpose of the Jordan River Protection Overlay Zone. He said that the overall goal is to preserve and protect the Jordan River. He said that one of the notable items to the draft is that the determination of ownership of the buffer area when property is developed is determined on a case by case basis.

Commissioner Hemmert inquired about noticing to the property owners within the overlay zone. Mr. West stated that he did notify the property owners of the meeting tonight and that he was able to meet separately with several of the owners.

Commissioner Dean inquired about the logic of the overlay zone with some parts being much wider than others. Mr. West stated that mostly the geography and flood plain determined the overlay zone. He said that the Jordan River Commission’s goal is to have a 200 feet buffer, which is the case in most areas, but some areas do fall under the 200 feet. He also said that some areas are planned for parks and open space. He said the widest area is 800 feet and is master planned for parks/open space.

Chair Roll asked for public comment.

Lisa Hardman thanked the Planning Commission and staff for being willing to work with the property owners. She inquired about roads fronting the river. Mr. West stated that roads are covered in the design standards and everything on the east side will be determined on a case by case basis. Ms. Hardman also inquired about how to obtain a more detailed map of the overlay. Mr. West stated that the Planning Office can provide that.

Craig Johnson, a resident at 1500 North 3333 West, stated that he has about 800 feet of frontage with a view of the iron bridge. He also thanked the Planning staff for their work on this and being responsive to their comments. He asked about the city's long term goal of the bridge. Mr. West stated that it could be a crossing for the trail. Mr. Johnson expressed concerns with the policing of the bridge as people jump from the bridge. He says it's difficult to enforce and suggested that rather than policing the bridge, that the city provide a lifeguard there. He also expressed concern for the lack of maintenance on the bridge and was concerned that someone may get hurt on the structure. He also expressed concern with the new address assignments not being updated to Google Earth and the postal office. Mr. West stated that the planning staff promptly reports the new addresses to the county.

Joe Nielsen thanked the Planning Commission for their work. He still has concerns with the overlay zone, but appreciates the thought that was put into creating the zone.

Michelle Holbrook, representing the Holbrook family and Brian Richards, with Sahara Construction, representing the Holbrook family on the Curtis Center commented on the overlay zone. Mrs. Holbrook appreciated the process to establish the overlay zone and appreciated the open dialog with the city. She said that she understands why some of the property cannot be developed anyway because of wetland designations. She also appreciates that as development occurs on the property that it will be looked at on a case by case basis. She also stated that she likes the permitted uses within the zone.

Chair Roll closed the Public Hearing on this item at 7:52 p.m.

Motion: Commissioner Hemmert moved to recommend approval to the City Council for the amendment to the Lehi City Development Code, Chapter 36-B, Jordan River Protection Overlay Zone; including the DRC comments; with the findings that the staff has met and worked with many of the property owners near the Jordan River to create the ordinance that addresses the property owners concerns and still achieves the goals of preserving the open space along the river; the proposed Jordan River Overlay Zone is essential to implementation of goal 6 of the General Plan and would enhance and perverse the areas adjacent to the Jordan River for future generations of Lehi residents; third finding of fact that the proposed amendment to the development code is not detrimental to the public health, safety and general welfare of the city; also a note to the Council to look at the old iron bridge and see what can be done to preserve and maintain the bridge, and look at turning the jumping and other recreational uses from an illegal activity to a legal and supervised activity. Commissioner Dean seconded the motion.

If approved, the suggested motion would authorize the Mayor to sign the ordinance creating Chapter 36-B of the Lehi City Development Code.



ORDINANCE NO. 15-2016

**AN ORDINANCE AMENDING THE LEHI CITY DEVELOPMENT CODE, CREATING
CHAPTER 36-B, JORDAN RIVER OVERLAY ZONE**

WHEREAS, it has become necessary to amend the Lehi City Development Code to create Chapter 36-B, creating the Jordan River Overlay Zone; and

WHEREAS, this amendment is essential to meet Goal 6 of the Lehi City General Plan Land Use Element to preserve and protect the Jordan River corridor as a natural feature and community asset for recreation, trails, wildlife habitat, and natural beauty in Lehi City; and

WHEREAS, this amendment includes development requirements and implements a river buffer that preserves open spaces along the Jordan River corridor but continues to allow appropriate development; and

WHEREAS, following a public hearing on February 25, 2016, the Lehi City Planning Commission reviewed the proposed revisions and forwarded a positive recommendation to the City Council; and

WHEREAS, on March 8, 2016, the City Council held a duly noticed meeting to receive public comment and ascertain the facts regarding this matter, which facts and comments are found in the hearing record and which include the staff report, minutes from the Planning Commission meeting of February 25, 2016, and the positive recommendation of the Planning Commission; and,

WHEREAS, after considering the facts and comments presented to the Municipal Council, the Council finds: Chapter 36-B of the Lehi City Development Code should be created; and such action furthers the health, safety, and welfare of the citizens of Lehi.

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

PART I:

Chapter 36-B of the Lehi City Development Code is hereby created.

PART II:

A. If a provision of this Ordinance #15-2016 conflicts with a provision of a previously adopted ordinance concerning the same title, chapter, and/or section number amended herein, the provision in this Ordinance shall prevail.

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

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

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

Approved and Adopted by the City Council of Lehi City this 8th day of March, 2016.

ATTEST

Bert Wilson, Mayor

Marilyn Banasky, City Recorder

DRC CITY BUSINESS

DRC Members Present: Brent Thomas, Kerry Evans, Greg Allred, Todd Munger, Kim Struthers, Gary Smith, Mike Howell, Brad Kenison, Craig Barratt
Date of Plans Reviewed: 2/4/16

DRC REDLINE COMMENTS:

Lehi City – Requests review of amendments to the Lehi City Development Code:

- Chapter 11, Preliminary Subdivision Requirements – #13D – only require setbacks to be shown on the preliminary when a variation is being requested. Also on #29 and #31, easements for offsite are not required
- Chapter 36-B Jordan River Overlay – the DRC had no comments

Lehi City – Requests review of amendments to the Design Standards and Public Improvements Specifications Manual.- individual members should meet with Ross on a case-by-case basis

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 36-B

Jordan River Protection Overlay Zone

- [Section 36B.010. Purpose and Intent](#)
- [Section 36B.020. Applicability](#)
- [Section 36B.030. Relationship to Other Regulations](#)
- [Section 36B.040. Definitions](#)
- [Section 36B.050. Permitted Uses](#)
- [Section 36B.060. River Buffer](#)
- [Section 36B.070. Concept Plan](#)
- [Section 36B.080. Site Features Mapping](#)
- [Section 36B.090. Design Standards](#)
- [Section 36B.100. Ownership of Open Lands](#)
- [Section 36B.110. Maintenance of Open Lands](#)

Section 36-B.010. Purpose and Intent.

Purpose and Intent. The Jordan River Protection Overlay Zone provides an open space buffer between the river and adjacent residential and non-residential development. The specific purposes and intent of this Chapter include:

- [A. Creating a buffer adjacent to the Jordan River to limit encroaching development;](#)
- [B. Conserving natural and cultural resources and features adjacent to the river;](#)
- [C. Providing for and protecting public ownership and access to the river where it is deemed appropriate;](#)
- [D. Preserving and enhancing the existing Jordan River Parkway Trail;](#)
- [E. Improving the use and water quality of the Jordan River;](#)
- [F. Protecting the scenic view corridors along the Jordan River;](#)
- [G. Minimize flood hazards; and](#)
- [H. Creating recreational opportunities.](#)



Figure 1. Jordan River Parkway Trail.

Section 36-B.020. Applicability.

The Jordan River Protection Overlay Zone applies to all parcels or properties located within the Jordan River Buffer Area as identified on the Lehi City General Plan Land Use Map.

Section 36-B.030. Relationship to Other Regulations.

The requirements of this Overlay Zone shall apply in addition to the applicable regulations for each underlying zoning district. In the event that regulations imposed by this ordinance conflict with regulations of an underlying zoning district, the most restrictive regulation shall apply.

All development within the Jordan River Protection Overlay Zone shall also comply with all applicable State and Federal regulations. Documentation of compliance with applicable State and Federal regulations shall be required prior to approval of subdivision plats or other development approvals.

Section 36-B.040. Definitions.

Cultural Resources - Human artifacts and remains older than fifty years that are identified by the state Historic Preservation Office (SHPO) as cultural and historic resources under State law.

Habitat - The place or environment where plants and/or animals naturally or normally live and grow.

Natural Resources - Fresh water, air, wildlife, and wildlife habitat areas that are supplied by nature.

River Buffer - A strip of land between the Jordan River and adjacent development.

Riparian Area - An area adjacent to surface water bodies such as streams and lakes that is characterized by periodic inundation and hydrophilic (water-loving) vegetative types.

Wetland - Land that has been determined by the Army Corps of Engineers to be regulated under the federal Clean Air Act.

Section 36-B.050. Permitted Uses.

The following uses are permitted within the Jordan River Overlay Zone:

- A. Open space
- B. Parks and associated improvements
- C. Agricultural uses
- D. Golf Course
- E. Trails – paved and unpaved
- F. Accessory buildings incidental to a principal use with less than seven hundred fifty (750) gross square feet (unless otherwise approved by Planning Commission and City Council)
- G. Outdoor amphitheatres
- H. Public facilities including utilities, detention and drainage facilities, wells, etc.
- I. Other similar uses deemed appropriate within the river buffer as approved by the Zoning Administrator

Section 36-B.060. River Buffer.

The Jordan River Overlay Zone implements a river buffer as identified on the Lehi City General Plan Land Use Map. The final boundary of the river buffer will be determined on a case-by-case basis at the time of development based on existing site features.

Single family homes shall not be located within the river buffer and no permanent buildings shall be placed within fifty (50) feet of the top of the riverbank with the exception of any flood control or river-related facilities.

Section 36-B.070. Concept Plan

Concept Plan of Proposed Development. A concept Plan is required for all development within the Jordan River Protection Overlay Zone before a preliminary subdivision or site plan may be submitted. 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 layout of streets, drainage, water, sewerage, fire protection, and similar matters prior to the preparation of a more detailed preliminary subdivision plat. Sections 11.010–11.030 of the Development Code identify the requirements for a Concept Plan.

In addition to the concept requirements set forth in Chapter 11 of the Development Code, the required concept plan must include the following items:

- A. Topographic contours at 2 feet or closer intervals may be required to determine river buffer;
- B. Limits of all floodplains;
- C. Water supply source protection areas;
- D. Proposed trail and open space locations; and
- E. Significant trees and vibrant areas of native vegetation.

Section 36-B.080. Site Features Mapping.

Site Features Map Required. Concurrent with the submission of a Concept Plan application, the applicant shall prepare and submit a site features map. The applicant is only required to map site features located within the Overlay Zone and areas located within fifty (50) feet of the Overlay Zone (to help finalize the river buffer location).

The purpose of the site features map is to identify and locate site features to facilitate creation of a site development design that mitigates impacts to the natural and cultural resources of the development area, and reduce risks associated with flooding, high ground water, and unstable soils. The site features map shall identify and locate the following features within the buffer area:

- A. The Jordan River, streams, tributaries, ponds, wetlands, and other hydrologic features;
- B. Riparian areas;
- C. Known habitat of endangered, threatened, or State sensitive species;
- D. Existing public and recreational access and uses;
- E. Cultural and historical resources;

Section 36-B.090. Design Standards.

The following design standards are intended to improve the character and aesthetic qualities of developments in the Jordan River Protection Overlay Zone and to minimize impacts on important natural and other site features. Variations from these standards may be granted by the appropriate decision making body depending on the nature of the application (example - subdivisions are approved by the City Council) provided that the overall intent of this section is achieved by the alternative design.

- A. General Standards.
 1. Lot Sizes. Lots should be designed to generally increase in size as they are placed

closer to the Jordan River with clustering of smaller lots farther away from the River.

2. Rear Facing Lots Located Adjacent to Jordan River Parkway. Rear facing lots shall be prohibited where a development is located along the Jordan River Parkway. A public road shall be placed between lots and the Jordan River Parkway trail to provide public access and to improve visibility and safety within the river buffer area and on the trail. Subdivision design considerations and/or a density bonus may be allowed at the discretion of Lehi City for proposed developments due to additional costs that may be placed on the developer (see Figure 2).

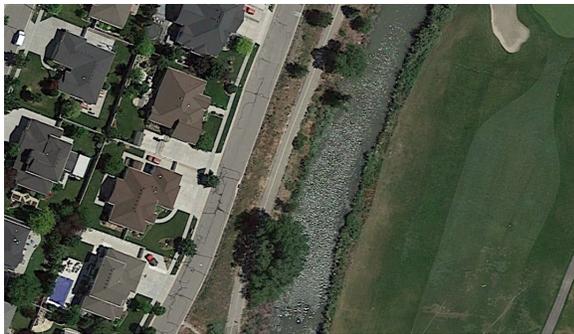


Figure 2. A road is shown located between the homes and the Jordan River Parkway Trail.

3. Rear Facing Lots Not Located Adjacent to Jordan River Parkway. Limit rear-facing lots as much as possible where a development is located adjacent to the Jordan River with no trail located along the river frontage. To provide public access and to improve visibility and safety within the river buffer area, it is the City's preference to have a road located between the lots and the Jordan River. This standard will be encouraged and reviewed on a case-by-case basis. Subdivision design considerations and/or a density bonus may be allowed at the discretion of Lehi City for developments that utilize this form of development.

4. Jordan River Parkway Trail Connections. Where located adjacent to the Jordan River Parkway Trail or other master planned trails as identified in the Lehi City Trails Master Plan and Lehi City Bicycle and Pedestrian Master Plan, a minimum of one (1) hard surface trail connection with a minimum of ten (10) feet in width shall be provided to the trail for each subdivision with a maximum spacing of one (1) connection per half mile (see Figure 3).

Access points to designated public trails and open areas should be clearly identified on plans and posted with permanent signage approved by the Planning Commission and/or City Council.



Figure 3. Trail connection is provided from the subdivision to the Jordan River Parkway.

5. Site Features Preservation. All development shall preserve important site features in their natural condition as approved by the Planning Commission or City Council.

Site features identified in Section 36-B.080 should be treated as fixed determinants of road and lot configuration rather than malleable elements that can be changed to allow for a preferred development scheme.

6. Vegetation. Significant trees, boundary trees, wetlands, streams and other important site features should be incorporated into open spaces, along the edges of individual lots, along a path, or roadway.

7. Any design standard not addressed in this Chapter shall be referred to other sections of the Development Code and Lehi City Design Standards and Public Improvements Specifications Manual.

Section 36-B.100. Ownership and Maintenance of Open Lands.

The ownership and responsibility for maintenance of the required river buffer areas and other areas left undeveloped to protect natural resources and avoid hazards will be decided on a case-by-case basis at the time development occurs. In general, areas planned to be open for use by the general public should be in public ownership. Areas planned to be kept private can remain in private ownership. Options for ownership and maintenance include:

A. Lehi City Ownership. Lehi City will accept any portion of the river buffer or other open land, provided that:

1. The land is in an acceptable condition to Lehi City at the time of transfer with regard to size, shape, location, and improvement; and,
2. At Lehi City's discretion and as part of a development agreement, the applicant may be required to provide funding for one year of maintenance.
3. The land is free of any encumbrances.

B. Public Ownership Other than Lehi City. Public ownership may also be addressed through other governmental entities such as the Division of Natural Resources and Utah County.

C. Private Ownership. Unless otherwise approved by Lehi City, the underlying fee ownership of the land may remain in single ownership and may be owned and maintained by one of the following entities: land trust, conservation organization, or private individual.

D. Owners' Association. Land may be held in common ownership by a homeowners' association or other acceptable owners' association, subject to all of the provisions for owners' associations set forth in State regulations and Lehi City's subdivision regulations. In addition, the following requirements shall be met:

1. A description of the organization of the proposed association, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for river buffer and open lands, including restrictive covenants for the Subdivision, shall be submitted by the developer with the Final Plat application.
2. The proposed association shall be established and operating (with financial subsidization, if necessary) prior to or concurrent with the recording of the Final Plat for the Subdivision.
3. Membership in the association shall be mandatory for all purchasers of property within the Subdivision and their successors in title.

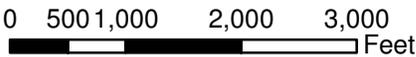
4. The association shall be responsible for maintenance and insurance of the river buffer and other open lands.

5. The bylaws of the association and restrictive covenants for the Subdivision shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in dues. Such dues shall be paid with the accrued interest before the lien may be lifted.

The City shall have no obligation to enforce and of the foregoing private bylaws, but may enforce the maintenance requirements contemplated in this Section against applicable Owner's Association by any means contemplated by the Lehi City Development Code.

Jordan River Overlay Zone

North



Jordan River Overlay Zone

South

