

# Mapleton City Planning Commission Staff Report

Meeting Date: January 28, 2010

**Item #:** 7

**Applicant:** Mary Fojtek

**Prepared by:** Matt Brady

**Zone:** GC-1/Proposed RA-1

**Council Action Required:** No

**REQUEST:**

Mary Fojtek, agent for Hjorth Subdivision, Plat "A", requests approval of a 2-lot subdivision plat, located generally at 1365 West 800 North, 1375 West 800 North, and 1417 West 800 North, in the GC-1 Zone and in the proposed RA-1 Zone.

**FINDINGS OF FACT:**

1. On December 1, 2008, Staff issued a zoning verification letter to the Hjorth Family Trust that outlines the history of the 3 parcels currently owned by the Hjorths (see Attachment #1). The zoning verification letter recognized the current parcel configuration as illegally split, and stated that a subdivision was needed to legalize the parcels.
2. The current zone of the subject parcels is GC-1. There are two homes, one on the eastern parcel, and one on the western parcel. A commercial business, Hjorth Brothers, operates on the middle parcel.
3. See Attachment #2 for the proposed subdivision plans. The Applicant is proposing a rezone of the proposed Lot 1 of the proposed Hjorth Subdivision, Plat "A" from GC-1 to RA-1. See Item 6 of this agenda for the rezone request. The purpose of this rezone would be to preserve the home on the east as a residential use, as it is one of the older homes in Mapleton, and has historic value to the Applicant. According to Utah County records, the home was originally built in 1891.
4. The Applicant is proposing to put the western home on the same subdivision lot as Hjorth Brothers, due to its location and limited frontage, and the difficulty of putting it on a lot large enough to be a viable separate commercial operation, or a large enough residential lot (i.e. RA-1 zone). Also, the western home is shown in the General Plan to be part of the Shopping Center Commercial area.
5. Staff is prepared to answer any questions regarding the zoning verification or subdivision at the Planning Commission meeting.
6. DRC has reviewed the proposed subdivision plat and has listed several issues that need to be resolved (see Attachment #3 for DRC Minutes).

**STAFF RECOMMENDATION:**

Staff recommends Approval of the proposed subdivision, with the Condition that the Applicant resolve all items listed in the DRC Minutes of January 21, 2010 (see Attachment #3).

**ATTACHMENTS:**

1. Zoning Verification for Hjorth Family Trust – December 1, 2008
2. Proposed Hjorth Subdivision, Plat "A"
3. DRC Minutes – Hjorth Subdivision, Plat "A" – January 21, 2010

**VICINITY MAP:**



**SITE PHOTOS:**



Looking south at the home on proposed Lot 1



Looking south at Hjorth Brothers on proposed Lot 2



Looking southeast at the home on proposed Lot 2

Mayor: Laurel Brady  
City Administrator: Robert P. Bradshaw, M.P.A.  
Community Development: Cory Branch  
Finance Controller: Jeannie Bell  
City Engineer: Gary Calder



Attachment # 1

Director of Public Works: M. Scott Bird  
Treasurer: Marian Everett  
Recorder: Camille Brown  
Police Chief: Dean Pettersson  
Recreation Director: Stacey Child

~~#10~~

## MAPLETON CITY CORPORATION

December 1, 2008

Hjorth Family Trust  
C/O Nancy Carter & Mary Fojtek  
2547 West 1890 North  
Clinton, UT 84015  
(801) 309-0076

### RE: Zoning Verification

Utah County Tax ID#s: 26:060:0023, 26:060:0024, 26:060:0042  
Located Generally at: 1365 West 800 North, Mapleton, UT 84664,  
1375 West 800 North, Mapleton, UT 84664,  
1417 West 800 North, Mapleton, UT 84664

Dear Ms. Carter & Ms. Fojtek,

I am writing you concerning the above-mentioned parcels. The following information has been compiled:

1. According to Mapleton City records, the subject parcels are located in the GC-1 (General Commercial) Zone. For the GC-1 Zone, *"There is no minimum lot area requirement in the GC-1 zone except as may be dictated by off street parking requirements, adequate circulation, and property site utilization. There will be a minimum of a seventy five foot (75') frontage on a public street."* These determinations of appropriate minimum lot size for the GC-1 zone *"as may be dictated by off street parking requirements, adequate circulation, and property site utilization"* are currently made when someone applies for project plan approval for a building permit or business license (See Mapleton City Code 18.64.050: LOTS, BUILDINGS, YARDS, AND OPEN SPACE and Mapleton City Code 18.64.060: PROJECT PLAN APPROVALS). The parcels have been zoned GC-1 since approximately 1971. Prior to that time, from approximately 1950-1971, the parcels were zoned I-1 (Industrial District 1).
2. The following information applies to parcel # 26:060:0023 (located generally at 1365 W. 800 N.):
  - a. According to Utah County records, the parcel is owned by Otis H. & Erma M. Hjorth, Trustees.
  - b. According to Utah County records, the parcel is approximately 2.1 acres in size, with approximately 217 feet of frontage on 800 North.
  - c. According to Utah County records, there is a single family home on the parcel built in 1891, with an effective year built (i.e. addition or remodel) of 1970. Mapleton City no record of building permits issued for the parcel.
  - d. According to the Applicant, the home has been used as a single family home with an accessory apartment for approximately 80 years. However, Mapleton City has never issued an accessory apartment permit for the home, and accessory apartments were only allowed by city ordinance since approximately 2003.
3. The following information applies to parcel # 26:060:0024 (located generally at 1375 W. 800 N.):

- a. According to Utah County records, the parcel is owned by Calvin H. & Richard L. Hjorth.
  - b. According to Utah County records, the parcel is approximately 1.48 acres in size, with approximately 142 feet of frontage on 800 North.
  - c. From examination of an aerial photo overlay in Mapleton City's Geographic Information System (GIS) it appears that there are seven buildings on or partially on the parcel. Some of the buildings on the parcel appear to overlap into parcels # 26:060:0023 and 26:060:0024. Utah County does not have online records of when each building was built. Mapleton City only has two building permits on record for the subject parcel. The most recent is a building permit for a 40'x100' commercial shed, issued to Calvin H. Hjorth & Richard H. Hjorth on October 29, 2002. It appears from examination of the site plan submitted with the building permit that the site plan covered parcels # 26:060:0024 and 26:060:0023. It did not show the lot line that separated the two lots. Additionally, it appears to have been inaccurately drawn in several places. Thus, the site plan did not indicate that any of the commercial buildings overlapped onto other parcels. The prior building permit was for a commercial storage shed, issued to Hjorth Brothers, Inc. in February 1981.
  - d. According to Mapleton City records, Hjorth Brothers has maintained a business license for manufacturing, pipe bending, and machine shop since at least 1972, and possibly as early as the early 1960's.
4. The following information applies to parcel # 26:060:0042 (located generally at 1417 W. 800 N.):
    - a. According to Utah County records, the parcel is owned by Hjorth Brothers Incorporation.
    - b. According to Utah County records, the parcel is approximately 0.54 acres in size, with approximately 64 feet of frontage on 800 North.
    - c. According to Utah County records, there is a single family home on the parcel built in 1935, with an effective year built (i.e. addition or remodel) of 1963. Mapleton City has no record of any building permits issued for the subject parcel.
  5. According to Utah County records, the three subject parcels mentioned in # 2-4 above were created by two Warranty Deeds recorded sequentially on the December 21, 1987. The first was Entry # 45755 – 1987 from Otis Hugh Hjorth & Erma M. Hjorth to Calvin H. Hjorth & Richard L. Hjorth. The second was Entry # 45756-1987 from Otis Hugh Hjorth & Erma M. Hjorth to Eileen Hjorth.
  6. Mapleton City Code 17.20.10: SUBDIVISION PLATS REQUIRED; TO BE RECORDED states: *"No person shall subdivide, as defined by section 17.32.010 of this title, any tract of land within the incorporated limits of the city; nor shall any person sell, exchange, purchase or otherwise convey a parcel of land which is part of a larger tract, if such sale or agreement would have the effect of creating a "subdivision" as defined by this title, unless and until a final plat, prepared in accordance with the provisions of this title, shall have been first considered by the planning commission and approved by the city council and recorded in the office of the county recorder. (Ord. 2002-25, 12-4-2002)".* Mapleton City originally instituted its subdivision code in 1971.

**Conclusion:**

From the above facts, it is the opinion of Staff that parcels # 26:060:0023, 26:060:0024, and 26:060:0042 were illegally modified without going through subdivision process as defined in #5 above. In addition, because of the current configuration of the three parcels, several buildings are split by lot lines, which situation causes illegal building setbacks. Thus, it is the opinion of Staff that the parcels # 26:060:0023, 26:060:0024, and 26:060:0042 are illegal lots. It is further the opinion of Staff that the single-family use of the homes on parcels # 26:060:0023 (1365 West 800 North) and 26:060:0042 (1417 West 800 North)

constitutes a nonconforming residential use in the GC-1 Zone. Additionally, the accessory apartment use of parcel # 26:060:0023 (1365 West 800 North) is recognized as illegal. The accessory apartment use must be abated in a timely manner.

To remedy the illegal lot situation and allow for further commercial use of # 26:060:0023, 26:060:0024, and 26:060:0042, it will be necessary to apply for project plan and subdivision approval for the parcels, to allow the Planning Commission to determine the appropriate configuration of the lots. Once a project plan is approved by the Planning Commission, Staff would then be authorized to issue further commercial building permits on the subject parcels, in accordance with the approved project plan.

For your information and reference, the following sections of Mapleton City Code apply to nonconforming uses, which applies to the single-family residential uses of the homes on parcels # 26:060:0023 (1365 West 800 North) and 26:060:0042 (1417 West 800 North).

Mapleton City Code 18.20.040: NONCONFORMING USES states:

- “A. Continuation: A nonconforming use which was legally existing when such use became prohibited may be continued as provided in this section and by any other applicable provision of this chapter, so long as it remains otherwise lawful, subject to applicable standards and limitations in this chapter.*
- B. Expansion Within Conforming Building: A nonconforming use existing within a portion of a conforming building may not be expanded to include the entire floor area of such building.*
- C. Nonconforming Use Of Open Land: A nonconforming use of open land may be continued provided such nonconforming use shall not be expanded or extended into any building or open land, except as may be required by law.*
- D. Expansion Of Outdoor Nonconforming Uses: A nonconforming use of a lot where the principal use is not enclosed within a building, shall not be expanded unless the strict provisions of this chapter are met.*
- E. Restoration: A nonconforming use in a conforming structure damaged by fire, wind, earthquake, or other natural disaster or calamity may be restored as it existed previously and its use may be continued so long as restoration is complete within one year. A building permit necessary for the restoration shall be applied for no later than six (6) months after the damage occurred. An extension may be granted by the planning and zoning director for up to an additional six (6) months if the applicant has shown a diligent effort to complete the restoration. Said restoration must be completed to the extent that no less than fifty percent (50%) of the necessary work has been completed within the one year period as determined by the Mapleton City building official. (Ord. 2003-23, 11-5-2003, eff. 12-11-2003)”*

Mapleton City Code 18.20.035: CHANGE IN NONCONFORMING STATUS states:

*“A nonconforming lot, structure, use or other nonconformity may not be changed except in conformance with the provisions of this title. Whenever any nonconforming use is changed to a less intensive nonconforming use, such use shall not be changed back to a more intensive nonconforming use. Whenever any nonconforming use is changed to a conforming use, such use shall not later be changed to a nonconforming use. (Ord. 2003-23, 11-5-2003, eff. 12-11-2003)”*

Mapleton City Code 18.20.090: ABANDONMENT OF NONCONFORMING STRUCTURE OR USE states:

*"A. Presumption Of Abandonment By Passage Of Time: Any nonconforming structure or use which is not occupied or used for a continuous period of six (6) months shall be presumed abandoned and shall not thereafter be reoccupied or used except in a manner that conforms to the requirements of this title unless the presumption of abandonment is overcome as provided in subsection C of this section.*

*B. Presumption Of Abandonment By Event: Independent of the six (6) month requirement set forth in subsection A of this section, a nonconforming structure or use shall be presumed abandoned when any of the following events occur:*

*1. The owner has in writing or by public statement indicated intent to abandon the structure, use or other nonconformity;*

*2. A less intensive use has replaced the original nonconforming use;*

*3. The owner has physically changed the structure or its permanent equipment in a way that reduces or eliminates the nonconformity; or*

*4. The structure has been removed through applicable procedures for the abatement or condemnation of unsafe structures.*

*C. Overcoming Presumption Of Abandonment: A presumption of abandonment may be rebutted upon evidence presented by the owner showing no intent to abandon the structure or use. Such evidence may include proof that during the alleged period of abandonment the owner has done either of the following:*

*1. Maintained the structure or use, if any, in accordance with the applicable codes; or*

*2. Has actively and continuously attempted to sell or lease the property where the structure or use is located. (Ord. 2003-23, 11-5-2003, eff. 12-11-2003)"*

If you have any additional information that may affect the conclusions of this letter, please contact Mapleton City Community Development. Additionally, please keep in mind that you do have the right to appeal the above decision to the Board of Adjustment by filing an application with the Board within a period not to exceed forty-five (45) days from the above date, as per Mapleton City Code 16.04.050: APPEALS TO BOARD; TIME; PERSONS ENTITLED; TRANSMISSION OF RECORDS.

If you have any questions about this determination, please call me at (801) 806-9108 or e-mail me at [mbrady@mapleton.org](mailto:mbrady@mapleton.org).

Sincerely,



Matt Brady

Planner I

(801) 806-9108

**SURVEYOR'S CERTIFICATE**

I, ROBBIN J. MULLEN, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD A LICENSE IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT, UTAH CODE ANNOTATED, 1953 AS AMENDED, CERTIFICATE NO. 368356. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, STREETS, AND EASEMENTS, HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17, UTAH CODE ANNOTATED, 1953 AS AMENDED, HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAT. I FURTHER CERTIFY THAT EVERY EXISTING RIGHT-OF-WAY AND EASEMENT GRANT OF RECORD FOR UNDERGROUND FACILITIES, AS DEFINED IN SECTION 54-8a-2, UTAH CODE ANNOTATED, 1953 AS AMENDED, AND FOR OTHER UTILITY FACILITIES, IS ACCURATELY DESCRIBED ON THIS PLAT, AND THAT THIS PLAT IS TRUE AND CORRECT.

DATE \_\_\_\_\_ ROBBIN J. MULLEN, P.L.S.

**BOUNDARY DESCRIPTION**

COMMENCING AT THE WEST 1/4 CORNER OF SECTION 10, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN; THENCE N. 89°18'09" E. ALONG THE SECTION 534.59 FEET; THENCE SOUTH 33.00 FEET TO THE REAL POINT OF BEGINNING,  
 THENCE N. 89°18'09" E. A DISTANCE OF 442.97 FEET; THENCE S. 00°51'12" E. A DISTANCE OF 322.25 FEET; THENCE S. 01°04'28" E. A DISTANCE OF 101.53 FEET; THENCE S. 89°15'43" W. A DISTANCE OF 430.95 FEET; THENCE N. 44°47'46" W. A DISTANCE OF 16.37 FEET; THENCE N. 00°59'59" W. A DISTANCE OF 412.33 FEET TO THE POINT OF BEGINNING, CONTAINING 4.30 ACRES OF LAND.

**OWNER'S DEDICATION**

KNOW ALL MEN BY THESE PRESENTS THAT WE, ALL OF THE UNDERSIGNED OWNERS OF ALL THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON AND SHOWN ON THIS MAP, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, STREETS, AND EASEMENTS AND DO HEREBY DEDICATE THE STREETS AND OTHER PUBLIC AREAS AS INDICATED HEREON FOR PERPETUAL USE OF THE PUBLIC.  
 IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS DAY OF \_\_\_\_\_, A.D. 20\_\_.

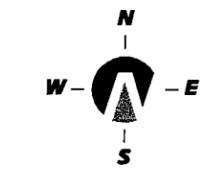
BY: \_\_\_\_\_  
 BY: \_\_\_\_\_

**ACKNOWLEDGMENT**

STATE OF UTAH } s.s.  
 COUNTY OF UTAH }  
 ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_  
 PERSONALLY APPEARED BEFORE ME THE SIGNERS OF THE FOREGOING DEDICATION WHO DULY ACKNOWLEDGE TO ME THAT THEY DID EXECUTE THE SAME.  
 MY COMMISSION EXPIRES \_\_\_\_\_ NOTARY PUBLIC (SEE SEAL)

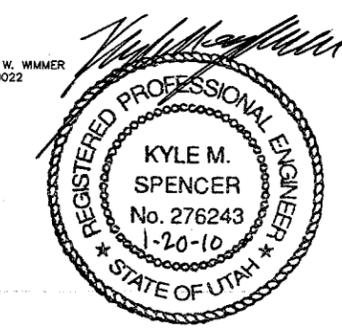
**LEGEND**

- ⊙ FOUND BRASS CAP
- SET 5/8" IRON PIN
- △ CALCULATED POINT, NOT SET
- EXISTING POWER POLE
- ⊕ EXISTING FIRE HYDRANT
- PROPERTY BOUNDARY
- CENTERLINE
- RIGHT-OF-WAY LINE
- LOT LINE
- SECTION LINE
- EASEMENT
- EXISTING DEED LINE
- EDGE OF PAVEMENT
- EXISTING OVER HEAD POWER
- EXISTING FENCE LINE
- EXISTING DITCH
- SD EXISTING STORM DRAIN
- EXISTING 8" SANITARY SEWER
- EXISTING 8" CULINARY WATER
- EXISTING 6" PRESSURE IRRIGATION
- PURPOSED CULINARY WATER LATERAL
- PURPOSED PRESSURE IRRIGATION LATERAL
- PURPOSED CURB & GUTTER
- FUTURE CURB & GUTTER BY OTHERS



SCALE 1" = 30'  
 (8.5"x11")

JOYE H. & WILLIAM W. WIMMER  
 PARCEL # 26:06:0022



NOTE:  
 THE EXISTING HOUSE ON LOT 2 (1417 WEST 800 NORTH) IS CURRENTLY A NONCONFORMING RESIDENTIAL USE IN THE GC-1 ZONE, AND MAY BE CONTINUED SUBJECT TO THE PROVISIONS OF MAPLETON CITY CODE. NO BUILDING PERMITS SHALL BE ISSUED ON LOT 2 FOR EXPANSION OF THE HOME FOR RESIDENTIAL USE, NOR FOR ACCESSORY BUILDINGS FOR RESIDENTIAL USE. FUTURE BUILDING PERMITS SHALL ONLY BE ISSUED FOR COMMERCIAL USES ON LOT 2, UNLESS THE PROPERTY IS REZONED TO A RESIDENTIAL ZONE.



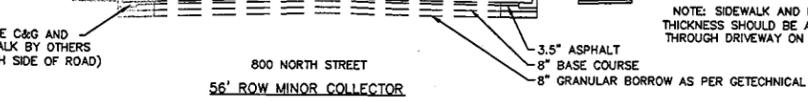
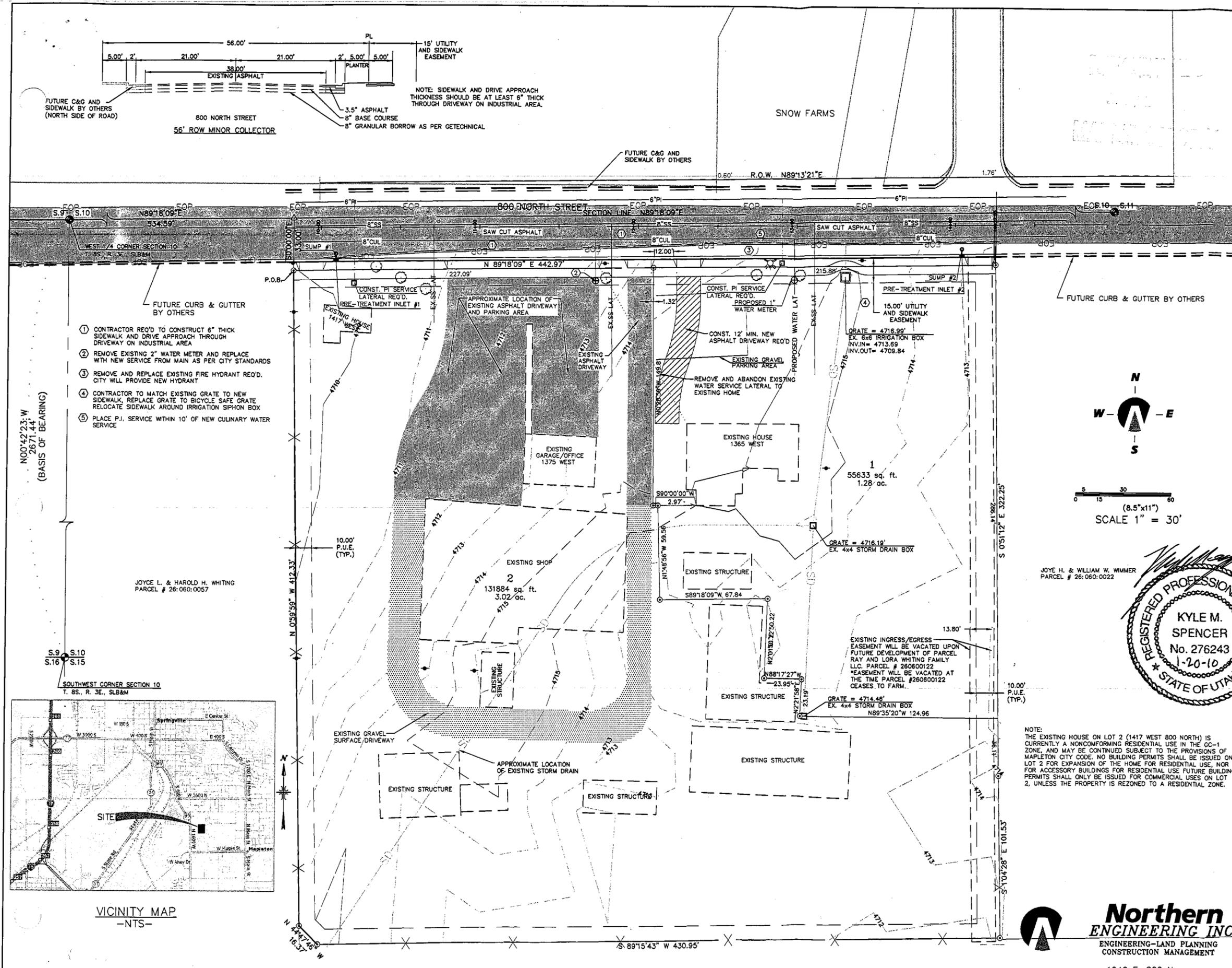
**Northern ENGINEERING INC**  
 ENGINEERING-LAND PLANNING  
 CONSTRUCTION MANAGEMENT

1040 E. 800 N.  
 OREM, UTAH 84097  
 (801) 802-8992

**PRELIMINARY HJORTH SUBDIVISION "A"**

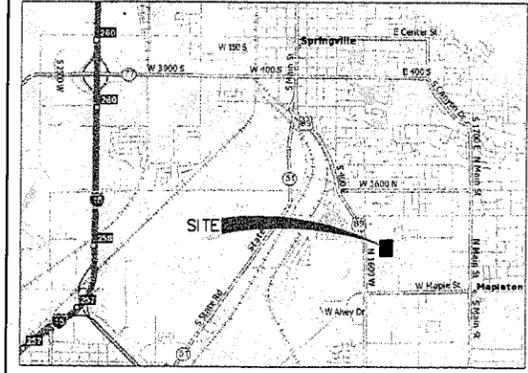
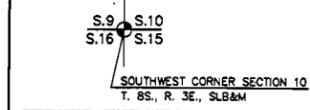
A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 10 TOWNSHIP 8 SOUTH, RANGE 3 EAST SLB&M

MAPLETON CITY UTAH COUNTY, UTAH  
 SCALE: 1" = 30 FEET



- 1 CONTRACTOR REQ'D TO CONSTRUCT 6" THICK SIDEWALK AND DRIVE APPROACH THROUGH DRIVEWAY ON INDUSTRIAL AREA
- 2 REMOVE EXISTING 2" WATER METER AND REPLACE WITH NEW SERVICE FROM MAIN AS PER CITY STANDARDS
- 3 REMOVE AND REPLACE EXISTING FIRE HYDRANT REQ'D. CITY WILL PROVIDE NEW HYDRANT
- 4 CONTRACTOR TO MATCH EXISTING GRATE TO NEW SIDEWALK, REPLACE GRATE TO BICYCLE SAFE GRATE, RELOCATE SIDEWALK AROUND IRRIGATION SIPHON BOX
- 5 PLACE P.I. SERVICE WITHIN 10' OF NEW CULINARY WATER SERVICE

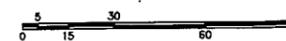
N00°42'23" W  
 2671.44'  
 (BASIS OF BEARING)



VICINITY MAP  
 -NTS-

RAY AND LORA WHITING FAMILY LLC.  
 PARCEL # 260600122

NOTE:  
MULTIPLICATION FACTOR USED FOR  
CONVERTING GROUND DISTANCES TO  
GRID DISTANCE IS 0.99969.



(24"x36")  
SCALE 1" = 30'  
(11"x17")  
SCALE 1" = 60'

S.10 S.11

**LEGEND**

- ⊙ FOUND BRASS CAP
- ⊙ SET 5/8" IRON PIN
- ⊙ CALCULATED POINT, NOT SET
- ⊙ EXISTING POWER POLE
- ⊙ EXISTING FIRE HYDRANT
- PROPERTY BOUNDARY
- CENTERLINE 800 NORTH
- RIGHT-OF-WAY LINE
- LOT LINE
- SECTION LINE
- EASEMENT
- EXISTING DEED LINE
- EXISTING OVER HEAD POWER
- EXISTING FENCE LINE
- x-x--- PURPOSED CURB & GUTTER
- === FUTURE CURB & GUTTER BY OTHERS

JOYE L. & HAROLD H. WHITING  
PARCEL # 26:060:0057

GRID FACTOR = 0.999691

**NAD 83 STATE PLANE COORDINATES**

LABEL	NORTHING	EASTING
A	657,149.93	1,972,842.48
B	657,123.50	1,973,376.93
C	657,128.89	1,973,819.73
D	656,806.78	1,973,824.53
E	656,705.30	1,973,826.43
F	656,699.75	1,973,395.65
G	656,711.36	1,973,384.12



**Northern  
ENGINEERING INC**  
ENGINEERING-LAND PLANNING  
CONSTRUCTION MANAGEMENT

1040 E. 800 N.  
OREM, UTAH 84097  
(801) 802-8992

ROCKY MOUNTAIN POWER  
APPROVED THIS \_\_\_\_\_ DAY OF 20\_\_\_\_ A.D. BY ROCKY  
MOUNTAIN POWER

ROCKY MOUNTAIN POWER  
COMCAST  
APPROVED THIS \_\_\_\_\_ DAY OF 20\_\_\_\_ A.D. BY COMCAST

COMCAST  
QWEST  
APPROVED THIS \_\_\_\_\_ DAY OF 20\_\_\_\_ A.D. BY QWEST

QWEST

**SURVEYOR'S CERTIFICATE**

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DATE \_\_\_\_\_ ROBBIN J. MULLEN, P.L.S.

**BOUNDARY DESCRIPTION**

COMMENCING AT THE WEST 1/4 CORNER OF SECTION 10, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN; THENCE N. 89°18'09" E. ALONG THE SECTION 534.59 FEET; THENCE SOUTH 33.00 FEET TO THE REAL POINT OF BEGINNING.

THENCE N. 89°18'09" E. A DISTANCE OF 442.97 FEET; THENCE S. 00°51'12" E. A DISTANCE OF 322.25 FEET; THENCE S. 01°04'28" E. A DISTANCE OF 101.53 FEET; THENCE S. 89°15'43" W. A DISTANCE OF 430.95 FEET; THENCE N. 44°47'46" W. A DISTANCE OF 16.37 FEET; THENCE N. 00°59'59" W. A DISTANCE OF 412.33 FEET TO THE POINT OF BEGINNING, CONTAINING 4.30 ACRES OF LAND.

**OWNER'S DEDICATION**

KNOW ALL MEN BY THESE PRESENTS THAT WE, ALL OF THE UNDERSIGNED OWNERS OF ALL THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON AND SHOWN ON THIS MAP, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, STREETS, AND EASEMENTS AND DO HEREBY DEDICATE THE STREETS AND OTHER PUBLIC AREAS AS INDICATED HEREON FOR PERPETUAL USE OF THE PUBLIC.

IN WITNESS WHEREOF WE HAVE HERETO SET OUR HANDS THIS DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_.

BY: \_\_\_\_\_ BY: \_\_\_\_\_  
BY: \_\_\_\_\_ BY: \_\_\_\_\_  
BY: \_\_\_\_\_ BY: \_\_\_\_\_

**ACKNOWLEDGMENT**

STATE OF UTAH } S.S.  
COUNTY OF UTAH }

ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_  
PERSONALLY APPEARED BEFORE ME THE SIGNERS OF THE FOREGOING DEDICATION WHO DULY ACKNOWLEDGE TO ME THAT THEY DID EXECUTE THE SAME.

MY COMMISSION EXPIRES \_\_\_\_\_ NOTARY PUBLIC (SEE SEAL)

**ACCEPTANCE BY LEGISLATIVE BODY**

THE CITY COUNCIL OF MAPLETON, COUNTY OF UTAH, APPROVES THIS SUBDIVISION AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS, AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_.

(MAYOR) \_\_\_\_\_ ATTEST \_\_\_\_\_  
CITY RECORDER (SEE SEAL)

**PLANNING COMMISSION APPROVAL**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_, BY THE MAPLETON CITY PLANNING COMMISSION.

PLANNING DIRECTOR \_\_\_\_\_ CHAIRMAN, PLANNING COMMISSION

**QUESTAR**

QUESTAR APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. QUESTAR MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATION OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE, APPROVAL OR ACKNOWLEDGEMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET FORTH IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT QUESTAR'S RIGHT-OF-WAY DEPARTMENT

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. \_\_\_\_\_  
PREPARED AND PROVIDED BY THE COMPANY.

**MAPLETON IRRIGATION COMPANY**

APPROVED THIS \_\_\_\_\_ DAY OF 20\_\_\_\_ A.D. BY MAPLETON IRRIGATION COMPANY

MAPLETON IRRIGATION COMPANY

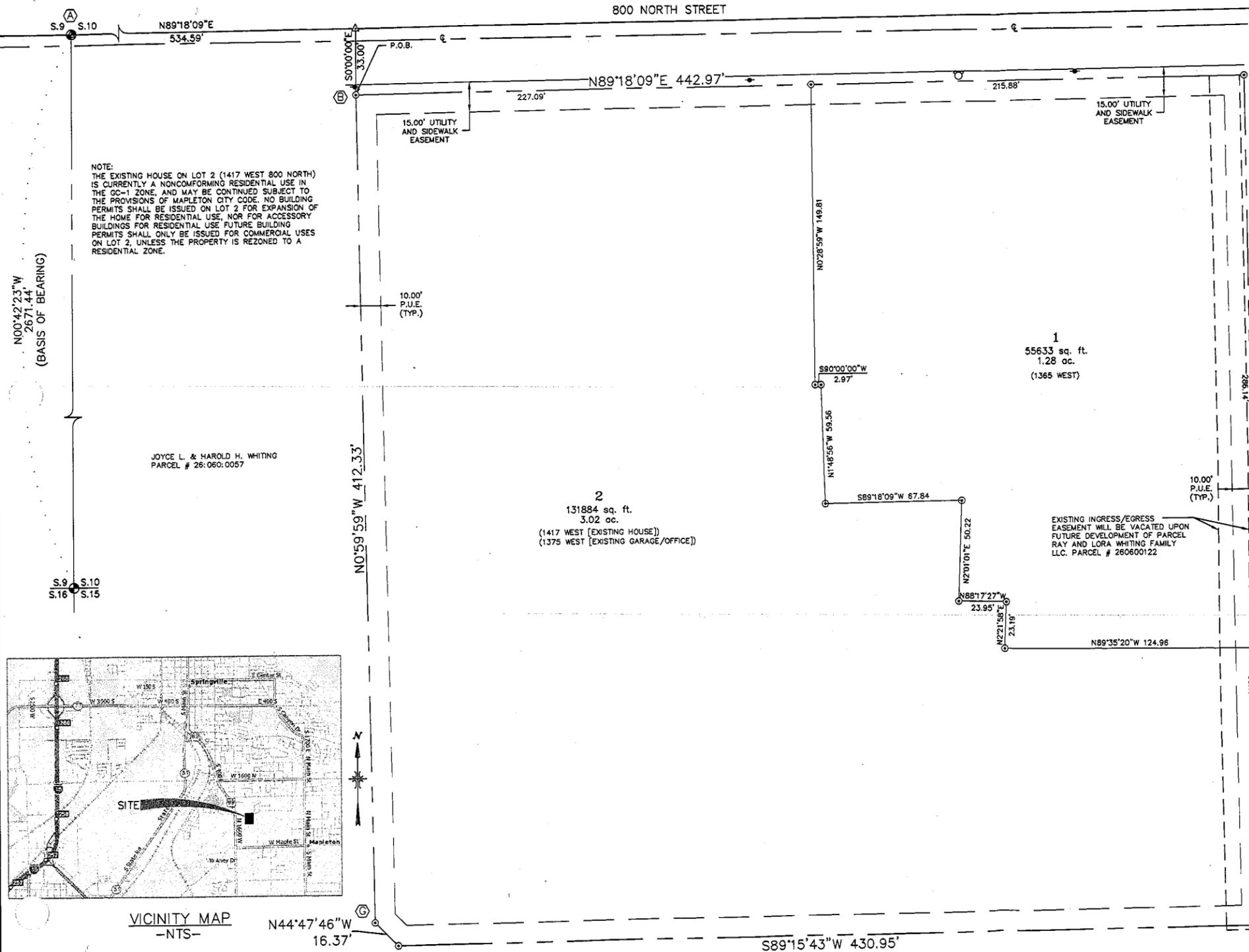
**HJORTH  
SUBDIVISION "A"**

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 10 TOWNSHIP 8 SOUTH, RANGE 3 EAST SLB&M

MAPLETON CITY \_\_\_\_\_ UTAH COUNTY, UTAH

SCALE: 1" = 30 FEET

SURVEYOR'S SEAL NOTARY PUBLIC SEAL CITY-COUNTY ENGINEER SEAL CLERK-RECORDER SEAL



NOTE:  
THE EXISTING HOUSE ON LOT 2 (1417 WEST 800 NORTH) IS CURRENTLY A NONCONFORMING RESIDENTIAL USE IN THE CC-1 ZONE, AND MAY BE CONTINUED SUBJECT TO THE PROVISIONS OF MAPLETON CITY CODE. NO BUILDING PERMITS SHALL BE ISSUED ON LOT 2 FOR EXPANSION OF THE HOME FOR RESIDENTIAL USE, NOR FOR ACCESSORY BUILDINGS FOR RESIDENTIAL USE. FUTURE BUILDING PERMITS SHALL ONLY BE ISSUED FOR COMMERCIAL USES ON LOT 2, UNLESS THE PROPERTY IS REZONED TO A RESIDENTIAL ZONE.

N00°42'23\"/>

JOYE L. & HAROLD H. WHITING  
PARCEL # 26:060:0057

2  
131884 sq. ft.  
3.02 ac.  
(1417 WEST [EXISTING HOUSE])  
(1379 WEST [EXISTING GARAGE/OFFICE])

1  
55633 sq. ft.  
1.28 ac.  
(1365 WEST)

EXISTING INGRESS/EGRESS  
EASEMENT WILL BE VACATED UPON  
FUTURE DEVELOPMENT OF PARCEL  
RAY AND LORA WHITING FAMILY  
LLC. PARCEL # 260600122



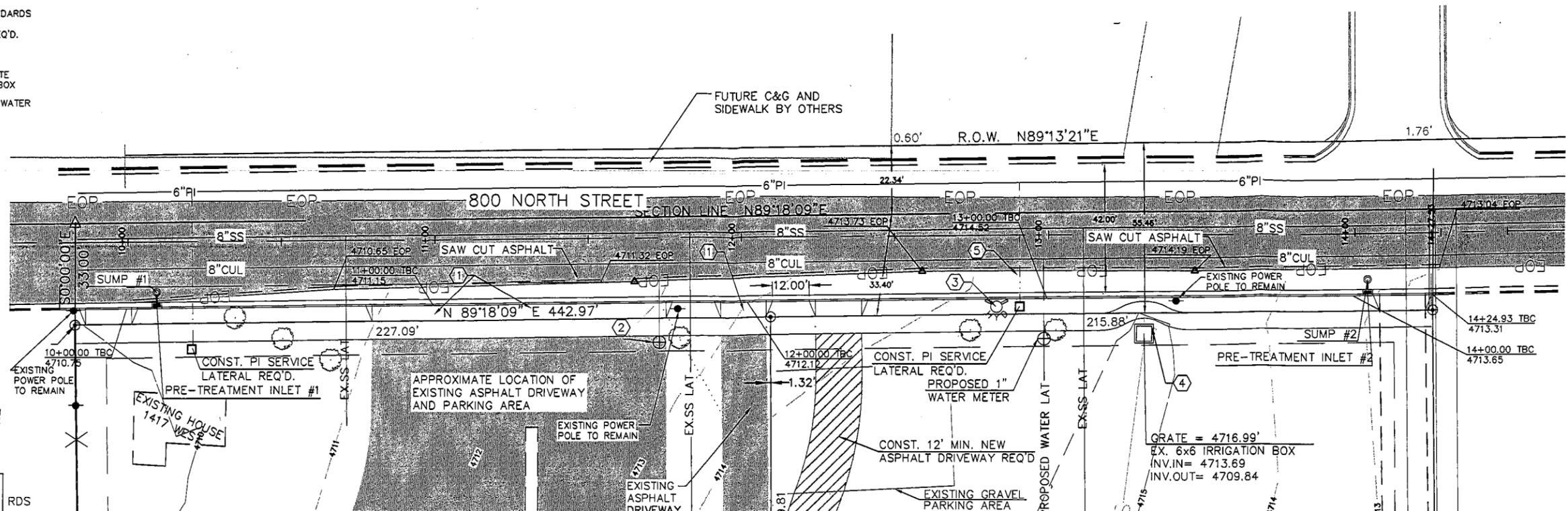
VICINITY MAP  
-NTS-

N44°47'46\"/>

S89°15'43\"/>

RAY AND LORA WHITING FAMILY LLC.  
PARCEL # 26:060:0122

- ① CONTRACTOR REQ'D TO CONSTRUCT 6" THICK SIDEWALK AND DRIVE APPROACH THROUGH DRIVEWAY ON INDUSTRIAL AREA
- ② REMOVE EXISTING 2" WATER METER AND REPLACE WITH NEW SERVICE FROM MAIN AS PER CITY STANDARDS
- ③ REMOVE AND REPLACE EXISTING FIRE HYDRANT REQ'D. CITY WILL PROVIDE NEW HYDRANT
- ④ CONTRACTOR TO MATCH EXISTING GRATE TO NEW SIDEWALK, REPLACE GRATE TO BICYCLE SAFE GRATE, RELOCATE SIDEWALK AROUND IRRIGATION SIPHON BOX
- ⑤ PLACE P.I. SERVICE WITHIN 10' OF NEW CULINARY WATER SERVICE



**NOTES TO CONTRACTOR:**

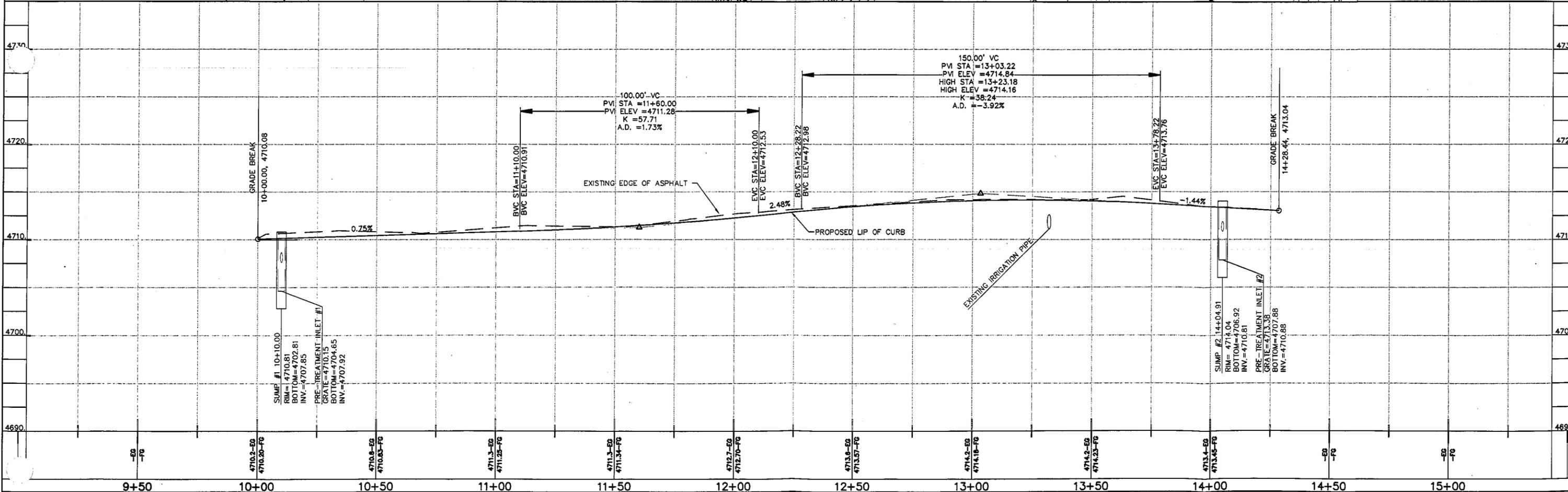
- 1) CONTRACTOR TO FIELD VERIFY ALL EXISTING CURB & GUTTER, STORM DRAIN, CHANNEL CROSSINGS, & SEWER ELEVATIONS OR INVERTS PRIOR TO CONSTRUCTION AND NOTIFY ENGINEER WHEN ELEVATIONS OR INVERTS DO NOT MATCH PLANS.
- 2) THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN APPROXIMATE LOCATIONS. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

THESE DRAWINGS, OR ANY PORTION THEREOF, SHALL NOT BE USED ON ANY PROJECT OR EXTENSIONS OF THIS PROJECT EXCEPT BY AGREEMENT IN WRITING WITH NORTHERN ENGINEERING, INC.



(24"x36")  
HORIZONTAL 1" = 20'  
VERTICAL 1" = 5'

(11"x17")  
HORIZONTAL 1" = 40'  
VERTICAL 1" = 10'



NO.	REVISIONS	BY	DATE	REV. COGO FILE:	DATE:
5					
4					
3					
2					
1					

DESIGNED BY:	DATE:
DRAWN BY:	DATE:
CHECKED BY:	DATE:
APPROVED:	DATE:
COGO FILE:	DATE:
REV. COGO FILE:	DATE:

**Northern ENGINEERING INC**  
ENGINEERING—LAND PLANNING  
CONSTRUCTION MANAGEMENT

1040 E. 800 N.  
OREM, UTAH 84097  
(801) 802-8992

**HJORTH**

800 NORTH	JOB NO. 3-09-012
MAPLETON, UTAH	SHEET NO. 3



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**MAPLETON CITY DEVELOPMENT REVIEW COMMITTEE MINUTES**

Thursday, January 21, 2010

125 West Community Center Way (400 North), Mapleton, Utah 84664

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Mary Fojtek requests approval of a rezone of approximately 1.28 acres from GC-1 (General Commercial Zone) to RA-1 (Residential Agricultural Zone), located generally at 1365 West 800 North.

Mary Fojtek, agent for Hjorth Subdivision, Plat "A", requests approval of a 2-lot subdivision plat, located generally at 1365 West 800 North, 1375 West 800 North, and 1417 West 800 North, in the GC-1 Zone and in the proposed RA-1 Zone.

Applicant Phone Number: (801) 589-0929

Applicant E-mail: gmbakbak@msn.com

Application Submitted: July 23, 2009

Drawing Submittal: 4<sup>th</sup> Submittal

Drawing Date: January 21, 2009

**Community Development Department**

Cory Branch, Planning Director, Phone: (801) 806-9101, Fax: (801) 489-5657

Email: cbranch@mapleton.org

Matt Brady, Planner I, Phone: (801) 806-9108, Fax: (801) 489-5657

Email: mbrady@mapleton.org

1. On the proposed Boundary Line Agreement between Hjorth Brothers Incorporation and the Harold H. and Joyce L. Whiting Trust, the second-to-last call has a distance of 16.40', which appears to be incorrect according to the plat, which shows 16.37'. Please correct.
2. 3 of the 4 proposed Boundary Line Agreements do not include the NW/SW jog in the subdivision boundary in the vicinity of the Whitings' head gate that is shown on the plat (on the southwest corner of the subdivision). It appears that this jog overlaps with the current property to the south, not just the west. Please discuss this with Staff to ensure no problems when final plat is recorded.
3. On the proposed Boundary Line Agreements with the property to the South, the 2<sup>nd</sup> Party is shown as the Ray S. Whiting Family Trust. However, Utah County records show Ray and Lora Whiting Family LLC as the property owner. Please discuss with Staff.
4. 2 of the 4 proposed Boundary Line Agreements show the Hjorth Estate Revocable Trust as 1<sup>st</sup> Party. Utah County records show the Trustees of the Trust as Otis Hugh Hjorth and Erma M. Hjorth. However, these deeds are signed by Eldon A. Hjorth. Please discuss with Staff.
5. As mentioned in the DRC minutes of 8-13-09, please submit "*A title report, covering the property within the final plat area, to identify all interests in the property which have an effect on the title, and to establish that the land proposed for subdivision is free of boundary conflicts. The purpose of this requirement shall be to ensure that purchasers of lots will have a clear and marketable title*" as required by Mapleton City Code 17.08.030(F).
6. As per discussions with Staff and the note on the plat regarding the future vacation of the Whitings' access easement, please submit a separate/recordable future vacation of easement document signed by the Whitings to state that the easement will be vacated upon development of the Whitings' parcel. Please submit to Staff for review.

**Engineering and Public Works Division**

Gary Calder, City Engineer, Phone (801) 489-6253, Fax (801) 489-5179

E-mail: gcalder@mapleton.org

Scott Bird, Public Works Operations Director, Phone: (801) 489-6253, Fax: (801) 489-5179

Email: sbird@mapleton.org

**Address the following concerns in revised drawings:**

Miscellaneous:

1. Need State Storm Water Permit.