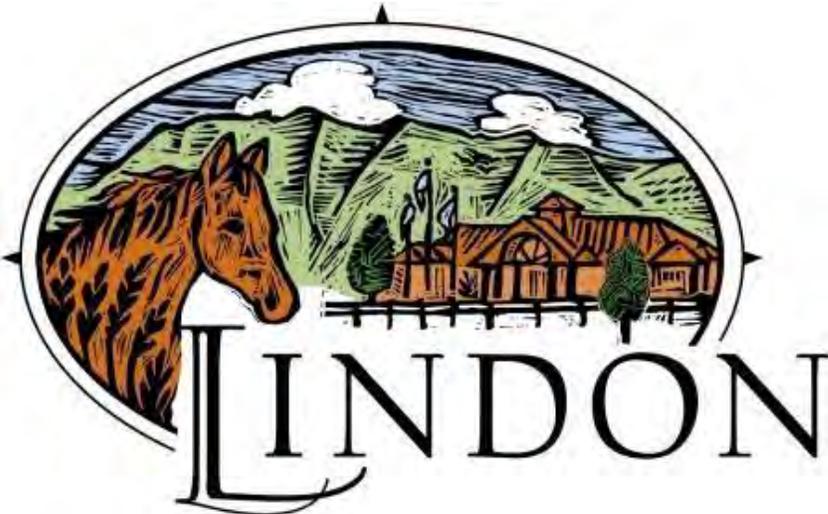


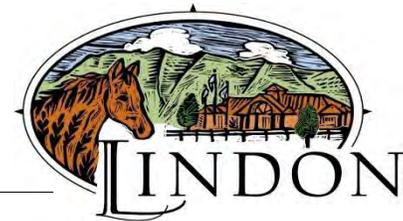
# Lindon City Council Staff Report



Prepared by Lindon City  
Administration

August 21, 2018

# Notice of Meeting of the Lindon City Council



The Lindon City Council will hold a meeting beginning with a work session at 6:00 p.m. on Tuesday, August 21, 2018 in the Lindon City Center Council Chambers, 100 North State Street, Lindon, Utah. The agenda will consist of the following:

Scan or click here for link to download agenda & staff report materials:



## **WORK SESSION – 6:00 P.M.** - Conducting: Jeff Acerson, Mayor

- I. Presentation:** Councilmember Broderick requested that Chief of Police, Josh Adams, give a brief presentation on Lindon's school emergency drills and school shooting training, and to also present information on urban deer hunt regulations. (20 minutes)
- II. Discussion Item:** Noah Gordon, City Engineer, will give an update on the Transportation Utility Fee (TUF) study that he has been spearheading for the City and provide general updates on other possible road funding options and issues on the horizon. (20 minutes)
- III. Closed Session — Closed Executive Session:** The Mayor and City Council pursuant to Utah Code 52-4-205 may vote to enter into a closed executive session for the purpose of discussing pending or imminent litigation, or to discuss the sale, purchase, exchange or lease of real property. This session is closed to the general public. (20 minutes)

## **REGULAR SESSION – 7:00 P.M.** - Conducting: Jeff Acerson, Mayor

Pledge of Allegiance: By Invitation  
Invocation: Jake Hoyt

(Review times are estimates only)

- 1. Call to Order / Roll Call** (2 minutes)
- 2. Presentations and Announcements** (15 minutes)
  - a) Comments / Announcements from Mayor and Council members
  - b) Gilbert Sanchez will be ceremonially sworn-in as a new Lindon City Police Officer. Officer Sanchez officially began service with Lindon City on August 20, 2018.
- 3. Approval of minutes:** July 17, 2018 (5 minutes)
- 4. Consent Agenda** – No consent agenda items. (5 minutes)
- 5. Open Session for Public Comment** (For items not on the agenda) (10 minutes)
- 6. Public Hearing — City Boundary Adjustment; Annexation Plat (Ord. 2018-14-O)** (15 minutes)  
Lindon City requests approval of Ordinance 2018-14-O amending the common boundary with the City of Vineyard through approval of an Annexation Plat titled Boat Harbor Addition. The boundary area to be adjusted from Lindon to Vineyard includes a nine acre parcel at approximately 2100 W. 600 S. and a portion of Lindon's 600 South roadway (Vineyard's 1600 N) between the UTA commuter rail line and the Lindon Marina. The properties that are within the boundary adjustment area will automatically be annexed by the City of Vineyard and by any local service districts providing public services within the City of Vineyard including utility services, fire protection, paramedic and law enforcement services.
- 7. Review & Action — Interlocal Agreement – Resolution 2018-17-R** (10 minutes)  
Lindon City requests approval for Resolution 2018-17-R and the accompanying Interlocal Agreement associated with the boundary change with the City of Vineyard requiring that the area be transferred back into Lindon should Vineyard sell the property in the future.
- 8. Public Hearing — Ordinance Change; LCC 5.08 – Alcohol Sales & Licensing (Ord. 2018-11-O)** (15 minutes)  
The City Council will review and consider Ordinance #2018-11-O bringing the city's alcohol sales and licensing ordinance up to date with current Utah State codes. This item was continued from the July 17, 2018 city council meeting. City Attorney, Brian Haws, will be in attendance for this item.
- 9. Major Subdivision — Estates at Anderson Farms – Ivory Development LLC** (15 minutes)

The City Council will review and consider a major subdivision request by Ken Watson, on behalf of Ivory Development LLC, for major subdivision approval for a 51-lot subdivision on 17.5 acres in the Anderson Farms Planned Development Zone. The Planning Commission recommended approval following review.

**10. Major Subdivision — Gardens at Anderson Farms – Ivory Development LLC** (15 minutes)

The City Council will review and consider a major subdivision request by Ken Watson, on behalf of Ivory Development LLC, for major subdivision approval for a 65-lot subdivision on 12.7 acres in the Anderson Farms Planned Development Zone. The Planning Commission recommended approval following review.

**11. Public Hearing — Residential Business Overlay; (Ordinance 2018-7-O)** (20 minutes)

Lani Podzikowski requests approval of an amendment to Lindon City Code Title 17 Zoning, to adopt a Residential Business Overlay zone (Ordinance #2018-7-O). The Planning Commission recommended approval following review.

**12. Public Hearing — Cemetery Ordinance Amendment; (Ordinance 2018-15-O)** (10 minutes)

The City Council will review and consider Ordinance #2018-15-O amending the cemetery code to update grave marker policies. Brad Jorgenson, Lindon City Cemetery Sexton, will be in attendance for this item.

**13. Council Reports:** (20 minutes)

- |                                                                                     |                    |
|-------------------------------------------------------------------------------------|--------------------|
| A) MAG, COG, UIA, Utah Lake Commission, ULCT, NUVAS, IHC Outreach, Budget Committee | - Jeff Acerson     |
| B) Public Works, Irrigation/water, City Buildings                                   | - Van Broderick    |
| C) Planning, BD of Adjustments, General Plan, Budget Committee                      | - Matt Bean        |
| D) Parks & Recreation, Trails, Tree Board, Cemetery                                 | - Carolyn Lundberg |
| E) Public Safety, Court, Lindon Days, Transfer Station/Solid Waste                  | - Daril Magleby    |
| F) Admin., Community Center, Historic Comm., PG/Lindon Chamber, Budget Committee    | - Jacob Hoyt       |

**14. Administrator's Report** (10 minutes)

**Adjourn**

All or a portion of this meeting may be held electronically to allow a council member to participate by video conference or teleconference. Staff Reports and application materials for the agenda items above are available for review at the Lindon City Offices, located at 100 N. State Street, Lindon, UT. For specific questions on agenda items our staff may be contacted directly at (801)785-5043. City Codes and ordinances are available on the City web site found at [www.lindoncity.org](http://www.lindoncity.org). The City of Lindon, in compliance with the Americans with Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these accommodations for city-sponsored public meetings, services programs or events should call Kathy Moosman at 801-785-5043, giving at least 24 hours notice.

**CERTIFICATE OF POSTING:**

I certify that the above notice and agenda was posted in three public places within the Lindon City limits and on the State (<http://pmn.utah.gov>) and City ([www.lindoncity.org](http://www.lindoncity.org)) websites.

Posted by: /s/ Kathryn A. Moosman, City Recorder

Date: August 17, 2018; Time: 11:30 a.m.; Place: Lindon City Center, Lindon Police Dept., Lindon Community Center

**WORK SESSION – 6:00 P.M.** - Conducting: Jeff Acerson, Mayor

- I. Presentation:** Councilmember Broderick requested that Chief of Police, Josh Adams, give a brief presentation on Lindon’s school emergency drills and school shooting training, and to also present information on urban deer hunt regulations. *(20 minutes)*
- II. Discussion Item:** Noah Gordon, City Engineer, will give an update on the Transportation Utility Fee (TUF) study that he has been spearheading for the City and provide general updates on other possible road funding options and issues on the horizon. *(20 minutes)*
- III. Closed Session — Closed Executive Session:** The Mayor and City Council pursuant to Utah Code 52-4-205 may vote to enter into a closed executive session for the purpose of discussing pending or imminent litigation, or to discuss the sale, purchase, exchange or lease of real property. This session is closed to the general public. *(20 minutes)*

### B&C Road fund increase with Our Schools Now ballot initiative

	<b>Est Jun 2017</b>	<b>30% more</b>	<b>Total</b>
Utah County	\$3,169,536	\$1,078,073	\$4,247,609
Alpine	\$410,130	\$139,500	\$549,629
American Fork	\$964,261	\$327,980	\$1,292,242
Cedar Fort	\$31,845	\$10,832	\$42,676
Cedar Hills	\$311,336	\$105,897	\$417,233
Draper	\$84,197	\$28,639	\$112,836
Eagle Mtn	\$906,009	\$308,166	\$1,214,175
Elk Ridge	\$112,375	\$38,223	\$150,598
Fairfield	\$35,941	\$12,225	\$48,166
Genola	\$120,623	\$41,028	\$161,651
Goshen	\$42,199	\$14,353	\$56,552
Highland	\$640,158	\$217,741	\$857,899
Lehi	\$1,791,342	\$609,300	\$2,400,642
<b>Lindon</b>	<b>\$409,833</b>	<b>\$139,399</b>	<b>\$549,231</b>
Mapelton	\$368,481	\$125,334	\$493,815
Orem	\$2,830,937	\$962,904	\$3,793,841
Payson	\$699,863	\$238,049	\$937,911
Pleasant Grove	\$1,138,592	\$387,276	\$1,525,868
Provo	\$3,494,407	\$1,188,574	\$4,682,981
Salem	\$329,380	\$112,034	\$441,414
Santaquin	\$413,117	\$140,516	\$553,633
Saratoga Sprg	\$666,017	\$226,537	\$892,554
Spanish Fork	\$1,251,371	\$425,636	\$1,677,007
Springville	\$1,119,422	\$380,756	\$1,500,178
Vineyard	\$22,084	\$7,512	\$29,596
Woodland Hills	\$78,693	\$26,766	\$105,460
<b>Total</b>	<b>\$21,442,151</b>	<b>\$7,293,249</b>	<b>\$28,735,399</b>

### 4th Quarter Cent Projected % by City

	City	% of Sales	Total sales
1	UT county	1.66%	\$369,521
2	American Fork	7.71%	\$1,711,047
3	Alpine	1.21%	\$268,564
4	Cedar Fort	0.05%	\$11,534
5	Cedar Hills	1.33%	\$296,088
6	Eagle Mtn	3.05%	\$676,758
7	Elk Ridge	0.34%	\$76,078
8	Fairfield	0.02%	\$3,943
9	Genola	0.17%	\$38,672
10	Goshen	0.10%	\$22,509
11	Highland	2.24%	\$496,748
12	Lehi	10.87%	\$2,414,087
13	Lindon	3.83%	\$851,259
14	Mapleton	1.10%	\$244,189
15	Orem	20.97%	\$4,656,382
16	Payson	3.25%	\$721,188
17	Pleasant Grove	5.46%	\$1,211,687
18	Provo	18.23%	\$4,046,745
19	Salem	0.98%	\$218,368
20	Santaquin	1.24%	\$274,616
21	Spanish Fork	6.84%	\$1,519,265
22	Springville	5.16%	\$1,146,172
23	Saratoga Springs	3.56%	\$790,172
24	Vineyard	0.44%	\$98,223
25	Woodland Hills	0.16%	\$36,186
26	UTA		
	<b>Total</b>	<b>100.00%</b>	<b>\$22,200,000</b>

\$22,200,000

### 4th Quarter Cent Projected **1st Option**

City	Total sales	Cities 40%	UTA 40%	County 20%	County Total
1 UT county	\$369,521	\$147,809		\$4,440,000	\$4,587,809
2 American Fork	\$1,711,047	\$684,419			
3 Alpine	\$268,564	\$107,426			
4 Cedar Fort	\$11,534	\$4,613			
5 Cedar Hills	\$296,088	\$118,435			
6 Eagle Mtn	\$676,758	\$270,703			
7 Elk Ridge	\$76,078	\$30,431			
8 Fairfield	\$3,943	\$1,577			
9 Genola	\$38,672	\$15,469			
10 Goshen	\$22,509	\$9,003			
11 Highland	\$496,748	\$198,699			
12 Lehi	\$2,414,087	\$965,635			
<b>13 Lindon</b>	<b>\$851,259</b>	<b>\$340,504</b>			
14 Mapleton	\$244,189	\$97,675			
15 Orem	\$4,656,382	\$1,862,553			
16 Payson	\$721,188	\$288,475			
17 Pleasant Grove	\$1,211,687	\$484,675			
18 Provo	\$4,046,745	\$1,618,698			
19 Salem	\$218,368	\$87,347			
20 Santaquin	\$274,616	\$109,847			
21 Spanish Fork	\$1,519,265	\$607,706			
22 Springville	\$1,146,172	\$458,469			
23 Saratoga Springs	\$790,172	\$316,069			
24 Vineyard	\$98,223	\$39,289			
25 Woodland Hills	\$36,186	\$14,475			
26 UTA			\$8,880,000		
<b>Total</b>	<b>\$22,200,000</b>	<b>\$8,880,000</b>	<b>\$8,880,000</b>	<b>\$4,440,000</b>	

**Note: The first year Utah County would receive 100% of the funds, or \$22.2M for transportation debt payments or for transportation and/or transit projects for use at the county's discretion. Available May 8, 2018**

\$22,200,000

### 4th Quarter Cent Projected **2nd Option**

City	Total sales	Cities 50%	UTA 50%	Diff
1 UT county	\$369,521	\$0		(\$4,587,809)
2 American Fork	\$1,711,047	\$855,523		\$171,105
3 Alpine	\$268,564	\$134,282		\$26,856
4 Cedar Fort	\$11,534	\$5,767		\$1,153
5 Cedar Hills	\$296,088	\$148,044		\$29,609
6 Eagle Mtn	\$676,758	\$338,379		\$67,676
7 Elk Ridge	\$76,078	\$38,039		\$7,608
8 Fairfield	\$3,943	\$1,972		\$394
9 Genola	\$38,672	\$19,336		\$3,867
10 Goshen	\$22,509	\$11,254		\$2,251
11 Highland	\$496,748	\$248,374		\$49,675
12 Lehi	\$2,414,087	\$1,207,043		\$241,409
<b>13 Lindon</b>	<b>\$851,259</b>	<b>\$425,629</b>		<b>\$85,126</b>
14 Mapleton	\$244,189	\$122,094		\$24,419
15 Orem	\$4,656,382	\$2,328,191		\$465,638
16 Payson	\$721,188	\$360,594		\$72,119
17 Pleasant Grove	\$1,211,687	\$605,844		\$121,169
18 Provo	\$4,046,745	\$2,023,372		\$404,674
19 Salem	\$218,368	\$109,184		\$21,837
20 Santaquin	\$274,616	\$137,308		\$27,462
21 Spanish Fork	\$1,519,265	\$759,633		\$151,927
22 Springville	\$1,146,172	\$573,086		\$114,617
23 Saratoga Springs	\$790,172	\$395,086		\$79,017
24 Vineyard	\$98,223	\$49,112		\$9,822
25 Woodland Hills	\$36,186	\$18,093		\$3,619
26 UTA			\$10,915,239	\$2,035,239
Total	\$22,200,000	\$10,915,239	\$10,915,239	-\$369,522

**Note:** The total amount of \$22.2M is reduced a little more than 1.66% or \$369,522 due to no collections in the unincorporated county Available July 1, 2020

\$21,830,478

## **REGULAR SESSION – 7:00 P.M.** - Conducting: Jeff Acerson, Mayor

Pledge of Allegiance: By Invitation

Invocation: Jake Hoyt

### **Item 1 – Call to Order / Roll Call**

July 21, 2018 Lindon City Council meeting.

Jeff Acerson  
Matt Bean  
Van Broderick  
Jake Hoyt  
Carolyn Lundberg  
Daril Magleby

Staff present: \_\_\_\_\_

### **Item 2 – Presentations and Announcements**

- a) Comments / Announcements from Mayor and Council members.
- b) **Presentation:** Gilbert Sanchez will be ceremonially sworn-in as a new Lindon City Police Officer. Officer Sanchez officially began service with Lindon City on August 20, 2018. Officer Sanchez fills the vacancy left by retired Officer Eric Whitehead.

### **Item 3 – Approval of Minutes**

- Review and approval of City Council minutes: **June 17, 2018**

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, July 17, 2018,**  
4 **beginning at 7:00 p.m.** in the Lindon City Center, City Council Chambers, 100 North  
State Street, Lindon, Utah.

6 **REGULAR SESSION** – 7:00 P.M.

8 Conducting: Jeff Acerson, Mayor  
Pledge of Allegiance: Brandon Snyder  
10 Invocation: Jeff Acerson

12 **PRESENT**

Jeff Acerson, Mayor  
14 Matt Bean, Councilmember  
Carolyn Lundberg, Councilmember  
16 Jacob Hoyt, Councilmember  
Van Broderick, Councilmember  
18 Daril Magleby, Councilmember  
Adam Cowie, City Administrator  
20 Hugh Van Wagenen, Planning Director  
Kathryn Moosman, City Recorder

**EXCUSED**

- 22 1. **Call to Order/Roll Call** – The meeting was called to order at 7:00 p.m.
- 24 2. **Presentations/Announcements** –
  - 26 a) **Comments/Announcements from Mayor and Council** – There were no  
announcements at this time.
  - 28 b) **Review of the 2018 State of the City Report** – Adam Cowie, City  
Administrator, reviewed the 2018 State of the City Report with the City  
30 Council.
- 32 3. **Approval of Minutes** – The minutes of the regular meeting of the City Council  
meeting of June 19, 2018 were reviewed.

34  
36 COUNCILMEMBER MAGLEBY MOVED TO APPROVE THE MINUTES OF  
THE REGULAR CITY COUNCIL MEETING OF JUNE 19, 2018 AS PRESENTED.  
COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE VOTE WAS  
38 RECORDED AS FOLLOWS:

38 COUNCILMEMBER BEAN	AYE
40 COUNCILMEMBER LUNDBERG	AYE
COUNCILMEMBER BRODERICK	AYE
42 COUNCILMEMBER HOYT	AYE
COUNCILMEMBER MAGLEBY	AYE

44 THE MOTION CARRIED UNANIMOUSLY.

- 46 4. **Consent Agenda Items** –
  - a) Authorize the Mayor to sign a change order adding \$225,000 to the Lindon

2 City 2017 Street Maintenance Projects contract previously awarded to Staker  
3 & Parson Companies to complete the 200 South overlay project between  
4 approx. 1300 West to 2000 West. The contractor has agreed to hold prices that  
5 were approved in their original 2017 bid. This amount was appropriated in the  
6 FY2019 road fund budget.

8 COUNCILMEMBER HOYT MOVED TO APPROVE THE CONSENT  
9 AGENDA ITEM AS PRESENTED. COUNCILMEMBER BRODERICK SECONDED  
10 THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

- 11 COUNCILMEMBER BEAN AYE
- 12 COUNCILMEMBER LUNDBERG AYE
- 13 COUNCILMEMBER BRODERICK AYE
- 14 COUNCILMEMBER HOYT AYE
- 15 COUNCILMEMBER MAGLEBY AYE

16 THE MOTION CARRIED UNANIMOUSLY.

18 5. **Open Session for Public Comment** – Mayor Acerson called for any public  
19 comment not listed as an agenda item.

20  
21 Karen Christensen, resident in attendance, stated she is here to request the City  
22 Council revisit the issue of the cemetery requiring a 6” cement border around flat  
23 headstones. She pointed out that Lindon is the only city that doesn’t allow all granite  
24 headstones and this is the direction flat headstone monuments are going as cement breaks  
25 down and granite doesn’t. She is requesting the City Council consider this request and to  
26 perhaps add an addendum to the code.

27 Ms. Christensen noted she visited with Brad Jorgensen, cemetery sexton, and he  
28 indicated they have concerns about headstones breaking with the use of backhoes, trucks  
29 etc. in the cemetery. She also talked to Orem and Springville cities and their sextons  
30 indicated that years ago they had trouble with the monument companies because the  
31 granite wasn’t deep enough; granite is a longer lasting material than cement. Ms.  
32 Christensen then presented some online information to the council and gave a brief  
33 history of flat headstones.

34 Following some general discussion, the council agreed to have staff do further  
35 research regarding this issue and bring it back before the council and to also have Brad  
36 Jorgensen, cemetery sexton, in attendance to answer any questions.

37 Mayor Acerson called for any further public comments. Hearing none he called  
38 he moved on to the next agenda item.

40 **CURRENT BUSINESS**

42 6. **Public Hearing — Zoning Map Amendment - PC-2 to PC-1; 452 S. 800 W.**  
43 **(Ord. 2018-12-O).** Lindon City requests approval of Ordinance 2018-12-O  
44 consisting of a zone map amendment from Planned Commercial-2 (PC-2) to  
45 Planned Commercial-1 (PC-1) for parcel #46:937:0201 (Lot 201, Plat B, Murdock  
46 Cars of Lindon Subdivision), located at 452 South 800 West. The Planning  
Commission recommends approval.

2 COUNCILMEMBER MAGLEBY MOVED TO OPEN THE PUBLIC  
HEARING. COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL  
4 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

6 Hugh Van Wagenen, Planning Director, gave a brief background of this agenda  
item explaining before Murdock owned and developed their current Hyundai site, it was  
8 owned by the Larry H. Miller Group. He noted in 2006, the Miller Group applied for the  
creation of the Planned Commercial 2 (PC-2) zone in order to have a used vehicle  
10 dealership. That application was approved and the PC-2 was applied to the zoning map in  
its current state. He stated the Miller Group leased and eventually sold the property to  
12 Murdock Hyundai who is the current owner of the ground. Now with Murdock's  
purchase of the Mercedes Benz site it is their desire to combine both sites into one lot as  
14 part of that campus and the zoning has to be consistent on the property per Lindon City  
Code.

16 Mr. Van Wagenen stated the question tonight is whether to approve a request to  
change the Zoning Map designation of the subject property from Planned Commercial 2  
18 to Planned Commercial 1 so it is not in violation of the ordinance. He pointed out that  
Planned Commercial 1 does not allow used vehicles sales as a primary use. Staff is  
20 requesting this change in order to allow Murdock Hyundai to combine their campus into  
one lot following the purchase of the Mercedes Benz building; new lots are not allowed  
22 to be split zoned. He noted the Planning Commission approved the new one lot  
subdivision subject to the zoning be cleaned up. He commented this is just general  
24 housekeeping to make sure we are following code and a pretty straightforward request.  
There was then some general discussion regarding this zone map amendment.

26 Mayor Acerson called for any public comments. Hearing none he called for a  
motion to close the public hearing.

28 COUNCILMEMBER HOYT MOVED TO CLOSE PUBLIC HEARING.  
30 COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT  
VOTED IN FAVOR. THE MOTION CARRIED.

32 Mayor Acerson called for any further comments or discussion from the Council.  
34 Hearing none he called for a motion.

36 COUNCILMEMBER BRODERICK MOVED TO APPROVE ORDINANCE  
#2018-12-O AS PRESENTED. COUNCILMEMBER HOYT SECONDED THE  
38 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

- 40 COUNCILMEMBER BEAN AYE
- COUNCILMEMBER LUNDBERG AYE
- COUNCILMEMBER BRODERICK AYE
- 42 COUNCILMEMBER HOYT AYE
- COUNCILMEMBER MAGLEBY AYE

44 THE MOTION CARRIED UNANIMOUSLY.

46 **7. Review & Action — Emery View Subdivision, Plat A (Improvements) 503  
North 150 East.** Staff requests approval for a deferment agreement to be created

2 and signed by the Mayor regarding the curb, gutter and sidewalk improvements  
 4 for the Jared Colledge minor subdivision proposal. The Planning Commission  
 6 approved the subdivision with the recommendation that the City Council consider  
 a waiver of protest agreement (or deferment agreement) delaying the curb, gutter  
 and sidewalk improvements.

8 Mr. Van Wagenen gave a brief overview of this agenda item noting the Planning  
 Commission approved the preliminary plan for the proposed three lot residential minor  
 10 subdivision, consisting of 2.27 acres in the Residential zone on 07/10/2018. He noted the  
 Planning Commission also recommended that the City Council consider a waiver of  
 12 protest agreement (or deferment agreement) regarding delaying the curb, gutter and  
 sidewalk improvements. He explained that 150 East currently lacks the following street  
 14 improvements: uniform grading, curb and gutter, as well as sidewalks; there is also no  
 storm drainage system.

16 Mr. Van Wagenen further explained that due to the lack of improvements on the  
 lots and parcels abutting on either side, installation of these public improvements around  
 18 the proposed cul-de-sac may not align or work well with future improvements on 150  
 East (without having a design for the remaining lots along 150 East) and may cause storm  
 20 drainage and other problems. He noted staff is concerned with the existing conditions and  
 lack of improvements along 150 East and support delaying the public improvements  
 22 around the proposed cul-de-sac associated with the new development.

Mr. Van Wagenen then reviewed the possible options to make changes as follows:

- 24 • require the applicant to install full public improvements including the curb, gutter,  
 and sidewalk for the new development
- 26 • approve a deferment agreement (or waiver of protest agreement) to guarantee that  
 the improvements can be installed in the future
- 28 • take payment for but not presently install the improvements design work are  
 completed for 150 East.
- 30 • amend the street cross-section

32 Mr. Van Wagenen indicated the City Attorney has reviewed these options and  
 feels that the City Council has the ability to authorize deferments, especially when a  
 34 deferment agreement is required to guarantee that the improvements are installed in the  
 future. He recommends that parameters are put in place on when it is appropriate for  
 36 improvements to be delayed or waived. He explained that once a standard agreement is  
 set up and established, the City Council will not have to spend a lot of time negotiating  
 38 the terms of the agreement. He pointed out that other Cities pursue waiver of protest  
 agreements. Mr. Van Wagenen indicated that option waives any outlined public  
 40 improvements but also waives the right of the property owners to protest any future  
 special improvement districts by the City for the installation of the improvements.  
 42 He noted considerations may include written findings of the following conditions:

- 44 • minimal pedestrian traffic
- 46 • improvements not warranted to ensure public health and safety
- properties surrounding the proposed property are without curb, gutter, and  
 sidewalks
- requiring street improvements would result in disconnected or isolated

2 improvements.

4 Mr. Van Wagenen noted staff has determined that the proposed subdivision  
6 complies or will be able to comply before final plat approval with all remaining land use  
8 standards. The City Engineer is also addressing engineering standards and all engineering  
10 issues will be resolved before final plat approval is granted. He indicated the City  
12 Engineer may require a temporary border to abut against the edge of asphalt to prevent  
14 deterioration (for example, the use of a flat/flush concrete curb mount/border (or another  
16 barrier) around the cul-de-sac asphalt bulb. He then turned the time over to Jared  
18 Colledge for comment.

12 Mr. Colledge addressed the Council at this time stating he was before the Planning  
14 Commission last week and they indicated they didn't have any issues with this request. He  
16 noted the Commission felt the waiver option was appropriate and he agrees it seems to be  
18 the logical solution.

16 Councilmember Bean questioned if this will follow the parcel. Mr. Van Wagenen  
18 confirmed that statement noting it would be recorded and runs with the property.  
20 Following some additional discussion, the Council agreed to use the or waiver of protest  
22 agreement option to guarantee that the improvements can be installed in the future.  
24 Councilmember Hoyt expressed his concerns that this decision may appear arbitrary as  
26 this hasn't been done in the past and may pose unintended consequences; but agrees if  
28 done this would be the right place. Mr. Cowie stated by deferring it puts the burden back  
30 on the property owner.

24 Mr. Van Wagenen explained incremental development (improvements) and  
26 suggested looking at the overall plan of future roads. He stated the preference is to have  
28 improvements go in but this is a rare case. There are a lot of older neighborhoods in the  
30 city with older streets and there may be "patchwork" areas. Mr. Cowie stated we need to  
32 question if we really want curb gutter and sidewalk everywhere in the city as this is part  
34 of what makes Lindon unique; perhaps this is a conversation we should have. Following  
36 some additional discussion, the Council agreed to have the City Attorney prepare a  
38 waiver of protest agreement. Mr. Cowie stated he will contact the City Attorney.

32 Mayor Acerson called for any further comments or discussion from the Council.  
34 Hearing none he called for a motion.

34 COUNCILMEMBER BEAN MOVED TO HAVE THE CITY ATTORNEY  
36 AND STAFF PREPARE A WAIVER OF PROTEST AGREEMENT FOR CURB,  
38 GUTTER, AND SIDEWALK IMPROVEMENTS FOR EMERY VIEW SUBDIVISION  
40 PLAT A, CONTINGENT ON A SPECIAL IMPROVEMENT DISTRICT BEING ABLE  
42 TO BE APPLIED TO THE THREE LOTS IN QUESTION AND AUTHORIZE THE  
44 MAYOR TO REVIEW AND SIGN THE AGREEMENT. COUNCILMEMBER  
46 BRODERICK SECONDED THE MOTION. THE VOTE WAS RECORDED AS  
FOLLOWS:

- 42 COUNCILMEMBER BEAN AYE
- 44 COUNCILMEMBER LUNDBERG AYE
- COUNCILMEMBER BRODERICK AYE
- 46 COUNCILMEMBER HOYT AYE
- COUNCILMEMBER MAGLEBY AYE

2 THE MOTION CARRIED UNANIMOUSLY.

4 8. **Discussion Item — Highlands at Bald Mountain; encroachments onto City**  
 6 **property.** The City Council will receive information and provide direction to staff  
 regarding several properties that have installed landscaping and other  
 improvements on city owned right-of-way for the future 1200 East roadway.

8  
 10 Mr. Van Wagenen led this discussion item by explaining with the development of  
 the Highlands at Bald Mountain subdivision, the city purchased a right of way from the  
 developer for the future 1200 East connector roadway that will link to 700 North and the  
 12 freeway. He noted as homes have been constructed in the subdivision, several property  
 owners have constructed improvements in this city-owned right of way. He explained  
 14 beyond the survey stakes placed to mark the subdivision lots from the city right of way  
 no physical manifestation of the property lines was created. He noted this may have led to  
 16 a misunderstanding of where an owner's property line actually stopped. However, the  
 most recent encroachment is a concrete pad for a basketball court. Unfortunately, prior to  
 18 construction, the owner was notified in writing that he did not have permission to  
 encroach on city land. He indicated that staff is asking for the Council's direction on  
 20 how to deal with the encroachments onto city property and what action to take.

22 Mr. Van Wagenen then referenced the Highlands at Bald Mountain Subdivision  
 showing City purchased ROW, Encroachments onto City Right of Way, Basketball pad  
 encroachment and the City Street Master Plan followed by discussion.

24 Following some additional discussion, the Council agreed to have an agreement  
 in place to protect the city from any liability yet provide community spirit. Mr. Van  
 26 Wagenen stated staff will work with the City Attorney to draft the agreement. He noted  
 staff will also send a notice letter to mitigate any ongoing concerns and to delineate the  
 28 boundary line.

30 Mayor Acerson called for any further comments or discussion from the Council.  
 Hearing none he moved on to the next agenda item.

32 9. **Public Hearing — Ordinance Change; LCC 12.04; 12.08 - Use of Streets &**  
 34 **Sidewalks (Ord. 2018-13-O).** The City Council will review and consider  
 Ordinance #2018-13-O updating code requirements regarding snow removal from  
 sidewalks and maintenance of landscaping adjacent to city streets.

36  
 38 COUNCILMEMBER BRODERICK MOVED TO OPEN THE PUBLIC  
 HEARING. COUNCILMEMBER MAGLEBY SECONDED THE MOTION. ALL  
 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

40  
 42 Mr. Cowie referenced Ordinance 2018-13-O noting this is a city-initiated item to  
 clean up some code sections and codify current practices and policy. He stated it has been  
 44 common practice for many years to require property owners to clear snow and other  
 debris from sidewalks and for property owners to maintain their landscaping and  
 vegetation adjacent to sidewalks and public rights-of-way. Upon review of this issue last  
 46 winter there appeared to be no ordinance to this effect. These changes update Lindon's  
 ordinances so that these requirements can be referred to in Lindon City Code and

2 enforced if necessary. He noted this is basically just a housekeeping item to clean up the ordinance.

4 Mayor Acerson called for any public comments. Hearing none he called for a motion to close the public hearing.

6

8 COUNCILMEMBER LUNDBERG MOVED TO OPEN THE PUBLIC HEARING. COUNCILMEMBER HOYT SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

10

12 Mayor Acerson called for any comments or discussion from the Council. Hearing none he called for a motion.

14

16 COUNCILMEMBER LUNDBERG MOVED TO APPROVE ORDINANCE #2018-13-O. COUNCILMEMBER BEAN SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

18

COUNCILMEMBER BEAN	AYE
COUNCILMEMBER LUNDBERG	AYE
COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER HOYT	AYE
COUNCILMEMBER MAGLEBY	AYE

20

22 THE MOTION CARRIED UNANIMOUSLY.

24

26 **10. Public Hearing — Ordinance Change; LCC 5.08 - Alcohol Sales & Licensing (Ord. 2018-11-O).** The City Council will review and consider Ordinance #2018-11-O bringing the city’s alcohol sales and licensing ordinance up to date with current Utah State codes.

28

30 COUNCILMEMBER HOYT MOVED TO OPEN THE PUBLIC HEARING. COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

32

34 Mr. Cowie explained this is also a city-initiated item to clean up some code sections and codify current State alcohol laws into Lindon City Code. He stated Brian Haws, City Attorney, drafted and prepared the ordinance changes. He noted a version showing the strike-out changes and underline additions is included in the official Ordinance. Mr. Cowie noted one typo in the definition section and directed the Council to include that change in the motion.

36

40 Mr. Cowie also mentioned the option to waive the 600 ft. separation distance (pedestrian route) from school, churches and community locations. He noted there are some concerns that this separation distance will prohibit a restaurant etc. that sells alcohol along 700 North. Mr. Cowie then referenced the ordinance changes followed by some general discussion. Following discussion, the Council agreed to continue this item for further discussion and to have the City Attorney present to address the waiver issue.

44

46 Mayor Acerson called for any public comments. Hearing none he called for a motion to close the public hearing.

2 COUNCILMEMBER LUNDBERG MOVED TO OPEN THE PUBLIC  
 HEARING. COUNCILMEMBER MAGLEBY SECONDED THE MOTION. ALL  
 4 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

6 Mayor Acerson called for any further comments or discussion from the Council.  
 Hearing none he called for a motion.

8  
 10 COUNCILMEMBER MAGLEBY MOVED TO CONTINUE ORDINANCE  
 2018-11-0 IN ORDER TO HAVE THE CITY ATTORNEY PRESENT TO FURTHER  
 ADDRESS THIS ISSUE. COUNCILMEMBER BRODERICK SECONDED THE  
 12 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

14 COUNCILMEMBER BEAN	AYE
14 COUNCILMEMBER LUNDBERG	AYE
14 COUNCILMEMBER BRODERICK	AYE
16 COUNCILMEMBER HOYT	AYE
16 COUNCILMEMBER MAGLEBY	AYE

18 THE MOTION CARRIED UNANIMOUSLY.

## 20 COUNCIL REPORTS:

22 **Councilmember Hoyt** – Councilmember Hoyt reported he attended the Pleasant  
 Grove/Lindon Chamber of Commerce Board meeting and they are continuing to pick up  
 24 more Lindon businesses. He will also be attending the PG/Lindon Chamber of Commerce  
 “Connect for Lunch” this Thursday at Pizza Factory in Lindon. He noted this will be a  
 26 good networking opportunity with other city chambers. He also reported the PG/Lindon  
 Chamber of Commerce member appreciation day is July 25<sup>th</sup> at the Lindon Pool noting  
 28 the City Council is invited.

30 **Councilmember Broderick** – Councilmember Broderick reported he attended the bi-  
 monthly engineering meeting. He also spoke on the discussion tonight on the state of the  
 32 city report and the grants received. He mentioned the amount of ground water at the new  
 Ivory Development is not sufficient and they will have to install a well which will be an  
 34 additional expense. Councilmember Broderick also noted an email sent to Mr. Cowie  
 regarding the review of the urban deer population problem. Mr. Cowie stated Chief  
 36 Adams will address this issue at the next meeting.

38 **Councilmember Bean** – Councilmember Bean reported they are still working to fill the  
 open position on the Planning Commission and will be doing more interviews soon.

40  
 42 **Councilmember Lundberg** – Councilmember Lundberg reported there are openings on  
 the Tree Board noting they meet quarterly. She stated the Board is a good way to serve  
 and to let her know of any potential members. She also reported the City summer  
 44 employee party was a great event and well attended.

46 **Councilmember Magleby** – Councilmember Magleby reported he attended the North  
 Point Solid Waste District Board meeting where they discussed the needs for transfer

2 station usage. They also approved a feasibility study to determine future usage needs.  
 4 He noted they are also trying to expand to three lanes to facilitate more users at the  
 landfill. He also reported he will be sending out an email about Lindon Days  
 assignments next week; hopefully this year will be a great celebration.

6 **Mayor Acerson** – Mayor Acerson reported he has an interview on Friday with the  
 8 County Commissioners for UTA (10 candidates) that will be appointed by the Governor;  
 the nominees have been announced for Weber and Salt Lake County. He also reported he  
 10 attended a Mayors conference in Kansas last week that was very informative. He noted it  
 was interesting to get perspectives from other Mayors across the country.

12 **Administrator's Report:** Mr. Cowie reported on the following items followed by  
 14 discussion.

16 **Misc. Updates:**

- 18 • July - City newsletter
- 18 • July newsletter article: Heath Bateman - Article due to Kathy Moosman last week  
in June
- 20 • Officer Eric Whitehead has announced his retirement in August. Police Officer  
vacancy has been posted.
- 22 • Lindon Days: Grand Marshals – Lyle & Connie Lamoureux
  - Lindon Days schedule and information on city website
- 24 • Misc. Items:

26 **Upcoming Meetings & Events:**

- 28 • Movies in the Park: July 13<sup>th</sup>, August 7<sup>th</sup>
- 28 • Thursday, July 12<sup>th</sup> – Employee Summer party and dinner at Hollow Park at  
6:00pm
- 30 • Tuesday, July 24<sup>th</sup> – Offices closed for Pioneer Day
- 30 • August 6<sup>th</sup>-11<sup>th</sup> Lindon Days
- 32 • August 28<sup>th</sup> at Noon at Public Works: Engineering Coordination Meeting with  
Mayor Acerson, Councilmember Broderick and Staff
- 34 • Monday, September 3<sup>rd</sup> – Offices closed for Labor Day
- 34 • September 12<sup>th</sup>-14<sup>th</sup> – Utah League of Cities & Towns, Fall Conference in SLC
- 36 • Monday, September 17<sup>th</sup> at 6:00pm – Citywide Emergency Drill
- 36 • November 6<sup>th</sup> – General Election

38 Mayor Acerson called for any further comments or discussion from the Council.  
 40 Hearing none he called for a motion to adjourn.

42 **Adjourn** –

44 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING  
 AT 9:20 PM. COUNCILMEMBER MAGLEBY SECONDED THE MOTION. ALL  
 46 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

2

Approved – August 21, 2018

4

6

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Kathryn Moosman, City Recorder

8

10 

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Jeff Acerson, Mayor

DRAFT

**Item 4 – Consent Agenda** – *Consent agenda may contain items which have been discussed beforehand and/or do not require significant discussion, or are administrative in nature, or do not require public comment. The Council may approve all Consent Agenda items in one motion, or may discuss individual items as needed and act on them separately.*

- a) No items.

**Sample Motion:** *I move to approve the Consent Agenda items.*

**Item 5 – Open Session for Public Comment** *(For items not on the agenda - 10 minutes)*

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**6. Public Hearing — City Boundary Adjustment; Annexation Plat (Ord. 2018-14-O) (15 minutes)**

Lindon City requests approval of Ordinance 2018-14-O amending the common boundary with the City of Vineyard through approval of an Annexation Plat titled Boat Harbor Addition. The boundary area to be adjusted from Lindon to Vineyard includes a nine acre parcel at approximately 2100 W. 600 S. and a portion of Lindon's 600 South roadway (Vineyard's 1600 N) between the UTA commuter rail line and the Lindon Marina. The properties that are within the boundary adjustment area will automatically be annexed by the City of Vineyard and by any local service districts providing public services within the City of Vineyard including utility services, fire protection, paramedic and law enforcement services.

See attached Ordinance and plat which are required steps necessary by State Code in order to amend the common boundary between two cities. Notices to the State, in the newspaper, and notice to property owners impacted by the change have been completed. Properties impacted by the change include property owned by Lindon City, UTA, UDOT, Anderson Geneva Development. A copy of the notices that were sent to these property owners are included in the Staff Report.

Vineyard plans to hold their own public hearings on these same matters on Wednesday, August 22, 2018. Once both cities have met all requirements for amending the boundary, the nine-acre property sale transaction can be finalized and everything recorded.

**Sample Motion:** I move to (approve, deny) Ordinance #2018-14-O and the Boat Harbor Addition annexation plat adjusting the common boundary between Lindon City and the City of Vineyard.

ORDINANCE NO. 2018-14-O

AN ORDINANCE APPROVING THE ADJUSTMENT OF A PORTION OF THE COMMON BOUNDARY BETWEEN LINDON CITY AND VINEYARD CITY THROUGH APPROVAL OF THE ANNEXATION PLAT TITLED 'BOAT HARBOR ADDITION'.

WHEREAS, UTAH CODE ANN. § 10-2-419 et. seq., provides that legislative bodies of two or more municipalities having common boundaries may adjust their common boundaries as provided in the section; and

WHEREAS, Lindon City ("Lindon") and Vineyard City ("Vineyard") are municipalities within the State of Utah; and

WHEREAS, Lindon and Vineyard have entered into a real estate transaction in which Lindon will sell approximately nine acres of real property at approximately 2100 W. 600 S. to Vineyard, as described and set forth as Parcel 1 in Exhibit A, to be held and used by Vineyard for municipal needs; and

WHEREAS, it is the Parties' intent to adjust their boundaries so that the portion of land sold to Vineyard and Lindon's 600 South roadway (Vineyard's 1600 N) between the UTA commuter rail line and the Lindon Marina will be included within the corporate limits of Vineyard City, as further described on the 'Boat Harbor Addition' annexation plat attached as Exhibit B; and

WHEREAS, on June 5, 2018 Lindon City adopted Resolution No. 2018-15-R, attached as Exhibit C, outlining its intent to adjust a common boundary with Vineyard; and

WHEREAS, noticing required in UTAH CODE ANN. § 10-2-419 et. seq. have been completed and a public hearing on the proposed adjustment was held by the Lindon City Council on August 21, 2018; and

WHEREAS, no protest was received by public or private property owners within the boundary adjustment area; and

WHEREAS, the properties that are within the boundary adjustment area will automatically be annexed by the City of Vineyard and by any local service districts providing public services within the City of Vineyard including utility services, fire protection, paramedic and law enforcement services; and

WHEREAS, after careful consideration, Lindon has determined that it is in the best interests of the health, safety and welfare of the citizens of Lindon to approve the boundary adjustment with Vineyard by ordinance as proposed on the annexation plat titled 'Boat Harbor Addition' (Exhibit B).

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lindon, Utah County, State of Utah, as follows:

SECTION I:

1. That the annexation plat titled 'Boat Harbor Addition' which amends the common boundary between Lindon and Vineyard is hereby approved; and

- 2. That after closing of the property sale transaction between Lindon and Vineyard, the Lindon City Mayor and Recorder are authorized and directed to execute and deliver this ordinance and the annexation plat to Utah County and the State of Utah on behalf of the City, completing all requirements for filing of the documents and notification of the boundary adjustment per local and State codes.

**SECTION II:** The provisions of this ordinance and the provisions adopted or incorporated by reference are severable. If any provision of this ordinance is found to be invalid, unlawful, or unconstitutional by a court of competent jurisdiction, the balance of the ordinance shall nevertheless be unaffected and continue in full force and effect.

**SECTION III:** Provisions of other ordinances in conflict with this ordinance and the provisions adopted or incorporated by reference are hereby repealed or amended as provided herein.

**SECTION IV:** This ordinance shall take effect immediately upon its passage and posting as provide by law.

PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
 Jeff Acerson, Mayor

ATTEST:

\_\_\_\_\_  
 Kathryn A. Moosman,  
 Lindon City Recorder

SEAL

DEED DESCRIPTIONS

Beginning at a point North 89°58'00" West, 1,688.16 feet along the one quarter Section line from the East one quarter corner of Section 6, Township 6 South, Range 2 East, Salt Lake Base and Meridian, and running thence North 89°58'00" West 359.04 feet; thence North 02°00' East 16.50 feet; thence North 89°58'00" West 541.89 feet; thence North 54°38' West 219.29 feet; thence North 11°30'08" West 165.19 feet; thence North 02°00'00" East 406.72 feet; thence North 89°58'00" East 62.97 feet; thence North 37°00'00" West 534.20 feet; thence North 3°59'08" West 445.38 feet; thence along a 5,797.658 foot radius curve to the right 795.537 feet (chord bears South 30°30'00" East 794.913 feet); thence South 26°34'08" East 1,226.08 feet to the point of beginning and being in the Lot 2 and Lot 3 of said Section 6.

Less and excepting therefrom those lands conveyed to the Utah Transit Authority by that certain Warranty Deed recorded June 30, 2009 as Entry No. 71844:2009 of Official Records, described as follows: Beginning at the point of intersection of the Westerly right-of-way of Union Pacific Railroad, the Southeast corner of the grantor's property, and a point in a fence line, said point being South 89°03'53" West 1708.64 along the Section line and South 00°56'07" East 2604.10 feet from the Northeast corner of said Section 6; thence South 89°07'59" West 39.16 feet; thence North 27°30'11" West 1160.94 feet; thence along the arc of a 5,644.65 foot radius curve to the left, chord bears North 31°10'35" West 723.29 feet through a central angle of 07°20'48"; thence North 04°53'09" West 69.44 feet to said railroad right-of-way; thence along said railroad right-of-way the following (2) two courses: 788.44 feet along of 5,679.65 foot radius curve to the right, chord bears South 31°28'47" East 787.80 feet, through central of 07°57'13"; thence South 27°30'11" East 1178.49 feet to the point of beginning.

Also less and excepting any lands lying Northerly and Easterly of the property described above and on that certain Warranty Deed recorded June 30, 2009 as Entry No. 71844:2009 of Official Records.

SURVEY DESCRIPTIONS

Parcel 1

Commencing at a point located North 00°45'11" West along the Section line 21.51 feet and West 1748.53 feet from the East quarter corner of Section 6, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence South 89°39'26" West 636.53 feet; thence North 00°20'34" West 221.01 feet; thence North 00°06'33" East 1008.07 feet; thence along the arc of a 5644.65 foot radius curve to the right 214.66 feet (chord bears South 28°20'58" East 214.65 feet); thence South 27°15'36" East 1165.84 feet to the point of beginning.

Area = 394,563 sq.ft. or 9.06 Acres

Parcel 2

Commencing at a point located North 00°45'11" West along the Section line 17.70 feet and West 2385.09 feet from the East quarter corner of Section 6, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence South 89°39'26" West 203.60 feet; thence North 05°49'38" West 220.82 feet; thence North 11°30'08" West 165.19 feet; thence North 00°20'00" East 406.72 feet; thence South 89°58'00" East 62.97 feet; thence North 03°00'00" West 534.20 feet; thence North 03°59'08" West 305.26 feet; thence along the arc of a 5644.65 foot radius curve to the right 466.02 feet (chord bears South 31°48'14" East 465.88 feet); thence South 00°06'33" West 1008.07 feet; thence South 00°20'34" East 221.01 feet to the point of beginning.

Area = 327,440 sq.ft. or 7.52 Acres

Parcel 3

Commencing at a point located North 00°45'11" West along the Section line 0.98 feet and West 1688.14 feet from the East quarter corner of Section 6, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence North 89°58'00" West 50.09 feet; thence North 27°15'36" West 27.96 feet; thence North 89°22'34" East 50.19 feet; thence South 26°34'08" East 28.43 feet to the point of beginning.

Area = 1,264 sq.ft.

CERTIFICATION

This survey is made for the benefit of: THE CITY OF LINDON, HONEY BADGER HOLDINGS, LLC together with its successors and assigns and UTAH FIRST TITLE INSURANCE AGENCY INC.;

This is to certify that this map or plot and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 3, 4, 5, 8, 13, 14, 17, and 20 of Table A thereof.

Date of Plat or Map: November 4, 2016

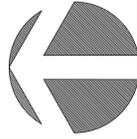
Roger D. Dudley, PLS #147089

SURVEYOR'S NOTES

- 1. The survey and the information, courses and distances shown thereon are correct.
2. The title lines and lines of actual possession are the same except as noted.
3. The record description of the subject property forms a mathematically closed figure.
4. The survey correctly shows the location of all buildings, structures and other improvements situated on the Premises.
5. The tax parcel identification is 17:023:0012.
6. There are no encroachments onto adjoining premises, streets, alleys or easement areas by any buildings, structures or other improvements, and no encroachments onto the Premises by buildings, structures or other improvements situated on adjoining premises.
7. All utilities serving the Premises enter through adjoining public streets and/or easements of record; that, the property described hereon is the same as the property described in (Utah First Title Insurance Agency, Inc.) Commitment No. 28751 with an effective date of September 30, 2016, and that all easements which the undersigned has been advised or has knowledge, have been listed and plotted hereon or otherwise noted as to their effect on the subject property.
8. Said described property is located within an area having a Zone Designation C by the Secretary of Housing and Urban Development, on Flood Insurance Rate Map No. 495517 0210A, with a date of identification of October 15, 1982, for Community Number 495517, in Utah County, State of Utah, which is the current Flood Insurance Rate Map for the community in which the Premises is situated.
9. The Premises has direct physical access to 600 South Street, a public street or highway.
10. The field work was completed on October 25, 2016.
11. The Basis of Bearing for this survey is Utah State Plane Coordinate System (NAD 27).
12. The gross land area is 16,694 acres.
13. There are possible wetlands on site, however no official delineation has been performed.

EXCEPTIONS

- 1 thru 13. Not survey related - not shown on survey.
14. Plottable and shown on survey.
15. Plottable and shown on survey.



NORTH 1" = 60'

Surveyor:

Dudley and Associates, Inc. 353 East 1200 South, 801-224-1252

Client: Name

Lindon City

Location of Survey:

Located in the Northeast of the Northeast of Section 6, Township 6 South, Range 2 East, Salt Lake Base and Meridian.

Basis of Bearing:

Utah State Plane Coordinate System, Utah Central Zone. See Drawing

Purpose of Survey:

To identify physical boundaries and deed lines in relationship to adjacent owners.

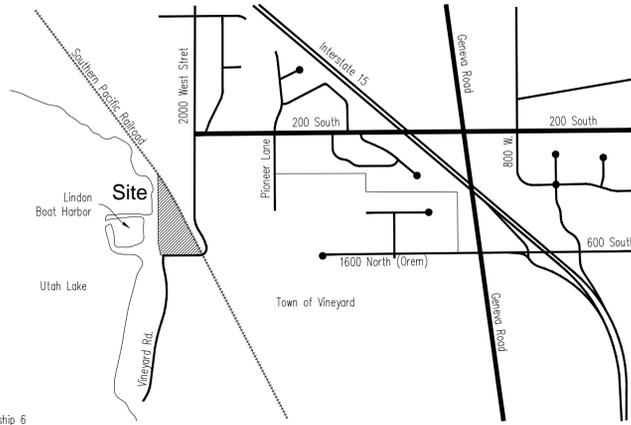
Control Monuments:

2 1/2" brass cap found at the South quarter corner of said Section 6.

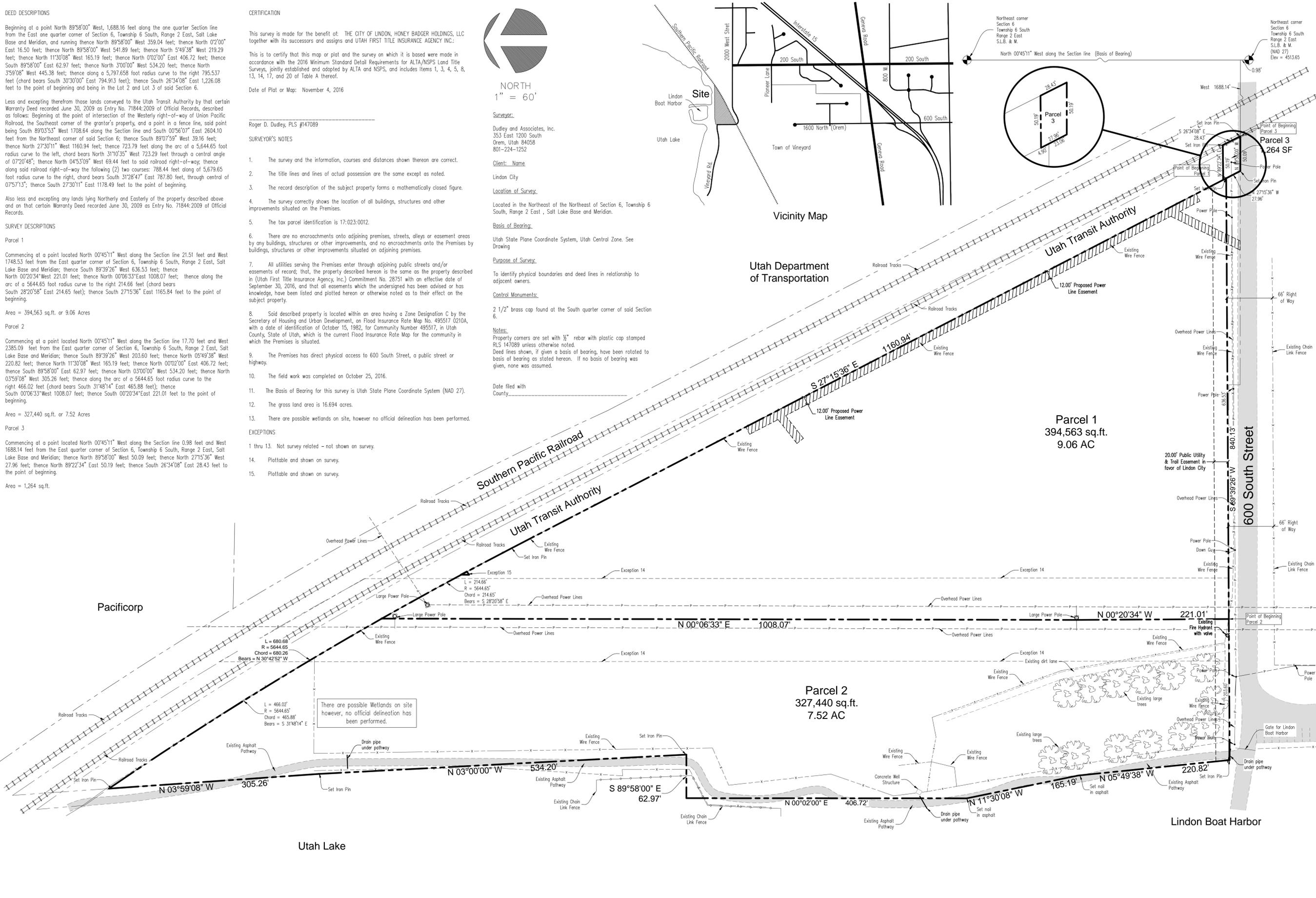
Notes:

Property corners are set with 1/2" rebar with plastic cap stamped RLS 147089 unless otherwise noted. Deed lines shown, if given a basis of bearing, have been rotated to basis of bearing as stated hereon. If no basis of bearing was given, none was assumed.

Date filed with County



Vicinity Map



DUDLEY AND ASSOCIATES ENGINEERS PLANNERS SURVEYORS 353 EAST 1200 SOUTH, OREM, UTAH 801-224-1252

ALTA/NSPS Land Title Survey The City of Lindon Utah Lindon City

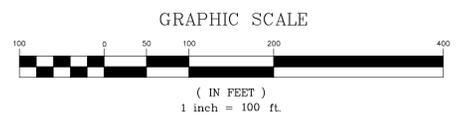
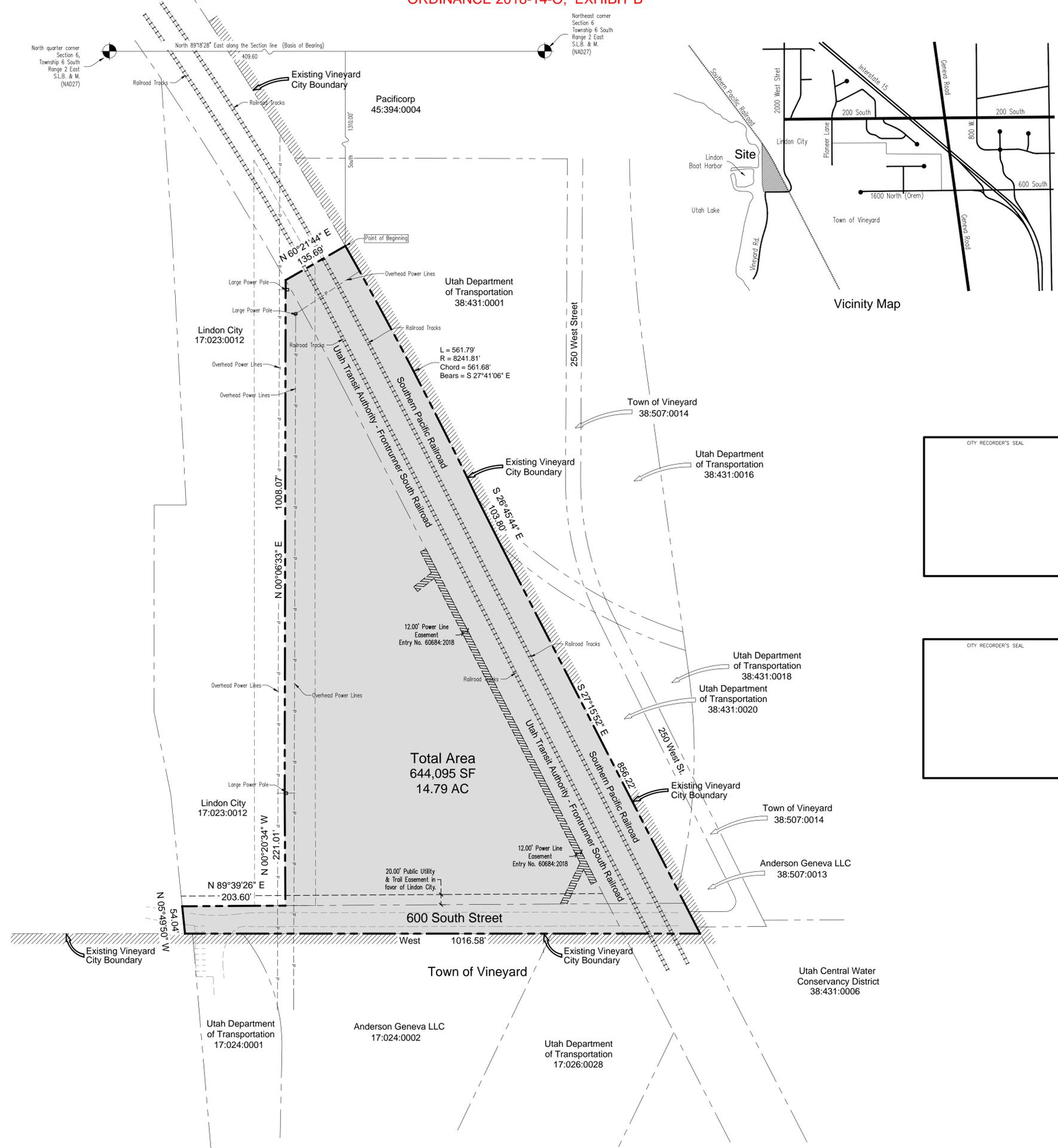
Revisions 11-28-2016 6-5-2018 (Parcel Lines)

Date 7-9-2018 Scale 1" = 60' By TD Tracing No. L - 14239

Sheet No. C - 1.0



NORTH  
1" = 100'



Prepared by:  
Dudley and Associates, Inc.  
353 East 1200 South  
Orem, Utah 84058  
office 801-224-1252  
fax 801-224-1264

**Surveyor's Certificate**  
I, Roger D. Dudley, do hereby Certify that I am a Registered Land Surveyor, and that I hold Certificate No. 147809 as prescribed under the laws of the State of Utah. I further certify by authority of the owners, I have prepared this Annexation Plat of the tract of land shown and described below, and represent the intended Annexation to the Town of Vineyard. I further state that the boundaries shown hereon in no way represent any individual's title in fee or actual occupation limits. I hereby state that the boundary description is true and correct to the best of my knowledge, information, belief and in my professional opinion.

**Boundary Description**  
Commencing at a point located North 89°18'28" East along the Section line 409.60 feet and South 1310.00 feet from the North quarter corner of Section 6, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence more or less along the Southwest Annexation Plat of Lindon City as recorded as Map#2669-22, entry # 1981-13661, in the files of the Utah County Recorder; along the arc of a 8241.81 foot radius curve to the right 561.79 feet (chord bears South 27°41'06" East 561.68 feet); South 26°45'44" East 103.80 feet, South 27°15'52" East 856.22 feet, West 1016.58 feet; thence North 05°49'38" West 54.04 feet; thence North 89°39'26" East 203.60 feet; thence North 00°20'34" West 221.01 feet; thence North 00°06'33" East 1008.07 feet; thence North 60°21'44" East 135.69 feet to the point of beginning.

Area = 644,095 sq.ft. or 14.79 Acres

Basis of Bearing is North 89°18'28" East along the Section line from the North quarter corner to the Northeast corner of Section 6.

Date \_\_\_\_\_ Professional Land Surveyor (see seal below)

**County Surveyor's Certificate**  
This plot has been reviewed by the Utah County Surveyor and is hereby certified as a Final Local Entity Plat, pursuant to Utah Code Ann. 17-23-20 as amended.

Date \_\_\_\_\_ County Surveyor

**Acceptance by Mayor**

This is to certify that I, Jeff Acerson, the Mayor of the City of Lindon, have received a petition signed by a majority of the owners of the tract shown herein requesting that said tract be disconnected from Lindon City to the Town of Vineyard and that a copy of the ordinance has been prepared for filing herewith all in accordance with the Utah Boundary Commission Act (1979) 10-01-04 and 10-2-401 thru 423, as revised and that I have examined and do hereby approve and accept the annexation of the tract as shown as a part of said Town and that said tract of land is to be known hereafter as the Boat Harbor Addition.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Approved by Mayor \_\_\_\_\_

Attest \_\_\_\_\_ Recorder

**Acceptance by Mayor**

This is to certify that I, Julie Fulmer, the Mayor of the Town of Vineyard, have received a petition signed by a majority of the owners of the tract shown herein requesting that said tract be Annexed from Lindon City to the Town of Vineyard and that a copy of the ordinance has been prepared for filing herewith all in accordance with the Utah Boundary Commission Act (1979) 10-01-04 and 10-2-401 thru 423, as revised and that I have examined and do hereby approve and accept the annexation of the tract as shown as a part of said Town and that said tract of land is to be known hereafter as the Boat Harbor Addition.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Approved by Mayor \_\_\_\_\_

Attest \_\_\_\_\_ Recorder

Approved as to Form

COUNTY ATTORNEY \_\_\_\_\_ DATE \_\_\_\_\_

**Annexation Plat**

**BOAT HARBOR ADDITION**  
to the Town of Vineyard

Vineyard City \_\_\_\_\_ Utah County, Utah

Scale: 1" = 100 Feet

THIS FORM APPROVED BY UTAH COUNTY AND THE MUNICIPALITIES THEREIN.

**ORDINANCE 2018-14-O; EXHIBIT C**

**BOUNDARY ADJUSTMENT RESOLUTION  
RESOLUTION NO. 2018-15-R**

**A RESOLUTION INDICATING THE INTENT OF LINDON CITY TO ADJUST A PORTION OF ITS COMMON BOUNDARY WITH THE CITY OF VINEYARD.**

WHEREAS, Lindon City (Lindon) and the City of Vineyard (Vineyard) share a common boundary located at approximately 600 South in Lindon and 1600 North in Vineyard; and

WHEREAS, Lindon has entered into a purchase agreement with Vineyard to sell approximately 9-acres of surplus property which Vineyard plans to use for its future Public Works facility; and

WHEREAS, Vineyard desires its Public Works facility to be fully within its own city boundary and Vineyard listed as part of the property purchase conditions that the common boundary needed to be changed to shift the 9-acre parcel within Vineyard’s boundary; and

WHEREAS, portions of 600 South/1600 North roadway are currently within Lindon; and

WHEREAS, Lindon has no utility services in the 600 South/1600 North roadway but Vineyard does have several utility services in the roadway; and

WHEREAS, both cities desire that the boundary be changed to reflect that the 600 South/1600 North roadway running west-to-east (between the Lindon Marina entrance and the Union Pacific/UTA Commuter railroad tracks) become a Vineyard roadway with Vineyard being responsible for all maintenance of the roadway, sidewalks, and utilities that Vineyard owns within the roadway, and that the boundary be changed to the north side of the road right-of-way line; and

WHEREAS, both Lindon and Vineyard agree that the boundary change provides clarity of maintenance responsibilities and said boundary change is in the best interest of the public.

NOW, THEREFORE, be it resolved by the Lindon City Council as follows:

1. Lindon City, in coordination with the City of Vineyard, expresses its intent to adjust certain portions of its common boundary with the City of Vineyard located at approximately 600 South between the Lindon Marina entrance and the Union Pacific/UTA Commuter railroad tracks. Such proposed adjustments are more particularly described in Exhibit A, attached hereto.
2. Lindon City shall hereafter take all necessary steps to publish notices and hold such public hearings as are required under Utah law and to take such steps as are necessary to adjust its boundary as indicated in Exhibit A.
3. This resolution will take effect immediately upon its approval and adoption by the Lindon City Council.

Adopted and approved this 5 day of June 2018.

By Jeff Acers  
Jeff Acers, Mayor

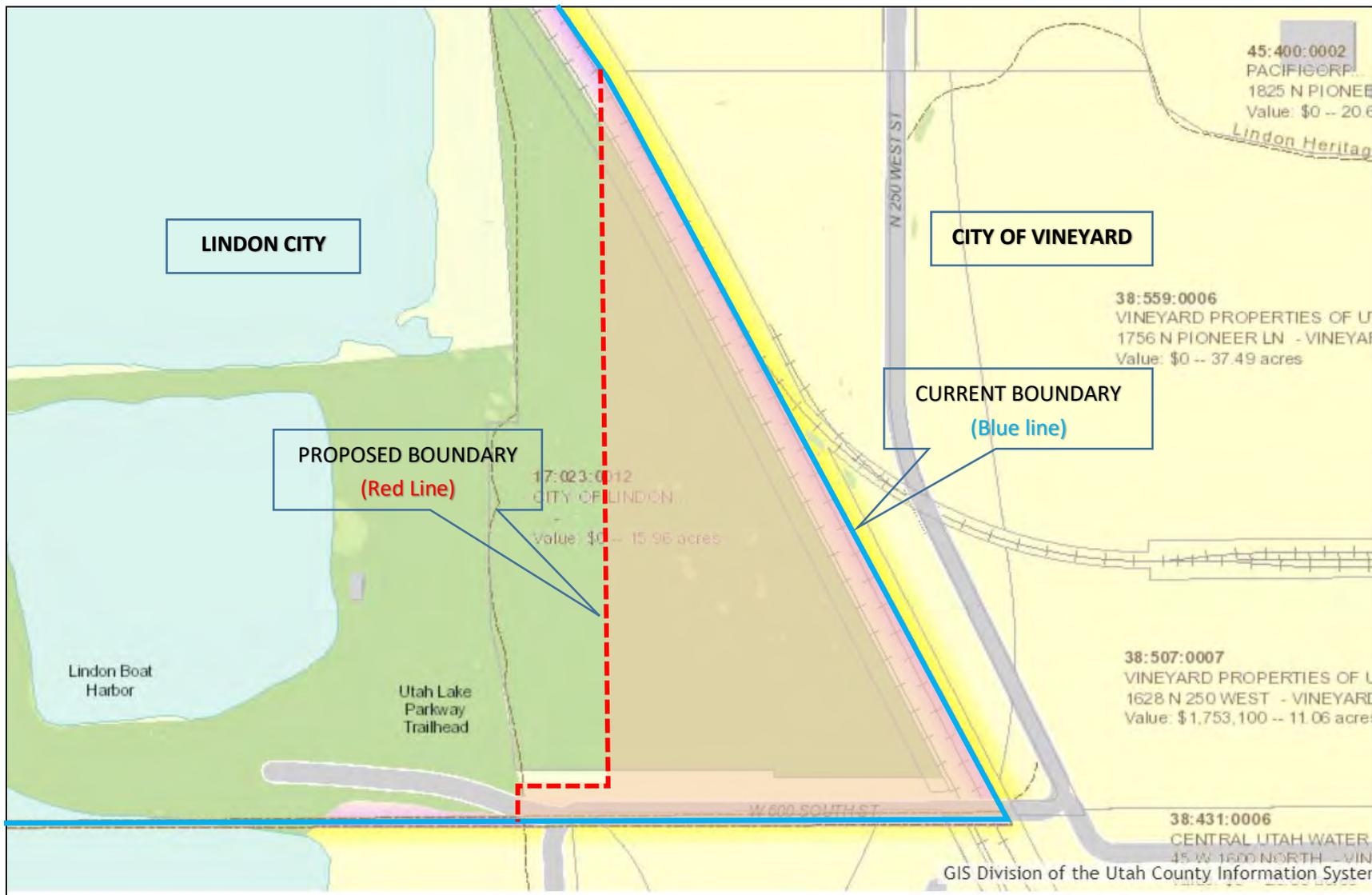
Attest:  
By Kathryn A. Moosman  
Kathryn A. Moosman, City Recorder

SEAL:

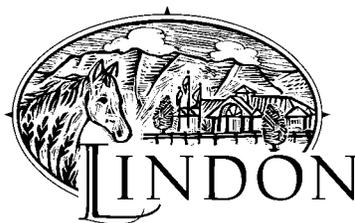


Exhibit A

Approximate location of **current** vs **proposed** boundary change between Lindon and Vineyard.



Lindon City  
100 North State Street  
Lindon, UT 84042-1808



TEL 801-785-5043  
FAX 801-785-4510  
[www.lindoncity.org](http://www.lindoncity.org)

June 12, 2018

Anderson Geneva LLC  
9537 S. 700 E.  
Sandy, UT 84070-3494

RE: Notice of city boundary adjustment between Lindon City and City of Vineyard

This letter is to inform you that Lindon City has adopted a resolution of intent to adjust the common boundary between Lindon City and the City of Vineyard. The boundary area to be adjusted includes a nine acre parcel and a portion of Lindon's 600 South roadway (Vineyard's 1600 N) between the UTA commuter rail line and the Lindon Marina (see attached map).

A small portion of your property identified as Utah County Serial Number 17:024:0002 is impacted by this boundary change since your property line appears to technically extend into the southern portion of the 600 South road right-of-way. As the majority of your property is already within the service area of the City of Vineyard no changes to public services for your property are anticipated. All public services as currently provided by the City of Vineyard or other local service districts including utility services, fire protection, paramedic and law enforcement will not be altered by this boundary change.

A public hearing to consider the boundary adjustment is scheduled for Tuesday, August 21, 2018 at 7:00pm at the Lindon City Center, 100 North State Street, Lindon, UT 84042. The Lindon City Council intends to adjust the city boundary as described unless, at or before the public hearing, a written protest to the adjustment is filed with the Lindon City Recorder by an owner of real property that:

- a) is located within the area proposed for adjustment;
- b) covers at least 25% of the total private land area within the area proposed for adjustment;
- and
- c) is equal in value to at least 15% of the value of all private real property within the area proposed for adjustment; or
- d) is state-owned real property.

Lindon City believes this boundary adjustment will not impact your property in any material way and will ease future development of your property by not having to work with two cities to improve street frontage when you develop your land. The boundary adjustment will also provide clarity for future road and utility maintenance responsibilities between the cities. Please let me know of any concerns or questions you may have. I can be reached at 801-785-5043 or by email at [acowie@lindoncity.org](mailto:acowie@lindoncity.org).

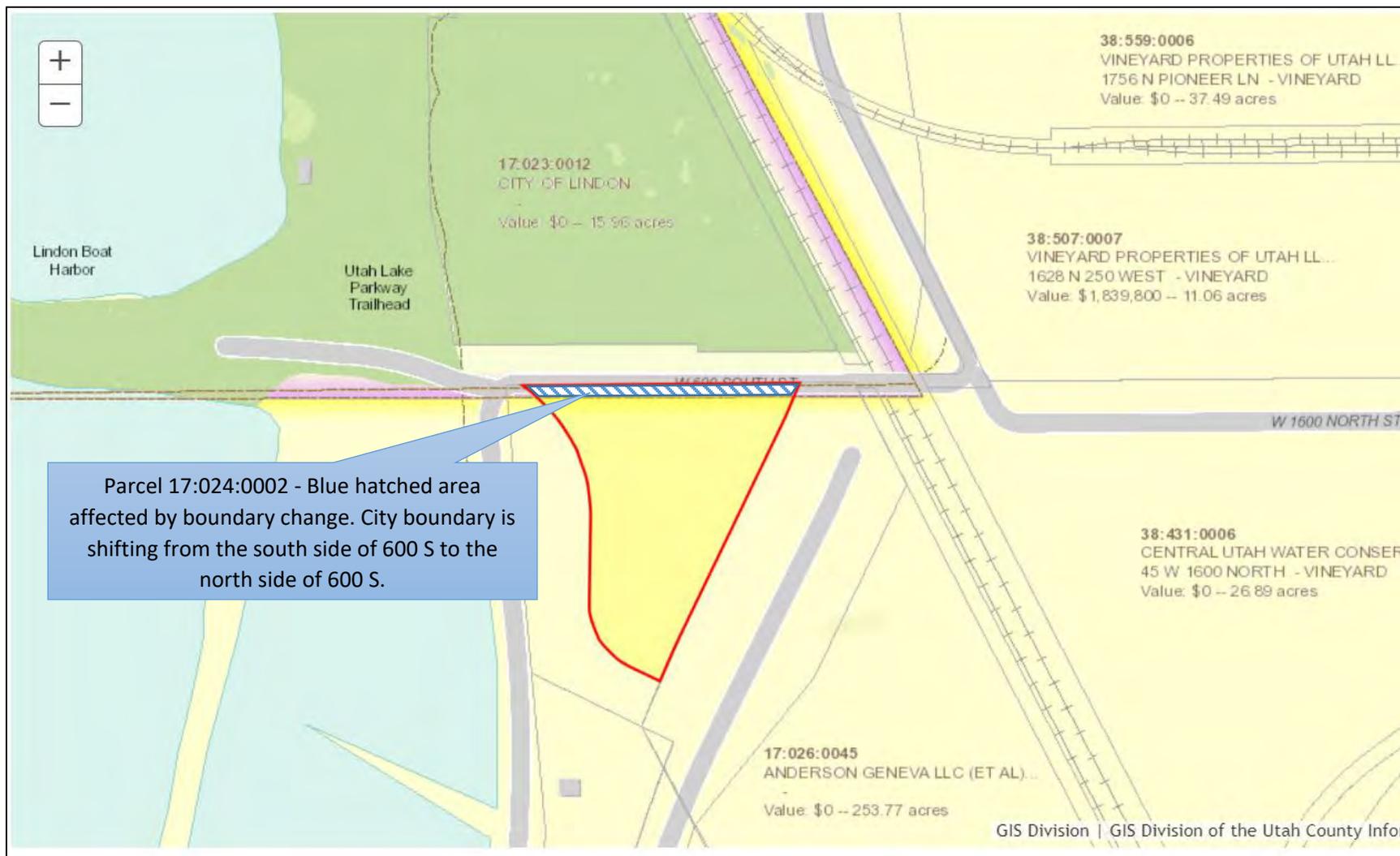
Sincerely,

Adam M. Cowie  
Lindon City Administrator

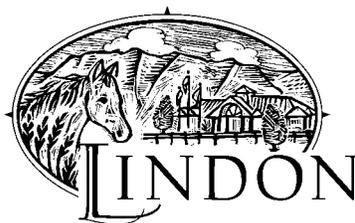
Attachments:

- Lindon City Resolution #2018-15-R w/boundary change map

Anderson Geneva LLC; 17:024:0002 impacted parcel area map



Lindon City  
100 North State Street  
Lindon, UT 84042-1808



TEL 801-785-5043  
FAX 801-785-4510  
[www.lindoncity.org](http://www.lindoncity.org)

June 12, 2018

Utah Department of Transportation  
4501 S. 2700 W.  
Salt Lake City, UT 84119-5977

RE: Notice of city boundary adjustment between Lindon City and City of Vineyard

This letter is to inform you that Lindon City has adopted a resolution of intent to adjust the common boundary between Lindon City and the City of Vineyard. The boundary area to be adjusted includes a nine acre parcel and a portion of Lindon's 600 South roadway (Vineyard's 1600 N) between the UTA commuter rail line and the Lindon Marina (see attached map). The boundary adjustment will provide clarity for future road and utility maintenance responsibilities between the cities.

Portions of UDOT's properties identified as Utah County Serial Numbers 17:026:0028 and 17:024:0001 are impacted by this boundary change. The area that is subject to the boundary adjustment will automatically be annexed by the City of Vineyard and by any local service districts providing public services within the City of Vineyard including utility services, fire protection, paramedic and law enforcement services.

A public hearing to consider the boundary adjustment is scheduled for Tuesday, August 21, 2018 at 7:00pm at the Lindon City Center, 100 North State Street, Lindon, UT 84042. The Lindon City Council intends to adjust the city boundary as described unless, at or before the public hearing, a written protest to the adjustment is filed with the Lindon City Recorder by an owner of real property that:

- a) is located within the area proposed for adjustment;
- b) covers at least 25% of the total private land area within the area proposed for adjustment; and
- c) is equal in value to at least 15% of the value of all private real property within the area proposed for adjustment; or
- d) is state-owned real property.

Lindon City believes this boundary adjustment will not impact UDOT's use of these properties in any material way. Please let me know of any concerns or questions you may have. I can be reached at 801-785-5043 or by email at [acowie@lindoncity.org](mailto:acowie@lindoncity.org).

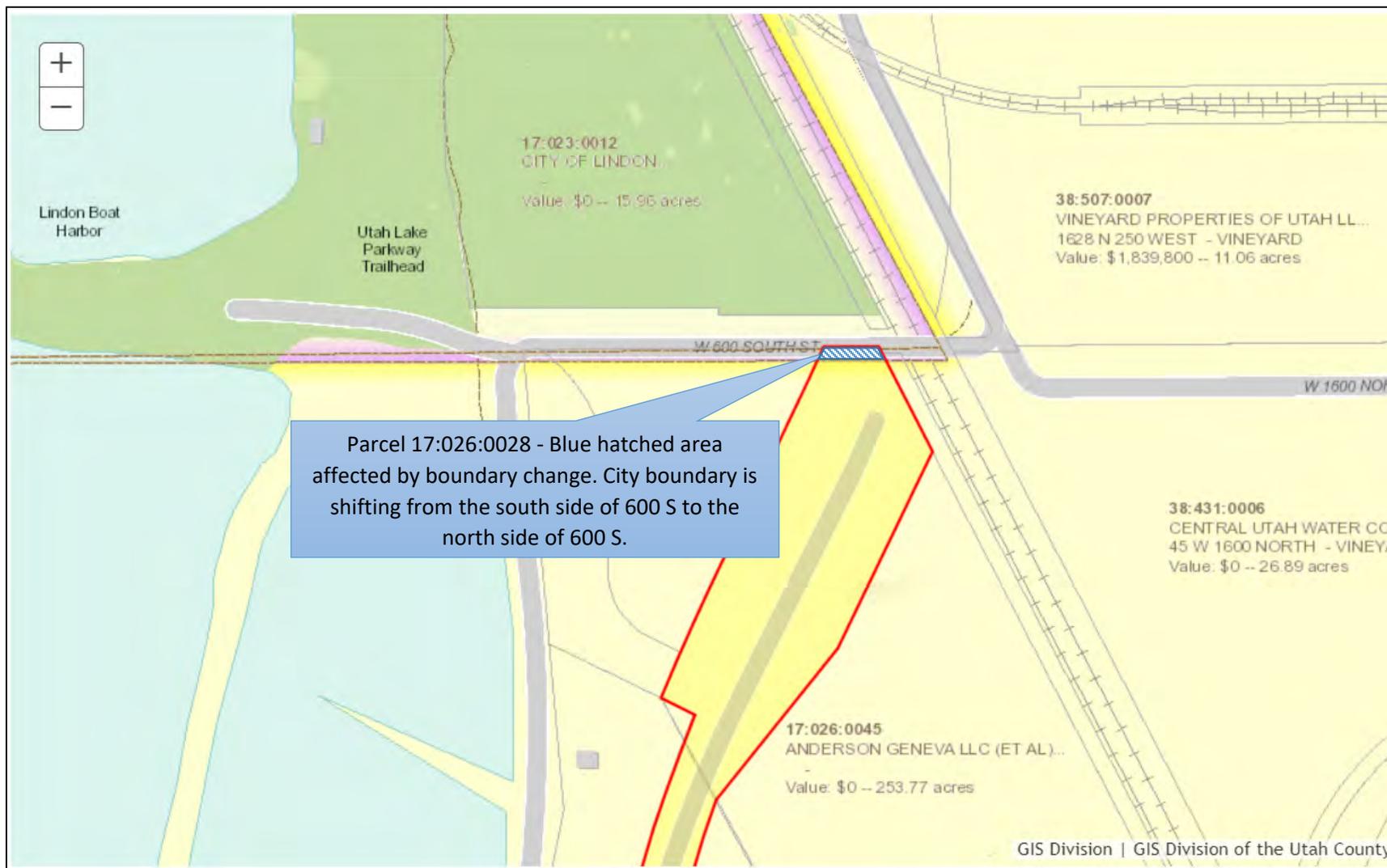
Sincerely,

Adam M. Cowie  
Lindon City Administrator

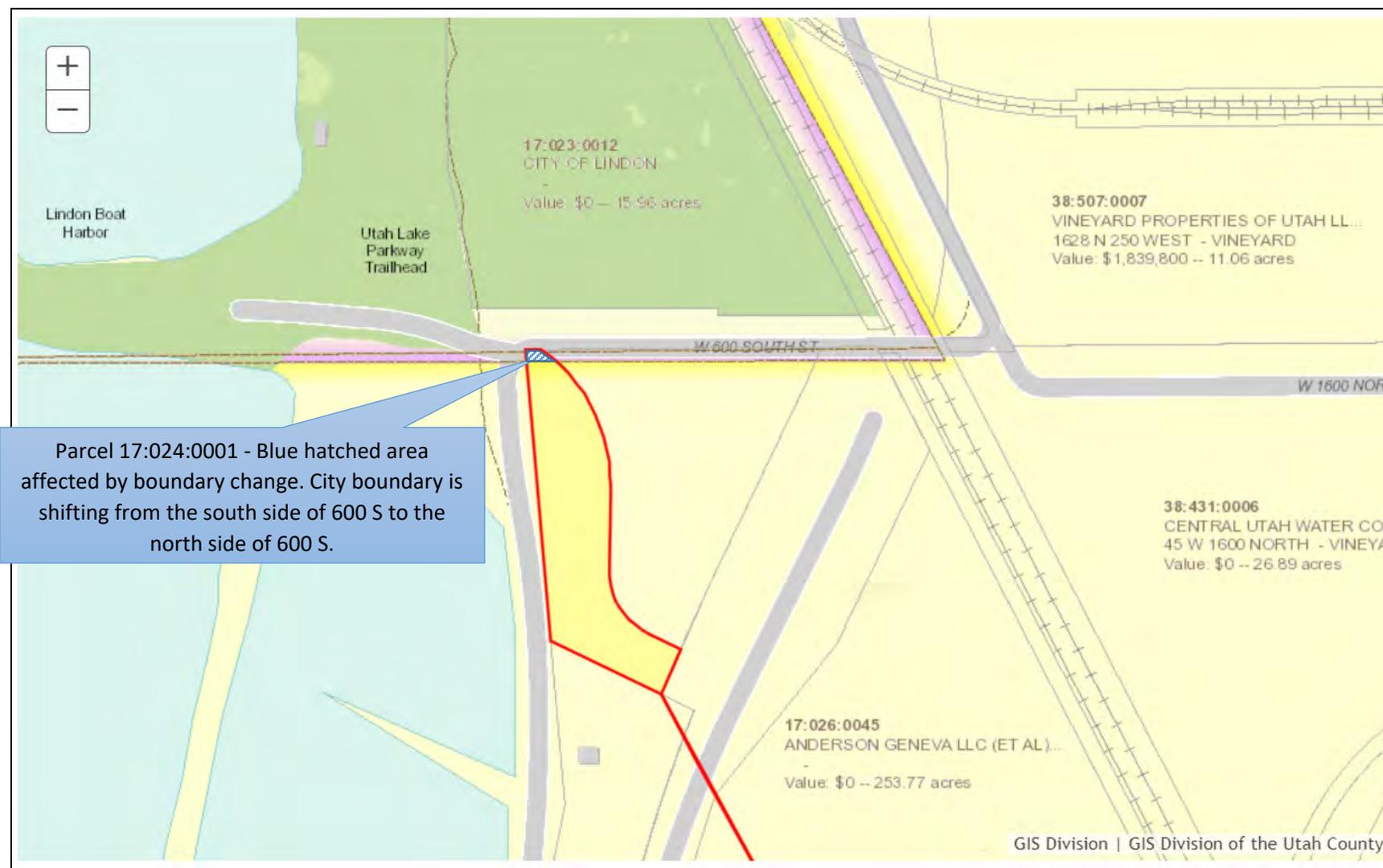
Attachments:

- Lindon City Resolution #2018-15-R w/boundary change map

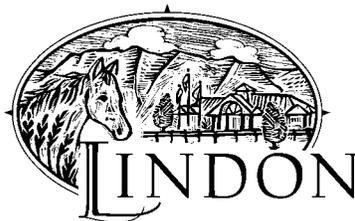
UDOT; 17:026:0028 impacted parcel area map



UDOT; 17:024:0001 impacted parcel area map



Lindon City  
100 North State Street  
Lindon, UT 84042-1808



TEL 801-785-5043  
FAX 801-785-4510  
[www.lindoncity.org](http://www.lindoncity.org)

June 12, 2018

Utah Transit Authority, Property Management  
PO BOX 30810  
Salt Lake City, UT 84130

RE: Notice of city boundary adjustment between Lindon City and City of Vineyard

This letter is to inform you that Lindon City has adopted a resolution of intent to adjust the common boundary between Lindon City and the City of Vineyard. The boundary area to be adjusted includes a nine acre parcel and a portion of Lindon's 600 South roadway (Vineyard's 1600 N) between the UTA commuter rail line and the Lindon Marina (see attached map). The boundary adjustment will provide clarity for future road and utility maintenance responsibilities between the cities.

Portions of UTA's properties identified as Utah County Serial Numbers 17:026:0030 and 17:023:0011 are impacted by this boundary change. The area that is subject to the boundary adjustment will automatically be annexed by the City of Vineyard and by any local service districts providing public services within the City of Vineyard including utility services, fire protection, paramedic and law enforcement services.

A public hearing to consider the boundary adjustment is scheduled for Tuesday, August 21, 2018 at 7:00pm at the Lindon City Center, 100 North State Street, Lindon, UT 84042. The Lindon City Council intends to adjust the city boundary as described unless, at or before the public hearing, a written protest to the adjustment is filed with the Lindon City Recorder by an owner of real property that:

- a) is located within the area proposed for adjustment;
- b) covers at least 25% of the total private land area within the area proposed for adjustment; and
- c) is equal in value to at least 15% of the value of all private real property within the area proposed for adjustment; or
- d) is state-owned real property.

Lindon City believes this boundary adjustment will not impact UTA's use of these properties in any material way. Please let me know of any concerns or questions you may have. I can be reached at 801-785-5043 or by email at [acowie@lindoncity.org](mailto:acowie@lindoncity.org).

Sincerely,

Adam M. Cowie  
Lindon City Administrator

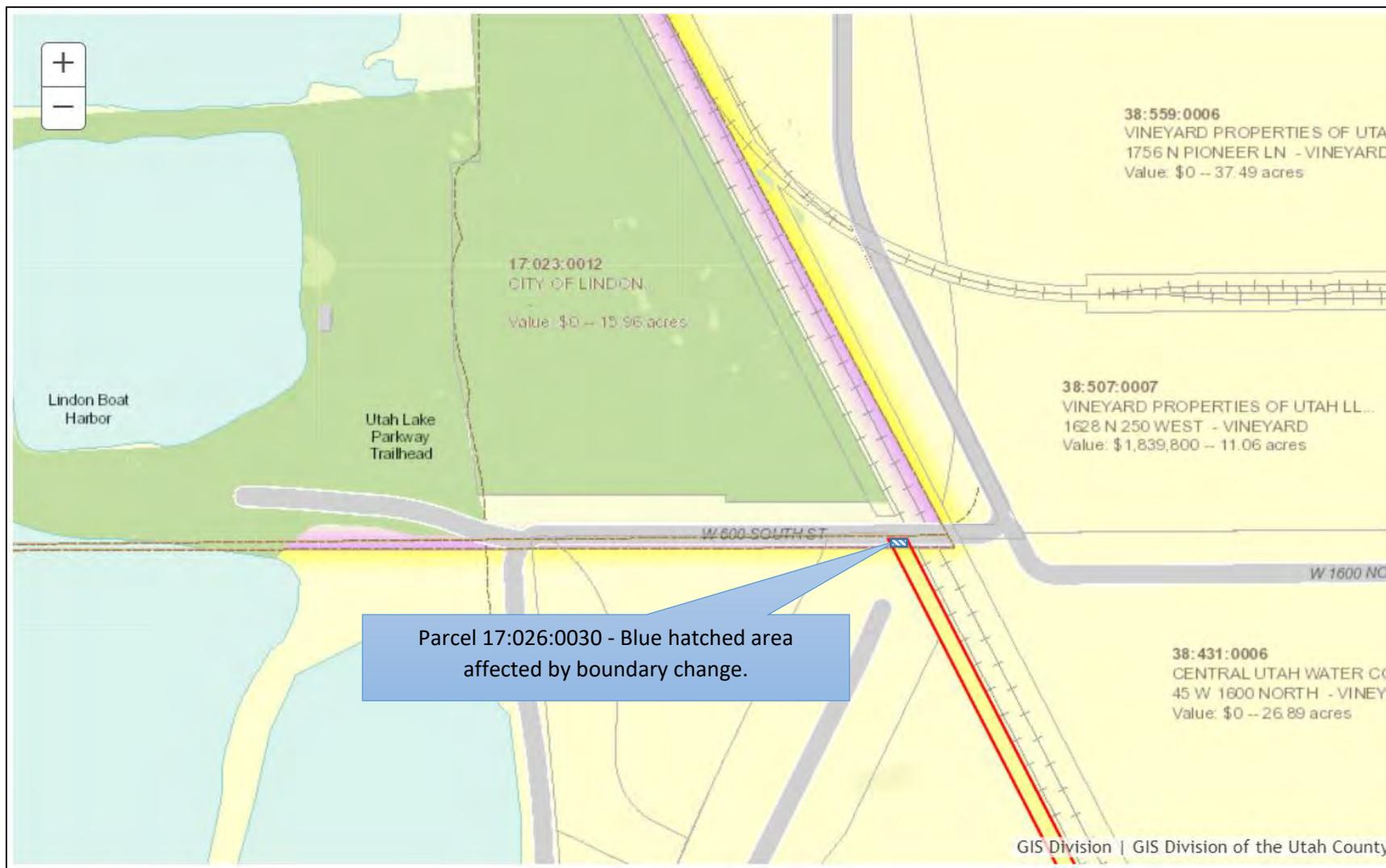
Attachments:

- Lindon City Resolution #2018-15-R w/boundary change map

UTA; 17:023:0011 impacted parcel area map



UTA; 17:026:0030 impacted parcel area map



**7. Review & Action — Interlocal Agreement – Resolution 2018-17-R** *(10 minutes)*

Lindon City requests approval for Resolution 2018-17-R and the accompanying Interlocal Agreement associated with the boundary change with the City of Vineyard requiring that the area be transferred back into Lindon should Vineyard sell the property in the future.

See attached Resolution and Agreement. The agreement has been reviewed by both city attorneys and staff and is believed to meet the City Council's intent of ensuring the property boundary will be changed if ever the property is sold away from Vineyard. The agreement is proposed for a 50-year term in which if the property is sold by Vineyard or changes its tax exempt status the cities agree to amend the boundary again so that the then taxable property changes back within Lindon City limits.

**Sample Motion:** I move to (approve, deny) Resolution #2018-17-R and the associated Interlocal Agreement between Lindon City and the City of Vineyard.

RESOLUTION No. 2018-17-R

A RESOLUTION APPROVING ENTRY INTO AN INTERLOCAL AGREEMENT CONERNING THE ADJUSTMENT OF A PORTION OF THE COMMON BOUNDARY BETWEEN LINDON CITY AND VINEYARD CITY.

WHEREAS, the Interlocal Cooperation Act, UTAH CODE ANN. § 11-13-101 et. seq. (the "Interlocal Cooperation Act"), provides that any two or more public agencies may enter into agreements with one another for joint or cooperative action following the adoption of an appropriate resolution by the governing body of each participating public agency; and

WHEREAS, Lindon City ("Lindon") and Vineyard City ("Vineyard") are public agencies for purposes of the Interlocal Cooperation Act; and

WHEREAS, Lindon and Vineyard anticipate entering into a real estate transaction in which Lindon will sell real property, described and set forth in Exhibit A of the Interlocal Cooperation Agreement, to Vineyard to be held and used so as to be exempt from property taxes under Title 59 of the Utah code; and

WHEREAS, it is the Parties' intent to adjust their boundaries so that the real property sold to Vineyard will be included within the corporate limits of Vineyard City; and

WHEREAS, the Parties agree that if any time within the next 50 years, the real property described in Exhibit A of the Interlocal Cooperation Agreement is sold, conveyed, or transferred to any third party, or if it is held and used in such a way so as to lose its exempt status under Title 59 of the Utah code, the Parties will agree to readjust their boundaries so that the real property lies within the corporate limits of Lindon City; and

WHEREAS, Lindon has reviewed the proposal and the city attorney has approved the form of the Agreement as required by Utah Code Ann. 11-13-202.5(3); and

WHEREAS, after careful consideration, Lindon has determined that it is in the best interests of the health, safety and welfare of the citizens of Lindon to approve the City's entry into the Agreement as proposed.

NOW, THEREFORE, BE IT RESOLVED by the Lindon City Council that the attached Agreement be, and hereby is, approved, and that the Lindon City Mayor and Recorder are authorized and directed to execute and deliver the Agreement on behalf of the City.

Agreement lawfully binding upon Lindon City.

PASSED AND RECORDED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jeff Acerson  
Mayor

ATTEST:

\_\_\_\_\_  
Kathryn A. Moosman  
Lindon City Recorder

## INTERLOCAL COOPERATION AGREEMENT

THIS INTERLOCAL COOPERATION AGREEMENT ("Agreement") is made effective between Lindon City ("Lindon"), and Vineyard City ("Vineyard").

- A. Utah Code Ann. §11-13-202 and other provisions of the Interlocal Cooperation Act (Utah Code Ann. §§11-13-101 et seq.) ("Interlocal Act") provide that any two or more public agencies may enter into an agreement with one another for joint or cooperative action.
- B. Lindon and Vineyard are public agencies for purposes of the Interlocal Act.
- C. The Parties intend to the sell and transfer real property, described and set forth as Parcel 1 in Exhibit A of this Agreement, from Lindon to Vineyard, to be held and used as real property which is exempt from property tax under Title 59 of the Utah code.
- D. The Parties also intend to enact a boundary adjustment of a portion of their common boundary as set forth in Exhibit B so that the real property which is to be transferred will be within the corporate limits of Vineyard City.
- E. The Parties also agree that if at any time within the next 50 years, the real property described in Exhibit A of this Agreement is sold, conveyed, or transferred to any third party, or if it is held and used in such a way so as to lose its exempt status under Title 59 of the Utah code, the boundary between the cities should be readjusted so that the real property of Parcel 1 in Exhibit A would once again lie within the corporate limits of Lindon City.
- F. The Parties desire to memorialize their agreement concerning such matters, and have determined that their entry into this Agreement is mutually beneficial.

NOW, THEREFORE, the Parties agree as follows:

### Section 1. Transfer and Use of Real Property.

Lindon and Vineyard, have executed, or will execute a real estate purchase agreement for the transfer of the real property currently located within Lindon near the Lindon Boat Harbor, and as more fully described as Parcel 1 in Exhibit A. All terms and conditions of the real estate purchase agreement and corresponding deeds executed by Lindon and Vineyard shall be independent and separate from this Agreement and are not included or incorporated herein. However, upon transfer of title, and during the term of this Agreement, Vineyard agrees that it will hold title to the identified property in its own name and that it will maintain the use of the property so as to maintain the tax-exempt status under Title 59 of the Utah code.

### Section 2. Initial Boundary Line Adjustment.

The Parties agree that upon the sale and transfer of the identified property, the Parties will cooperate in executing a boundary adjustment pursuant to the requirements of §10-2-419 of the Utah Code so as to adjust the common boundary between Lindon and Vineyard so that the identified property will lie within the corporate limits of Vineyard City, as shown in Exhibit B. Each Party shall be responsible for their own cost and expense in preparing and executing their own notices, resolutions, ordinances, and other filings necessary to affect the boundary adjustment as contemplated by this Agreement.

### Section 3. Subsequent Boundary Adjustment if Necessary.

If at any time during the term of this Agreement, Vineyard transfers title, or otherwise puts the property identified as Parcel 1 in Exhibit A to such a use so that the property loses its tax-exempt status under Title 59 of the Utah code, the Parties shall cooperate in executing another boundary adjustment of their common boundaries

so as to return the identified property to lie within the corporate limits of Lindon City. In the event that a second or subsequent boundary adjustment is necessary, as provided under this Section, Vineyard City shall be responsible to bear the cost and expense of both cities in executing the subsequent boundary adjustment including all notices, resolutions, ordinances, and other required filings.

Section 4. Term.

The term of this Agreement shall be for a duration of 50 years.

Section 5. Additional Interlocal Act Provisions.

In compliance with the requirements of the Interlocal Act and other applicable law:

- A. No Separate Entity. The Parties agree that this Agreement does not create an interlocal entity.
- B. As required by Utah Code Ann. § 11-13-207, the Parties agree that the cooperative undertaking under this Agreement shall be administered by a joint board consisting of the city managers of Lindon and Vineyard or their or designees.
- C. Financing and Joint Cooperative Undertaking and Establishing Budget. There is no financing of joint or cooperative undertaking and no budget shall be established or maintained.
- D. Attorney Review. This Agreement shall be reviewed as to proper form and compliance with applicable law by the authorized attorneys for the Parties in accordance with Utah Code Ann. § 11-13-202.5.
- E. Copies. Duly executed original counterparts of this Agreement shall be filed with the keeper of the records of each Party pursuant to Utah Code Ann. § 11-13-209.

Section 6. General Provisions.

The following provisions are also integral parts of this Agreement:

- A. Binding Agreement. This Agreement shall be binding upon and shall insure to the benefit of the successors and assigns of the respective Parties.
- B. Captions. The headings used in this Agreement are inserted for reference purposes only and shall not be deemed to define, limit, extend, describe, or affect in any way the meaning, scope or interpretation of any of the terms or provisions of this Agreement or the intent hereof.
- C. Counterparts. This Agreement may be signed in any number of counterparts with the same effect as if the signatures upon any counterpart were upon the same instrument. All signed counterparts shall be deemed to be one original.
- D. Severability. The provisions of this Agreement are severable, and should any provision hereof be void, voidable, unenforceable or invalid, such void, voidable, unenforceable, or invalid provision shall not affect the other provision of this Agreement.
- E. Waiver of Breach. Any waiver by either Party of any breach of any kind or character whatsoever by the other, whether such be direct or implied, shall not be construed as a continuing waiver of or consent to any subsequent breach of this Agreement.
- F. Amendment. This Agreement may not be modified except by an instrument in writing signed by the Parties.

- G. Interpretation. This Agreement shall be interpreted, construed, and enforced according to the substantive laws of the state of Utah.
- H. Notice. Any notice or other communication required or permitted to be given hereunder shall be deemed to have been received:
  - i. Upon personal delivery or actual receipt thereof; or
  - ii. Within three (3) days after such notice is deposited in the United States mail, certified mail postage prepaid and addressed to the Parties at their respective addresses.
- I. Exhibits and Recitals. The Recitals set forth above and all exhibits to this Agreement are incorporated herein to the same extent as if such items were set forth herein in their entirety within the body of the Agreement.

IN WITNESS WHEREOF, Lindon City, by resolution duly adopted by its City Council, caused this Agreement to be signed by Mayor Jeff Acerson and attested, and Vineyard City, by resolution of its City Council, caused this Agreement to be signed by the Mayor Julie Fullmer and attested.

LINDON CITY

VINEYARD CITY

\_\_\_\_\_  
 JEFF ACERSON,  
 Mayor

\_\_\_\_\_  
 JULIE FULLMER,  
 Mayor

ATTEST:

ATTEST:

\_\_\_\_\_  
 Kathryn A. Moosman  
 Lindon City Recorder

\_\_\_\_\_  
 Pamela Spencer  
 Vineyard City Recorder

APPROVED AS TO FORM:

APPROVED AS TO FORM:

\_\_\_\_\_  
 Brian Haws  
 Lindon City Attorney

\_\_\_\_\_  
 David Church  
 Vineyard City Attorney

DEED DESCRIPTIONS

Beginning at a point North 89°58'00" West, 1,688.16 feet along the one quarter Section line from the East one quarter corner of Section 6, Township 6 South, Range 2 East, Salt Lake Base and Meridian, and running thence North 89°58'00" West 359.04 feet; thence North 02°00' East 16.50 feet; thence North 89°58'00" West 541.89 feet; thence North 54°38' West 219.29 feet; thence North 11°30'08" West 165.19 feet; thence North 02°00'00" East 406.72 feet; thence South 89°58'00" East 62.97 feet; thence North 37°00'00" West 534.20 feet; thence North 3°59'08" West 445.38 feet; thence along a 5,797.658 foot radius curve to the right 795.537 feet (chord bears South 30°30'00" East 794.913 feet); thence South 26°34'08" East 1,226.08 feet to the point of beginning and being in the Lot 2 and Lot 3 of said Section 6.

Less and excepting therefrom those lands conveyed to the Utah Transit Authority by that certain Warranty Deed recorded June 30, 2009 as Entry No. 71844:2009 of Official Records, described as follows: Beginning at the point of intersection of the Westerly right-of-way of Union Pacific Railroad, the Southeast corner of the grantor's property, and a point in a fence line, said point being South 89°03'53" West 1708.64 along the Section line and South 00°56'07" East 2604.10 feet from the Northeast corner of said Section 6; thence South 89°07'59" West 39.16 feet; thence North 27°30'11" West 1160.94 feet; thence along the arc of a 5,644.65 foot radius curve to the left, chord bears North 31°10'35" West 723.29 feet through a central angle of 07°20'48"; thence North 04°53'09" West 69.44 feet to said railroad right-of-way; thence along said railroad right-of-way the following (2) two courses: 788.44 feet along of 5,679.65 foot radius curve to the right, chord bears South 31°28'47" East 787.80 feet, through central of 07°57'13"; thence South 27°30'11" East 1178.49 feet to the point of beginning.

Also less and excepting any lands lying Northerly and Easterly of the property described above and on that certain Warranty Deed recorded June 30, 2009 as Entry No. 71844:2009 of Official Records.

SURVEY DESCRIPTIONS

Parcel 1

Commencing at a point located North 00°45'11" West along the Section line 21.51 feet and West 1748.53 feet from the East quarter corner of Section 6, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence South 89°39'26" West 636.53 feet; thence North 00°20'34" West 221.01 feet; thence North 00°06'33" East 1008.07 feet; thence along the arc of a 5644.65 foot radius curve to the right 214.66 feet (chord bears South 28°20'58" East 214.65 feet); thence South 27°15'36" East 1165.84 feet to the point of beginning.

Area = 394,563 sq.ft. or 9.06 Acres

Parcel 2

Commencing at a point located North 00°45'11" West along the Section line 17.70 feet and West 2385.09 feet from the East quarter corner of Section 6, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence South 89°39'26" West 203.60 feet; thence North 05°49'38" West 220.82 feet; thence North 11°30'08" West 165.19 feet; thence North 00°20'00" East 406.72 feet; thence South 89°58'00" East 62.97 feet; thence North 03°00'00" West 534.20 feet; thence North 03°59'08" West 305.26 feet; thence along the arc of a 5644.65 foot radius curve to the right 466.02 feet (chord bears South 31°48'14" East 465.88 feet); thence South 00°06'33" West 1008.07 feet; thence South 00°20'34" East 221.01 feet to the point of beginning.

Area = 327,440 sq.ft. or 7.52 Acres

Parcel 3

Commencing at a point located North 00°45'11" West along the Section line 0.98 feet and West 1688.14 feet from the East quarter corner of Section 6, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence North 89°58'00" West 50.09 feet; thence North 27°15'36" West 27.96 feet; thence North 89°22'34" East 50.19 feet; thence South 26°34'08" East 28.43 feet to the point of beginning.

Area = 1,264 sq.ft.

CERTIFICATION

This survey is made for the benefit of: THE CITY OF LINDON, HONEY BADGER HOLDINGS, LLC together with its successors and assigns and UTAH FIRST TITLE INSURANCE AGENCY INC.;

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 3, 4, 5, 8, 13, 14, 17, and 20 of Table A thereof.

Date of Plat or Map: November 4, 2016

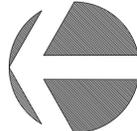
Roger D. Dudley, PLS #147089

SURVEYOR'S NOTES

- 1. The survey and the information, courses and distances shown thereon are correct.
2. The title lines and lines of actual possession are the same except as noted.
3. The record description of the subject property forms a mathematically closed figure.
4. The survey correctly shows the location of all buildings, structures and other improvements situated on the Premises.
5. The tax parcel identification is 17:023:0012.
6. There are no encroachments onto adjoining premises, streets, alleys or easement areas by any buildings, structures or other improvements, and no encroachments onto the Premises by buildings, structures or other improvements situated on adjoining premises.
7. All utilities serving the Premises enter through adjoining public streets and/or easements of record; that, the property described hereon is the same as the property described in (Utah First Title Insurance Agency, Inc.) Commitment No. 28751 with an effective date of September 30, 2016, and that all easements which the undersigned has been advised or has knowledge, have been listed and plotted hereon or otherwise noted as to their effect on the subject property.
8. Said described property is located within an area having a Zone Designation C by the Secretary of Housing and Urban Development, on Flood Insurance Rate Map No. 495517 0210A, with a date of identification of October 15, 1982, for Community Number 495517, in Utah County, State of Utah, which is the current Flood Insurance Rate Map for the community in which the Premises is situated.
9. The Premises has direct physical access to 600 South Street, a public street or highway.
10. The field work was completed on October 25, 2016.
11. The Basis of Bearing for this survey is Utah State Plane Coordinate System (NAD 27).
12. The gross land area is 16,694 acres.
13. There are possible wetlands on site, however no official delineation has been performed.

EXCEPTIONS

- 1 thru 13. Not survey related - not shown on survey.
14. Plottable and shown on survey.
15. Plottable and shown on survey.



NORTH 1" = 60'

Surveyor:

Dudley and Associates, Inc. 353 East 1200 South, Salt Lake City, Utah 84058, 801-224-1252

Client: Name

Lindon City

Location of Survey:

Located in the Northeast of the Northeast of Section 6, Township 6 South, Range 2 East, Salt Lake Base and Meridian.

Basis of Bearing:

Utah State Plane Coordinate System, Utah Central Zone. See Drawing

Purpose of Survey:

To identify physical boundaries and deed lines in relationship to adjacent owners.

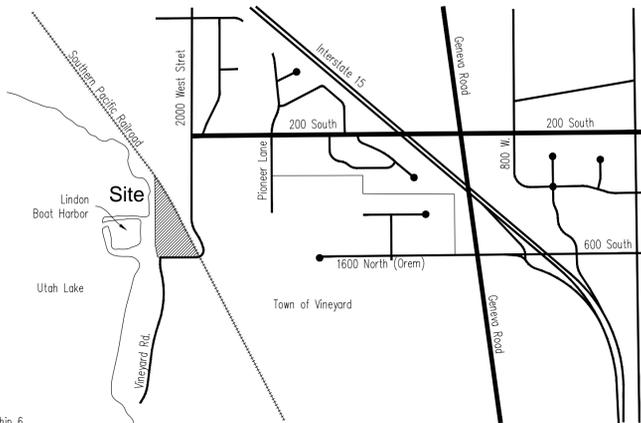
Control Monuments:

2 1/2" brass cap found at the South quarter corner of said Section 6.

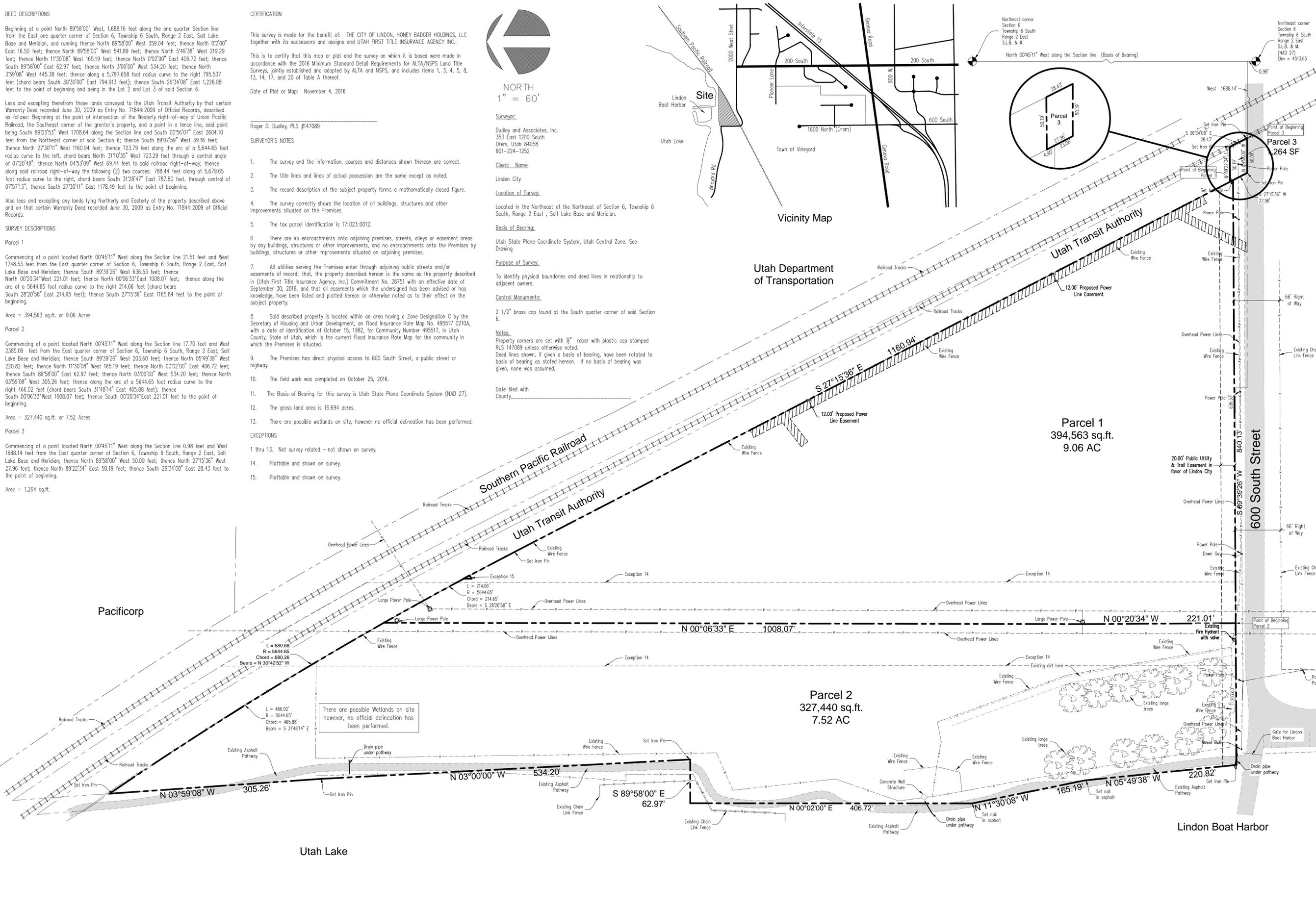
Notes:

Property corners are set with 1/2" rebar with plastic cap stamped RLS 147089 unless otherwise noted. Deed lines shown, if given a basis of bearing, have been rotated to basis of bearing as stated hereon. If no basis of bearing was given, none was assumed.

Date filed with County



Vicinity Map



Parcel 1 394,563 sq.ft. 9.06 AC

Parcel 2 327,440 sq.ft. 7.52 AC

Lindon Boat Harbor

DUDLEY AND ASSOCIATES ENGINEERS PLANNERS SURVEYORS 353 EAST 1200 SOUTH, OREM, UTAH 801-224-1252

ALTA/NSPS Land Title Survey The City of Lindon Utah

Revisions 11-28-2016 6-5-2018 (Parcel Lines)

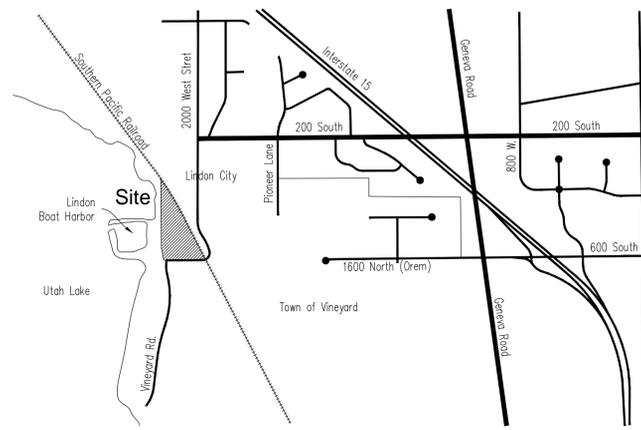
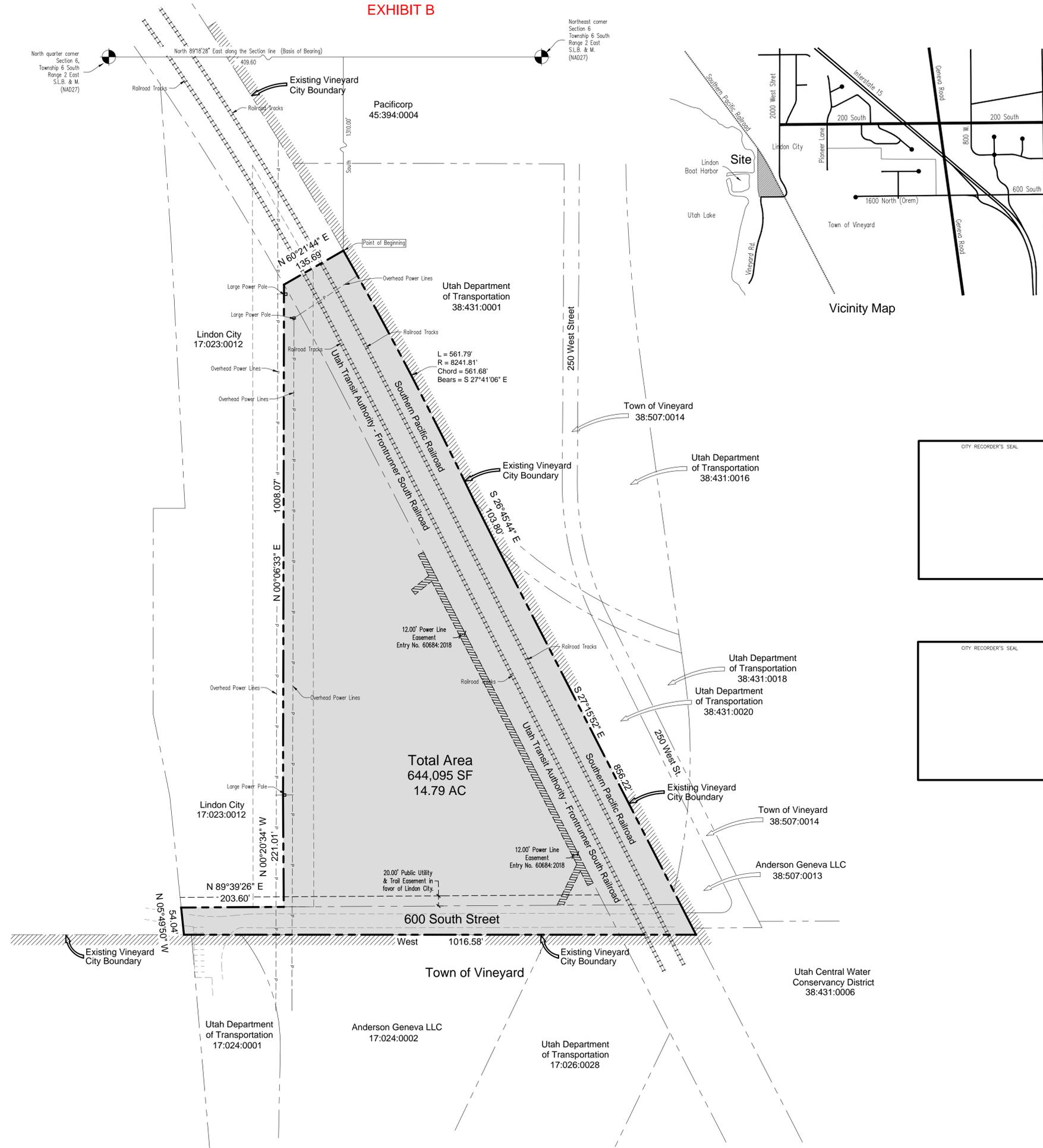
Date 7-9-2018 Scale 1" = 60' By TD Tracing No. L - 14239

Sheet No. C - 1.0

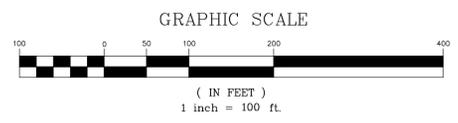


NORTH  
1" = 100'

EXHIBIT B



Vicinity Map



Prepared by:  
 Dudley and Associates, Inc.  
 353 East 1200 South  
 Orem, Utah 84058  
 office 801-224-1252  
 fax 801-224-1264

**Surveyor's Certificate**  
 I, Roger D. Dudley, do hereby Certify that I am a Registered Land Surveyor, and that I hold Certificate No. 147809 as prescribed under the laws of the State of Utah. I further certify by authority of the owners, I have prepared this Annexation Plat of the tract of land shown and described below, and represent the intended Annexation to the Town of Vineyard. I further state that the boundaries shown hereon in no way represent any individual's title in fee or actual occupation limits. I hereby state that the boundary description is true and correct to the best of my knowledge, information, belief and in my professional opinion.

**Boundary Description**  
 Commencing at a point located North 89°18'28" East along the Section line 409.60 feet and South 1310.00 feet from the North quarter corner of Section 6, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence more or less along the Southwest Annexation Plat of Lindon City as recorded as Map#2669-22, entry # 1981-13661, in the files of the Utah County Recorder; along the arc of a 8241.81 foot radius curve to the right 561.79 feet (chord bears South 27°41'06" East 561.68 feet); South 26°45'44" East 103.80 feet, South 27°15'52" East 856.22 feet, West 1016.58 feet; thence North 05°49'38" West 54.04 feet; thence North 89°39'26" East 203.60 feet; thence North 00°20'34" West 221.01 feet; thence North 00°06'33" East 1008.07 feet; thence North 60°21'44" East 135.69 feet to the point of beginning.  
 Area = 644,095 sq.ft. or 14.79 Acres  
 Basis of Bearing is North 89°18'28" East along the Section line from the North quarter corner to the Northeast corner of Section 6.

Date \_\_\_\_\_ Professional Land Surveyor  
 (see seal below)

**County Surveyor's Certificate**  
 This plat has been reviewed by the Utah County Surveyor and is hereby certified as a Final Local Entity Plat, pursuant to Utah Code Ann. 17-23-20 as amended.

Date \_\_\_\_\_ County Surveyor

**Acceptance by Mayor**  
 This is to certify that I, Jeff Acerson, the Mayor of the City of Lindon, have received a petition signed by a majority of the owners of the tract shown herein requesting that said tract be disconnected from Lindon City to the Town of Vineyard and that a copy of the ordinance has been prepared for filing herewith all in accordance with the Utah Boundary Commission Act (1979) 10-01-04 and 10-2-401 thru 423, as revised and that I have examined and do hereby approve and accept the annexation of the tract as shown as a part of said Town and that said tract of land is to be known hereafter as the Boat Harbor Addition.  
 Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
 Approved by Mayor \_\_\_\_\_  
 Attest \_\_\_\_\_ Recorder

**Acceptance by Mayor**  
 This is to certify that I, Julie Fulmer, the Mayor of the Town of Vineyard, have received a petition signed by a majority of the owners of the tract shown herein requesting that said tract be Annexed from Lindon City to the Town of Vineyard and that a copy of the ordinance has been prepared for filing herewith all in accordance with the Utah Boundary Commission Act (1979) 10-01-04 and 10-2-401 thru 423, as revised and that I have examined and do hereby approve and accept the annexation of the tract as shown as a part of said Town and that said tract of land is to be known hereafter as the Boat Harbor Addition.  
 Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
 Approved by Mayor \_\_\_\_\_  
 Attest \_\_\_\_\_ Recorder

Approved as to Form  
 COUNTY ATTORNEY \_\_\_\_\_ DATE \_\_\_\_\_

**Annexation Plat**

**BOAT HARBOR ADDITION**  
 to the Town of Vineyard

Vineyard City \_\_\_\_\_ Utah County, Utah \_\_\_\_\_  
 Scale: 1" = 100 Feet

THIS FORM APPROVED BY UTAH COUNTY AND THE MUNICIPALITIES THEREIN.

**8. Public Hearing — Ordinance Change; LCC 5.08 – Alcohol Sales & Licensing (Ord. 2018-11-O)** *(15 minutes)*

The City Council will review and consider Ordinance #2018-11-O bringing the city's alcohol sales and licensing ordinance up to date with current Utah State codes. This item was continued from the July 17, 2018 city council meeting. City Attorney, Brian Haws, will be in attendance for this item.

See attached Ordinance with proposed changes. Brian will be available to answer any questions you may have. At the last review of the code changes there was concern about Section 5.08.030(5), Proximity to Community Locations (separation distances from schools, churches, parks, etc.). Brian informed us that the separation requirements as listed in our local code only applies to retail sales (stores) where beer is NOT consumed at the place of sale. The proposed ordinance is not regulating separation requirements of places that serve alcohol for on-site consumption (restaurants, bars). These types of uses and the associated separation/licensing are fully regulated by State and not administered through the City except through consent of an on-site consumption license being issued.

**Sample Motion:** I move to (approve, deny) Ordinance #2018-11-O.

**ORDINANCE NO. 2018-11-O**

**ALCOHOL SALES AND LICENSING.** AN ORDINANCE AMENDING CHAPTER 5.08 OF THE LINDON CITY CODE REGULATING THE LICENSING AND SALE OF ALCOHOL IN LINDON CITY.

**WHEREAS**, the Lindon City is authorized to enact ordinances as are necessary and proper to promote the health, safety, morals, convenience, order, prosperity, and general welfare of Lindon; and

**WHEREAS**, the Utah State Legislature has amended the Utah Alcohol Beverage Control Act, requiring Lindon City to review and amend its current ordinances regulating the sale of alcohol so as to comply with the requirements of the state code.

**WHEREAS**, it is in the best interest and general welfare of residents of Lindon for Lindon City to establish clear requirements and procedures for the City to follow in issuing consents to state issued alcohol licenses, granting business licenses to alcohol related businesses, and in imposing conditions for the issuance of City licenses for the sale of beer for off-premises consumption; and to provide for the imposition of penalties and the revocation of licenses if such requirement and conditions are not met.; and

**WHEREAS**, the City has met the notice requirements for the discussion and adoption of the proposed ordinance.

**NOW THEREFORE**, be it ordained by the City Council of Lindon City, Utah that:

**SECTION I: AMENDMENT OF CHAPTER 5.08.** Chapter 5.08 of the Lindon City Code shall be amended and adopted to read as follows:

## Chapter 5.08 ALCOHOL SALES AND LICENSING

Sections:

5.08.010	Definitions.
5.08.020	<del>License Required for Retail Sale of Light</del> <u>Business License for Alcohol-Related Businesses.</u>
5.08.030	<del>License Required for wholesale sale of beer</del> <u>Off-Premise Beer Retailer License.</u>
5.08.040	<del>License Classification and privileges</del> <u>Written Consent to Applications for State Issued Retail Alcohol License.</u>
5.08.050	<del>License Application.</del> <u>Employment of Minors by a Bar Establishment Licensees Prohibited.</u>
5.08.060	<del>Licensee qualifications.</del>
5.08.070	<del>License Bond.</del>
5.08.080	<del>License Council authority to refuse.</del>
5.08.090	<del>License Permit required.</del>
5.08.100	<del>060 License--Transfer.</del>
5.08.110	<del>070 License--Application fee--Expiration date.</del>
5.08.120	<del>General restrictions.</del>
5.08.130	<del>Consumption of intoxicating beverages on premises.</del>

- ~~5.08.140 License Revocation.~~  
~~5.08.150080 Inspection of licensed premises.~~  
~~5.08.160090 Violation--Penalty.~~  
~~5.08.170 Required Beer Handler's Permit.~~  
~~5.08.180 Licensee Duty to Inform.~~  
~~5.08.190 Compliance checks.~~  
~~5.08.200 Application process for a Beer Handler's Permit.~~  
~~5.08.210 Qualifications to obtain a Beer Handler's Permit.~~  
~~5.08.220 Penalties for violations by a Permit holder.~~  
~~5.08.230 Licensee penalties.~~  
~~5.08.240 Right to a Hearing.~~

#### 5.08.010 Definitions.

The following words and phrases used in this chapter shall have the following meanings unless a different meaning clearly appears from the context:

1. "Alcoholic Beverage" means Beer or Liquor.
2. "Alcoholic Product" means a product that:
  - a. Contains at least 0.5% of alcohol by volume; and
  - b. Is obtained by fermentation, infusion, decoction, brewing, distillation, or other process that uses liquid or combinations of liquids, whether drinkable or not, to create alcohol in an amount equal to or greater than 0.5% of alcohol by volume.
  - c. "Alcoholic Product" includes an alcoholic beverage.
  - d. "Alcoholic Product" does not include any of the following common items that otherwise come within the definition of an alcoholic product:
    - i. An extract, except an extract containing alcohol obtained by distillation when it is used as flavoring in the manufacturing of an alcoholic product;
    - ii. Vinegar;
    - iii. Cider;
    - iv. Essence;
    - v. Tincture;
    - vi. Food preparation; or
    - vii. An over-the-counter medicine.
3. "Alcohol-Related Business" means any enterprise, business, or operation that allows a person to hold, store, possess, or consume an Alcoholic Product on the premises of the business such as a restaurant, association, bar or any similar business which is required to obtain and maintain a State Issued License as defined in this Chapter and any Off-Premise Beer Retailer as defined by this Chapter.
4. "Alcohol Training and Education Seminar" means a seminar required by Title 32B, Chapter 5, Part 4, Alcohol Training and Education Act, of the Utah State Code and as described in Section 62A-15-401.
5. "Bar Establishment License" means a license issued by the Utah Alcoholic Beverage Control Commission in accordance with Title 32B, Chapter 5, Retail License Act, and Chapter 6, Part 4, Bar Establishment License of the Utah Code.
  - a. "Bar Establishment License" includes licenses designated by the Alcoholic Beverage Control Commission as:
    - i. A dining club license;
    - ii. An equity license;
    - iii. A fraternal license; or
    - iv. A bar license.
6. "Beer" means any beverage containing not less than 0.5% (one-half of one percent), but not more than 4% (four percent) of alcohol by volume, or 3.2% (three and two-tenths percent) weight and is obtained by the alcoholic fermentation of an infusion or decoction of any malted grain or similar products. "Heavy beer" means beer containing more than 3.2 percent of alcohol by weight. "Light beer" means beer containing not more than 3.2 percent of alcohol by weight
  - a. Beer may or may not contain hops or other vegetable products.
  - b. Beer includes beverages referred to as beer, ale, stout, lager, and porter.
  - c. Beer includes malt or malted beverages but does not include a Flavored Malt Beverage.
  - d. Beer does not include Heavy Beer.

7. "Beer-Only Restaurant License" means a license issued by the Utah Alcoholic Beverage Control Commission in accordance with Title 32B, Chapter 5, Retail License Act, and Chapter 6, Part 9, Beer-Only Restaurant License of the Utah Code.
8. "Beer Retailer" means a business that:
- a. Is engaged, primarily or incidentally, in the retail sale of beer to a patron, whether for consumption on or off the business premises; and
    - i. Is licensed as an Off-Premise Beer Retailer by Lindon City; or
    - ii. Is licensed by the Utah Department of Alcoholic Beverage Control as an On-Premise Beer Retailer.
9. "Beer Wholesaling License" means a license issued by the Utah Alcoholic Beverage Control Commission in accordance with Title 32B, Chapter 13, Beer Wholesaling License Act of the Utah Code.
10. "Brewery Manufacturing License" means a license issued by the Utah Alcoholic Beverage Control Commission in accordance with Title 32B, Chapter 11, Part 5, Brewery Manufacturing License of the Utah Code.
11. "Church" means a building set apart for worship in which religious services are held and with which clergy is associated, and that is tax exempt under the laws of the State of Utah.
12. "Community Location" means a:
- a. Public or private school;
    - i. For purposes of this ordinance, school means a building used primarily for the general education of minors and does not include an Educational Facility as defined in this Chapter.
  - b. A church;
  - c. A public library;
  - d. A public playground; and
  - e. A public park.
13. "Convention Center" means a facility that is in total at least 30,000 square feet and as may be further defined by rules adopted by the Utah Department of Alcoholic Beverage Control.
14. "Distillery Manufacturing License" means a license issued by the Utah Department of Alcoholic Beverage Control in accordance with Title 32B of the Utah Code, Chapter 11, Part 4, Distillery Manufacturing License.
15. "Education Facility" includes a nursery school, an infant day care center, and a trade or technical school, but does not include a public or private school as defined by this Chapter.
16. "Flavored Malt Beverage" means a beverage that contains at least 0.5% alcohol by volume and as is further defined in Section 32B-1-102 of the Utah Code.
- a. For purposes of this ordinance, Flavored Malt Beverage is considered a liquor.
17. "Full-Service Restaurant License" means a license issued by the Utah Alcoholic Beverage Control Commission in accordance with Title 32B, Chapter 5, Retail License Act, and Chapter 6, Part 2, Full-Service Restaurant License of the Utah Code.
18. "Heavy Beer" means Beer, as defined herein, containing more than 4% alcohol by volume.
- a. For purposes of this ordinance, Heavy Beer is considered a liquor.
19. "Hotel License" means a license issued by the Utah Alcoholic Beverage Control Commission in accordance with Title 32B, Chapter 5, Retail License Act, and Chapter 8b, Hotel License Act of the Utah Code.
20. "Identification Card" means an identification card issued under Title 53, Chapter 3, Part 8, Identification Card Act of the Utah Code.
21. "Intoxicated" means that a person is significantly impaired as to the person's mental or physical functions as a result of the use of an Alcoholic Product, a controlled substance, a substance having the property of releasing toxic vapors; and exhibits plain and easily observed outward manifestations of behavior or physical signs produced by the overconsumption of an Alcoholic Product, the above-mentioned substances, or a combination of the same.
22. "Limited-Service Restaurant License" means a license issued by the Utah Alcoholic Beverage Control Commission in accordance with Title 32B, Chapter 5, Retail License Act, and Chapter 6, Part 3, Limited-Service Restaurant License of the Utah Code.
23. "Lindon City Off-Premise Beer Retailer License" means a license issued by Lindon City in accordance with the Provision of this Chapter.
24. "Liquor" and "intoxicating liquor" means and include a liquid that:
- a. Is Alcohol, Alcoholic, spirituous, vinous, fermented, malt, or other liquid or combination of liquids, a part of which is spirituous, vinous, or fermented, and all other drinks or drinkable liquids containing more than 0.5% (one-half percent) of alcohol by weight/volume; and all mixtures, compounds or preparations, whether liquid or not, which contain more than 0.5% of alcohol by weight/volume, and which are capable of human consumption-except the term "Liquor" shall not include light beer.

- b. “Liquor” includes:
  - i. Flavored Malt Beverages;
  - ii. Heavy Beer; and
  - iii. Wine.
- c. “Liquor” does not include Beer.
- 25. “Liquor Warehousing License” means a license issued by the Utah Alcoholic Beverage Control Commission in accordance with Title 32B, Chapter 12, Liquor Warehousing License Act of the Utah Code.
- 26. “Manufacture” means to distil, brew, rectify, mix, compound, process, ferment, or otherwise make an Alcoholic Product for personal use or for sale or distribution to others.
- 27. “Minor” means an individual under the age of 21 years.
- 28. “Off-Premise Beer Retailer” means a beer retailer who is licensed by Lindon City, in accordance with this Chapter and by the Utah Department of Alcoholic Beverage Control in accordance with Title 32B, Chapter 7, Off-Premise Beer Retailer Act of the Utah Code, and is who engaged in the retail sale of Beer to a patron for consumption off of the beer retailer's premises.
  - a. “Off-Premise Beer Retailer” does not include an On-Premise Beer Retailer.
- 29. “On-Premise Banquet License” means a license issued by the Utah Alcoholic Beverage Control Commission in accordance with Title 32B of the Utah Code, Chapter 5, Retail License Act, and Chapter 6, Part 6, On-Premise Banquet License.
- 30. “On-Premise Beer Retailer” means a Beer retailer who is authorized to sell, offer for sale, or furnish Beer under a license issued by the Utah Alcoholic Beverage Control Commission in accordance with Title 32B, Chapter 5, Retail License Act, and Chapter 6, Part 7, On-Premise Beer Retailer License of the Utah Code, and who is engaged in the sale of Beer for consumption on the licensed premises.
- 31. “Proof of Age” means an Identification Card.
  - a. “Proof of Age” includes the following provided they include the date of birth and have a picture affixed, including:
    - i. A valid driver license issued by the State of Utah;
    - ii. A valid driver license from any other state;
    - iii. A military identification; or
    - iv. A valid passport.
  - b. Proof of Age does not include a driving privilege card issued pursuant to Section 53-3-207 of the Utah Code.
- 32. “Reception Center” means a business that operates facilities that are at least 5,000 square feet; and has as its primary purpose the leasing of the facilities to a third party for the third party's event.
- 33. “Reception Center License” means a license issued by the Utah Alcoholic Beverage Control Commission in accordance with Title 32B of the Utah Code, Chapter 5, Retail License Act, and Chapter 6, Part 8, Reception Center License.
- 34. “Resort License” means a license issued by the Utah Alcoholic Beverage Control Commission in accordance with Title 32B of the Utah Code, Chapter 5, Retail License Act, and Chapter 8, Resort License Act.
- 35. “Responsible Alcohol Service Plan” means a written set of policies and procedures that outlines measures to prevent employees from over-serving alcoholic beverages to customers, serving alcoholic beverages to customers who are Intoxicated, and serving alcoholic beverages to Minors as required by the Utah Alcoholic Beverage Control Act.
- ~~“Retailer” means any person engaged in the sale or distribution of beer to the consumer.~~
- 36. ~~“Sell” or “to sell,” when used in this chapter means in any prohibition, shall be construed to include,~~ to solicit, or to receive an order for, to keep or expose for sale, to deliver for value or gratuitously, to peddle, to possess with intent to sell, to traffic in, for any consideration promised or obtained directly or indirectly or under any pretext or by any means whatsoever to procure or allow to be procured for any other person, and “sale” when so used shall include every act of selling as above defined.
- 37. “Special Use Permit” means a permit issued by the Utah Alcoholic Beverage Control Commission in accordance with Title 32B, Chapter 10, Special Use Permit Act of the Utah Code.
- 38. “State Issued Retail Alcohol License” means any of the following licenses as defined in this Chapter:
  - a. A Bar Establishment License;
  - b. A Beer-Only Restaurant License;
  - c. A Beer Wholesaling License;
  - d. A Brewery Manufacturing License;
  - e. A Distillery Manufacturing License;

- f. A Full-Service Restaurant License;
- g. A Hotel License;
- h. A Limited-Service Restaurant License;
- i. A Liquor Warehousing License;
- j. A State Off-Premise Beer Retailer License;
- k. A On-Premise Banquet License;
- l. A Reception Center License;
- m. A Resort License;
- n. A Special Use Permit;
- o. A Temporary Beer Event Permit; and
- p. A Winery Manufacturing License.

39. "State Off-Premise Beer Retailer License" means a state license issued by the Utah Alcoholic Beverage Control Commission in accordance with Title 32B, Chapter 7, Part 4, Off-Premise Beer Retailer State License of the Utah Code.

40. "Temporary Beer Event Permit" means a permit issued by the Utah Alcoholic Beverage Control Commission in accordance with Title 32B, Chapter 9, Part 4, Temporary Beer Event Permit of the Utah Code.

41. "Wine" means an alcoholic product obtained by the fermentation of the natural sugar content of fruits, plants, honey, or milk, or other like substance, whether or not another ingredient is added.

- a. For purposes of this ordinance, Wine is considered a liquor.

42. "Winery Manufacturing License" means a license issued by the Utah Alcoholic Beverage Control Commission in accordance with Title 32B, Chapter 11, Part 3, Winery Manufacturing License, of the Utah Code.

~~"Wholesaler" means any person other than a brewer or retailer engaged in the importation for sale or in the sale of beer in wholesale or jobbing quantities.~~

#### **5.08.020 Business License Required for All Alcohol-Related Businesses.—Required for retail sale of light beer.**

1. **Business License Required:** It is unlawful for any person or entity to own or operate an Alcohol-Related Business engage in the business of the sale of light beer at retail, in bottles or draft, within the corporate limits of the City without first having procured a business license therefor from the Lindon City Council of the city as hereinafter provided.

2. **State Issued Retail Alcohol License/Lindon City Off-Premise Beer Retailer License Required:** No business license shall be issued to an Alcohol-Related Business until a separate, corresponding, State Issued Retail Alcohol License, or Lindon City Off-Premise Beer Retailer License, has been secured by the owner of the Alcohol-Related Business and proof thereof is provided to Lindon City.

- a. If an applicant is required to show proof of a city business license in order to secure a State Issued Retail Alcohol License, the business license clerk may issue a temporary Alcohol Related Business License that shall be valid for 30 days, provided the applicant meets all other requirements of this Section.

b. If an applicant, who has been issued a temporary business license under this Section, fails to provide proof of a State Issued Retail Alcohol License to the City within 30 days of the issuance of the temporary business license, the application for a business license shall automatically be deemed to have been withdrawn, and of no further effect.

- i. The right to operate an Alcohol-Related Business within the City shall cease without further action or notice from the Lindon City.

ii. Each day the Alcohol-Related Business continues to operate after a temporary business license has lapsed under this Section shall constitute a separate violation of this Chapter.

3. **Qualifications of Licensee:** A business license may not be granted for an Alcohol-Related Business:

- a. Unless the licensee is of good moral character, over 21 years of age, and lawfully present in the United States;
- b. To anyone who has been convicted of a felony or misdemeanor involving moral turpitude; or
- c. To any partnership, association, or corporation if any member, director, or officer, lacks the qualifications set forth in this Chapter.

4. **Written Disclosures:** An application for an Alcohol-Related Business License shall be accompanied by written disclosures and information verifying the qualifications of the licensee and shall include:

- a. Proof of the applicant's identification and lawful presence in the United States;
- b. A completed BCI background check;

- i. To the extent permitted by state and/or federal law, all BCI background checks will remain confidential and protected as a private record not available for public inspection.
  - c. The City may consult any and all publicly available sources for information on the applicant including but not limited to databases for any outstanding warrants, protective orders, or civil judgments and may require additional disclosures as may be necessary to ensure the good moral character of any applicant;
  - d. Partnerships, associations, and corporations applying for an Alcohol-Related Business License shall provide the required written disclosures for each individual member, director, and officer;
  - e. A copy of the applicant's Responsible Alcohol Service Plan; and
  - f. A map showing proximity of the proposed Alcohol-Related Business to Community Locations and verification that State Issued Retail Alcohol License holders comply with the proximity requirements of §32B-1-202 of the Utah Code.
    - i. Applicants for a Lindon City Off-Premise Beer Retailer License must show compliance with the proximity to Community Locations requirements as required by Section 5.08.030(5) of this Chapter.
5. **License Fee:** All applicants for an initial Alcohol-Related Business License shall pay a license fee in the amount of \$300.00, or in the amount as may be amended by the Lindon City Council and set forth in the Lindon City Fee Schedule.
- a. An Alcohol Related Business must be renewed on an annual basis and shall pay a renewal fee as set forth in Section 5.08.070.
6. **License Does Not Constitute Written Consent:** A business license issued under this Chapter shall not constitute the written consent of Lindon City to an application to the Utah Alcoholic Beverage Control Commission for a retail license as required by the Utah Alcoholic Beverage Control Act.
7. **Display of License:** Both the business license and the State Issued Retail Alcohol License or Lindon City Off-Premise Beer Retailer License shall be required for each place of sale and the license shall at all times be conspicuously displayed in the place to which it shall refer or for which it shall be issued.
8. **Separate Locations:** A business license shall be required for each place of sale or service of Alcohol.
9. **Revocation of Alcohol-Related Business License:** All Alcohol-Related Business licenses holders shall comply with all applicable provisions of the Alcoholic Beverage Control Act of Utah and the established regulations of the Alcoholic Beverage Control Commission at all times in the operations and maintenance of their Alcohol-Related Businesses, including Alcohol Training and Education Seminars for employees. If at any time such a license holder fails to comply with such regulations or if the State Issued Retail Alcohol License or Lindon City Off-Premise Beer Retailer License, is revoked or denied, the business license may be revoked and declared null and void by the business license clerk.
- a. Any person aggrieved by any decision of the business license clerk with respect to the revocation of a business license based on a finding of non-compliance with the Alcoholic Beverage Control Act may appeal to the Lindon City Council.
    - i. The appeal must be filed within 10 days of the business license clerk issuing the finding of non-compliance.
    - ii. Upon receipt of the written notice of appeal, a time and place for hearing such appeal shall be set within 30 days and notice shall be given to such person of the time and place of the hearing by serving it personally or by depositing it in the United States Post Office, postage prepaid, addressed to such person at their last known address.
    - iii. The City Council shall have authority to determine all questions raised on such appeal by a preponderance of the evidence.
  - b. The revocation of a State Issued Retail Alcohol License by the Utah Alcoholic Beverage Control Commission shall be a per se reason for revocation of the corresponding business license for which there is no right of appeal.
  - c. In the event that a State Issued Retail Alcohol License is reinstated after a corresponding business license has been revoked by Lindon City, the owner of an Alcohol-Related Business must apply for and secure a new business license from the City before resuming operations of the Alcohol-Related Business.   
 -(Ord. 2004 7, amended, 2004; Ord. 98 1, repealed and replaced, 2000; Prior code §6 1)

**5.08.030 Off-Premise Beer Retailer License. ~~License Required for wholesale sale of beer.~~**

1. **Lindon City Off-Premise Beer Retailer License Required:** It is unlawful for any person within the limits of Lindon City to engage in the business of the retail sales of Beer to a patron for consumption off of the retailer's premises selling beer at wholesale within the limits of the city without first obtaining a Lindon City Off-Premise Beer Retailer License license therefor from Lindon City, the Alcoholic Beverage Control Commission of Utah and paying the required fee therefor. (Ord. 2004-7, amended, 2004; Ord. 98-1, repealed and replaced, 2000; Prior code §6-3)
2. **State Off-Premise Beer Retailer License Required:** No Lindon City Off-Premise Beer Retailer License shall be issued to an Off-Premise Beer Retailer until a separate State Off-Premise Beer Retailer License has been obtained from the Utah Alcoholic Beverage Control Commission in accordance with Title 32B, Chapter 7, Part 4 of the Utah Code.
3. **Qualifications of Licensee:** A Lindon City Off-Premise Beer Retailer License may not be granted:
  - a. Unless the licensee is of good moral character, over 21 years of age, and lawfully present in the United States;
  - b. To anyone who has been convicted of a felony or misdemeanor involving moral turpitude; or
  - c. To any partnership, association, or corporation if any member, director, or officer, lacks the qualifications Set Forth in this Chapter.
4. **Written Disclosures:** An application for a Lindon City Off-Premise Beer Retailer License shall be accompanied by written disclosures and information verifying the qualifications of the licensee and shall include:
  - a. Proof of the applicant's identification and lawful presence in the United States;
  - b. A completed BCI background check;
    - i. To the extent permitted by state and/or federal law, all BCI background checks will remain confidential and protected as a private record not available for public inspection.
  - c. The City may consult any and all publicly available sources for information on the applicant including but not limited to databases for any outstanding warrants, protective orders, or civil judgments and may require additional disclosures as may be necessary to ensure the good moral character of any applicant.
  - d. Partnerships, associations, and corporations applying for an Alcohol-Related Business license shall provide the required written disclosures for each individual member, director, and officer.
  - e. A floor plan of the premises that outlines the location of each beer display;
  - f. A copy of the applicant's Responsible Alcohol Service Plan.
  - g. A map showing the proximity of the proposed Off-Premise Beer Retail location and Community Locations.
  - h. A signed consent form stating that the applicant will permit an authorized representative of Lindon City or any law enforcement officer to have unrestricted right to enter the licensed premises.
5. **Proximity to Community Locations:** No Lindon City Off-Premise Beer Retailer License may be issued if on the date the application is submitted there is a Community Location within 600 feet of the proposed retail location, as measured from the nearest entrance of the proposed retail location by following the shortest route of ordinary pedestrian travel to the property boundary of the Community Location, or within 300 feet of the proposed retail location, measured in a straight line from the nearest entrance of the proposed retail location to the nearest property boundary of the Community Location.
  - a. The city council may grant a variance or waiver of the proximity requirements of this Section if an applicant can show that there are special circumstances unique to the proposed retail location which do not generally apply to other similar retail locations and that granting the variance or waiver would not be detrimental to the public health, peace, safety, or welfare of the community.
    - i. The burden of proving special circumstances and of showing that the requested variance or waiver will not be detrimental to the public health, peace, safety, or welfare of the community rests upon the applicant. The decision to grant or deny a request for a variance or waiver under this Section constitutes a legislative action by the City Council and is subject to a reasonably debatable standard.
  - b. An Off-Premise Beer Retailer operating prior June 30, 2018, may continue to operate within proximity to the Community Locations as they existing at the time the original license was issued, provided that there has been no lapse in the use of the property as an Off-Premise Beer Retailer.
    - i. This right to continue operations as an Off-Premise Beer Retailer under previous proximity requirements shall not be terminated based on change in ownership of the Off-Premise Beer Retailer or ownership of the real property on which the Off-Premise Beer Retailer is located.

6. **Lindon City Off-Premise Beer Retailer License for a Brewery Manufacturing License:** The owner of a properly issued Brewery Manufacturing License may apply for and receive a Lindon City Off-Premise Beer Retailer License provided that the retail portion of such facility complies with the requirements of this Chapter and the owner follows and complies with the requirements of this Chapter and with the provisions of the Utah Alcoholic Beverage Control Act.
7. **License Fee:** All applicants for a Lindon City Off-Premise Beer Retailer License shall pay a license fee in the amount of \$300 or in the amount as may be amended by the Lindon City Council and set forth in the Lindon City Fee Schedule.
- a. A Lindon City Off-Premise Business License must be renewed on an annual basis and an applicant shall pay a renewal fee as set forth in Section 5.08.070.
8. **Separate Locations:** A separate Lindon City Off-Premise Beer Retailer License shall be required for each place or location of Off-Premise Beer Retail sales.
9. **Separation of Beer from Nonalcoholic Beverages and Notice to Consumers:** All Beer sold by an Off-Premise Beer Retailer shall be displayed in an area that is visibly separate and distinct from locations in which nonalcoholic beverages are displayed and sold.
- a. Display areas containing beer shall be labeled with a sign that is prominent and easily readable by a consumer and meets the requirements of the Off-Premise Beer Retailer Act found in Title 32B, Chapter 7 of the Utah State Code and informs the consumer that the beverages contain alcohol.
10. **Alcohol Training and Education:** All Off-Premise Beer Retailers shall ensure that all staff selling Beer, or supervising the sale of Beer, are properly trained pursuant to the requirements of the Alcohol Training and Education Act as set forth in Title 32B, Chapter 5, Part 4 of the Utah Code.
- a. An individual hired with the responsibility to sell Beer, or supervise the sale of Beer, for an Off-Premise Beer Retailer shall complete an alcohol training and education seminar within 30 days of the date on which they begin such employment if they do not have a valid record of previously completing such training.
- b. Lindon City shall immediately suspend the license of an Off-Premise Beer Retailer that allows an individual to work as a supervisor or manager of the sale of Beer without having a valid record that the individual completed an alcohol training and education seminar.
11. **Staff Authorized to Sell Beer/Maintenance of Records**
- a. A minor may not sell Beer to consumers unless;
- i. The minor is at least 16 years of age;
- ii. Has been properly trained pursuant to the requirements of the Alcohol Training and Education Act; and
- ii. Is directly supervised by a person 21 years of age or older who has been properly trained pursuant to the requirements of the Alcohol Training and Education Act.
- b. All Off-Premise Beer Retailers shall identify and maintain identifying information of all staff who directly sell or supervise the sale of beer to patrons for consumption off the premises pursuant to the requirements of the Off-Premise Beer Retailer Act found in Title 32B, Chapter 7 of the Utah State and shall make such records available for immediate inspection by a peace officer or other City representative upon request.
- c. Any Off-Premise Beer Retailer who is found to have failed to maintain the records as required by this Chapter and/or by the Utah Alcoholic Beverage Control Act shall be subject to a fine of up to \$250 for each employee for whom the records are not correctly maintained.
12. **Penalties Related to Sales to Minors:**
- a. In addition to any criminal penalty that might be imposed, Lindon City shall impose the following sanctions upon an Off-Premise Beer Retailer if an individual who, while on duty as staff of an Off-Premise Beer Retailer, is found in violation of the law involving the sale of an Alcoholic Product to a minor.
- i. Upon the first violation, a written warning shall be issued against the Off-Premise Beer Retailer;
- ii. Upon a second violation a civil fine of \$250 shall be imposed against the Off-Premise Beer Retailer;
- iii. Upon a third violation an Off-Premise Beer Retailer shall pay a civil fine of \$500;
- iv. Upon a fourth violation an Off-Premise Beer Retailer shall pay a civil fine of \$500, have Off-Premise Beer Retailer License suspended for 30 days and be placed on probation for one year;

- v. Any violation occurring during the probationary period will result in immediate revocation of the Off-Premise Beer Retailer License for a period of at least six months and an additional civil fine of \$500;
- vi. Any violation occurring after an Off-Premise Beer Retailer has had their license revoked for at least a six-month period will result in the permanent revocation of the Off-Premise Beer Retailer License; and
- vii. Failure to pay the fines imposed pursuant to this Chapter within 30 days of the day on which the fine is imposed is grounds for suspension of the license until the payment is made.
- b. In addition to any criminal penalty that might be imposed, an individual who, while on duty as staff of an Off-Premise Beer Retailer and after having completed an alcohol training and education seminar, is found in violation of the law involving the sale of an Alcoholic Product to a Minor is subject to the following administrative sanctions:
  - i. Upon a first violation the individual may not sell or directly supervise a sale of Beer to any customer until the individual retakes and completes an alcohol training education seminar;
  - ii. Upon a second violation an individual may not sell or directly supervise the sale of Beer for the longer of a period of 90 days or until the individual retakes and completes an alcohol training education seminar and completes any additional training that may be required by Lindon City;
  - iii. Upon a third violation an individual may not sell or directly supervise the sale of Beer for a period of one year and must again complete the alcohol and training education seminar and any other additional training that Lindon City may require.
- c. Any Off-Premise Beer Retailer found to be allowing an individual to sell or supervise the sale of Beer while being suspended pursuant to the provisions of this Chapter shall immediately have their Lindon City Off-Premise Beer Retailer License suspended.
- d. Prior to imposing any sanction provided for under this Section, Lindon City shall hold an administrative hearing administered by the City Administrator, or a hearing officer appointed by the City Administrator, if requested by the Off-Premise Beer Retailer or the employee alleged to have violated the law regarding the sale of alcohol to a minor.
  - i. Upon a request for an administrative hearing, the City Administrator, or the appointed hearing officer, shall give notice of the hearing and provide an opportunity to be heard within 30 days of the request.
  - ii. The prescribed sanction may be imposed only if the City Administrator, or the appointed hearing officer, finds by a preponderance of the evidence that the violation occurred.

**13. Revocation of Lindon City Off-Premise Beer Retailer License:** All Lindon City Off-Premise Beer Retailer License holders shall comply with all applicable provisions of this Chapter, the Alcoholic Beverage Control Act found in Title 32B of the Utah Code, and the established regulations of the Utah Alcoholic Beverage Control Commission, including Alcohol Training and Education Seminars for employees.

- a. The City Recorder may suspend or revoke a Lindon City Off-Premise Beer Retailer License if:
  - i. At any time a license holder fails to comply with the provisions of this Chapter, the Alcoholic Beverage Control Act found in Title 32B of the Utah Code, or the established regulations of the Alcoholic Beverage Control Commission, including Alcohol Training and Education Seminars for employees;
  - ii. The State Off-Premise Beer Retailer License is revoked or denied by Alcoholic Beverage Control Commission;
  - iii. The applicant knowingly made a false statement of fact required to be revealed in the application for the license, or in any amendment or report to be made thereunder; or
  - iv. Continuance of the license would be inconsistent with public health, safety or general welfare of the residents of Lindon City.
- b. Any person aggrieved by any decision of the City Administrator, or the appointed hearing officer, with respect to the revocation of a Lindon City Off-Premise Beer Retailer License based on a finding of non-compliance with this Chapter or with the Alcoholic Beverage Control Act, may appeal to the Lindon City Council by filing a notice of appeal with the City Recorder.
  - i. The appeal must be filed within 10 days of the City Administrator, or the appointed hearing officer, issuing the decision to revoke the Lindon City Off-Premise Beer Retailer License.
  - ii. Upon receipt of the written notice of appeal, a time and place for hearing such appeal shall be set within 30 days and notice shall be given to such person of the time and place of the

hearing by serving it personally or by depositing it in the United States Post Office, postage prepaid, addressed to such person at their last known address.

iii. The City Council shall have authority to determine all questions raised on such appeal.

c. The revocation of the corresponding State Issued Off-Premise Beer Retailer License by the Utah Alcoholic Beverage Control Commission shall be a per se reason for the revocation of a Lindon City Off-Premise Beer Retailer License for which there is no right of appeal.

d. In the event that there is a reinstatement of a State Issued Off-Premise Beer Retailer License the Off-Premise Beer Retailer must reapply for and secure a new Lindon City Off-Premise Beer Retailer License.

i. Lindon City shall consider and weigh all circumstances and conditions related to the suspension and reinstatement of the State Issued Off-Premise Beer Retailer License and may deny an application for a Lindon City Off-Premise Beer Retailer License if the City is not satisfied that the circumstances leading the original suspension have not be adequately addressed or remedied.

#### **5.08.040 Written Consent to Applications for State Issued Retail Alcohol License.**

~~License Classification and privileges.~~ With the exception of Off-Premise Beer Retailers, the licensing of Alcohol-Related Businesses is reserved to the Utah Alcoholic Beverage Control Commission. However, as part of the state licensing process, applicants seeking a State Issued Retail Alcohol License for a facility or event in Lindon City are required to obtain the written consent of Lindon City for such license or permit. The process for issuing Lindon's City's written consent shall be as follows:

1. **Requirements to Issue Written Consent:** The City Recorder is authorized to issue Lindon City's written consent to an application for a State Issued Retail Alcohol License, upon finding that an applicant has satisfied the following requirements:

a. That the applicant meets the required qualifications of a licensee as set forth in Section 5.08.020(2) of this Chapter;

b. That the applicant has provided Lindon City with all written disclosures required in Section 5.08.020(4) of this Chapter.

c. That the location of the proposed Alcohol-Related Business meets the respective requirements for proximity to Community Locations as set forth in this Chapter and in the Utah Alcohol Control Act.

d. That the applicant has paid the Business License Fee set forth in Section 5.08.020(5) of this Chapter; and

e. That the applicant has not had any State Issued Retail Alcohol Licenses or a Lindon City Off-Premise Beer Retailer License revoked or suspended within the last six months.

2. **Issuance of Consent or Denial:** The City Recorder shall issue the written consent to a request for a State Issued Retail Alcohol License, or a written denial of such request if the City Recorder finds that any of the requirements set forth in this Subsection have not been satisfied, within 30 days of receiving the request for written consent.

3. **Appeal of a Denial to Issue Written Consent:** Any person aggrieved by any decision of the City Recorder clerk with respect to the denial of a request for written consent may appeal to the Lindon City Council by filing a written notice of appeal.

a. Any appeal must be filed within 10 days of the City Recorder issuing the written denial of the request for consent.

b. Upon receipt of the written notice of appeal, a time and place for hearing the appeal shall be set within 30 days and notice shall be given to such person of the time and place of hearing by serving it personally or by depositing it in the United States Post Office, postage prepaid, addressed to such person at their last known address.

c. The City Council shall have the authority to determine all questions raised on the appeal by a preponderance of the evidence.

~~1. Retail licenses issued hereunder shall be of the following type and shall carry the following privileges and be numbered numerically commencing from the number one:~~

~~a. *Retail Beer License.* A retail beer license shall entitle the licensee to sell beer in containers or on draft for consumption on or off the premises in accordance with the Utah Alcoholic Beverage Control Act.~~

~~b. *Seasonal License.* A seasonal license shall carry the privileges of the regular retail beer license and shall be for a period of less than one year.~~

~~2. It is unlawful for any licensee to purchase or acquire, or to have or possess for the purpose of sale or distribution, any beer except that which he shall have lawfully purchased from a brewer or wholesaler licensed under the~~

privileges of the Utah Alcoholic Beverage Control Act. (~~Ord. 2004 7, amended, 2004; Ord. 98 1, repealed and replaced, 2000; Prior code §6 4)~~)

**5.08.050      Employment of Minors by a Bar Establishment Licensee Prohibited. License--Application.**

~~Pursuant to the authority granted by the § 32B-6-406 of Utah Code, no Bar Establishment Licensee shall employ any minor to work on the premises where an Alcohol Product is served. All applications for licenses authorized by this chapter shall be verified and filed with the city council and shall state the applicant's name in full and that he has complied with the requirements and possesses the qualifications specified in the Utah Alcoholic Beverages Control Act, and if the applicant is a co-partnership, the names and addresses of all partners, and if a corporation, the names and addresses of all officers and directors, and must be subscribed by the applicant who must state under oath that the facts stated therein are true. Applicants must furnish such information, including a certificate of at least five resident freeholders of the city to the effect that the licensee bears a good moral character and is a fit and proper person to be granted a license, as and when the city council shall require. (Ord. 2004 7, amended, 2004; Ord. 98 1, repealed and replaced, 2000; Prior code §6 5)~~

**5.08.060      Licensee qualifications.**

~~No person shall be granted a retail license unless he shall be qualified as provided in the Utah Alcoholic Beverage Control Act. (Ord. 2004 7, amended, 2004; Ord. 98 1, repealed and replaced, 2000; Prior code §6 6)~~

**5.08.070      License Bond.**

~~No license shall be granted by the city council until the applicant shall have filed with the council a bond as provided by the Utah Alcoholic Beverage Control Act. (Ord. 2004 7, amended, 2004; Ord. 98 1, repealed and replaced, 2000; Prior code §6 7)~~

**5.08.080      License Council authority to refuse.**

~~The city council may refuse to grant any license applied for if the city council finds that:~~

- ~~1. The applicant does not possess all of the qualifications required by the Alcoholic Beverage Control Act; or~~
- ~~2. The applicant fails to comply with the ordinances of the city, or the rules, regulations and orders of the Utah County Health Department; or~~
- ~~3. The applicant has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the applicant as a person engaged in the business of the sale or retail of intoxicating liquor or beer; or~~
- ~~4. The applicant has committed any act involving dishonesty, fraud or deceit with intent to substantially benefit himself or another, or substantially injure another; or~~
- ~~5. The applicant knowingly made a false statement of fact required to be revealed in the application for the license, or in any amendment or report to be made thereunder; or~~
- ~~6. Continuance of the license would be inconsistent with public health, safety or general welfare. (Ord. 2004 7, amended, 2004; Ord. 2002 3, amended, 2002; Ord. 98 1, repealed and replaced, 2000; Ord. 133 §1, amended, 1985; Ord. 126 §1, amended, 1985; Prior code §6 12)~~

**5.08.090      License Permit required.**

~~No license shall be issued until the applicant therefor shall have first produced from the Utah County Health Department a permit therefor, which permit shall show that the premises to be licensed are in a sanitary condition and that the equipment used in the storage or distribution, or sale of such beer, complies with all health regulations of the city and of the state. (Ord. 98 1, repealed and replaced, 2000; Ord. 2002 3, amended, 2002; Ord. 133 §1, amended, 1985; Prior code §6 9)~~

**5.08.10060      License--Transfer.**

~~All Licenses issued under this Chapter shall not be transferable and upon revocation thereof by the city council the fee paid by the licensee to the City for said license shall be forfeited to the City. (Ord. 98 1, repealed and replaced, 2000; Prior code §6 10)~~

**5.08.070410      License--Application fee--Expiration date.**

1. Applications provided for in this Chapter shall be accompanied by the fees established by this code and as may be modified by the City Council and set forth in the Lindon City Fee Schedule, ~~municipal council, which fee shall be deposited in the city treasury if the license is granted and returned to the applicant if denied.~~

2. All Alcohol-Related Business licenses issued hereunder shall expire on the 31st day of December, unless canceled sooner ~~canceled~~, and must be renewed annually on or before January 1<sup>st</sup>.

a. A fee for the renewal of an Alcohol-Related Business License shall be paid in an amount established by the Lindon City Council and set forth in the Lindon City Fee Schedule, ~~excepting that seasonal licenses shall expire on the date set forth therein.~~ (Ord. 98-1, repealed and replaced, 2000; Prior code §6-11)

#### **5.08.120 — General restrictions.**

No person shall sell beer at any public dance or to any person intoxicated, or under the influence of an intoxicating beverage. No license shall be granted to sell beer in any dance hall, theater, or in the proximity of any ~~church or school.~~ No person shall sell beer to any person under the age of 21 years. It is unlawful to sell beer on Sunday and between the hours of one a.m. and seven a.m. the other six days of the week. It is unlawful to advertise the sale of light beer except under such regulations as are made by the liquor control commission of Utah; providing that a simple designation of the fact that beer is sold under city license may be placed in or upon the window or front of the licensed premises. It is unlawful to sell beer through a drive up window. No licensee shall violate the terms of the license issued, nor unless he shall be so licensed shall he sell bottled or draft beer for consumption on the premises, or permit any beer to be consumed on the premises.

~~\*All licenses issued hereunder shall expire on the 31st day of December unless sooner canceled, excepting that seasonal licenses shall expire on the date set forth therein.~~

(Ord. 98-1, repealed and replaced, 2000; Ord. 30, amended, 1975; Prior code §6-12)

#### **5.08.130 — Consumption of intoxicating beverages on premises.**

It is unlawful for any person to consume any intoxicating liquor or beverage on any premises licensed under this chapter or to have on said premises any open vessel or container containing intoxicating liquor or beverage. Unless the establishment be so licensed for on premise consumption. It is unlawful for any licensee hereunder, his agent or employee, to allow the consumption of any intoxicating liquor or beer on any premises licensed hereunder, or to allow any vessel or container containing intoxicating liquor or beer to remain open on said premises, unless the licensee be so licensed for on premise consumption. (Ord. 2004-7, amended, 2004; Ord. 98-1, repealed and replaced, 2000; Prior code §6-13)

#### **5.08.140 — License Revocation.**

The city council of the city may, after notice and a hearing, revoke any license granted hereunder if the city council finds that:

1. The licensee does not possess all of the qualifications required by the Liquor Control Act; or
2. The licensee fails to comply with the ordinances of the city, or the rules, regulations and orders of the Utah County Health Department;
3. The licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the applicant or licensee as a person engaged in the business of the sale or retail of intoxicating liquor; or
4. The licensee has committed any act involving dishonesty, fraud or deceit with intent to substantially benefit himself or another, or substantially injure another; or
5. The licensee knowingly made a false statement of fact required to be revealed in the application for the license, or in any amendment or report to be made thereunder; or
6. Continuance of the license would be inconsistent with public health, safety or general welfare. (Ord. 98-1, amended, 2000; Ord. 2002-3, amended, 2002; Ord. 133 §1, amended, 1985; Ord. 126 §2, amended, 1985; Prior code §6-14)

#### **5.08.080150 — Inspection of licensed premises.**

All premises licensed under this chapter shall be subject to inspection by any officer, agent, or peace officer of the City or the Alcoholic Beverage Control Commission, or the State Board of Health, and every licensee shall, at the request of the City, State Board or Utah County Health Department, furnish to them ~~it~~ samples of beer which the licensee shall have for sale. (Ord. 2004-7, amended, 2004; Ord. 2002-3, amended, 2002; Ord. 98-1, amended, 2000; Ord. 133 §1, amended, 1985; Prior code §6-15)

**5.08.090160 Violation--Penalty.**

~~In addition to any administrative penalties provided for in this Chapter, it is unlawful for any person to violate any provision of this Chapter. Unless otherwise provided herein, any person convicted of violating any provision of this Chapter shall be guilty of a Class B misdemeanor. Each day that any violation or failure to perform an act required under this Chapter continues shall constitute a separate offense. (Ord. 2004 7, amended, 2004; Ord. 98 1, amended, 2000; Prior code §6-16)~~

**5.08.170 Required Beer Handler's Permit.**

~~A licensee involved in the transaction of retail beer sales for off-premise consumption shall require all employees involved in the transaction of retail beer sales to obtain a Beer Handler's Permit from the Utah County Health Department. All employees of a licensee involved in the transaction of retail beer sales will be required to possess and wear a Beer Handler's Permit while on duty. This permit shall be worn in a conspicuous place such that the permit shall be clearly visible to any person.~~

~~New employees of a licensee shall obtain a Beer Handler's Permit within thirty (30) days of hire. During this thirty (30) day period, the employee may sell alcoholic beverages in accordance with the Utah Alcoholic Beverage Control Act, the regulations of the Alcoholic Beverage Control Commission, and the provisions of this chapter. (Ord. 2004-7, amended, 2004)~~

**5.08.180 Licensee Duty to Inform.**

~~The licensee is required to inform the Utah County Health Department within thirty (30) days of any employee possessing a Beer Handler's Permit whose employment is terminated for conduct that would be punishable under the statutes or ordinances regulating alcoholic beverages, or when the licensee becomes aware of any other violation involving the sale of an alcoholic beverage. (Ord. 2004 7, amended, 2004)~~

**5.08.190 Compliance checks.**

~~Licensees shall permit law enforcement officers and Utah County Health Department employees to conduct random Beer Handler's Permit compliance checks on the licensee's premises. (Ord. 2004 7, amended, 2004)~~

**5.08.200 Application process for a Beer Handler's Permit.**

~~To obtain a Beer Handler's Permit, applicants must:~~

- ~~1. Fill out a "Beer Handler's Permit" application form available from the Utah County Health Department.~~
- ~~2. Produce acceptable photo identification showing the identity of the applicant;~~
- ~~3. Attend a Beer Handler's Permit training session administered by, or approved by, the Utah County Health Department; and~~
- ~~4. Pass the Beer Handler's Permit test given by the Utah County Health Department.~~

~~If paragraphs 1, 2, 3, and 4, are satisfied, the Utah County Health Department shall issue the applicant a Beer Handler's Permit photo identification card. This permit must be worn by the applicant while on duty such that the permit shall be clearly visible to any person. (Ord. 2004 7, amended, 2004)~~

**5.08.210 Qualifications to obtain a Beer Handler's Permit.**

~~The applicant for a Beer Handler's Permit must satisfy the qualification requirements established by the Utah County Health Department. A permit shall not be granted to any individual who has had a felony conviction within three years, or a misdemeanor conviction involving alcohol or controlled substances within one year. (Ord. 2004 7, amended, 2004)~~

**5.08.220 Penalties for violations by a Permit holder.**

~~A violation of this chapter or of any law involving the sale of an alcoholic beverage is a Class B misdemeanor. Additionally, an employee possessing a Beer Handler's Permit who is convicted of any law involving the sale of an alcoholic beverage is not only subject to prosecution, but shall incur a suspension of the employee's Beer Handler's Permit as follows:~~

- ~~1. 1st Violation—Automatic suspension of the employee's Beer Handler's Permit for a period of one (1) year.~~
- ~~2. 2nd Violation—Automatic suspension of the employee's Beer Handler's Permit for a period of one (1) year.~~
- ~~3. Any Subsequent Violation—Automatic suspension of the employee's Beer Handler's Permit for a period of three (3) years. (Ord. 2004 7, amended, 2004)~~

**5.08.230 — Licensee penalties.**

Any violation of this chapter by a licensee or any employee of the licensee shall subject the licensee to the following penalties:

1. Upon a first violation of this chapter the licensee shall be issued a warning;
  2. Upon any violation of this chapter which occurs within twenty four (24) months of a prior violation, the licensee shall pay a civil fine of two hundred fifty dollars (\$250);
  3. Upon any violation of this chapter which occurs within twenty four (24) months of two (2) prior violations, the licensee shall pay a civil fine of five hundred dollars (\$500) and the licensee shall have its license to sell beer suspended for a period of three (3) consecutive days, on a Thursday through Saturday;
  4. Upon any violation of this chapter which occurs within twenty four (24) months of three (3) prior violation, the licensee shall pay a civil fine of five hundred dollars (\$500) and the licensee shall have its license to sell beer suspended for a period of thirty (30) consecutive days. Additionally, the licensee shall be placed on probation for a period of one (1) year. Any violation of this chapter by the licensee or any employee of the licensee during the period of probation shall result in the revocation of the licensee's license to sell beer. The licensee shall not be eligible to reapply for a new license for at least six (6) months from the date of revocation.
- Failure to pay any fine imposed for a violation of any provision of this chapter within thirty (30) days of the imposition of such fine shall be grounds for revocation of the licensee's license to sell beer.
- Nothing in this chapter shall limit the rights and powers of the Lindon City Council to grant, refuse to grant, or revoke a licensee's license to sell beer under this chapter. (Ord. 2004-7, amended, 2004)

**5.08.240 — Right to a Hearing.**

1. The licensee shall have the right to request a hearing to contest the existence of any violation of this chapter or the imposition of any penalty under this chapter. A written request for a hearing must be filed by the licensee with the Lindon City Administrator within fifteen (15) days of the date of mailing of the City's notice of a violation to the licensee. The request for a hearing shall include the licensee's name, address, telephone number, and a statement of the licensee's basis for disputing the existence of a violation or the imposition of a penalty. A timely request for a hearing shall stay the imposition of any penalty until the hearing is decided. The City Council's finding of a violation shall be considered final if the licensee fails to request a hearing within the time period set forth above.
2. The City shall notify the licensee in writing of the date and time for the hearing. Hearings before the City Council shall be conducted informally. Formal rules of evidence and court procedure shall not apply. The hearings are administrative in nature, and hearsay is admissible, but the evidence must have some probative weight and reliability to be considered. The licensee shall be given an opportunity to be heard at the hearing, shall have the right to be represented by counsel, and may call witnesses. The City Council shall consider all of the evidence and shall take any action it deems appropriate as it relates to the licensee. The City Council's decision shall be made orally at the end of the hearing or in writing within ten (10) business days following the hearing. (Ord. 2004-7, amended, 2004)

**SECTION II:** The provisions of this ordinance and the provisions adopted or incorporated by reference are severable. If any provision of this ordinance is found to be invalid, unlawful, or unconstitutional by a court of competent jurisdiction, the balance of the ordinance shall nevertheless be unaffected and continue in full force and effect.

**SECTION III:** Provisions of other ordinances in conflict with this ordinance and the provisions adopted or incorporated by reference are hereby repealed or amended as provided herein.

**SECTION IV:** This ordinance shall take effect immediately upon its passage and posting as provide by law.

PASSED AND ADOPTED BY THE LINDON CITY COUNCIL, UTAH COUNTY STATE OF UTAH, ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2018.

LINDON CITY:

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JEFF ACERSON  
Mayor

ATTEST:

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KATHRYN A. MOOSMAN  
City Recorder

**9. Major Subdivision — Estates at Anderson Farms – Ivory Development LLC** *(15 minutes)*

The City Council will review and consider a major subdivision request by Ken Watson, on behalf of Ivory Development LLC, for major subdivision approval for a 51-lot subdivision on 17.5 acres in the Anderson Farms Planned Development Zone. The Planning Commission recommended approval following review.

See attached materials from the Planning Department.

## Item 9: Major Subdivision — Estates at Anderson Farms approx. 210 North 1450 West

<p>Applicant: Ivory Development, LLC Presenting Staff: Hugh Van Wagenen</p> <p>General Plan: Residential High Current Zone: Anderson Farms Planned Development zone</p> <p>Property Owners: Ivory Development, LLC Address: ~210 North 1450 West Parcel IDs: portion of 14:063:0072 Subdivision Acreage: 17.5 acres</p> <p>Type of Decision: Administrative Planning Commission Recommendation: Approval with the conditions listed, in a 5-0 vote.</p>	<p><u>SUMMARY OF KEY ISSUES</u></p> <ol style="list-style-type: none"> <li>Whether to approve a 56-lot residential subdivision in the Anderson Farms Planned Development zone.</li> </ol> <p><u>MOTION</u></p> <p>I move to (<i>approve, deny, continue</i>) the applicant's request for approval of a 56-lot residential subdivision to be known as Estates at Anderson Farms with the following conditions (if any):</p> <ol style="list-style-type: none"> <li>Comply with aspects of Development Agreement as listed in the staff report.</li> <li>Rename the streets listed as Brookview in order to avoid confusion with Plats A and B.</li> </ol>
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### BACKGROUND

- This is the seventh plat of the Anderson Farms Planned Development which was approved by Development Agreement between Lindon City and Ivory Development, LLC in June of 2016. Estates consists of 56 units in what is considered Parcel E of the Anderson Farms concept plan.

### DISCUSSION & ANALYSIS

Development of Anderson Farms is governed by the Anderson Farms Master Development Agreement. All standards are referred to here are a part of that Agreement.

#### *Lot Requirements*

- The largest lot is 14,864 s.f. and the smallest is 8,290 s.f. with the average at 10,214 s.f. These lots are consistent with the concept plan.
- Parcel A is an access road to the sewer lift station and regional park.
- Setbacks are: 20-foot front, 20-foot rear, 6/10-foot side yards for a total of 16 feet between homes. This is consistent with the concept plan.
- 56 lots is one more lot than what is shown on the concept plan for Parcel E (55). However, Gardens at Anderson Farms (Parcel F), which has also been applied for, has four fewer lots than the concept plan. Staff will ensure the overall units (865) for the project do not exceed approvals per paragraph 3.1 of the Development Agreement.

#### *Street Improvements*

- New roads will be built to serve the subdivision. Curb, gutter and five-foot sidewalks will be installed along the new local streets in addition to six-foot planter strips. Please refer to the attached 55-foot ROW cross section for details.
- The eastern edge of the subdivision border Anderson Lane (not to be confused with Anderson Boulevard). The Development Agreement requires certain improvements to Anderson Lane in

conjunction with this plat: "It will include grading and slag/asphalt improvements along Anderson Lane."

### *Development Agreement Requirements*

#### 7.4.5. Parcel E, as shown on Exhibit C:

- (a) Recording of the first plat will require the following concurrent improvements:
  - (i) Anderson Blvd. right-of-way improvements from 500 North to the southern round-about including (1) all curb and gutter, (2) all improvements and Landscaping within the right of way identified as the "Initial Anderson Blvd Improvements" on Exhibit G, as well as the round-about itself; and (3) Landscaping located on the west side of Anderson Blvd.; (under construction with Plat B)
  - (ii) The landscaping and sidewalk on the south side of the southern-most curb on the 1700 West connector will be constructed to and from the southern round-about to 1700 West; (under construction with Townhomes Plats A and B)
  - (iii) The Sewer/Ground Water Lift Station, with the associated Off-Site Improvements, will be substantially completed and functional; (station complete; off-site ongoing)
  - (iv) Full storm water basin detention improvements, including landscaping, will be completed for the basin that will serve this Parcel; and (detention basin not constructed)
  - (v) Pressurized irrigation system including source for the Project and a connection to the existing City pressurized irrigation system, will be completed, subject to Section 9.8. (PI system under construction)
- (b) It will include the masonry wall dividing the project from the industrial area to the east and south.
- (c) It will include curb and gutter on the west side of Anderson Lane.
- (d) It will include grading and slag/asphalt improvements along Anderson Lane.
- (e) Sewer stub and easement to Anderson Lane.
- (f) Storm water stub and easement to Anderson Lane.
- (g) This Phase will include an eight foot (8') tall masonry wall/fence along the rear yard of any Residential Dwelling Unit located on the east side of this Parcel adjacent to Anderson Lane right-of-way.

(h) For all Residential Dwelling Units which back onto the Anderson Lane right-of-way, all windows facing the Anderson Lane right-of-way shall be installed with triple pane glass.

*Other Requirements*

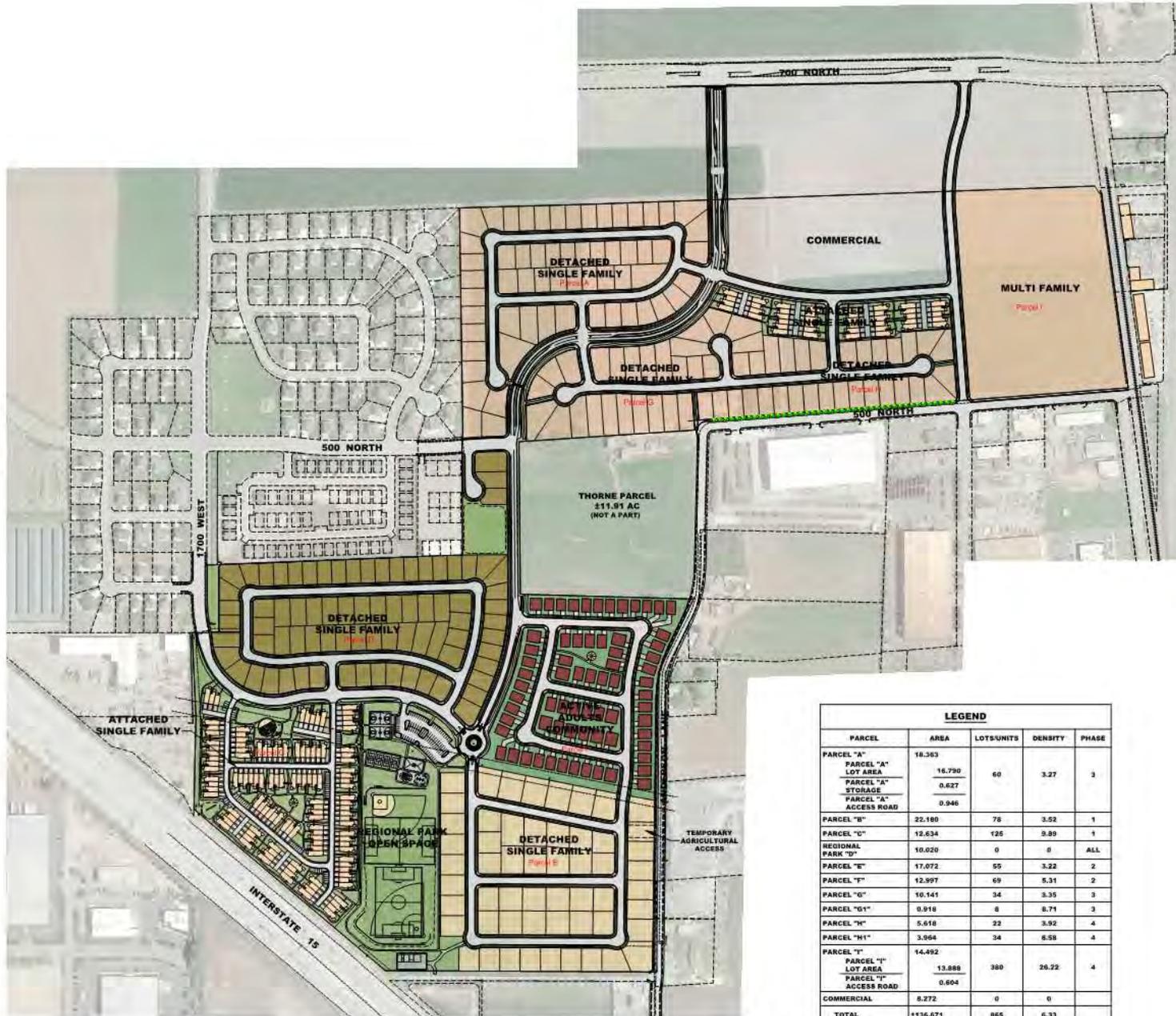
- Park amenities are associated with building permits issued, not lots recorded.

**ATTACHMENTS**

1. Aerial photo of the proposed subdivision.
2. Overall Anderson Farms Concept Plan
3. Estates Concept Plan
4. Preliminary Estates at Anderson Farms Plat A
5. 55-foot Right of Way Local Street Cross Sections



*Future Site:  
Anderson Farms  
Estates and Gardens*



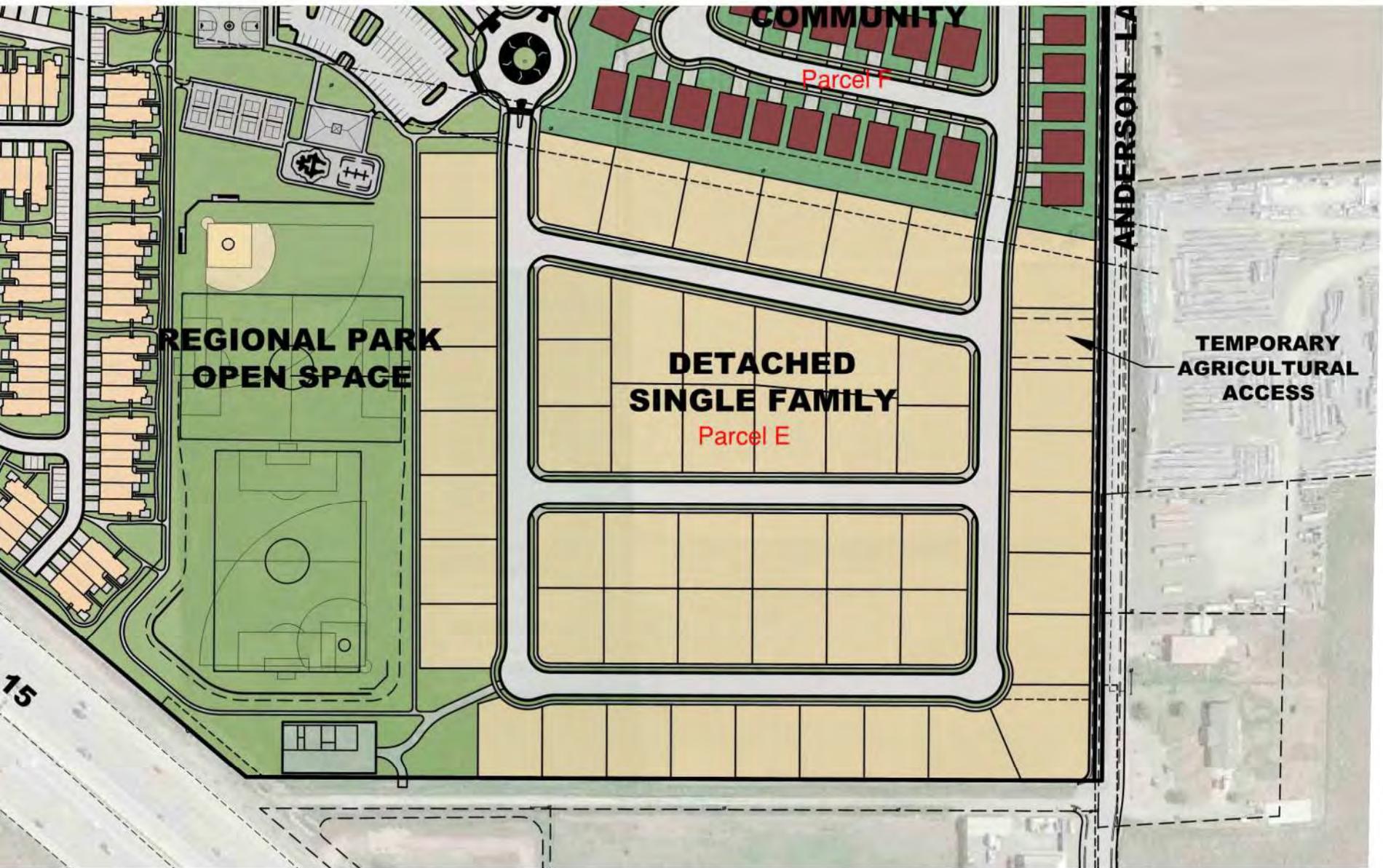
**LEI**  
 - A Utah Corporation -  
**ENGINEERS**  
**SURVEYORS**  
**PLANNERS**  
 2302 N. Main Street  
 Spanish Fork, UT 84600  
 Phone: 801.798.0550  
 Fax: 801.798.9262  
 office@lei.org.com  
 www.lei.org.com

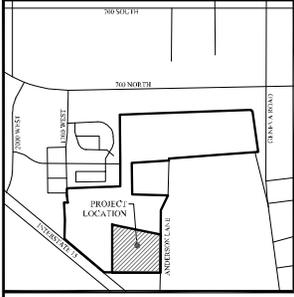
**ANDERSON FARMS**  
 LINDON, UTAH  
**EXHIBIT B - PROPERTY CONCEPT PLAN**

LEGEND				
PARCEL	AREA	LOTS/UNITS	DENSITY	PHASE
PARCEL "A"	18.353			
PARCEL "A" LOT AREA	16.730	60	3.27	3
PARCEL "A" STORAGE	0.627			
PARCEL "A" ACCESS ROAD	0.946			
PARCEL "B"	22.180	78	3.52	1
PARCEL "C"	12.634	125	9.89	1
REGIONAL PARK "D"	10.020	0	0	ALL
PARCEL "E"	17.072	55	3.22	2
PARCEL "F"	12.997	69	5.31	2
PARCEL "G"	10.141	34	3.35	3
PARCEL "G1"	0.918	8	8.71	3
PARCEL "H"	5.618	22	3.92	4
PARCEL "H1"	3.064	34	8.58	4
PARCEL "I"	14.492			
PARCEL "I" LOT AREA	13.886	380	26.22	4
PARCEL "I" ACCESS ROAD	0.604			
COMMERCIAL	8.272	0	0	
<b>TOTAL</b>	<b>1136.671</b>	<b>865</b>	<b>6.33</b>	

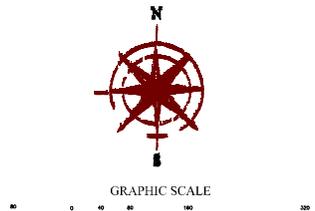
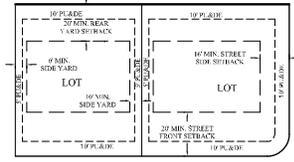
**IVORY HOMES**  
 3346 NORTH CENTER STREET  
 LARV, UT. 84043  
 (801) 407-8800

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- NOTES**
- PUBLIC UTILITY & LINDON CITY EASEMENTS ARE 10' UNLESS NOTED OTHERWISE.
  - REBAR & CAP TO BE SET AT ALL LOT CORNERS.
  - SEWER & LAND DRAIN LATERALS ARE PRIVATE FROM THE MAIN LINE TO THE HOME. CULINARY LATERALS ARE PRIVATE FROM THE METER TO THE HOME. SECONDARY WATER IS PRIVATE. MAINTENANCE OF ALL PRIVATE PORTIONS OF THE LATERALS ARE THE RESPONSIBILITY OF THE HOMEOWNER.
  - CONVEYANCE EASEMENT MEASUREMENTS ARE TO BE MAINTAINED BY THE HOA.
  - ALL LOT DIMENSIONS ARE PARALLEL AND PERPENDICULAR TO REFERENCE BEARINGS SHOWN HEREON.
  - ALL PRIVATE RIGHT OF WAYS ARE DEDICATED AS PUBLIC UTILITY, DRAINAGE, AND LINDON CITY UTILITY EASEMENTS.
  - EASEMENTS BETWEEN UNITS 430 AND 431 ARE TO BE DEDICATED AS PUBLIC UTILITY, DRAINAGE, AND LINDON CITY UTILITY EASEMENTS.



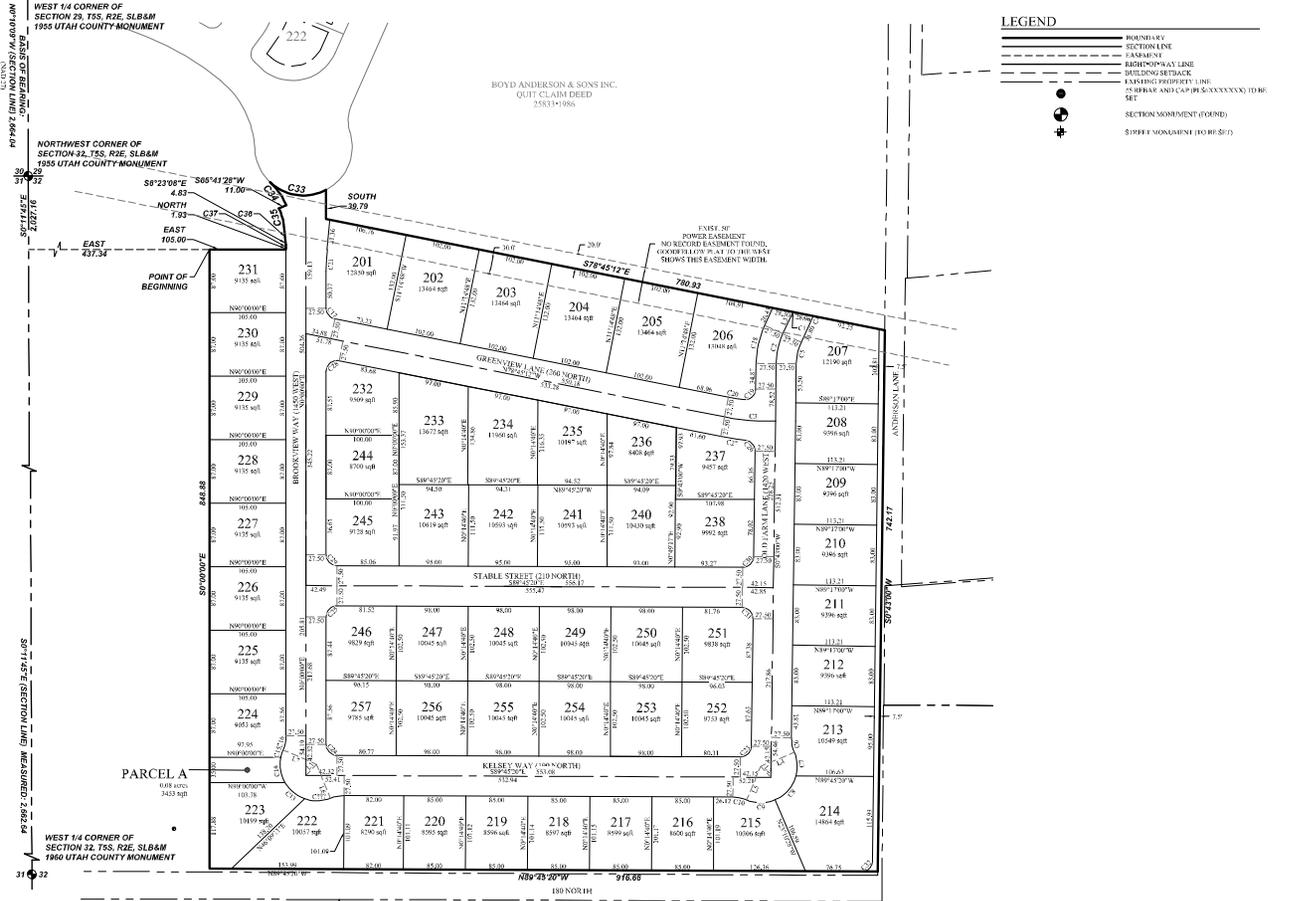
VICINITY MAP  
N.T.S.

**Curve Table**

CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD LENGTH
C1	100.00	4.9425°	1.55	S54.344°E	1.55
C2	100.00	2.9110°	0.93	N12.929°E	0.93
C3	202.50	13.1752°	76.21	S85.248°E	76.65
C4	121.50	3.7353°	3.81	S23.802°W	3.81
C5	22.50	2.0131°	0.66	S12.906°W	0.66
C6	50.00	3.7143°	2.35	S10.561°E	2.35
C7	40.00	3.8730°	2.59	S10.423°E	2.59
C8	50.67	5.0553°	4.50	S41.701°W	4.56
C9	50.00	4.2751°	3.93	S10.420°W	3.87
C10	50.00	2.2195°	1.69	S70.132°E	1.67
C11	25.00	4.0716°	3.68	S30.799°E	3.63
C12	50.00	4.1737°	3.67	S30.772°E	3.64
C13	50.00	11.1471°	10.39	N17.131°E	10.27
C14	50.00	2.2195°	2.01	N11.132°E	2.00
C15	15.00	7.4512°	2.62	S30.223°E	1.60
C16	121.50	2.0131°	0.56	N12.906°E	0.56
C17	15.00	4.0716°	2.57	N48.474°E	2.32
C18	275.00	4.2217°	20.98	S85.767°E	20.98
C19	230.00	2.9148°	20.76	S40.205°E	20.75
C20	15.00	4.0716°	2.56	S40.799°E	2.56
C21	15.00	4.0716°	2.56	S40.799°E	2.56
C22	15.00	4.0716°	2.56	S40.799°E	2.56
C23	15.00	4.0716°	2.56	S40.799°E	2.56
C24	15.00	4.0716°	2.56	S40.799°E	2.56
C25	15.00	4.0716°	2.56	S40.799°E	2.56
C26	15.00	4.0716°	2.56	S40.799°E	2.56
C27	15.00	4.0716°	2.56	S40.799°E	2.56
C28	15.00	4.0716°	2.56	S40.799°E	2.56
C29	15.00	4.0716°	2.56	S40.799°E	2.56
C30	15.00	4.0716°	2.56	S40.799°E	2.56
C31	15.00	4.0716°	2.56	S40.799°E	2.56
C32	15.00	4.0716°	2.56	S40.799°E	2.56
C33	15.00	4.0716°	2.56	S40.799°E	2.56
C34	15.00	4.0716°	2.56	S40.799°E	2.56

**Line Table**

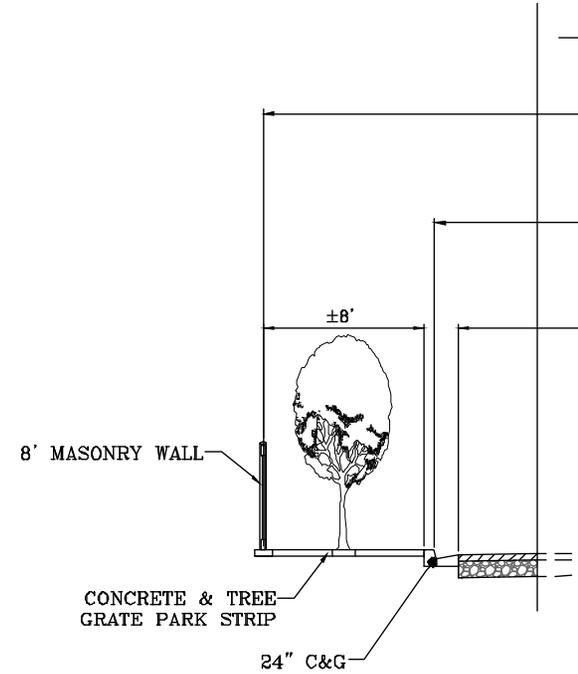
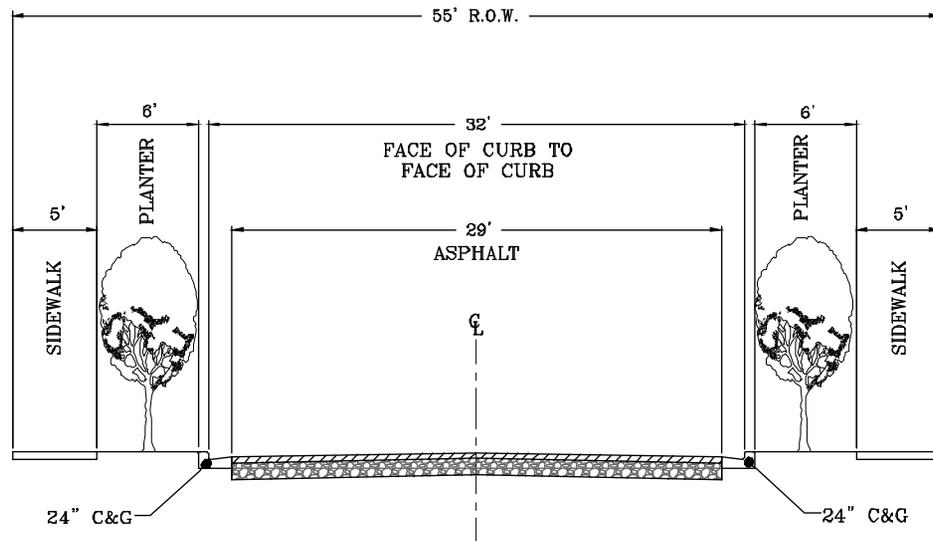
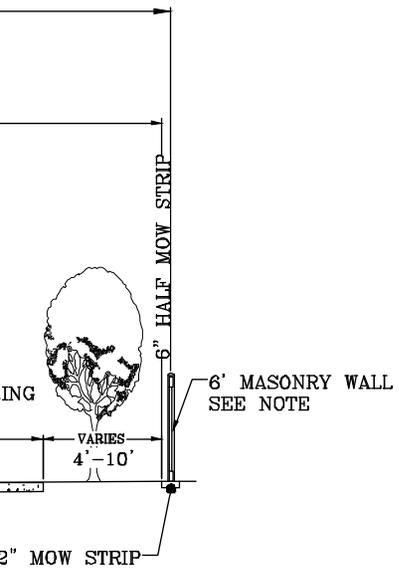
LINE	DIRECTION	LENGTH
L1	S40.799°W	20.80
L2	S47.122°E	20.86
L3	N20.990°E	21.36
L4	S27.232°W	30.00
L5	S23.343°E	30.00
L6	S27.933°E	30.00
L7	S40.518°E	30.00



**PERSON BLVD AT THORNE PROPERTY**

**TOWNHOMES**

**PARCEL 1 CO**



**8 55' ROAD CROSS SECTION  
INTERIOR ROADS**

**9 54' ROAD CROSS SECTION  
500 NORTH INDUSTRIAL**

**10. Major Subdivision — Gardens at Anderson Farms – Ivory Development LLC** *(15 minutes)*

The City Council will review and consider a major subdivision request by Ken Watson, on behalf of Ivory Development LLC, for major subdivision approval for a 65-lot subdivision on 12.7 acres in the Anderson Farms Planned Development Zone. The Planning Commission recommended approval following review.

See attached materials from the Planning Department.

## Item 10: Major Subdivision — Gardens at Anderson Farms approx. 310 North 1440 West

<p>Applicant: Ivory Development, LLC Presenting Staff: Hugh Van Wagenen</p> <p>General Plan: Residential High Current Zone: Anderson Farms Planned Development zone</p> <p>Property Owners: Ivory Development, LLC Address: ~310 North 1440 West Parcel IDs: portion of 14:063:0072 Subdivision Acreage: 12.7 acres</p> <p>Type of Decision: Administrative Planning Commission Recommendation: Approval with conditions listed, in a 5-0 vote.</p>	<p><u>SUMMARY OF KEY ISSUES</u></p> <ol style="list-style-type: none"> <li>Whether to approve a 62-lot senior living residential subdivision in the Anderson Farms Planned Development zone.</li> </ol> <p><u>MOTION</u></p> <p>I move to (<i>approve, deny, continue</i>) the applicant's request for approval of a 62-lot senior living residential subdivision to be known as Gardens at Anderson Farms Plat A with the following conditions (if any):</p> <ol style="list-style-type: none"> <li>Provide conditions, covenants, and restrictions verifying this is a 55+ senior living community.</li> <li>Comply with aspects of Development Agreement as listed in the staff report.</li> <li>Provide a 6-foot pedestrian access way between lots 131 and 132 from Orchard Lane to Anderson Boulevard if there are no utility conflicts.</li> </ol>
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### BACKGROUND

- This is the sixth plat of the Anderson Farms Planned Development which was approved by Development Agreement between Lindon City and Ivory Development, LLC in June of 2016. Gardens at Anderson Farms consists of 62 units in what is considered Parcel F of the Anderson Farms concept plan. Parcel F is identified as an "Active Adults Community."

### DISCUSSION & ANALYSIS

Development of Anderson Farms is governed by the Anderson Farms Master Development Agreement. All standards are referred to here are a part of that Agreement.

#### *Pedestrian access to the Regional Park*

- Although not required by the Development Agreement, a 6-foot pedestrian access way in the southwest corner (Lots 131/132) of the development would provide more direct access to the surrounding area and regional park. Staff recommends this be discussed with the applicant. The Planning Commission recommended this as a condition as long as there are no utility conflicts in the area.

#### *Lot Requirements*

- In the concept plan, this parcel shows individually owned pad sites, like a townhome or condo, with common space in between each pad. However, this application has privately owned lots *without the common space*.

- The concept plan shows 69 units. Current application has 62 lots, a 7-unit reduction. Home site configuration has been slightly adjusted.
- The largest lot is 14,579 s.f. and the smallest is 4,860 s.f. with the average at 6,480 s.f.

### *Street Improvements*

- New roads will be built to serve the subdivision. Curb, gutter and five-foot sidewalks will be installed along the new local streets in addition to six-foot planter strips. Please refer to the attached 55-foot ROW cross section for details.
- The eastern edge of the subdivision border Anderson Lane (not to be confused with Anderson Boulevard). The Development Agreement requires certain improvements to Anderson Lane in conjunction with this plat: "It will include at least grading and asphalt improvements sufficient to accommodate future industrial traffic along Anderson Lane as shown in Exhibit J." Please see the attached 47.5-foot ROW cross section.

### *Development Agreement Requirements*

#### 7.4.4. Parcel E, as shown on Exhibit C:

(a) Recording of the first plat will require the following concurrent improvements:

(i) Anderson Blvd. right-of-way improvements from 500 North to the southern round-about including (1) all curb and gutter, (2) all improvements and Landscaping within the right of way identified as the "Initial Anderson Blvd Improvements" on Exhibit G, as well as the round-about itself; and (3) Landscaping located on the west side of Anderson Blvd.; (under construction with Plat B)

(ii) Sewer/Ground Water Lift Station, with the associated Off-Site Improvements, will be substantially completed and functional; (station complete; off-site ongoing)

(iii) Full storm water basin detention improvements, including landscaping, will be completed for the basin that serves this Parcel; and (detention basin not constructed)

(iv) Pressurized irrigation system including source for the Project and a connection to the existing City pressurized irrigation system, will be completed, subject to Section 9.8. (PI system under construction)

(b) It will include the masonry wall dividing the project from the industrial area to the East.

(c) Development of more than fifty percent (50%) of this Parcel will require the 1700 West connector be completed from the southern round-about to 1700 West. (partially completed; under construction with Plat B)

(d) It will include curb and gutter on the west side of Anderson Lane.

(e) It will include at least grading and asphalt improvements sufficient to accommodate future industrial traffic along Anderson Lane as shown in Exhibit J.

(f) This Phase will include an eight foot (8') tall masonry wall/fence along the rear yard of any Residential Dwelling Unit located on the east side of this Parcel adjacent to Anderson Lane right-of-way.

(h) For all Residential Dwelling Units which back onto the Anderson Lane right-of-way, all windows facing the Anderson Lane right-of-way shall be installed with triple pane glass.

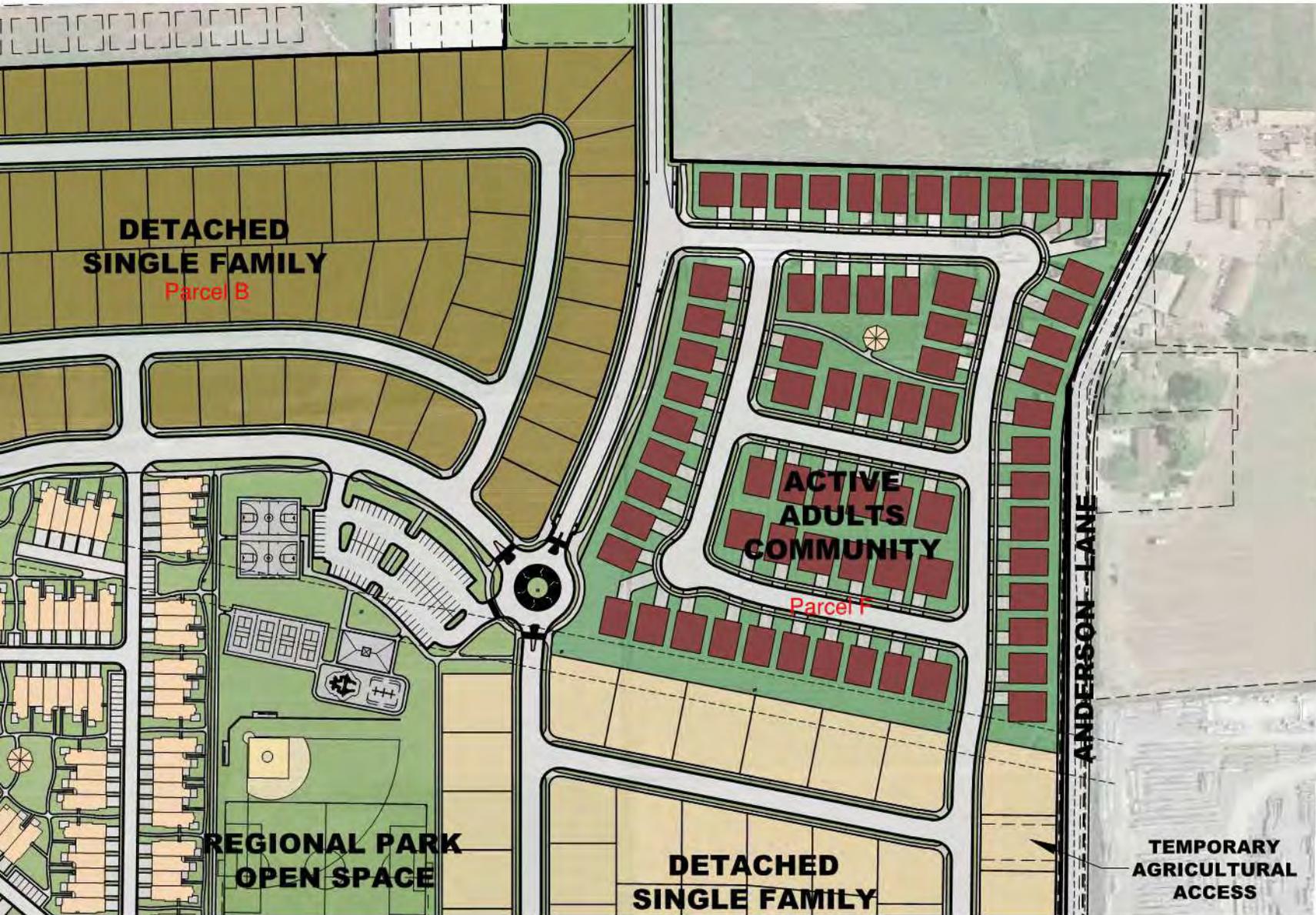
#### ATTACHMENTS

1. Aerial photo of the proposed subdivision.
2. Overall Anderson Farms Concept Plan
3. Active Adult Concept Plan
4. Preliminary Gardens at Anderson Farms Plat A
5. 55-foot Right of Way Local Street Cross Section
6. Exhibit J for Anderson Lane
7. 47.5-foot Right of Way Anderson Lane Cross Section

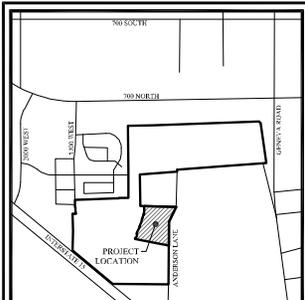


*Future Site:  
Anderson Farms  
Estates and Gardens*





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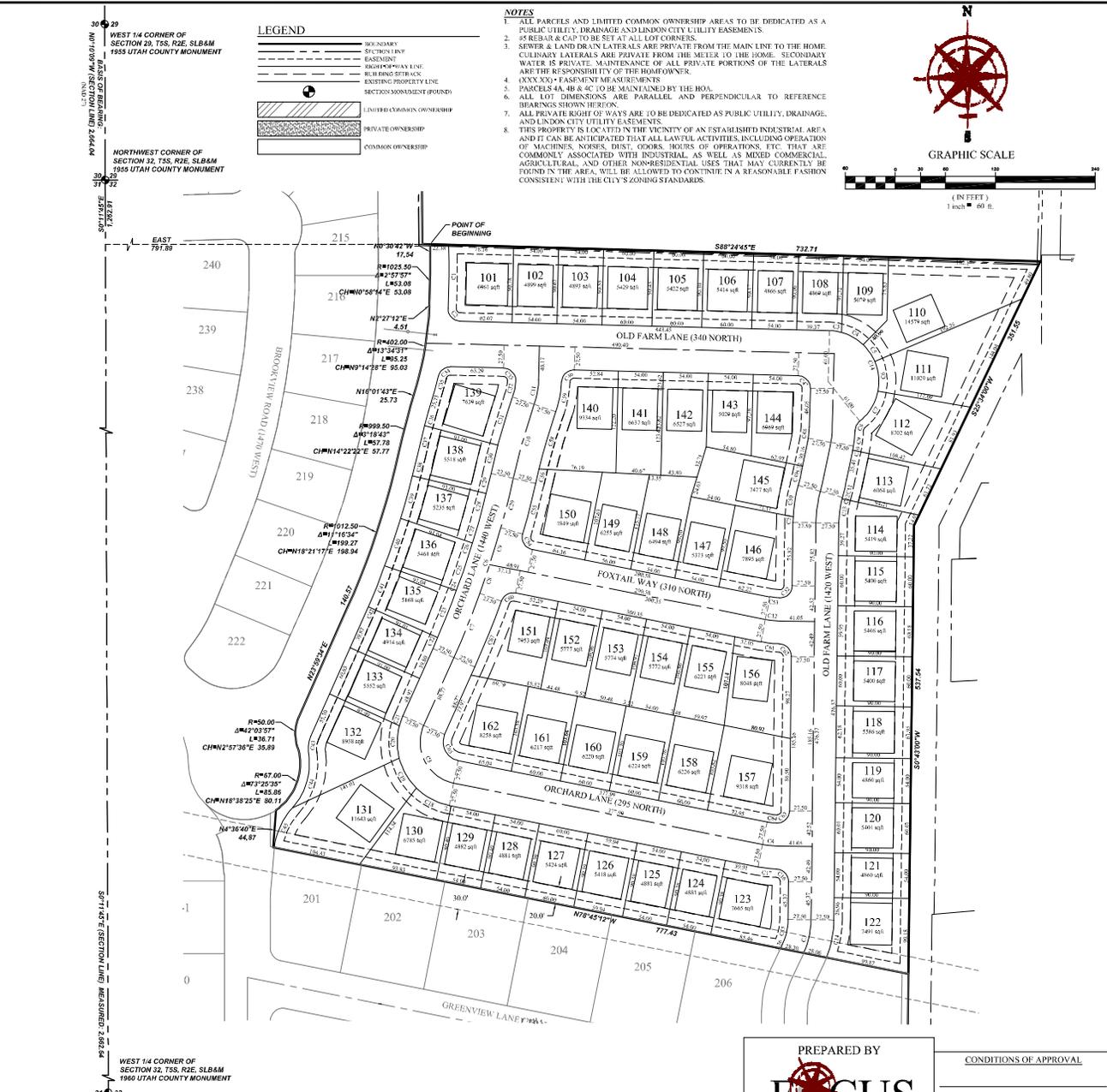


VICINITY MAP  
N.T.S.

CURVE	RAADIUS	DELTA	LENGTH	CHORD	CHORD DIRECTION	CHORD LENGTH
C1	1048.00	4799.97	75.63	569.18	30.76	75.63
C2	15.00	814.36	33.89	542.94	44.49	31.44
C3	81.00	13522.22	14.77	581.33	59.96	14.73
C4	1160.00	22220.00	6.00	512.73	63.95	46.89
C5	45.00	20720.00	33.43	569.22	52.76	36.12
C6	100.00	10520.00	18.38	584.90	59.96	18.36
C7	50.00	10243.00	8.66	527.24	63.95	18.42
C8	81.00	34920.00	30.22	590.95	51.76	35.89
C9	1165.00	11165.00	32.02	518.11	63.95	25.65
C10	81.00	40220.00	43.09	511.84	68.78	42.20
C11	1155.00	49616.00	83.36	521.95	63.95	83.28
C12	15.00	48940.00	12.81	527.90	63.95	12.83
C13	1155.00	44601.00	36.67	518.90	63.95	36.67
C14	155.00	11647.00	23.05	566.54	63.95	23.05
C15	1155.00	21218.00	46.07	518.95	63.95	46.07
C16	155.00	10243.00	1.12	511.20	63.95	1.12
C17	88.00	4769.00	82.30	512.47	63.95	82.30
C18	215.00	47394.00	21.78	519.60	63.95	21.71
C19	1160.00	17243.00	30.39	519.11	63.95	30.21
C20	122.50	10474.00	1.76	514.32	63.95	1.76
C21	1160.00	10515.00	18.38	581.33	63.95	18.36
C22	122.50	13444.00	29.61	567.50	63.95	29.38
C23	122.50	10780.00	45.92	511.20	63.95	45.71
C24	81.00	14696.00	146.66	581.91	63.95	144.66
C25	75.00	24515.00	30.69	512.90	63.95	30.46
C26	15.00	49270.00	23.41	543.59	63.95	21.11
C27	121.50	10750.00	23.14	581.33	63.95	22.83
C28	75.00	13464.00	43.49	581.33	63.95	43.43
C29	75.00	10750.00	41.39	581.33	63.95	40.90
C30	75.00	24515.00	34.49	581.33	63.95	34.06

CURVE	RAADIUS	DELTA	LENGTH	CHORD	CHORD DIRECTION	CHORD LENGTH
C31	75.00	30495.00	42.80	581.33	63.95	42.29
C32	1124.00	19422.00	42.00	581.33	63.95	41.80
C33	1124.00	7361.00	61.00	581.33	63.95	60.39
C34	1124.00	19422.00	42.00	581.33	63.95	41.80
C35	1124.00	14841.00	35.60	581.33	63.95	35.60
C36	1124.00	19422.00	42.00	581.33	63.95	41.80
C37	1124.00	17129.00	36.67	581.33	63.95	36.66
C38	1124.00	14841.00	34.97	581.33	63.95	34.97
C39	1124.00	17129.00	24.75	581.33	63.95	24.75
C40	1124.00	17129.00	32.83	581.33	63.95	32.83
C41	1124.00	17129.00	33.43	581.33	63.95	33.42
C42	1124.00	17129.00	33.43	581.33	63.95	33.42
C43	1124.00	17129.00	33.43	581.33	63.95	33.42
C44	1124.00	17129.00	33.43	581.33	63.95	33.42
C45	1124.00	17129.00	33.43	581.33	63.95	33.42
C46	1124.00	17129.00	33.43	581.33	63.95	33.42
C47	1124.00	17129.00	33.43	581.33	63.95	33.42
C48	1124.00	17129.00	33.43	581.33	63.95	33.42
C49	1124.00	17129.00	33.43	581.33	63.95	33.42
C50	1124.00	17129.00	33.43	581.33	63.95	33.42

OCCUPANCY RESTRICTION NOTICE  
IT IS UNLAWFUL TO OCCUPY ANY BUILDING LOCATED WITHIN THIS SUBDIVISION WITHOUT FIRST HAVING OBTAINED A CERTIFICATE OF OCCUPANCY ISSUED BY THE CITY.



- NOTES**
- ALL PARCELS AND LIMITED COMMON OWNERSHIP AREAS TO BE DEDICATED AS A PUBLIC UTILITY, DRAINAGE AND LINDON CITY UTILITY EASEMENTS.
  - SEWER & GUT TO BE SET AT ALL LOT CORNERS.
  - SEWER & LAND DRAIN LATERALS ARE PRIVATE FROM THE MAIN LINE TO THE HOME. CULINARY LATERALS ARE PRIVATE FROM THE METER TO THE HOME. SECONDARY WATER IS PRIVATE. MAINTENANCE OF ALL PRIVATE PORTIONS OF THE LATERALS ARE THE RESPONSIBILITY OF THE HOMEOWNER.
  - CONCRETE FASMENT MEASUREMENTS
  - PARCELS 4A, 4B & 4C TO BE MAINTAINED BY THE HOA.
  - ALL LOT DIMENSIONS ARE PARALLEL AND PERPENDICULAR TO REFERENCE DRAINAGE SHOWN HEREON.
  - ALL PRIVATE RIGHT OF WAYS ARE TO BE DEDICATED AS PUBLIC UTILITY, DRAINAGE AND LINDON CITY UTILITY EASEMENTS.
  - THIS PROPERTY IS LOCATED IN THE VICINITY OF AN ESTABLISHED INDUSTRIAL AREA AND IT CAN BE ANTICIPATED THAT ALL LAWFUL ACTIVITIES, INCLUDING OPERATION OF MACHINES, NOISE, DUST, ODORS, MODES OF OPERATIONS, ETC. THAT ARE COMMONLY ASSOCIATED WITH INDUSTRIAL, AS WELL AS MIXED COMMERCIAL, AGRICULTURAL, AND OTHER NON-RESIDENTIAL USES THAT MAY CURRENTLY BE FOUND IN THE AREA, WILL BE ALLOWED TO CONTINUE IN A REASONABLE MANNER CONSISTENT WITH THE CITY'S ZONING STANDARDS.



**SURVEYOR'S CERTIFICATE**  
I, SPENCER W. LLEWELYN, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 1051650 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF UTAH STATE CODE. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAN IN ACCORDANCE WITH SECTION 1702(4)(7) OF SAID CODE, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, BLOCKS, STREETS, AND EASEMENTS, AND THE SAME HAS, OR WILL BE, CORRECTLY SURVEYED, STARTED, AND THE MONUMENTED ON THE GROUND AS SHOWN ON THIS PLAN, AND THAT THIS PLAN IS TRUE AND CORRECT.

SPENCER W. LLEWELYN  
PROFESSIONAL LAND SURVEYOR  
CERTIFICATE NO. 1051650

DATE \_\_\_\_\_

**BOUNDARY DESCRIPTION**

A portion of the NW1/4 of Section 32, Township 5 South, Range 2 East, Salt Lake Base & Meridian, located in Endon, Utah, more particularly described as follows:  
Beginning at a point on a fence line located S81°14'58"E along the Section Line 1,262.91 feet and East 791.89 feet from the Northwest Corner of Section 32, T5S, R2E, SLB&M, thence S88°24'48"E along said fence 332.71 feet; thence S75°34'00"W along the Easement line of that Real Property described in Deed Entry No. 25833-1986 of the Official Records of Utah County 351.25 feet; thence S00°45'00"W along said deed 537.54 feet; thence N08°42'12"W 177.43 feet; thence N06°20'07"E 44.87 feet; thence North along the arc of a non-curve curve to the left having a radius of 67.00 feet (radius bears N34°38'48"W) a distance of 35.96 feet through a central angle of 72°25'35" Chord: N18°32'25"E 80.11 feet to a point of reverse curvature; thence along the arc of a curve to the right having a radius of 50.00 feet a distance of 36.71 feet through a central angle of 42°03'57" Chord: N02°57'36"E 35.89 feet; thence N23°59'34"E 140.57 feet; thence along the arc of a curve to the left with a radius of 1,012.50 feet a distance of 199.27 feet through a central angle of 11°16'54" Chord: N18°21'17"E 198.94 feet, to a point of reverse curvature; thence along the arc of a curve to the right having a radius of 699.50 feet a distance of 97.25 feet through a central angle of 10°19'49" Chord: N14°22'27"E 25.77 feet; thence N16°01'41"E 25.73 feet; thence along the arc of a curve to the left with a radius of 402.00 feet a distance of 95.25 feet through a central angle of 13°41'11" Chord: N00°42'05"E 60.00 feet; thence N02°27'12"E 4.51 feet; thence along the arc of a curve to the left with a radius of 1,025.50 feet a distance of 53.08 feet through a central angle of 02°57'37" Chord: N00°58'14"E 53.08 feet; thence N00°10'42"W 17.24 feet to the point of beginning.

Containing: 12.74 acres ±

**OWNER'S DEDICATION**  
KNOW ALL MEN BY THESE PRESENTS, THAT WE, THE UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, PARCELS, AND STREETS TO BE HEREINAFTER KNOWN AS:

**GARDENS AT ANDERSON FARMS**

DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL ROADS AND OTHER AREAS SHOWN ON THIS PLAN AS INTENDED FOR PUBLIC USE, THE UNDERSIGNED OWNER(S) AS SO HEREBY CONVEY TO ANY AND ALL PUBLIC UTILITY COMPANIES A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER THE PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAN, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE, AND OPERATION OF UTILITY LINES AND FACILITIES.

IN WITNESS WHEREOF, \_\_\_\_\_ HAVE HEREIN TO SET \_\_\_\_\_ HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_

CHRISTOPHER P. GAMVROULAS  
PRESIDENT, IVORY DEVELOPMENT LLC

**LIMITED LIABILITY ACKNOWLEDGMENT**  
STATE OF UTAH  
COUNTY OF \_\_\_\_\_

ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AN ENVIRONMENT FOR THE COUNTY OF UTAH, IN SAID STATE OF UTAH, CHRISTOPHER P. GAMVROULAS, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS THE PRESIDENT OF IVORY DEVELOPMENT LLC, A UTAH LLC, AND THAT HE SIGNED THE OWNERS DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID LIMITED LIABILITY COMPANY FOR THE PURPOSES THEREIN MENTIONED.

MY COMMISSION EXPIRES: \_\_\_\_\_ A NOTARY PUBLIC COMMISSIONED IN \_\_\_\_\_ COUNTY, UTAH  
MY COMMISSION NO.: \_\_\_\_\_ PRINTED FULL NAME OF NOTARY \_\_\_\_\_

**ACCEPTANCE BY LEGISLATIVE BODY**  
THE CITY COUNCIL OF LINDON CITY, 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 \_\_\_\_\_ 20\_\_\_\_

APPROVED BY MAYOR \_\_\_\_\_ APPROVED BY CITY ATTORNEY \_\_\_\_\_  
APPROVED BY CITY ENGINEER \_\_\_\_\_ ATTEST BY CITY RECORDER \_\_\_\_\_  
(SEE SEAL BELOW) (SEE SEAL BELOW)

**PLANNING COMMISSION APPROVAL**  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_ BY THE LINDON CITY PLANNING COMMISSION  
DIRECTOR - SECRETARY \_\_\_\_\_ CHAIRMAN, PLANNING COMMISSION \_\_\_\_\_

**GARDENS AT ANDERSON FARMS SUBDIVISION**  
LINDON CITY, UTAH COUNTY, UTAH  
SCALE: 1"=60'

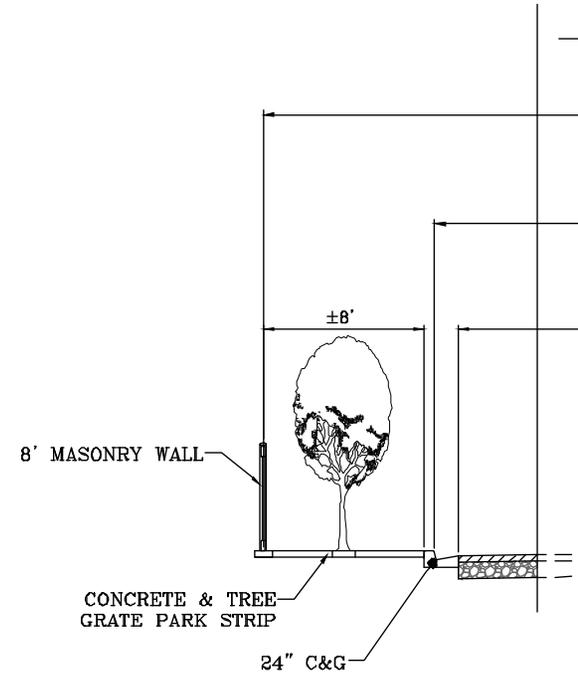
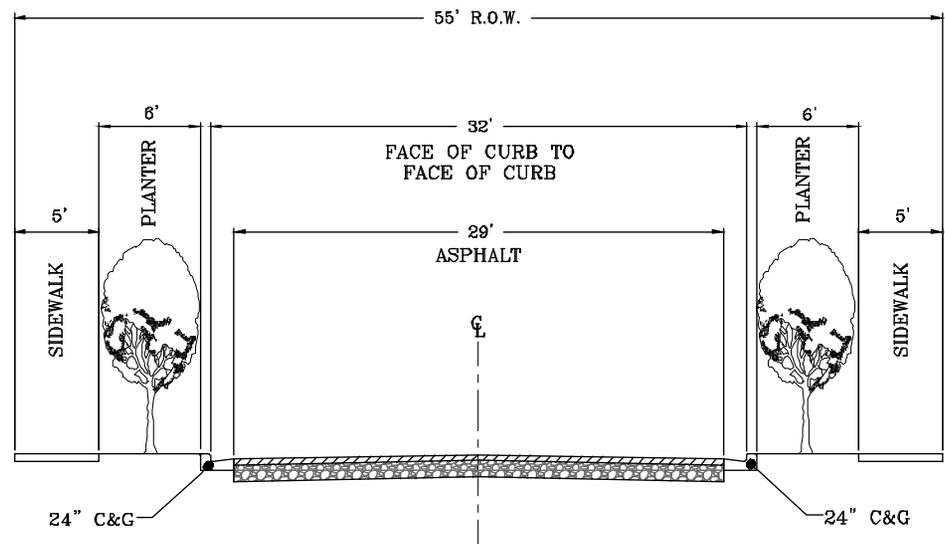
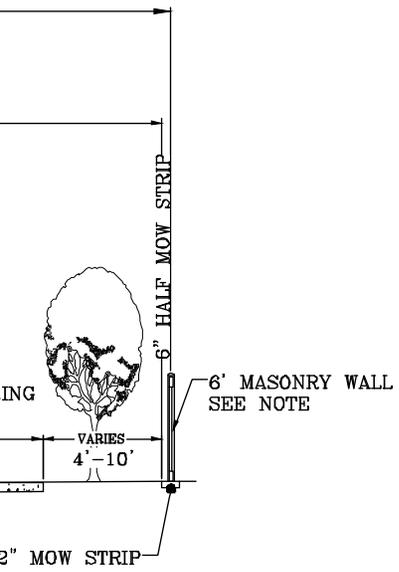
PREPARED BY  
**FOCUS**  
ENGINEERING AND SURVEYING, LLC  
12 WEST COVER STREET  
MIDVALE, UTAH 84047 P.O. BOX 15220075  
www.focusutah.com

CONDITIONS OF APPROVAL	SURVEYOR'S SEAL	NOTARY PUBLIC SEAL	CITY/COUNTY ENGINEER SEAL	COUNTY RECORDER SEAL

**PERSON BLVD AT THORNE PROPERTY**

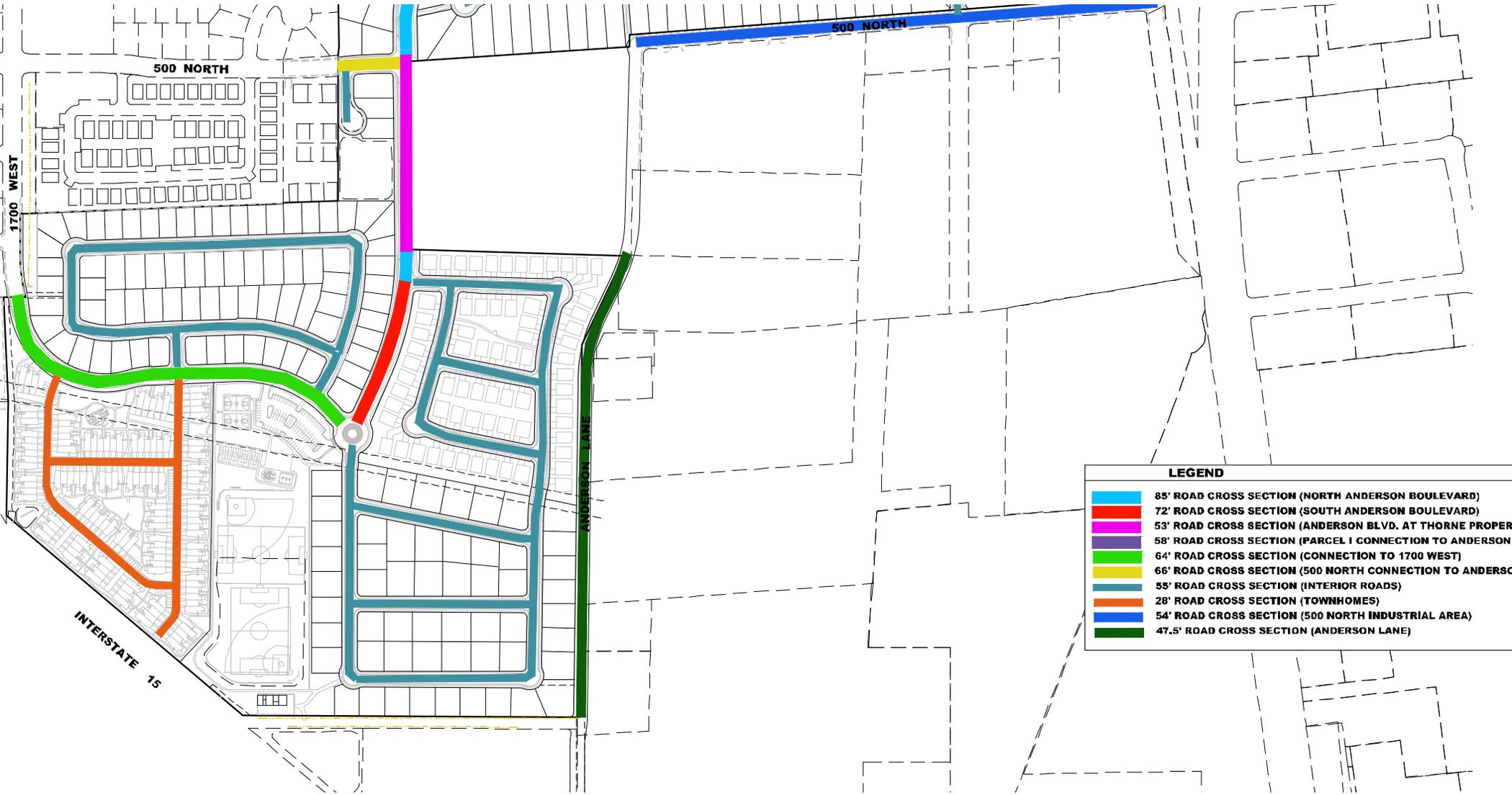
**TOWNHOMES**

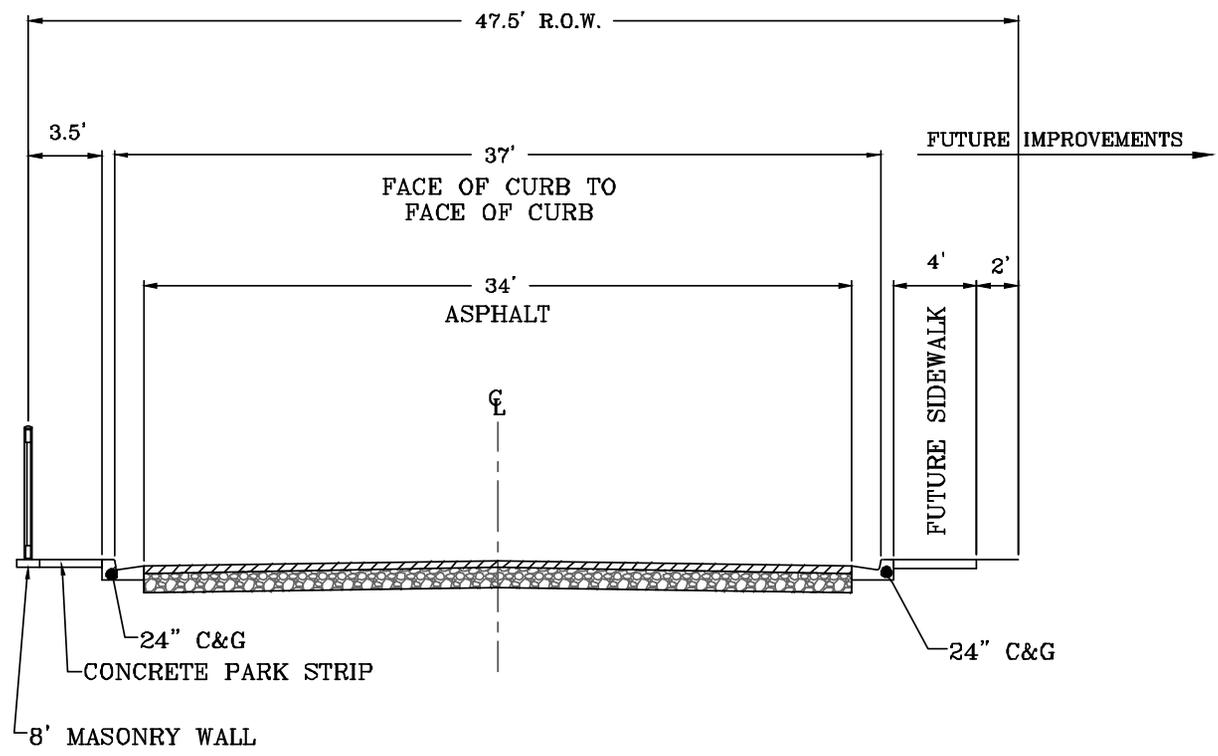
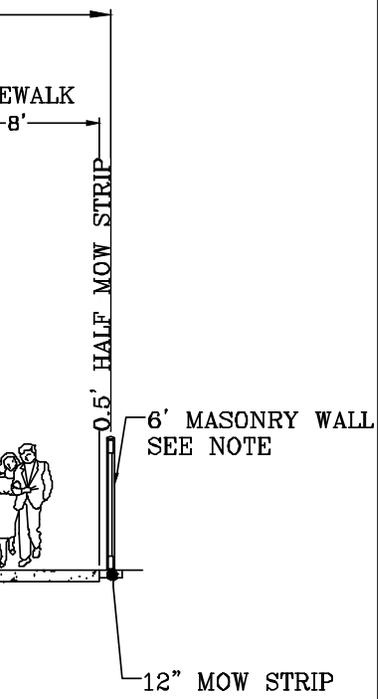
**PARCEL 1 CO**



**8 55' ROAD CROSS SECTION  
INTERIOR ROADS**

**9 54' ROAD CROSS SECTION  
500 NORTH INDUSTRIAL**





- A Utah Corporation -

**ENGINEERS**  
**SURVEYORS**  
**PLANNERS**

3302 N. Main Street  
 Spanish Fork, UT 84660  
 Phone: 801.798.0555  
 Fax: 801.798.9393  
 office@lei-eng.com  
 www.lei-eng.com

**3**  
**47.5' ROAD CROSS SECTION**  
**ANDERSON LANE**

**II. Public Hearing — Residential Business Overlay; (Ordinance 2018-7-O)** (20 minutes)

Lani Podzikowski requests approval of an amendment to Lindon City Code Title 17 Zoning, to adopt a Residential Business Overlay zone (Ordinance #2018-7-O). The Planning Commission recommended approval following review.

See attached materials from the Planning Department.

## Item II: Ordinance Creation

### 17.43 Residential Business Overlay Zone

<p><b>Applicant:</b> Lani Podzikowski, Island Style Dance Company  <b>Representative:</b> Krisel Travis</p> <p><b>Presenting Staff:</b> Hugh Van Wagenen</p> <p><b>Type of Decision:</b> Legislative Planning Commission  <b>Recommendation:</b> Approval in a 5-0 vote with some wording changes regarding parcels eligible for the RBO zoning designation in paragraph 1(c).</p>	<p><b><u>SUMMARY OF KEY ISSUES</u></b></p> <p>1. Whether to approve a new ordinance allowing greater business activity from residential properties that are within or near the General Commercial zone along State Street and on collector streets.</p> <p><b><u>MOTION</u></b></p> <p>I move to (approve, deny, continue) the applicant's request for ordinance 2018-7-O with the following conditions (if any):</p> <ol style="list-style-type: none"> <li>1.</li> <li>2.</li> <li>3.</li> </ol>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

#### BACKGROUND

This is a request for a new section of code to be added to Title 17 called Residential Business Overlay (RBO) zone. The ordinance gives greater allowances than current home occupation standards in regards to parking, hours of operation, and clients. Unlike the home occupation ordinance, however, only certain properties will be eligible for the overlay based on frontage, size, and proximity to collector roads and commercial zones. Additionally, any property desiring to use the RBO zone would need to apply for a Zone Map change to apply the overlay to a specific property.

Although this request only deals with the zoning text and not the zoning map, it is important to understand why the applicant is making the request and how it pertains to her property.

In 2016, Ms. Podzikowski purchased the property on the corner of Main Street and 200 South (172 South Main). At the time, the property had an old home on it and the property was split zoned with a small corner residential and the majority commercial. With plans to build a new home and operate her existing dance company from the home, Ms. Podzikowski felt the property was a good fit with its proximity to commercial operations.

Ms. Podzikowski was able to demolish the old home and build a new home under City ordinances allowing such, in addition to the small corner of the property being residential. At the time, new construction of a home after demolition of an existing home did not require any public improvements. Upon completion of the home, Ms. Podzikowski obtained a home occupation license and began operating her dance company.

Not long after operations began, City Staff became aware that the number of students and contracted staff was well beyond the home occupation allowances. After many discussions with City Staff on potential solutions to the situation, Ms. Podzikowski decided to apply for a new ordinance, a draft of which is before you.

## ANALYSIS

The creation of a new zoning ordinance is always met conservatively as unintended consequences are feared. To alleviate the concern about proliferation of this zone, parameters for property to even be eligible are included in the text. These are:

1. *Site requirements for zone eligibility:*
  - a. *Property must have a minimum of fifty (50) feet of street frontage along a major collector road as identified by the Lindon City Street Master Plan Map.*
  - b. *Property must be a minimum of 30,000 square feet.*
  - c. *Property must be adjacent to the General Commercial zone along State Street or within a non-residential zone. For purposes of this ordinance, the Commercial Farm zone is not considered a non-residential zone.*

Please see the map in attachment 2 showing which properties within the City would be eligible to apply the zone. Even with eligibility established, an applicant would need approval from the City before the overlay would be in place.

Highlights of the ordinance are:

1. Public improvement requirements can be waived by the City Council under certain circumstances.
2. All building and fire codes must be met based on desired occupancy (this can require significant upgrades if using a residence for certain commercial purposes).
3. Business owner must live on-site as primary resident
4. Permitted Uses are:
  - a. Barbers, cosmetologists, manicurists.
  - b. Culinary, Bakery, Food Preparation.
  - c. Consultant or Professional Services with additional employees or contractors.
  - d. Contractor, "handyperson", and landscape or yard maintenance contractor; subject to the special conditions that no construction materials or equipment will be stored on the premises outside of an approved structure.
  - e. Pre-School
  - f. Home instruction including, but not limited to, in-home lessons such as: musical instruments, voice, dance, acting, graphic arts, art, and educational subjects, swimming, tennis, and other athletic instruction.
  - g. Other permitted uses include any land use permissions in the underlying zone.
5. Rear Yard Setbacks are 20 feet to residential zones and 10 feet to non-residential zones.
6. Minimum of eight feet of landscaping is required adjacent to public rights of way.
7. Operating hours are from 7:30 am to 9:00 pm.
8. Ten patrons are allowed per hour for most businesses with preschool and home instruction patrons allowed based on occupancy of the structure as determined by building and fire code.
9. Up to five employees not residing on the property are allowed.
10. Off-street parking requirements are based on type of use
11. Only one permanent sign allowed; temporary signs allowed under certain parameters

## ATTACHMENTS

1. Ordinance 2018-8-O Residential Business Overlay Zone draft
2. Map of properties that meet parameters to request the overlay
3. Current Zoning Map of 172 South Main

ORDINANCE NO. 2018-7-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, CREATING SECTION 17.43 RESIDENTIAL BUSINESS OVERLAY ZONE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the proposed amendment is consistent with the goal of the General Plan to recognize and promote Lindon as a dynamic Utah County community with a distinctive rural environment consistent with its traditional, family-oriented values; and

WHEREAS, the proposed ordinance creation will allow Lindon residents in proximity to collector streets and commercial zones to maximize the use of their property in relation to creating income while providing needed and appreciated services to members of the community; and

WHEREAS, the Lindon City Planning Commission has recommended approval of creation of the Residential Business Overlay zone; and

WHEREAS, a public hearing was held on June 12, 2018, to receive public input and comment regarding the proposed amendment; and

WHEREAS, no adverse comments were received during the hearing; and

WHEREAS, the Council held a public hearing on June 19, 2018, to consider the recommendation and no adverse comments were received.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lindon, Utah County, State of Utah, as follows:

**SECTION I:** Lindon City Code Section 17.43 is hereby created to read as follows:

**17.43**

**2 RB RESIDENTIAL/BUSINESS DISTRICT OVERLAY ZONE (RBO):**

4 **Purpose Statement: The purpose of the RBO residential/business district overlay is to allow small**  
6 **scale instruction, service, and office uses oriented to the local area within residential**  
8 **neighborhoods along higher volume streets and/or within or adjacent to non-residential zones.**  
10 **Development is intended to be pedestrian oriented while acknowledging the need for automobile**  
12 **access and parking. The standards for the district are intended to promote appropriate scaled**  
14 **building and site design that focuses on compatibility with existing uses. The RBO is not intended**  
16 **to replace home occupation permits available in residential zones throughout the city as outlined**  
18 **in LCC 17.04.400.**

- 1. Site requirements for properties to be eligible for the RBO (eligibility does not grant a right to the RBO zoning designation, but rather provides an opportunity for property to be rezoned to the RBO through the established rezoning application process subject to the Land Use Authority’s decision):

- a. Property must have a minimum of fifty (50) feet of street frontage along a major collector road as identified by the Lindon City Street Master Plan Map.

- 
- 2 b. Property must be a minimum of 30,000 square feet.
- 4 c. Property must be adjacent to the General Commercial zone along State Street or within  
a non-residential zone. For purposes of this chapter, the Commercial Farm zone is not  
considered a non-residential zone.
- 6 d. Property may be required to have street improvements including curb, gutter, and  
sidewalk along all street frontage; however, an exception may be granted for any or all  
of these improvements by city council at the time of zoning approval.
- 8 i. The city council may grant a waiver of the street improvements only if it makes  
a written finding that one of the following conditions exist on the proposed  
10 property:
- 12 1. Potential pedestrian traffic in area is so minimal that improvements are  
not warranted or needed to ensure public health and safety;
- 14 2. Properties surrounding the proposed property are without curb, gutter,  
and sidewalks and requiring street improvements would result in  
disconnected or isolated improvements;
- 16 a. A waiver under this condition may only be granted upon the  
execution of a development agreement to install the  
18 improvements at a later date as required in this Section.
- 20 3. The natural topography or vegetation preexisting in the area are  
desirable to maintain and can be done without creating unreasonable  
risks to pedestrians; or
- 22 4. The requirement to construct the improvements would cause an  
unreasonable hardship for the applicant that is not necessary to carry  
24 out the purpose this Chapter.
- 26 a. To grant a waiver under this condition the city council must  
further find that;
- 28 i. There are special circumstances unique to the proposed  
property which do not generally apply to other similar  
properties;
- 30 ii. The asserted hardship was not self-imposed and
- 32 iii. Granting the waiver is within the spirit of this Chapter,  
will not be contrary to the public interest, and  
substantial justice will be done.
- 34
- 36 ii. When such improvements are required to be constructed, the final  
improvement design shall be reviewed by the City Engineer who has the  
authority to approve such plans.
- 38 1. Prior to commencement of business activities, required improvements  
shall be completed or, alternatively bonded for according to Chapter  
40 17.38 of the Lindon City Code.
- 42 2. Prior to final acceptance by the city of any public improvements a  
warranty bond in the amount of 10% of the total cost of those  
improvements shall be posted by the applicant to warrant workmanship  
44 of those improvements.
- 46 3. Failure to meet the obligations described above will, at minimum, result  
in the denial and/or revocation of any business license associated with  
the property in question.

- 
- 2                   iii. If any exception for construction of public improvements is granted by the city  
4                   council, including postponement of such improvements to a future date, a  
6                   development agreement shall be required which outlines those exceptions,  
8                   unless, in such cases a waiver of the obligation for all public improvements is  
10                  granted.
- 12                  2. No business activity shall be conducted without first obtaining a business license pursuant to  
14                  this chapter and LCC 5.04.
- 16                  a. Additional business license application requirements in the RBO zone include:
- 18                    i. Floor plan of all rooms within buildings in which business activities will be  
20                    conducted.
- 22                      1. As determined by the Chief Building Official, a life safety plan showing  
24                      emergency egress as prepared by a design professional may be required  
26                      depending on the occupant load where the business activity is  
28                      conducted. All interior layouts and uses shall be provided to the Chief  
30                      Building Official for review and approval.
- 32                    ii. Site plan of property drawn to scale, identifying parking areas, building  
34                    dimensions and distances between buildings and to property lines.
- 36                    iii. Written documentation that the property is the primary residence of the  
38                    applicant.
- 40                  3. The City Administrator, or his/her appointed designee, may grant a business license in the RBO  
42                  zone, provided the use applied for meets all of the standards set forth in this Section.
- 44                  4. Permitted Uses
- 46                  The following business activities, which either require a client to come to the home or which  
                  may result in neighborhood impacts if not properly managed, are authorized within an RBO  
                  upon receipt of a business license and pursuant to the standards specified in this section:
- a. Barbers, cosmetologists, manicurists.
- b. Culinary, Bakery, Food Preparation.
- c. Consultant or Professional Services with additional employees or contractors.
- d. Contractor, "handyperson", and landscape or yard maintenance contractor; subject to  
                  the special conditions that no construction materials or equipment will be stored on the  
                  premises outside of an approved structure.
- e. Pre-School
- f. Home instruction including, but not limited to, in-home lessons such as: musical  
                  instruments, voice, dance, acting, graphic arts, art, and educational subjects, swimming,  
                  tennis, and other athletic instruction.
- g. Other permitted uses include any land use permissions in the underlying zone.
5. Site and Building Requirements
- a. Any business activity occupying more than 500 square feet or more than 25% of the  
                  total space of a residence must comply with current building code requirements as  
                  determined by the Chief Building Official as determined by use, occupancy and type of  
                  construction.

- b. Maximum Building Height in an RBO in a primarily residential area is thirty-five (35) feet. In cases where the RBO is in a non-residential area the city council may allow up to ten (10) additional feet or a height equal to the building in the surrounding area.
  - c. Minimum Yard/Setback Requirements shall be the same as the underlying zone with the following exceptions:
    - i. Rear Yard Setback: Twenty (20') when abutting residential zones. For properties which abut non-residential zones the setback shall be ten (10) feet.
    - ii. Accessory Buildings and Structures in Yards: Accessory buildings and structures may be located in a required side or rear yard area so long as they are setback from all property a minimum of five (5) feet and do not encroach into any easement unless proper approvals are obtained from the easement holder.
  - d. Required Landscape Yards: All front and corner side yards shall be maintained in landscaping with vegetation in a living, healthy condition. A minimum of eight (8) feet of landscaping is required adjacent to all public rights of way. A minimum of twenty-five (25) percent of the lot must be maintained in landscape area.
    - i. If parking areas are within twenty-four (24) feet of the property line additional landscape buffering or fencing shall be required to shield the parking area.
  - e. Maximum Building Coverage: The surface coverage of all principal and accessory buildings shall not exceed sixty (60) percent of the lot area.
  - f. Design Standards: All principal buildings within residential zones constructed or remodeled after {insert date of adoption}, shall conform to the following design standards:
    - i. The remodeling of residential buildings or new construction within the overlay for business use shall be allowed only if the residential character of the exterior is maintained;
    - ii. Building orientation shall be to the street or side street on corner lots; and
    - iii. Building additions shall consist of materials, color and exterior building design consistent with the existing structure, unless the entire structure is resurfaced.
6. There shall be no external evidence of the business activity, (except as may be required by State law or City ordinance) nor any exterior displays, displays of goods, nor advertising signs (except as allowed by this section) visible from outside of the building. It shall not be permitted to conduct any activity outside the primary structure with the following exceptions: instruction for athletics, e.g. swimming and tennis. It shall not be permitted to store materials or products, including vehicles and equipment for business use, outside the primary structure unless it is within an accessory structure approved as part of the business or obscured from view by a fencing or other means of screening.
7. Properties within the overlay that are located within a residential neighborhood shall not generate business traffic between the hours of nine o'clock (9:00) P.M. and seven-thirty (7:30) A.M.
8. Businesses should not create the demand for more than ten (10) patrons per hour, with the exception of Preschool and Home Instruction. In the case of Preschool and Home Instruction the number of participants shall be determined by maximum occupancy load as determined by the

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2 Fire Inspector and Chief Building Official based on the prevailing International Building Code and  
International Fire Code. Small businesses of this nature are encouraged to stagger  
4 classes/sessions/start-time so as to minimize the impact of vehicle trips and parking  
requirement.

- 6 9. Business activities with additional employees or contractors as is necessary or practical, may  
7 have up to five (5) employees or contractors not residing on the premises, during appropriate  
8 business hours to work at the location, if required off-street parking is provided for the  
employee(s) per paragraph 10.

10 10. Parking and Vehicular Traffic

- 12 a. Parking spaces in a RBO zone are exempted from the surfacing, striping, and interior  
13 landscaping requirements as found in Chapter [17.18](#), but shall be provided with a  
14 dustless, hard surface material such as compacted gravel, asphalt, or concrete and shall  
be provided with a similar hard surfaced access from a public street.
- 16 b. Parking stalls shall be nine (9) feet wide by eighteen (18) feet long.
- c. Parking areas shall comply with current ADA standards and section 5(d)(i) above.
- 18 d. An ADA accessible route shall be required per the applicable ADA building standards.
- 20 e. Customer off-street parking shall be provided based on the business activity as follows:
- 21 i. Barbers, cosmetologists, manicurists: one (1) stall for every customer chair
- 22 ii. Culinary, Bakery, Food Prep: one (1) stall per 350 square feet of service area
- 23 iii. Consultant or Professional Services with additional employees or contractors:  
24 one (1) stall per 350 square feet of office area
- 25 iv. Contractor, "handyperson", and landscape or yard maintenance contractor: one  
26 (1) stall per 350 square feet of office area
- 27 v. Pre-School: one (1) per ten (10) children
- 28 vi. Home instruction: one (1) per six (6) students on-site at peak operational hours.
- 29 f. Employee/contractor parking shall be provided off-street at the rate of one (1) stall per  
30 employee on the premises at peak operational hours.
- 31 g. All residents, visitors, and employees/contractors who arrive at the property shall be  
32 legally parked on the lot occupied by the residence/business or on that part of the  
street that immediately abuts the lot.
- 33 h. For Home Instruction a plan showing pick up and drop off zones with the associated  
34 traffic patterns requires City Engineer review and approval.
- 36 11. No excessive or offensive noise, dust, odor, smoke, or light, shall be emitted which is discernable  
beyond the site or parcel boundary lines in question, except that which emanates from the  
38 movement of motor vehicles. Premises shall be maintained in such a manner so as to avoid  
unreasonable interference with adjacent uses and to avoid public nuisances.
- 40 12. Shall have no more than one (1) permanent sign, not larger than six and one-half (6.5) square  
42 feet, attached to the building. The sign shall be aesthetically pleasing and made of similar  
materials and colors as the building to which it is attached. The sign shall not be directly lit. One

temporary sign shall also be allowed up to four (4) square feet and not to exceed eight (8) square feet combine, if double sided, to be displayed during operating hours.

- a. Temporary signs for the purposes of advertising events, sales or promotions may be allowed with the approval of the Planning Director. Such signs shall not be larger than thirty-two (32) square feet and must be supported horizontally to prevent sagging.
- b. Temporary signs cannot be displayed for more than a continuous two-week period of time and no more than eight (8) weeks in a calendar year.
- c. No wind socks, inflatable, flags or fence signs will be allowed in residential areas.

13. Comply with all applicable Building Code, Occupancy Requirements and Fire Codes as adopted by the City.

14. Businesses within the overlay shall be good neighbors and mindful of possible impacts their activities have on the residential character of the neighborhood. All business licenses within the RBO are reviewable upon written complaint to the Planning Commission. The Planning Commission, in reviewing such complaints, shall have the authority to attach conditions to a home occupation to make it compatible with the surrounding neighborhood. If the Planning Commission makes a finding that the home occupation is not compatible with the surrounding neighborhood they shall have the authority to revoke such permit.

**SECTION II:** The provisions of this ordinance and the provisions adopted or incorporated by reference are severable. If any provision of this ordinance is found to be invalid, unlawful, or unconstitutional by a court of competent jurisdiction, the balance of the ordinance shall nevertheless be unaffected and continue in full force and effect.

**SECTION III:** Provisions of other ordinances in conflict with this ordinance and the provisions adopted or incorporated by reference are hereby repealed or amended as provided herein.

**SECTION IV:** This ordinance shall take effect immediately upon its passage and posting as provide by law.

PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jeff Acerson, Mayor

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ATTEST:

2

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4 Kathryn A. Moosman,  
Lindon City Recorder

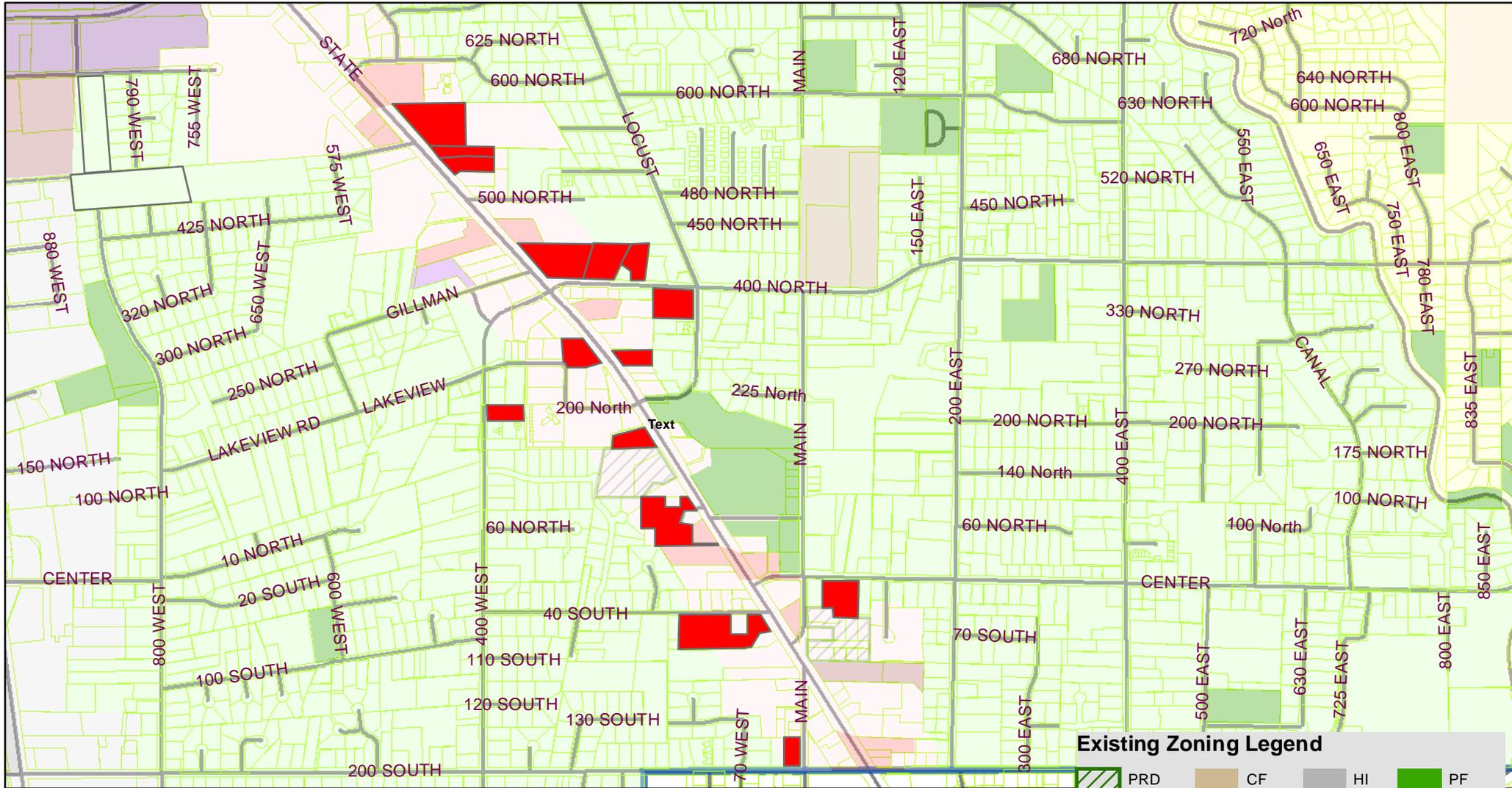
6

SEAL

8



# Potential RBO Eligible Properties\*



**\*Bright red indicates eligible property. Properties shown here either have a residential home on-site or are vacant.**

**Existing Zoning Legend**

	PRD		CF		HI		PF
	SHFO		CG		LI		RB
	PF-HSO		CG-A		LVC		R1-12
	R1-12-H		CG-A8		MC		R1-20
	SPOD		CG-S		PC-1		R3
	AFPD		RC		PC-2		RMU-E
							RMU-W



130 SOUTH

70 WEST

MAIN

STATE

200 SOUTH

800 WEST

STATE

520 WEST

860 WEST

172 South Main Street

**12. Public Hearing — Cemetery Ordinance Amendment; (Ordinance 2018-15-O) (10 minutes)**

The City Council will review and consider Ordinance #2018-15-O amending the cemetery code to update grave marker policies. Brad Jorgenson, Lindon City Cemetery Sexton, will be in attendance for this item.

See attached Ordinance with proposed changes which Staff believes meets the intent of the resident(s) requesting an all-granite grave marker while still ensuring compliance with the rules and intent of the code, and also provides additional clarification regarding grave markers and placement of the markers in the Lindon City Cemetery.

**Sample Motion:** I move to (approve, deny) Ordinance #2018-15-O.

ORDINANCE NO. 2018-15-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING LINDON CITY CODE SECTION 8.32.190 “GRAVE MARKERS” AND SECTION 8.32.220 “AMERICAN VETERAN BURIAL LOT”, AND MODIFYING, AMENDING, AND REVISING THE PROVISIONS OF THE SECTION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Lindon City finds it is necessary to amend the Cemeteries and Burials Regulations found in Lindon City Code; and

WHEREAS, the City desires to specifically update grave marker materials and installation standards at the cemetery to support patron desires for modified grave marker requirements; and

WHEREAS, the City desires to clarify and amend the standards for grave marker foundations and borders in order to reduce potential damage to grave markers and preserve the integrity of the markers over time; and

WHEREAS, the current ordinance should be amended to provide such provisions and be added to the Municipal Code of Lindon City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Lindon City, Utah County, State of Utah, Section 8.32.190 and 8.32.220 of the Lindon City Code is hereby adopted and will read as follows:

**SECTION I:**

**8.32.190 Grave markers.**

All headstones or grave markers in city cemeteries shall comply with the size, type, placement, and other requirements of this section. All grave markers shall be installed under the direction of the city sexton. Within ninety (90) days after the interment of any ~~dead~~ human remains in any lot, the owner of any burial rights or relatives of the interred person shall place or cause to be placed upon the grave a suitable grave marker with the name of the deceased person plainly inscribed thereon. If any person does not comply with this requirement, the city ~~may reserve the right to~~ install a grave marker to identify the deceased and collect the cost of the purchase and installation of the grave marker from the persons otherwise responsible for the placement of such marker. Markers, monuments, or structures other than those explicitly provided for in this section shall not be placed upon any lot.

- 1. *Size of Markers.* All grave markers shall be ~~placed on~~ securely set in a concrete foundation at least six

inches (6") thick, or the grave marker shall consist of one solid piece of granite six inches (6") thick. ~~and All~~ grave markers shall also be surrounded by a six inch (6") wide border of concrete or granite that will act as a mowing strip. Markers shall have a maximum length of forty inches (40") for single burials, and eighty inches (80") for double burials, and shall have a maximum width of forty inches (40") for both single burials and double burials. Markers where infants or urns are buried shall not exceed forty inches (40") by twenty-five inches (25"). Maximum grave marker dimensions listed above includes the six inch (6") concrete or granite border.

2. *Type of Markers.* All grave markers/headstones and their associated concrete/granite borders shall be placed flush with the ground. No upright headstones shall be allowed in the cemetery. Grave markers shall be made from long-lasting weather resistant materials such as stone, concrete, bronze, or other similar materials approved by the city sexton.

3. *Placement of Markers.* All grave markers shall be placed at the head of the grave. Exceptions to this rule shall apply only ~~in the on lots where a veteran's section of city cemeteries is buried, if such section exists,~~ where one (1) additional grave marker, supplied by the Veteran's Administration, may be placed at the foot of the grave. Markers in the cemetery face west; meaning viewers are facing east when reading the marker. Traditional side-by-side burials of couples normally have the husband on the right (or South) and the wife on the left (or North). Grave marker installation shall be inspected by the city to verify conformance to city standards.

4. *Number of Markers.* Except as otherwise permitted in this Chapter, only one grave marker per lot shall be permitted regardless of the number of human remains buried in the lot.

(Ord. 2016-20 §1, amended, 2016; Ord. 2014-15, amended, 2014; Ord. 11-92, adopted, 1992; Ord. 2014-15, amended, 2014)

### ~~8.32.220 — American veteran burial lot.~~

~~A portion of any cemetery may be reserved for the burial of American veterans and their spouses. (Ord. 2016-20 §1, amended, 2016; Ord. 2014-15, amended, 2014; Ord. 11-92, adopted, 1992; Ord. 2014-15, amended, 2014)~~

**SECTION II:** The provisions of this ordinance and the provisions adopted or incorporated by reference are severable. If any provision of this ordinance is found to be invalid, unlawful, or unconstitutional by a court of competent jurisdiction, the balance of the ordinance shall nevertheless be unaffected and continue in full force and effect.

**SECTION III:** Provisions of other ordinances in conflict with this ordinance and the provisions adopted or incorporated by reference are hereby repealed or amended as provided herein.

**SECTION IV:** This ordinance shall take effect immediately upon its passage and posting as provide by law.

PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jeff Acerson, Mayor

ATTEST:

\_\_\_\_\_  
Kathryn A. Moosman,  
Lindon City Recorder

SEAL

**13. Council Reports:**

- A) MAG, COG, UIA, Utah Lake Commission, ULCT, NUVAS, IHC Outreach, Budget Committee
- B) Public Works, Irrigation/water, City Buildings
- C) Planning, BD of Adjustments, General Plan, Budget Committee
- D) Parks & Recreation, Trails, Tree Board, Cemetery
- E) Public Safety, Court, Lindon Days, Transfer Station/Solid Waste
- F) Admin., Community Center, Historic Comm., PG/Lindon Chamber, Budget Committee

*(20 minutes)*

- Jeff Acerson
- Van Broderick
- Matt Bean
- Carolyn Lundberg
- Daril Magleby
- Jacob Hoyt

## **I4. Administrator's Report**

(10 minutes)

### **Misc Updates:**

- August - City newsletter: <https://media.rainpos.com/442/august18final.pdf>
- September newsletter article: **Mayor Acerson** - Article due to Kathy last week in August
- Police Officer recruitment competitiveness and possible options for consideration.
- Lindon Days: Thank you for all your efforts and time! We've heard many compliments and positive remarks about the events. (We did receive a small amount of complaints regarding fireworks display occurring while there was so much smoke already in the valley.)
- Facilities work: Vet Hall exterior work being done (brick restoration completed, soffit / fascia wrap being added, wood staining); Security camera system at Community Center/City Center; update fire sprinkler monitoring system at City Center; elevator project ready to bid as soon as MAG gives OK; carpet flooring updates in Community Center/City Center; columns in front of City Center/Public Works; repainted well/pump houses; updated landscaping at 835 E water tanks nearing completion. Lots going on the Alex, Facilities Manager, and public works/parks has helped to update and maintain.
- FYI - Alpine School District Board approved property tax increase. [Read article here.](#)
- Misc. Items:

### **Upcoming Meetings & Events:**

- August 28<sup>th</sup> @ Noon at Public Works: Engineering Coordination Meeting w/Mayor, Van, Staff
- Monday, September 3<sup>rd</sup> – Offices closed for Labor Day
- September 12<sup>th</sup>-14<sup>th</sup> – Utah League of Cities & Towns, Fall Conference in SLC
- Monday, Sept. 17<sup>th</sup> @ 6:00pm – Citywide Emergency Drill. If available, please plan to stay for training and re-cap after drill is completed.
- Monday, October 1<sup>st</sup>, 2:30pm-5:00pm – Public Immunization Clinic in City Council room.
- Nov 2<sup>nd</sup>-10<sup>th</sup> – Fall Leaf Clean-Up. City will continue to pick up bags, but will also have dumpsters available around town for public use.
- November 6<sup>th</sup> – General Election
- November 22<sup>nd</sup> – Mayor's Thanksgiving Dinner event.
- Nov 22<sup>nd</sup>-23<sup>rd</sup> – Offices closed for Thanksgiving holiday.
- Dec 21<sup>st</sup> at Noon – Employee Christmas party at Community Center
- Dec 24<sup>th</sup>-25<sup>th</sup> – City offices closed for Christmas holiday.
- Tuesday, January 1<sup>st</sup> – City offices closed for New Year's holiday. No Council meeting.

# Adjourn