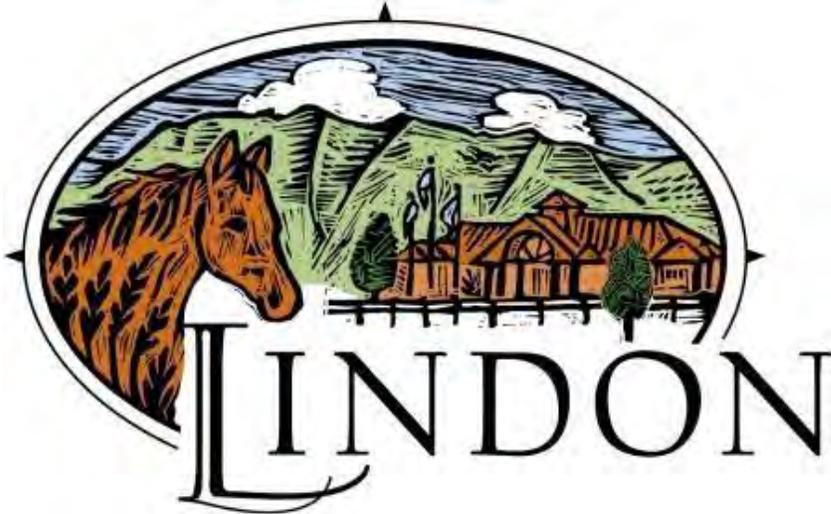


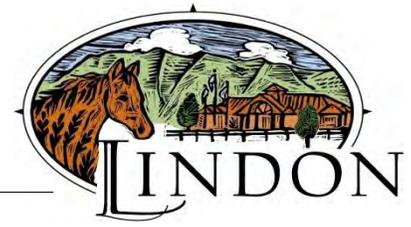
Lindon City Council Staff Report



Prepared by Lindon City
Administration

September 21, 2020

Notice of Meeting of the *Lindon City Council*



The Lindon City Council will hold a meeting beginning at **5:15 p.m. on Monday, September 21, 2020** 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:



REGULAR SESSION – 5:15 P.M. - Conducting: Jeff Acerson, Mayor

Invocation: Randi Powell

Pledge of Allegiance: By invitation

(Review times are estimates only)

1. **Call to Order / Roll Call** *(2 minutes)*
2. **Approval of Minutes:** The minutes of the regular City Council meeting of August 17, 2020 will be reviewed. *(5 minutes)*
3. **Council Reports** *(10 minutes)*
4. **Administrator's Report** *(10 minutes)*
5. **Presentations and Announcements**
 - a) Comments / Announcements from Mayor and Council members. *(5 minutes)*
 - b) Introduction of new Orem Fire Chief, Marc Sanderson.
 - c) Follow up report on emergency drill event by Kelly Johnson, Emergency Planning Coordinator, and Chief of Police, Josh Adams.
6. **Open Session for Public Comment** *(For items not on the agenda)* *(10 minutes)*
7. **Consent Agenda** — *(Items do not require public comment or discussion and can all be approved by a single motion.)* *(5 minutes)*
 - a. Memorandum of Understanding with Alan Colledge for use of the city secondary water system to deliver irrigation water to the Wadley Farms property.
8. **Review & Action — Major Subdivision; Lindon Treasury Plat D - 200 W. 110 S.** Jeremy Ackley requests approval of a Major Subdivision Application for a four-lot single family development in the R1-20 residential zone. The planning commission recommended approval to the city council. *(15 minutes)*
9. **Concept Review — Housing development; approx. 550-570 N. State Street (Norton Property).** Amy Johnson requests concept review for residential and commercial development for the property located at approximately 570 N. State Street. A Concept Review allows an applicant to receive feedback and comments on proposed projects. No formal approvals or motions are given but general suggestions or recommendations are typically provided. *(45 minutes)*
10. **Action Item — Consideration of interest in water stock.** The Council will review and consider its option to purchase certain water stock per a 1993 agreement with the Bezzant family. *(5 minutes)*
11. **Discussion Item — Parks, Trails and Recreation impact fee options.** The City Council will discuss Parks, Trails and Recreation impact fee options for differentiating between accessory apartment and other multi-family units. This item is for discussion only with no motion necessary. *(20 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. 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 Kathryn Moosman, City Recorder 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) websites.

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

Date: September 15, 2020; Time: 4:30 p.m.; Place: Lindon City Center, Lindon Police Dept., Lindon Community Development

REGULAR SESSION – 5:15 P.M. - Conducting: Jeff Acerson, Mayor

Invocation: Randi Powell

Item 1 – Call to Order / Roll Call

September 21, 2020 Lindon City Council meeting.

Jeff Acerson
Carolyn Lundberg
Van Broderick
Jake Hoyt
Mike Vanchiere
Randi Powell
Staff present: _____

Item 2 – Approval of Minutes

- Review and approval of City Council minutes: **August 17, 2020**

2 The Lindon City Council held a regularly scheduled meeting on **Monday, August 17,**
4 **2020, at 5:15 pm** in the Lindon City Center, City Council Chambers, 100 North State
Street, Lindon, Utah.

6 **REGULAR SESSION – 5:15 P.M.**

8 Conducting: Jeff Acerson, Mayor
Invocation: Carolyn Lundberg
10 Pledge of Allegiance: Mayor Acerson

12 **PRESENT** **EXCUSED**

Jeff Acerson, Mayor
14 Carolyn Lundberg, Councilmember
Jacob Hoyt, Councilmember
16 Van Broderick, Councilmember
Randi Powell, Councilmember
18 Mike Vanchiere, Councilmember
Adam Cowie, City Administrator
20 Mike Florence, Planning Director
Brian Haws, City Attorney
22 Kathryn Moosman, City Recorder

- 24 1. **Call to Order/Roll Call** – The meeting was called to order at 5:15 p.m.
26 2. **Approval of Minutes** – The minutes of the regular meeting of the City Council
meeting of July 20, 2020 were reviewed.
28

COUNCILMEMBER BRODERICK MOVED TO APPROVE THE MINUTES
30 OF THE REGULAR CITY COUNCIL MEETING OF JULY 20, 2020 AS AMENDED.
COUNCILMEMBER HOYT SECONDED THE MOTION. THE VOTE WAS

32 RECORDED AS FOLLOWS:
COUNCILMEMBER LUNDBERG AYE
34 COUNCILMEMBER HOYT AYE
COUNCILMEMBER BRODERICK AYE
36 COUNCILMEMBER POWELL AYE
COUNCILMEMBER VANCHIERE AYE
38 THE MOTION CARRIED UNANIMOUSLY.

40 **3. COUNCIL REPORTS:**

42 **Councilmember Hoyt** – Councilmember Hoyt reported Lindon Days was so great this
year with great events. He also expressed his appreciation to everyone involved. He
44 noted he has heard from many citizens who also expressed that it was a wonderful
Lindon Days despite things going on with Covid-19 and thanked everyone for doing it in
46 a safe manner.

2 **Councilmember Vanchiere** – Councilmember Vanchiere reported they are in the
 4 process of interviewing and screening for a new Director at the North Pointe Transfer
 6 Station as the current Director Roger Harper will be retiring at the end of the year. They
 8 have narrowed it down to 15 applicants noting there has been a lot of interest in the
 position. He was also privileged to participate in several meetings relative to 700 North
 that were very positive and upbeat. He reported there is a lot going on in the planning
 and zoning department and he appreciates staff and their hard work and expertise.

10 **Mayor Acerson** – Mayor Acerson commented that he really liked the Lindon Days
 12 candy parade and suggested we continue it along with the regular parade. He also
 expressed that Lindon Days was great and thanked all who helped and participated.

14 **Councilmember Broderick** – Councilmember Broderick echoed the sentiments on
 16 Lindon Days noting the parade format was great, but it may have to start earlier as it got
 very dark. He also asked Mr. Cowie for an update on the street lighting issue. Mr. Cowie
 said he did follow up with an email and he will resend it.

18 **Councilmember Lundberg** – Councilmember Lundberg also commended staff for a
 20 great Lindon Days. She expressed that the Concert in the park and the fireworks were
 outstanding and well attended. She also reported she attended the interim meetings on
 22 700 North with some developers that went very well.

24 **Councilmember Powell** – Councilmember Powell reported Lindon Days was
 26 phenomenal and the fireworks were great with a wonderful turnout. She agreed the candy
 parade was very fun and she also thanked staff for the opportunity and on behalf of the
 28 citizens for doing such a great job. She also expressed her thanks for all the work that was
 accomplished with the meeting with the planning commission last week. She also
 30 mentioned the hydroseeding at Oak Canyon Jr. High School is not taking and thinks it
 should be looked at. She noted the groundkeepers (elite grounds) take care of the weeds
 at the location by the ditch. Mr. Cowie stated he will follow up on the issue. She also
 32 reported she spoke with Mike Florence and Anders Bake about an issue on how we
 interact with Airbnb's. She noted there is one in her neighborhood that is now a full-time
 34 Airbnb. She questioned if there is anything that can be done to have some oversight as
 she has concerns on this issue. Mr. Cowie stated he will talk with Mr. Florence noting we
 36 would have to adopt something to change the policy as these are not currently regulated.
 He added they will do some research and have more discussion at a future meeting.

38
 40 **4. Administrator's Report:** Mr. Cowie reported on the following items followed by
 discussion.

42 **Misc. Updates:**

- 44 • Next council meetings: September 21st and October 5th
- 46 • September newsletter assignment: Chief Adams
- 8/02 - Residential building fire that burned a shed at 640 East Center and
 extended into a neighboring home on 630 East. Extensive damage to the home
 and a total loss to the shed. 8/16 Fire on Timpanogos – currently 30% contained.

- 2 • Misc. Items

4 **5. Presentations and Announcements:**

- 6 a) Comments/Announcements from Mayor and Council members.
- 8 b) **Department Head Quarterly Reports** — The Lindon City
 10 Department Heads were in attendance and presented their Department
 12 Quarterly Reports and updates to the council. Juan Garrido, Phil
 14 Brown, Mike Florence, Kristen Colson, Brian Haws, Chief Josh
 16 Adams and Heath Bateman gave their quarterly reports.
- 18 c) **Presentation — Envision Utah, Valley Visioning Project.** The City
 20 Council heard a presentation from Envision Utah regarding the Valley
 22 Visioning Project followed by discussion.

24 **6. Open Session for Public Comment** – Mayor Acerson called for any public
 26 comment not listed as an agenda item. There were no public comments.

28 **7. Consent Agenda Items** – The following consent agenda items were presented for
 30 approval.

32 **a. Continued Action Item: Ordinance #2020-13-O, Government Records
 34 Access Management.** This item was continued from the July 20, 2020
 36 meeting in order to receive any additional public comment on the item. No
 38 further public comments have been received. The Council will review and
 40 consider city-initiated updates to LCC Title 4, Government Records
 42 Access Management. Updates to the Lindon City Policy and Procedures
 44 Manual, Section 9, related to government records retention will also be
 46 considered for approval.

48 **b. Updated Officer Involved Critical Incident Protocol agreement with
 50 Utah County and other law enforcement agencies within the County.**
 52 This agreement was adopted earlier this year by Utah County and its
 54 cities, including Lindon. This amendment updates the structure of the
 56 investigation team but does not change the actual protocol. The Chiefs of
 58 Police in the County voted to have the agreement reapproved by each
 60 municipality in order to avoid any conflicts with the County when an
 62 actual event takes place.

64 COUNCILMEMBER HOYT MOVED TO APPROVE THE CONSENT
 66 AGENDA ITEMS AS PRESENTED. COUNCILMEMBER POWELL SECONDED
 68 THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

- 70 COUNCILMEMBER LUNDBERG AYE
- 72 COUNCILMEMBER HOYT AYE
- 74 COUNCILMEMBER BRODERICK AYE
- 76 COUNCILMEMBER POWELL AYE
- 78 COUNCILMEMBER VANCHIERE AYE

80 THE MOTION CARRIED UNANIMOUSLY.

2 **CURRENT BUSINESS**

4 **8. Review & Action — Major Subdivision, Coco Development Commercial**
6 **Condominium Project; 1350 W. 200 S.** Coco Development is requesting Major
8 Subdivision approval to divide an existing building into twenty commercial
10 condominium units at 1350 W. 200 S in the Light Industrial (LI) zone.

10 Mike Florence, Planning Director led this item by explaining the applicants are
12 seeking preliminary major subdivision approval for a 20-unit commercial condominium
14 development. He noted the planning commission recommended approval to the council at
16 their last meeting. The units range in size from 1,149 square feet to 3,825 square feet
18 with a total square footage of 37,700 square feet; the building is existing. The applicant is
20 proposing to create the individual units and make improvements to those units.

22 Mr. Florence indicated condominium developments follow Utah Code Title 57
24 Chapter 8 for dividing property as well as Lindon City major subdivision requirements
26 and processes. He pointed out the applicant received approval from the planning
28 commission to amend the original Jacobson Commercial Subdivision for the business
park; the Plat didn't accurately reflect the site. In addition, the applicant has worked with
the other property owners in the business park to adopt and easement agreement for
parking and maintenance of the business park.

30 Mr. Florence went on to say the applicant has also provided letters from both an
32 architect and an attorney stating the application follows the Utah Condominium Code
34 Title 57 Chapter 8. The proposed development meets the one-acre minimum lot size
36 requirement for the LI zone. He noted the applicant has also provided a Condominium
38 Declaration as well as Covenants, Conditions and Restrictions (CC&R's) for the
development; a condominium plat includes sheets identifying both the internal floor area
and vertical space.

40 Mr. Florence stated the City Engineer is working through any technical issues
42 related to the plat and civil engineering plans and will ensure all engineering related
44 issues are resolved before final approval is granted. Mr. Florence then presented an
46 Aerial photo, Condominium plat, Site improvement plan, Existing parking analysis,
Proposed parking plan and Compliance letters followed by some general discussion.

Following some additional discussion the council was in agreement to approve
this request as presented.

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

COUNCILMEMBER VANCHIERE MOVED TO APPROVE THE
40 **APPLICANT'S REQUEST FOR PRELIMINARY APPROVAL OF THE BRIXTON**
42 **HEIGHTS CONDOMINIUM PLAT WITH THE FOLLOWING CONDITIONS: 1.**
44 **THE APPLICANT WILL CONTINUE TO WORK WITH CITY STAFF TO MAKE**
46 **ALL FINAL CORRECTIONS TO THE PLAT FOR RECORDING; 2. PRIOR TO PLAT**
RECORDING THE APPLICANT WILL PROVIDE STAFF WITH A FINAL PLAT
MYLAR TO INCLUDE NOTARIZED SIGNATURES OF OWNER'S CONSENT TO
DEDICATION AND OBTAIN SIGNATURES OF ALL ENTITIES INDICATED ON
THE ATTACHED SUBDIVISION PLAT; 3. THE PLANS AND PLAT WILL MEET

2 AND BE CONSTRUCTED AS PER THE RELEVANT SPECIFICATIONS AS FOUND
IN THE LINDON CITY DEVELOPMENT MANUAL; 4. FINAL EASEMENT
4 AGREEMENTS FOR THE BUSINESS PARK WILL BE RECORDED WITH THE
SUBDIVISION PLAT; 5. ALL ITEMS OF THE STAFF REPORT.

6 COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

- 8 COUNCILMEMBER LUNDBERG AYE
- COUNCILMEMBER BRODERICK AYE
- 10 COUNCILMEMBER HOYT AYE
- COUNCILMEMBER POWELL AYE
- 12 COUNCILMEMBER VANCHIERE AYE

THE MOTION CARRIED UNANIMOUSLY.

14

9. Review & Action — Major Subdivision, Lindon Hollow Estates; 122 South

16 **Main.** Marc and Jessica McCann are requesting Major subdivision approval from
the city council to subdivide the property located at 122 South Main Street into a
18 five (5) lot single family development.

20 Mr. Florence led this item by stating Marc and Jessica McCann are seeking
preliminary major subdivision approval for a 5-lot single family home subdivision. He
22 noted on June 1, 2020 the City Council, with a recommendation from the planning
commission, adopted a new public road cross section and amendment to the “hammer
24 head” turnaround that applies only to the “Hollow” area. The property owners and city
have signed an easement for a detention area at the bottom of the “hollow” for future City
26 water detention needs. He added the planning commission recommended approval of this
subdivision to the city council in their last meeting.

28 Mr. Florence stated the Lindon City Streets Master Plan map identifies connecting
130 South as well as a future north/south road connecting 130 South to 40 South. The
30 applicant, will only be installing a portion of the new north/south road and future
development will connect to this partially installed road.

32 Mr. Florence indicated that Lindon City and the applicants have been working for
quite some time on this subdivision application and the City believes that the current
34 proposal is the best option after working through many iterations of development
proposals. He pointed out the proposed subdivision maintains the character of the
36 “Hollow” while also providing sufficient access to future homeowners, and meeting a
water detention need of the City.

38 Mr. Florence commented in analyzing Lot 1, the City believes that the proposal
meets the non-conforming use requirements of Title 17.16.030. The applicants are
40 proposing to combine two non-conforming lots and bring Lot 1 into compliance as much
as reasonably possible due to hillside site constraints, and the City’s need for a detention
42 area. Mr. Florence noted the City Engineer is working through technical issues related to
the plat and civil engineering plans and will ensure all engineering related issues are
44 resolved before final approval is granted.

Mr. Florence then presented an Aerial photo, Plat #3, Site improvement map and
46 applicable road profiles followed by discussion.

2 Following some additional discussion, the council was in agreement to approve
this major subdivision request as presented with the conditions as listed.

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

6
8 COUNCILMEMBER HOYT MOVED TO APPROVE THE APPLICANT’S
REQUEST FOR PRELIMINARY APPROVAL OF THE HOLLOW SUBDIVISION
10 WITH THE FOLLOWING CONDITIONS: 1. THE APPLICANT WILL CONTINUE
TO WORK WITH THE CITY STAFF TO MAKE ALL FINAL CORRECTIONS TO
12 THE ENGINEERING DOCUMENTS AND PLAT; 2. PRIOR TO PLAT RECORDING
THE APPLICANT WILL PROVIDE STAFF WITH A FINAL PLAT MYLAR TO
14 INCLUDE NOTARIZED SIGNATURES OF OWNER’S CONSENT TO
DEDICATION, OBTAIN SIGNATURE OF ALL ENTITIES INDICATED ON THE
16 ATTACHED SUBDIVISION PLAT; 3. COMPLETE (OR POST AN ADEQUATE
IMPROVEMENT COMPLETION ASSURANCE), WARRANT AND POST
18 REQUIRED WARRANTY ASSURANCE FOR ALL REQUIRED PUBLIC
INFRASTRUCTURE IMPROVEMENTS; 4. THE PLANS AND PLAT WILL MEET
20 AND BE CONSTRUCTED AS PER THE RELEVANT SPECIFICATIONS AS FOUND
IN THE LINDON CITY DEVELOPMENT MANUAL; 5. THE PLANNING
22 COMMISSION APPROVES LOT 1 OF THE HOLLOW SUBDIVISION AS A NON-
CONFORMING LOT AND MEETS THE REQUIREMENTS FOUND IN LINDON
24 CITY CODE 17.16.030(2)(B). 6. PRIOR TO FINAL APPROVAL THE APPLICANT
SHALL PLACE PERMANENT SURVEY MONUMENTS IN THE SUBDIVISION; 7.
ALL ITEMS OF THE STAFF REPORT. COUNCILMEMBER BRODERICK

26 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:
COUNCILMEMBER LUNDBERG AYE
28 COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER HOYT AYE
30 COUNCILMEMBER POWELL AYE
COUNCILMEMBER VANCHIERE AYE

32 THE MOTION CARRIED UNANIMOUSLY.

34 **10. Continued Action Item — Ordinance #2020-8-O, LCC Title 17.76; Planned**
Residential Development Overlay. This item was continued from the July 20,
36 2020 meeting to allow for some modifications to the previously reviewed
ordinance. The City Council will consider the proposed Ordinance 2020-8-O,
38 Planned Residential Development Overlay.

40 *Council member Hoyt recused himself at this time due to a conflict of interest.*

42 Mr. Florence explained since the last City Council meeting staff has made a
number of updates that are either highlighted in “red” for updated language or “strike
44 through” for those proposed sections to be removed in the ordinance. The “underlined”
sections highlight all changed to the existing Planned Residential Development code/
46 City staff received written comments from a few interested parties and a majority of their
comments are included in the staff report.

2 Mr. Florence then referenced a list of proposed changes to the ordinance as follows:

- 4 • 17.76.080 (2) – changes the maximum density of 10 units to the acre to an
6 average density of 10 units to the acre. Development phases with a density above
8 ten (10) units to the acre shall be located adjacent to commercial uses. Densities
10 shall be ten (10) units or less as a transition to low density single family
12 residential.
- 8 • 17.76.080(6) – clarified building type requirements • 17.76.080(7)(b) – clarified
10 side yard setback requirements for detached single family as 6 feet and a
12 combined total of 12 feet. This is the same requirement as approved for the
14 Anderson Farms development.
- 12 • 17.76.080(10)(b)
 - 14 ○ allows for a setback to be counted toward the 20% common open space if the
16 setback is a usable size segment and a common development amenity is
18 provided within the setback area.
 - 20 ○ Allows the land use authority to review alternative or innovative common
22 open space options over the primary central open space.
- 18 • 17.76.080(15) –
 - 20 ○ Increases the front stucco limitation to 30% ○ Allows for 100% stucco if a
22 building elevation is not fronting a public or private street, development
24 entrance or common open space.
 - 26 ○ Removes the requirement that identical buildings with only alternating color
28 scheme be minimized. The ordinance still requires a variety of materials and
30 architectural elements.
 - 32 ○ Removes the 5:12 roof pitch requirement but still requires a pitched roof
- 26 • 17.76.080(22)
 - 28 ○ After reviewing the Anderson Farms development for street widths, utility
30 access, and fire code requirements city staff recommends the follow language
32 for street widths.
 - 34 ○ The minimum width for private streets shall be twenty-four (24) feet if
36 residential buildings are less than thirty (30) feet in height. For residential
38 buildings thirty (30) feet or greater in height, the minimum private street
width is twenty-six (26) feet. Where a street includes public utilities, the
minimum street width shall be twenty-nine (29) feet, constructed to a public
street standard as found in the Lindon City Development Manual, and
dedicated to Lindon City. Hard surfacing for both private and public streets
shall not include the gutter when determining minimum street widths.

40 Following the presentation there was some general discussion regarding the
42 proposed ordinance changes presented. Councilmember Powell commented she would
44 like to see a way to eliminate the rear loading option. Mr. Florence commented they try
46 their best to provide the best planning principles. Councilmember Lundberg mentioned
door entrances on the side with grass and landscaping looks nice and would offer a
neighborhood look and community feel. Mr. Florence pointed out that building
orientation is important and staff is trying to mimic the transition from commercial to
single family and to make it as compatible as possible yet also have a good design
standard. Councilmember Vanchiere commented he feels there should be flexibility but

2 he would not want to have to continue this item further and feels most residents and
 4 developers are satisfied. Mr. Florence stated he is not prepared to make that change
 tonight as he would have to go through the ordinance and make those changes.

6 There was then some additional discussion regarding street/building orientation,
 door position, architectural standards and facades.

8 Councilmember Powell spoke on unintended consequences noting she appreciates
 the planning department's efforts, but she is trying to be as thorough as possible. It is not
 her intention to prolong this, but she would like to make sure this is site specific. She
 10 would like to tweak the language as to separate it.

12 Mayor Acerson pointed out the ordinance is crafted to deal with the deep lot
 commercial zone and to also give owners the options to do something with their property.
 He asked if there are other areas this will apply to. Mr. Florence said he has only looked
 14 at vacant properties noting there are a small portion that would apply.

16 Mayor Acerson called for any public comments at this time. There were several
 in attendance who addressed the council as follows:

18 **Angie Neuwirth:** Ms. Neuwirth commented as far as zoning, if approved, it will be
 allowed in the general commercial zone and it can apply there (only for two properties).
 20 She is concerned with the 300 ft. commercial being changed to residential. What is to
 stop the new commercial to becoming residential and getting rid of our commercial
 22 zoning in the future and keeping the commercial zoning for tax base purposes. She also
 expressed her concerns with the fencing verbiage in allowing alternative material that can
 24 leave it to the discretion of the planning commission or council to change that. She also
 expressed her concerns with parking and to make sure it stays at 2.5 for future residents.
 26 She also expressed her concerns with the maximum height language and that it needs to
 be restricted to 2 stories with a maximum height of 35 ft.

28 **Amy Johnson:** Ms. Johnson stated they are orienting their doors to the front and they can
 30 work with it to make a beautiful design. She feels Mr. Florence has done a great job on
 the ordinance and feels it should be approved as written.

32 **LaDawn Edwards:** Ms. Edwards stated she has been coming to all of the meetings since
 34 February. She noted she is not opposed to have the ordinance passed and believes they
 have worked out what is needed. She pointed out she is not as familiar with the Norton
 36 property as she is with the Linden Nursery property. She noted two things that have come
 up over and over again is the perimeter fencing which is the biggest thing the residents
 38 want. She has concerns that it states that the planning commission may allow alternative
 materials, placement and location so it could change; that is a concern. There have been
 40 other ordinances written with loopholes that they, as residents, have had experiences with
 so she feels we need to be very careful with the wording in the ordinance; she then read
 42 the language on page 8; #4 of the draft ordinance. She would encourage that the council
 look at the language very carefully.

44 **Steve Johnson:** Mr. Johnson spoke on the potential traffic issues in the residential areas,
 46 especially with the Norton property with the deep lots. Councilmember Vanchiere stated

2 that would require a traffic study before anything is built or finalized to minimize the
4 impact and would happen before any approval.

Jeff Southard: Mr. Southard commented, as a developer, that it doesn't matter if the
6 council delays this for them, as they will look at storage units or some other option. He
8 also pointed out if significant changes are made and someone makes an application they
10 may be grandfathered in; he would caution on that issue. Mr. Florence stated they would
12 not, unless the public notice is done first.

Krisel Travis: Ms. Travis echoed Mr. Southard's previous comments. As a resident and
12 developer, she would suggest not putting a broken tool in a toolbox, but take the time to
14 do it correctly.

16 Following discussion, Mr. Florence stated he is hearing the council is in agreement to
18 make the following language changes:

- 18 1. Changed the building height language to read "two stories with a maximum
20 height of thirty-five feet
- 22 2. Clarified that residential developments less than one acre must be setback 300'
24 from State Street
- 26 3. Reduced the front setback from 30' to 25'
- 28 4. Removed the provision that the planning commission can approve alternative
30 fencing materials for perimeter fences
- 32 5. Changed the window requirement to require two window features and added that
34 window trim or molding has to be a different color from the primary building
36 color.

28 Mayor Acerson asked if the council wants to move forward with the changes as
discussed. The council was in agreement to move forward with the changes.

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

32 COUNCILMEMBER VANCHIERE MOVED TO APPROVE ORDINANCE
34 #2020-8-O THE PLANNED RESIDENTIAL DEVELOPMENT OVERLAY WITH THE
36 REDLINED CHANGES AND LANGUAGE CHANGES AS DISCUSSED TO BE
INCLUDED IN THE ORDINANCE. COUNCILMEMBER LUNDBERG SECONDED
THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

38 COUNCILMEMBER LUNDBERG	AYE
COUNCILMEMBER BRODERICK	AYE
40 COUNCILMEMBER POWELL	AYE
COUNCILMEMBER VANCHIERE	AYE
42 THE MOTION CARRIED UNANIMOUSLY.	

44 **11. Public Hearing — Ordinance #2020-6-O. LCC 11.05 Parks, Recreation &**
46 **Trails Facilities Impact Fees; Parks, Trails and Recreation Impact Fee**
Studies (IFA, IFFP). The City Council will accept public comment and review
and consider for adoption the Parks, Trails and Recreation Impact Fee Analysis

2 (IFA) and Impact Fee Facilities Plan (IFFP) prepared by Zions Bank and based
 4 off of the recently updated Parks, Trails and Recreation Master Plan and will also
 6 consider amendments to Lindon City Code (LCC) 11.05 Parks, Recreation &
 Trails Facilities Impact Fees.

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

12 Mr. Cowie stated the City has been working with Suzie Becker at Zions Bank
 financial consultants to update the Impact Fee Facilities Plan (IFFP) and Impact Fee
 14 Analysis (IFA) in conjunction with the updated Parks, Trails and Recreation Master Plan.
 He noted this public hearing is intended for the Council to evaluate the methodology in
 the impact fee studies and review the potential fee that may be adopted to cover costs of
 16 maintaining the current level of Parks, Trails and Recreation services and amenities
 within Lindon.

18 Mr. Cowie indicated that Lindon City Code 11.05 dealing with Parks, Trails &
 Recreation Facilities Impact Fees will also be updated according to the studies and new
 20 fees as directed by the Council. Mr. Cowie stated tonight the Council will need to
 determine what Parks, Trails and Recreation impact fee amounts are acceptable to be
 22 adopted.

24 Mr. Cowie noted based on the updated IFA the maximum gross impact fees that can be
 assessed are as follows:

- 26 • Single-Family Residential units = \$5,097.13
- 28 • Multi-Family Residential units = \$4,927.23

30 Mr. Cowie noted the current park impact fees are as follows:

Current FY 2020-21 Parks, Trails & Recreation Impact Fee (per dwelling unit)

- 32 • Single-Family, detached = \$4,500.00
- 34 • All other residential = \$1,500.00

36 Mr. Cowie then turned the time over to Ms. Becker who gave her presentation to
 the Council followed by discussion.

38 Mr. Cowie reminded the council that impact fees don't go into effect until 90 days
 after adoption and are collected at the time of a building permit issued for new residential
 construction. Mayor Acerson then called for any public comments. There were several
 40 in attendance who commented as follows:

42 **Jeff Southard:** Mr. Southard stated as part of the ordinance passed tonight, developers
 will be required to put amenities in and would developers receive a credit for that as he
 feels they shouldn't be penalized. He added it has to be affordable and that doesn't mean
 44 low income.

46 **Deann Huish:** Ms. Huish commented she is with the Utah Valley Home Builders Assoc.
 She thanked the council and staff for their hard work on the master plan which is so much

2 better adding the level of service, trails and everything is great. She noted she is here
4 tonight to talk about the multi-family in Utah County where Lindon ranks 5th. This hurts
6 affordability. The \$5,000 amount would be huge if it goes into effect; this is a large
amount for a multi-family. She would encourage the council to consider these things in
determining the fees.

8 **Chris Gamvroulas (via electronic):** Mr. Gamvroulas mentioned he had a pre-
10 construction meeting with staff last week for the park at Anderson Farms. He added
12 whatever is decided tonight he would encourage the council to keep housing affordability
in mind. He noted Lindon has done a great job with parks and trails that adds value, but
to also keep the larger picture in mind. He also thanked everyone who has done a great
job.

14
16 Following some additional discussion, the council was in agreement to set the
parks, trails & recreation impact fees at \$4,500 for single-family, detached units and
\$1,500 for all other residential units.

18 Mr. Cowie clarified the reason we are re-looking at these impact fee studies is
20 because the old study is about 11 years old, noting it should be reviewed every 3 to 5
years to ensure the fees are justified and legitimate and that we are not changing things
and charging too much; this was not intended to be a revenue generating action. He also
22 clarified we have a large amount of amenities per capita in Lindon.

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

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

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

32 COUNCILMEMBER HOYT MOVED APPROVE ORDINANCE #2020-6-O
34 ADOPTING THE PARKS, TRAILS AND RECREATION IFFP AND IFA AND
36 UPDATING LINDON CITY CODE 11.05 AND SETTING THE PARKS, TRAILS &
RECREATION IMPACT FEES AT \$4,500 FOR SINGLE-FAMILY, DETACHED
38 UNITS AND \$1,500 FOR ALL OTHER RESIDENTIAL UNITS. COUNCILMEMBER
VANCIERE SECONDED THE MOTION. THE VOTE WAS RECORDED AS
FOLLOWS:

40 COUNCILMEMBER LUNDBERG AYE
42 COUNCILMEMBER BRODERICK AYE
44 COUNCILMEMBER HOYT AYE
COUNCILMEMBER POWELL AYE
COUNCILMEMBER VANCIERE AYE
THE MOTION CARRIED UNANIMOUSLY.

46

Item 3 - COUNCIL REPORTS:*(10 minutes)*

- A) MAG, COG, UIA, Utah Lake Comm., ULCT, NUVAS, IHC Outreach, County Board of Health - Jeff Acerson
- B) Police/Fire/EMS, Emergency Mgmt., Irrigation Co. Representative/Board member, City Buildings - Van Broderick
- C) Public Works/Engineering, Historic Commission, Administration, Building Const. & Inspection - Randi Powell
- D) PG/Lindon Chamber of Commerce, Economic Development, Lindon Days - Carolyn Lundberg
- E) Planning Commission/BOA, Planning/Zoning, General Plan, Transfer Station/Solid Waste Board - Mike Vanchiere
- F) Parks, Trails, and Recreation, Cemetery, Tree Advisory Board - Jake Hoyt

Item 4 - ADMINISTRATOR'S REPORT*(10 minutes)***Misc. Updates:**

- Next council meetings: October 5th and October 19th
- October newsletter assignment: Adam Cowie
- Vote by Mail Ballots will be mailed the week of October 12th
- Utah County Health Dept. Immunization Clinic – September 23rd
- Update on CARES Act (covid-19) funding expenditures / projects
- Upcoming items: accessory apartments & short term rentals; cemetery fees; Alpine SD rep visit; budget amendments; surplus property at Horse Transfer Station (waiting for appraisal);
- Pursuing First Right of Refusal for Hutchison property near Hollow Park
- Misc. Items

Item 5 – Presentations and Announcements

- a) Comments / Announcements from Mayor and Council members.
- b) Introduction of new Orem Fire Chief, Marc Sanderson
- c) Follow up report on emergency drill event by Kelly Johnson, Emergency Planning Coordinator, and Chief of Police, Josh Adams.

Item 6 – Open Session for Public Comment *(For items not on the agenda - 10 minutes)*

Item 7 – 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) **Memorandum of Understanding** - Memorandum of Understanding with Alan Colledge for use of the city secondary water system to deliver irrigation water to the Wadley Farms property.

Sample Motion: I move to (approve, deny, continue) the consent agenda item(s) (with changes, as presented).

MEMORANDUM OF UNDERSTANDING

Lindon City (the City) and Alan Colledge, Manager of Colledge Properties LLC, and Kristine Miller Colledge (collectively the owners of Wadley Farms and hereafter referred to as Wadley Farms) jointly state and affirm an Agreement the parties have concerning an irrigation diversion agreement which was, and is, intended to facilitate Wadley Farms' access to water rights Wadley Farms owns in the North Union Irrigation Company through two different diversion points in Lindon, Utah. The first point being located at the intersection of 400 North and 200 East (hereafter referred to as the 400 North Diversion Point) and the second point being located at the intersection of 600 North and 200 East (hereafter referred to as the 600 North Diversion Point). The parties, having previously entered into a verbal agreement for good and valuable consideration, which value is hereby acknowledged, now desire to reduce the Agreement to writing and restate and affirm the Agreement as follows:

SECTION I: 400 North Diversion Point

As it pertains to the 400 North Diversion Point the parties agree as follows:

1. As part of the City storm water system, the City installed concrete piping running under the street on 400 North down to a diversion structure at the intersection of 400 North and 200 East, which diverts water to the south through the City's storm water system on 200 East.
2. There are two pipes bringing storm water flows into this diversion structure, an 18-inch pipe from the North and a 30-inch pipe from the East.
3. In this same diversion structure, there is a slide gate which can be turned so as to divert water to Wadley Farms, running west down 400 North through an irrigation pipe approximately 12-inches in diameter.

4. The parties agree that Lindon City is responsible to maintain, repair and replace the storm water piping which runs down 400 North up to and including the diversion structure located in the intersection of 400 North and 200 East, including the slide gate and its connection to the diversion structure.
5. The parties agree that Wadley Farms is responsible for maintaining, repairing and replacing the irrigation piping running from this diversion structure down to its property.
6. The City agrees to maintain the key for the slide gate in this diversion structure and to give Wadley Farms access to said key in the same manner as the parties are presently providing such access, which is to keep the valve key locked to a telephone pole near the intersection of 200 East and 400 North and to provide Wadley Farms with access to that lock.
7. Wadley Farms expressly acknowledges that the sizing of the piping running from the diversion structure for the 400 North Diversion Point down to its property cannot carry or handle the same capacity of water which the City's storm water system is designed to carry and that it is critical that the slide gate located in this diversion structure be turned so as to allow storm water to flow to the south, down 200 East at all times when Wadley Farms is not taking a water turn from the North Union Irrigation Company.
8. Wadley Farms further agrees that whenever it is taking a water turn from the 400 North Diversion Point, that it will watch and monitor water flows, particularly during storm events and if flows begin to exceed the capacity of the piping which carries water to its property it will immediately turn the slide gate to allow water flow to the south, down 200 East. Wadley Farms also agrees to turn the slide gate at the request of the City if the City finds it reasonably necessary to do so to handle stormwater flows at any given time.

9. Wadley Farms agrees that it is solely responsible for all water flowing from the 400 North Irrigation Diversion point down to its property and will indemnify and hold the City harmless for any damage, harm, or cause of action arising from or related to the effects and consequences of water that may escape or overflow from the 400 North Irrigation Diversion Point while taking a water turn or if Wadley Farms fails to turn the slide gate as required by this Agreement.
10. The proper function of the slide gate at the 400 North Diversion Point is a critical element in the City's storm water system and Wadley Farms agrees to immediately notify the City of any disrepair or damage to the slide gate that would impair or limit its proper function.
11. As the diversion structure is located in the right-of-way in the intersection of 200 East and 400 North, Wadley Farms agrees to take all necessary precautions to ensure that traffic is properly warned and safely directed around the diversion structure while the slide gate is being turned, including making sure manhole covers are properly placed and replaced after the gate is turned. Wadley Farms agrees to indemnify and hold the City harmless for any damage, harm, or cause of action arising from or related to the opening or closing of the manhole cover while turning the gate at this intersection.

SECTION II: 600 North Diversion Point

As it pertains to access to the 600 North Diversion Point, the parties agree as follows:

12. The City installed pressurized irrigation piping that carries water from the City's irrigation pond located on 600 North down to the intersection of 600 North and 200 East, where a valve box is located.
13. This valve box allows water to be turned west down 600 North until it reaches approximately 60 East where it turns south and runs to Wadley Farms.

14. As the 600 North Pressurized Irrigation Access is directly connected to the City's pressurized irrigation system, when seeking to take an approved water turn from this diversion point, Wadley Farms must contact the City at least 24 hours in advance and the City will be responsible for opening and closing the valve at this location.
15. The City agrees to maintain, repair and replace the pressurized irrigation piping and connections from its irrigation pond to the valve box located in 600 North 200 East, including maintenance, repairs and replacement of the valve itself.
16. Wadley Farms agrees to maintain, repair, and replace the piping and/or ditches that conveys water from the valve box located at the intersection of 600 North and 200 East down to its property.
17. Wadley Farms agrees that it is solely responsible for all water flowing through or from the conveyance from the intersection of 600 North and 200 East down to its property, and will indemnify and hold the City harmless for any damage, harm, or cause of action arising from or related to the effects and consequences of water that may escape or overflow this section of the conveyance system while Wadley Farms is taking water from this access point, unless such escape or overflow is the result of the City's own negligence in opening or closing the valve. The City shall be solely responsible for all water flowing from its irrigation pond down to the intersection of 600 North and 200 East and will indemnify and hold Wadley Farms harmless for any damage, harm, or cause of action arising from or related to the effects and consequences of water that may escape or overflow from this section of the conveyance.

SECTION III: General Terms and Conditions:

The following terms and conditions apply to both the 400 North Diversion Point and 600 North Point.

18. The parties agree that Wadley Farms irrigation needs are generally met and satisfied through the City's pressurized irrigation system and that access to water through the conveyance systems discussed in this Agreement is intended to be a backup to the pressurized irrigation system. Without waving any rights to take water from the North Union Irrigation Company when it deems it necessary, Wadley Farms agrees that it will first seek to satisfy its irrigation needs through the City's pressurized irrigation system, and then to take water through the conveyance systems described in this Agreement if the City's pressurized irrigation system is unable to satisfy Wadley Farms' irrigation needs, whether such limitation is the result of any declared water restrictions or any physical malfunction of the City's pressurized irrigation system.
19. Wadley Farms acknowledges that this Agreement only addresses conveyance systems and that the City is not making representations as to the right to actual water use from North Union Irrigation Company.
20. In the event that the State of Utah, the federal government, or the North Union Irrigation Company, imposes a requirement to meter irrigation water and it becomes necessary to install water meters in the systems described in this Agreement, the parties agree to work together to facilitate the installation of such meters and to equitably share the cost of installing any required meters.
21. The parties agree and affirm that the terms and conditions of this Agreement touch upon and concern rights related to real property and that the rights, benefits, obligations and

covenants contained herein run with the land and are binding upon any assign, successor, or heir to either party.

22. The parties also agree that due to the nature of the obligations contained herein, and as compliance with these terms may be critical to public safety, this Agreement may not be assigned, transferred or devised to any other party by Wadley Farms without the written consent of the City, which shall not be unreasonably withheld.

Dated this _____ day of _____, 2020

LINDON CITY

Jeff Acerson, Mayor

Attest

Kathy Moosman, City Recorder

Dated this _____ Day of _____, 2020

WADLEY FARMS

Alan Colledge

STATE OF UTAH)
 :SS
COUNTY OF UTAH)

Signed and acknowledged before me on this ___ day of _____, 2020, by Alan Colledge, who did affirm and warrant that he is authorized to sign on behalf of the owners of Wadley Farms.

Notary Public

- 8. Review & Action — Major Subdivision; Lindon Treasury Plat D - 200 W. 110 S.** Jeremy Ackley requests approval of a Major Subdivision Application for a four-lot single family development in the R1-20 residential zone. The planning commission recommended approval to the city council. *(15 minutes)*

Sample Motion: I move to (approve, deny, continue) the Lindon Treasury Plat D Subdivision for a four-lot single family development in the R1-20 residential zone (as presented, or with changes).

Lindon Treasury Plat D Major Subdivision Approval Approximately 200 W. 110 S.

Date: September 21, 2020

Applicant: Jeremy Ackley
Presenting Staff: Michael Florence

General Plan: Residential Low
Current Zone: Residential R1-20

Property Owner: Jeremy Ackley
Parcel ID's: 14:069:0312

Type of Decision: Administrative
Council Action Required: Yes



SUMMARY OF KEY ISSUES

1. Mr. Ackley is seeking preliminary major subdivision approval for a 4-lot single family home development;
2. The planning commission and city council recently approved a previous phase of this subdivision which is being developed by a different owner.
3. The planning commission unanimously gave preliminary approval

OVERVIEW

1. The proposed 4-lot subdivision meets the minimum lot size and infrastructure requirements for the R1-20 zone;

MOTION

I move to recommend (approval, denial, or continue) of the applicant's request for preliminary approval of Lindon Treasury Plat D. with the following conditions:

1. The applicant will continue to work with the city staff to make all final corrections to the engineering documents and plat;
2. Prior to plat recording the applicant will provide staff with a final plat mylar to include notarized **signatures of owner's consent to dedication**, obtain signature of all entities indicated on the attached subdivision plat;
3. Complete (or post an adequate improvement completion assurance), warrant and post required warranty assurance for all required public infrastructure improvements;
4. The plans and plat will meet and be constructed as per the relevant specifications as found in the Lindon City Development Manual;
5. Prior to final approval the applicant shall place permanent survey monuments in the subdivision;
6. All items of the staff report

Surrounding Zoning and Land Use

North: Residential R1-20 – Single Family

South: Residential R1-20 – Single Family

East: Residential R1-20 – Single Family

West: General Commercial – Equipment rental business, indoor storage and commercial businesses

Lot Requirements – Residential (R1-20) Zone

Required	Compliant
Minimum lot size: 20,000 square feet	Lots range in size from 21,611 square feet to 27,288 square feet

Subdivision Requirements

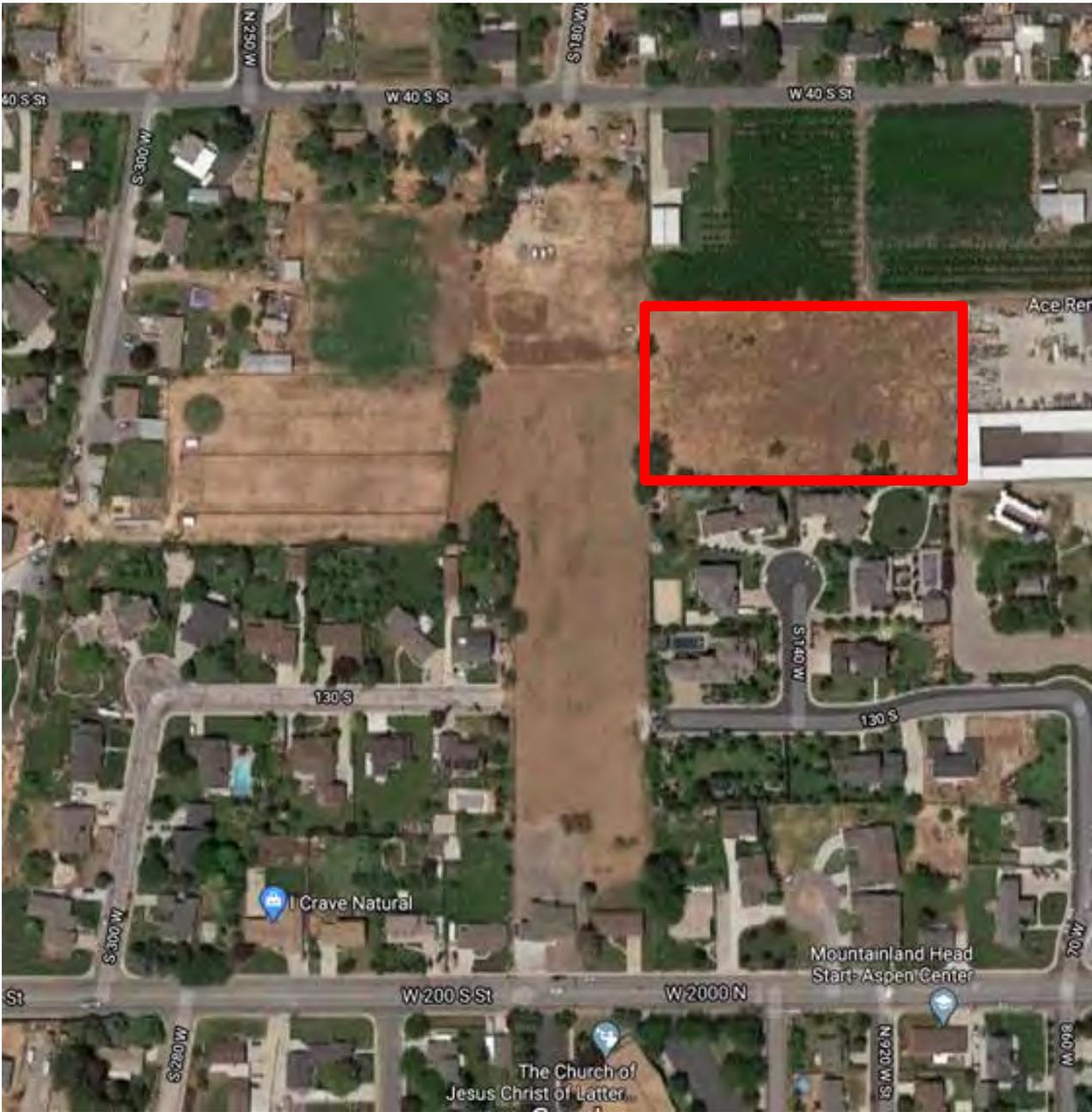
Required	Complaint
No single lot shall be divided by municipal or county boundary lines, roads, alleys, or other lots.	Yes
All residential lots shall front on a public street	Yes
Side lot lines shall be at right angles or radial to street lines.	Yes
The street layout shall conform to the master plan	Yes
Minimum right-of-way width for Minor streets	Yes, 50' street cross sections are provided
Minor streets maximum grade: 12%	1.83%
Sidewalks, curbs and gutters shall be provided on both sides of all streets to be dedicated to the public	Yes
Easements shall follow rear and side lot lines whenever practical and shall have a minimum total width of 15 feet apportioned equally in abutting properties.	Yes
Underground utilities and piped sanitary sewerage shall be provided by the subdivider.	Yes
No lot shall be created which is more than three times as long as it is wide.	Yes
Street lights	Yes

Engineering Requirements

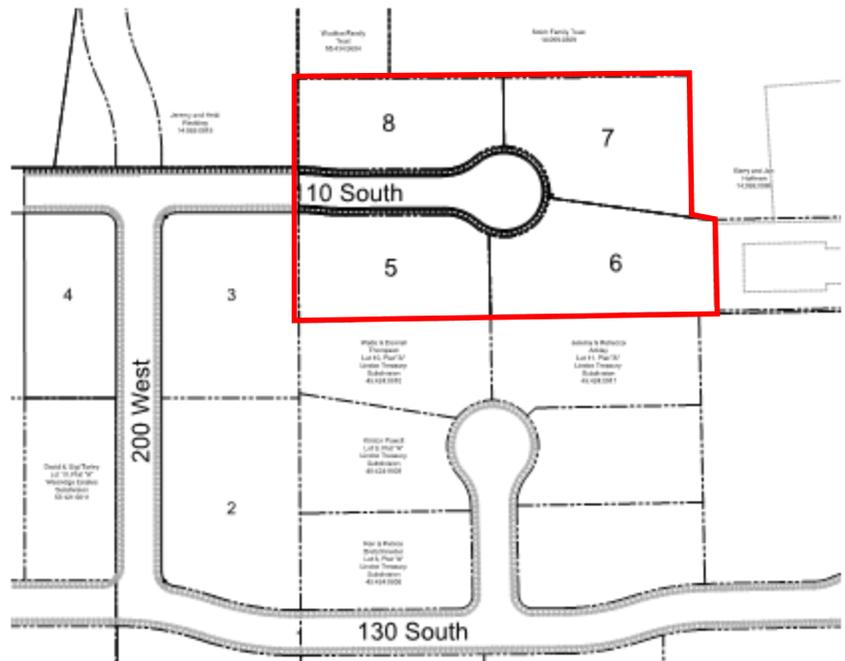
The City Engineer is working through technical issues related to the plat and civil engineering plans and will ensure all engineering related issues are resolved before final approval is granted.

EXHIBITS

1. Aerial photo
2. Vicinity map
3. Plat



Lindon Treasury Plat D

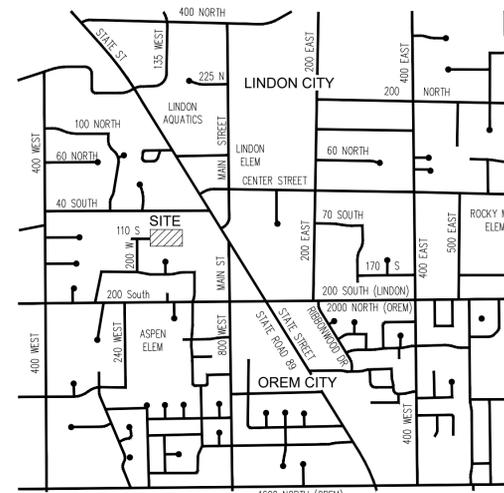




NORTH
1" = 30'

Plat "D", Lindon Treasury Subdivision

Located in the Southeast quarter of Section 33,
Township 5 South, Range 2 East, Salt Lake Base
& Meridian. (NAD 27)



Vicinity Map

Surveyor's Certificate

I, Roger D. Dudley, do hereby certify that I am a registered land surveyor, and that I hold certificate No. 147082 in accordance with Utah Code, Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act. I further certify that at the request of the owner of the below-described land, I performed a survey of said land in accordance with Section 17-23-17 of the Utah Code; that the boundary description below correctly describes the land surface upon which will be constructed Plat "D", Lindon Treasury Subdivision, that I have verified all measurements, and that the reference markers shown on said plat are located as shown and are sufficient to readily retrace or reestablish this survey.

Boundary Description

Commencing at a point located South 89°45'18" West along the Section line 674.37 feet and North 745.13 feet from the Southeast corner of Section 33, Township 5 South, Range 2 East, Salt Lake Base and Meridian; thence South 89°00'40" West along Plat "A", Lindon Treasury Subdivision 457.26 feet to the Northwest corner of Lot 10, Plat "A", Lindon Treasury Subdivision; thence North 0°19'01" West along Plat "C", Lindon Treasury Subdivision 265.09 feet; thence North 89°40'29" East 301.59 feet; thence North 88°59'25" East 126.80 feet; thence South 01°09'37" East 155.91 feet; thence South 82°10'58" East 25.31 feet; thence South 01°09'37" East 101.84 feet to the point of beginning.

Area = 115,691 sq.ft. or 2.66 Acres
Number of Lots = 4

Basis of Bearing is South 89°45'18" West along the Section line from the Southeast corner to the South quarter corner of said Section 33.

Date _____ Professional Land Surveyor
(see seal below)

Owner's Dedication

The undersigned owners ("owner" without regard to number or gender) of the above-described land hereby certifies that: owner has caused a survey to be made of said land and to be prepared for the same. Owner hereby consents to the concurrent dedication of the plat and Declaration and hereby submits the described land to the provisions and requirements of the declaration, owner hereby dedicates any public streets reflected on the map for the use by the general public.

In witness hereof we have hereunto set our hands this ____ day of _____ A.D. 20__.

Acknowledgement

STATE OF UTAH } S.S.
COUNTY OF UTAH }
The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by _____, who represented that he is the owner of the above-described property and has the authority to execute this instrument.

My Commission Number _____ Signed (a Notary Public Commissioned in Utah)

My Commission Expires _____ Print name of Notary

Acceptance by Legislative Body

The City of Lindon, County of Utah, approves this Subdivision subject to the Conditions and Restrictions stated herein, and hereby accepts the dedication of all streets, easements and other parcels of land intended for perpetual use of the public this ____ day of _____, A.D. 20__.

Mayor _____ Planning Commission Chair _____
Planning Director _____ City Engineer _____
City Attorney _____ City Recorder _____
Attest _____

Conditions of Approval

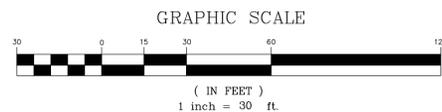
Plat "D"

Lindon Treasury Subdivision

Lindon City, Utah County, Utah

Scale: 1" = 30 Feet

Curve	Radius	Length	Chord	Bearing	Delta
C1	225.00'	28.49'	28.47'	N 86°30'35" W	71°5'18"
C2	175.00'	22.73'	22.72'	S 86°36'14" E	72°6'35"
C3	50.00'	36.14'	35.36'	N 68°58'12" E	41°24'35"
C4	50.00'	36.13'	35.35'	S 68°58'02" W	41°24'16"
C5	50.00'	85.65'	75.56'	N 41°5'24" W	98°08'51"
C6	50.00'	88.40'	77.33'	N 58°28'06" E	101°18'09"
C7	50.00'	19.17'	19.05'	S 59°5'53" E	21°57'53"
C8	50.00'	36.14'	35.36'	N 69°37'14" W	41°24'35"
C9	225.00'	29.23'	29.21'	S 86°36'14" E	72°6'35"
C10	175.00'	22.16'	22.14'	N 86°30'35" W	71°5'18"
C11	200.00'	25.32'	25.31'	N 86°30'35" W	71°5'18"
C12	200.00'	25.98'	25.96'	S 86°36'14" E	72°6'35"



Occupancy Restriction Notice
It is unlawful to occupy any building within this subdivision without first having obtained a certificate of occupancy issued by the City.

Notice of Lindon City Housing Ordinance
All potential buyers of lots within this plat are hereby notified of the Lindon City R2 Overlay Ordinance. Under this ordinance there is potential for small, localized multifamily housing projects in this neighborhood consisting of single family planned unit developments, duplexes, triplexes and accessory apartments. Conditions Covenants and Restrictions (C.C.&R's) which prohibit this type of housing in specific subdivisions are considered illegal and in violation of Lindon City Code. Please contact the Lindon City Planning Department at (801) 785-7687 for details regarding this Ordinance.

SURVEYOR'S SEAL	NOTARY PUBLIC SEAL	CITY ENGINEER SEAL	CLERK-RECORDER SEAL	COUNTY RECORDER
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- 9. Concept Review — Housing development; approx. 550-570 N. State Street (Norton Property).** Amy Johnson requests concept review for residential and commercial development for the property located at approximately 570 N. State Street. A Concept Review allows an applicant to receive feedback and comments on proposed projects. No formal approvals or motions are given but general suggestions or recommendations are typically provided.

(45 minutes)

This item is for discussion only with no motion needed.

Concept Review — Amy Johnson

Date: September 21, 2020
 Applicant: Amy Johnson
 Presenting Staff: Michael Florence

Location: Approximately 570 N. State St.
 General Plan: Residential Low and Commercial
 Current Zone: Commercial General
 Size: 13.3 acres

Type of Decision: None
 Council Action Required: No



SUMMARY OF KEY ISSUES

- The applicant is requesting concept review feedback as a mixed commercial site for commercial business and residential uses;
- The applicant participated in many of the public meetings on the Planned Residential Development Overlay ordinance.

Planning Commission Concept Review

The applicant presented to the planning commission on September 8th and requested feedback on reducing the 300' State Street commercial depth and reducing the front setback to 10' **and** 20'.

- The feedback the planning commission gave was that they did not want to reduce the 300' foot setback but were willing to reduce the front building setback to 20'.
- The **developer's** proposal showed the commercial depth at 250' and then a 50' landscape/open space buffer. Housing then started at 300'.
- A number of residents on 500 N. showed up to the meeting and were concerned about traffic on to 500 N.

City Council Concept Review

Since the planning commission meeting, the developer has provided two additional site plan options.

- With both site plan options the applicant is seeking feedback on the following items:

Residential building encroachment into the 300' commercial area for residential on the South portion of the development.

- The developer does not own the Healy or Lindstrom Brothers properties. With these properties and in combination with the property they own next to the church building, this makes for an odd lot configuration. The Planned Residential Development Ordinance allows the planning commission to reduce the 300' commercial depth for three purposes:
 - Viable commercial options remain for the site;
 - A commercial lot is irregularly shaped;
 - The reduction does not limit future redevelopment opportunities of the commercial property.

Access.

- The applicants have been working with UDOT on their access to State Street.
- The Lindon City Street Master Plan Map identifies 570 N. as extending to State Street.
 - The fire marshal would prefer to have two entrances into the development

- The **applicant's** proposal has two options:
 - allow access to both 500 N. and 570 N, or
 - Direct all access to State Street with an emergency gate only for 570 N. This plan would also include pedestrian access.
- The plan that the commission reviewed had access to both State Street and 500 N. with 570 being closed.
- 570 N. currently has a temporary cul-de-sac that does not meet minimum specifications. It was always the intent that this cul-de-sac would be temporary until 570 N. was extended to State Street.

City Staff Traffic Analysis

Using a trip generation spreadsheet, city staff evaluated traffic generation numbers for a townhome development. These numbers have not been confirmed by a traffic engineer and are only staff's research. These numbers should be used as a reference only and are not a professional report.

One of the main issues with only allowing access to State Street is it makes it difficult to access schools or other public spaces to the east. Below are some preliminary numbers that were calculated using the trip generation spreadsheet:

- According to traffic generation data, townhomes generate approximately 5.81 average daily vehicle trips per unit. $90 \text{ units} \times 5.81 \text{ average trips} = 523 \text{ trips over a 24-hour period.}$
- For reference, single family homes generate 9.52 average daily trips per home.
- Average Daily Trips are typically divided into AM and PM peak hours for the highest volume trip generating times.
- Average daily AM and PM peak hour trips during these time frames is 40 AM Peak Trips and 46 PM peak trips.
 - 33 leaving, 7 arriving – AM Peak
 - 31 arriving, 15 leaving – PM Peak

EXHIBITS

1. Concept plan that was presented to the planning commission
2. Updated Concept Plan #1
3. Updated concept plan #2
4. Lindon City Streets Master Plan Map
5. Planned Residential Development Ordinance. Ordinance

Chapter 17.76

PLANNED RESIDENTIAL DEVELOPMENT OVERLAY (PRD OVERLAY) ZONE

Sections:

- 17.76.010 Purpose.
- 17.76.020 Applicability.
- 17.76.030 Permitted Uses, Building Types, and Densities.
- 17.76.040 Site Plan and Conditional Use Approval
- 17.76.050 Final Plat and Improvement Drawings.
- 17.76.060 Building Permits
- 17.76.070 Completion and Maintenance of Site
- 17.76.080 Development Standards and Requirements

17.76.010 Purpose.

1. The Planned Residential Development Overlay Zone promotes the following purposes:
 - a. Create diverse and quality housing options in Lindon City.
 - b. Effectively develop unique commercial lots and parcels that do not naturally accommodate traditional commercial development patterns;
 - c. Allow for appropriate housing transitions from commercial properties to low density single family residential;
 - d. Improve the design and livability of residential buildings in the Planned Residential Development Overlay Zone.
 - e. To preserve the commercial tax base and intent of the General Commercial zone.
2. The purposes of the Planned Residential Development Overlay are accomplished by:
 - a. Allowing densities higher than a typical low-density residential development, as identified in the Lindon City Land Use Map;
 - b. Establishing standards for landscaping, building and site design, public safety, parking, aesthetics, traffic circulation, fencing, lighting, and other similar site improvements; and
 - c. Requiring standards that enable Planned Residential Developments to fit into the surrounding development.

17.76.020 Applicability.

1. The Planned Residential Development Overlay Zone may be applied to ~~any~~ lots or parcels only in the General Commercial (CG) Zone after application and approval of a zone map amendment by the City Council after a recommendation from the Planning Commission.

17.76.030 Permitted Uses and Building Types

1. *Permitted Uses.* In addition to uses permitted or conditionally permitted in the underlying General Commercial (GC) zone, a Planned Residential Development is a conditionally permitted use in the Planned Residential Development Overlay Zone and is not permitted in any other zone.
2. Planned Residential Development's may include the following building types: detached single family, twin homes, tri-plex, multi-unit buildings and townhouses. All Individual residential units shall be subdivided into separate lots or condominium units;

- a. The minimum lot size for detached single family shall be five thousand (5,000) square feet with fifty (50) feet of frontage.
 - b. Multi-unit buildings shall be limited to a maximum of four (4) units per building.
 - c. Townhomes building types shall be limited to a maximum of six (6) units in a single row within a single building.
3. In order to preserve the intent of the General Commercial zone, building permits from Lindon City shall be obtained and construction commenced for at least twenty-five (25) percent of the approved commercial square footages prior to releasing building permits for residential construction.
 4. Accessory apartments are not permitted in the Planned Residential Development Overlay Zone

17.76.040 Zone Map Amendment, Site Plan and Conditional Use Permit Approval.

1. **Zone Map Amendment.** An application to apply the Planned Residential Development Overlay Zone shall include a concept site plan, building elevations, and renderings showing the proposed project for the subject site. Any concept plan presented to the Planning Commission and City Council for approval shall first be reviewed by the Development Review Committee to ensure the proposal is technically feasible.
2. **Site Plan.**
 - a. Proposed development in the Planned Residential Development Overlay Zone shall first submit a Land Use Application for site plan approval. The applicant shall provide all requirements of the site plan to the City before the City considers the application submitted and before action is taken. The application for a site plan shall include all necessary fees and documentation required by this Chapter.
 - b. The applicant shall submit the site plan for a Planned Residential Development according to site plan submittal requirements-outlined in the Lindon City Land Development Policies, Standard Specifications and Drawings Manual (Development Manual). In addition to the items required in the Development Manual, a complete application shall include building elevations and renderings, open space percentages and landscape plan, site circulation, and project size and density. At that time the applicant shall pay a fee in an amount established in the most recently adopted Lindon City Consolidated Fee Schedule. No development, construction, revisions, or additions shall take place on the site until the Planning Commission has approved the site plan, the site plan is considered finalized by the City, and the developer has obtained the appropriate permits. Applicants for amended site plans for Planned Residential Developments shall follow the same procedures, pay the same fees, and be bound by the same development standards and requirements as applicants for site plans for Planned Residential Developments. The Planning Director or designee has the authority to make minor amendments to the site plan where such amendments are in compliance with the ordinance and the site plan is not materially altered.
 - c. The procedure for site plan approval shall be as follows:
 - i. **Development Review Committee.** The Planning Department shall forward the proposed site plan to the Development Review Committee for initial review. The Development Review Committee shall review the site plan, civil engineering, and architectural designs while considering whether it complies with the Lindon General Plan and all City ordinances, resolutions, and policies. The site plan and architectural designs shall comply with the Lindon General Plan and all City

ordinances, resolutions, and policies before the Planning Commission can review the application.

- ii. Planning Commission. The Planning Commission shall review the site plan and be the land use authority for all site plans for Planned Residential Developments. The Planning Commission shall consider whether the proposed site plan complies with City ordinances, resolutions, policies, development manual and the General Plan when reviewing a site plan for a Planned Residential Development.
- d. The applicant shall not amend or change any approved site plan without first following the procedure for approval of site plans.
- e. The Planning Commission may impose conditions or require further studies ~~on~~ of the site plan to mitigate dangerous hazards or evaluate impacts to public infrastructure or surrounding neighborhoods where there is substantiated evidence that a real safety hazard exists.

17.76.050 Final Plat and Improvement Drawings.

1. The form and contents of the final plat and improvement drawings, where applicable, shall contain all of the requirements found in Title 17.32 – Subdivisions-Special Requirements and the Lindon City Development Manual. The final plat shall also contain the following information:
 - a. A designation of common areas, limited common areas, and private ownership areas.
 - b. For condominiums, three dimensional drawings of buildings and building elevations. In the case where the Planned Residential Development is a condominium project, the developer shall submit a written statement by an attorney and architect who are licensed to practice in Utah. This written statement shall be the attorney's and architect's opinion that the condominium declaration, the subdivision plat and the other supporting documentation comply in all respects with the Utah Condominium Ownership Act (UCA Sec. 57-8-1, et seq.) as well as all applicable federal, state and local laws and ordinances and that when the office of the Utah County Recorder has recorded the condominium declaration and final plat, the proposed project will be a validly existing and lawful condominium project in all respects.
 - c. Plat restrictions, lot restrictions, and other information required by the Planning Commission or City Council.
2. Planned Residential Development site plans may be built in phases as long as each phase of a Planned Residential Development complies with all of the requirements of this ordinance. A phase of a Planned Residential Development may not be less than twenty thousand (20,000) square feet.
3. The Planning Director shall approve the final plat of the Planned Residential Development provided he/she finds that:
 - a. The applicant has redrawn the site plan to incorporate all the requirements as approved by the Planning Commission and City Council and has submitted the corrected site plan with the final plat.

- b. The applicant has incorporated all of the improvements and conditions of the approved site plan into the final plat.
 - c. The City Engineer has marked the construction drawings of the Planned Residential Development as finalized.
4. The City shall record the final plat after it obtains all of the required signatures and after it receives all of the required bonds, fees, and documents.
5. The procedure for subdivision shall be as follows:
- a. The site plan must be approved by the Planning Commission before the final plat can be approved.
 - b. Subdivision approval shall be approved by the appropriate land use authority as found in 17.09.
 - c. The developer shall submit a Land Use Application for final plat approval of all or part of the Planned Residential Development together with all required fees. The final plat shall be prepared by the developer's surveyor and engineer.
 - d. The Development Review Committee shall review the final plat and give their recommendations to the Planning Director.
 - e. The Planning Director is the final approving authority, after receiving approval from the Planning Commission and City Council, for final plats and shall approve the application request if it meets the requirements of the approved site plan and all applicable City ordinances.
 - f. All applications shall meet the expiration time lines as found in 17.12.210

17.76.060 Building Permits.

The City shall not issue a building permit for any project until the final plat has been recorded by the City.

17.76.070 Completion and Maintenance of Site.

Every Planned Residential Development shall conform to the approved site plan. The applicant or any other person or entity shall not add any buildings or make any improvements or changes to a Planned Residential Development that did not appear on the approved site plan. The applicant and subsequent owners and applicable associations shall maintain all improvements shown on the site plan in a neat and attractive manner. Failure to complete or maintain a Planned Residential Development in accordance with this Chapter and with the approved site plan is a violation of the terms of this Chapter. The City may initiate criminal and/or civil legal proceeding against any person, firm, entity or corporation, whether acting as principal, agent, property owner, lessee, lessor, tenant, landlord, employee, employer or otherwise, for failure to complete or maintain a Planned Residential Development in accordance with this Chapter and with the approved site plan.

17.76.080 Development Standards and Requirements.

The City requires the following development standards for all Planned Residential Developments.

1. *Compliance with Lindon City Code.* A proposed Planned Residential Development shall comply with the requirements of this Chapter, the Lindon City Development Manual, and with all applicable Lindon City Code provisions and with conditions imposed by the Land Use Authority.
2. *Density.* A Planned Residential Development shall not exceed an average density of ten (10) dwelling units per gross acre. Development phases with a density above ten (10) units to the acre shall be located adjacent to commercial uses. Densities shall be ten (10) units or less as a transition to low density single family residential.
3. *Height.* No lot or parcel of land in a Planned Residential Development approved pursuant to the Planned Residential Development Overlay Zone shall have a building or structure used for dwelling which exceeds two (2) stories with a maximum height of thirty-five (35) feet, measuring the four (4) corners of the building from finished grade to the highest point of the roof structure. The Planning Director and Chief Building Official shall be responsible for designating and identifying the four corners of a building. No dwelling shall be erected to a height less than one (1) story above grade.
4. *The Planned Residential Development ordinance allows two development options:*
 - a. *Option one:*
 - i. *Minimum Area.* The minimum area required for any Planned Residential Development shall be twenty thousand (20,000) square feet.
 - ii. *Maximum Area.* The maximum allowable size shall be one (1) acre.
 - iii. *Number of units.* The maximum number of units is ten (10) units per development.
 - iv. *State Street Setback.* To preserve the commercial intent, use and zoning along State Street, a three hundred (300) foot setback from State Street is required.
 - b. *Option two:*
 - i. *Minimum Area. One (1) acre*
 - ii. *Maximum Area. No maximum but must be in connection with a commercial use as found in (b)(iii).*
 - iii. *Commercial Required.* Residential development shall only be allowed in connection with existing or new commercial uses. Residential uses shall be located on the rear portion of the lot and behind any commercial use.
 - iv. *State Street Setback:* To preserve the commercial intent, use and zoning along State Street, a three hundred (300) foot setback shall be required and residential uses are not allowed within this setback, unless a reduction is grant as follows:
 1. The Planning Commission and City Council may consider a reduction in this depth upon evaluating the following:
 - a. Viable commercial options remain for the site;
 - b. A commercial lot is irregularly shaped;
 - c. The reduction does not limit future redevelopment opportunities of the commercial property.

5. *Building Types and Variety.* At least two different building types shall be included in projects larger than two acres and with multiple buildings. Buildings shall be differentiated from other building types through type of building, variations to building materials, color, rooflines, and the use of architectural features such as awnings, light fixtures and eave details
6. *Setbacks.* The following building setbacks, as measured from property lines, for primary buildings shall apply in the Planned Residential Development zone:
 - a. For residential developments one acre or less not including an existing or new commercial use as part of the project
 - i. *Front Setback.* 25 feet
 - ii. *Rear Setback.* 30 feet
 - iii. *Side Setbacks.* For attached units the setback between buildings is 10 feet and 6 feet for a combined side yard setback of sixteen (16) feet. For interior units with common walls the setback is zero (0) feet. For detached buildings the side setback is six (6) feet for a combined side yard setback of twelve (12) feet.
 - b. For residential developments proposed for a property with new or existing commercial uses the below setbacks are required.
 - i. buildings shall be setback a minimum thirty (30) feet from the abutting property line of any single-family residential or R1-20 zone and any commercial building.
 - ii. *Side Setbacks:* 10 feet and 6 feet for a combined side yard setback of sixteen (16) feet. For interior units with common walls the setback is zero (0) feet. When abutting the property line of any single-family residential the side yard shall be increased to thirty (30) feet.
 - iii. *Corner side setbacks* 20 feet.
 - iv. *Front:* 25 feet. The front setback may be modified by the land use authority where design items such as common open space, paseos or similar design feature is proposed.
 - v. *Rear:* 30. The rear setback may be modified by the land use authority where design items such as common open space or similar design feature is proposed. Setbacks from abutting single family residential may not be reduced.
7. *Utilities.* Compliance with the Development Manual and applicable Lindon City Code provisions regarding utility connections to residential units is required. The public sewer system and the public water supply shall serve all dwellings. All utilities shall be underground. The developer shall individually meter natural gas and electricity for each individual dwelling. No water or sewer lines shall be located under covered parking areas. Wall-mounted and ground-based meters, HVAC, and utility equipment serving a building shall be located as close to each other as possible and fully screened from view. Screening shall either be incorporated aesthetically into the design of the building, fencing or screened by landscaping.
8. *Fences.*

- a. *Perimeter Fences.* A minimum seven (7) foot masonry or concrete perimeter fence shall be required as a buffer when abutting single family residential or commercial uses.
- b. *Patio/Limited Common Area Fences.* A patio or limited common area adjacent to the rear of a dwelling unit may be enclosed with a six-foot (6') high fence.

9. *Landscaping and Open Space.*

- a. All land within a Planned Residential Development not covered by buildings, driveways, sidewalks, structures, and patios shall be designated as common area and shall be permanently landscaped with trees, shrubs, lawn, or ground cover and maintained in accordance with good landscaping practice. All required setback areas adjacent to public streets shall be landscaped. All landscaping shall have a permanent underground sprinkling system.
- b. Development greater than one acre shall include common open space, according the following standards:
 - i. At a minimum, twenty (20) percent of the development site, excluding roads or private driveways and required setback areas, shall be in common open space. Setback areas that are in usable size segments and where a common amenity is provided can be counted towards the common open space requirement. The land use authority may approve a reduction in the open space requirement by twenty-five (25) percent of the required open space square footage if the site is within one quarter mile, as measured at the closest property lines, of an existing Lindon City park or trail. Private balconies, porches, patios of a minimum sixty (60) square feet may be counted towards a maximum of ten (10) percent of the required open space percentage;
 - ii. Open spaces shall include both active and passives spaces including plazas, courtyards, paseos, landscaped detention basins, playgrounds, pavilions, pools, spa, pool deck, or other areas that can be made into useable areas, and interior spaces available to residents as common area such as a clubhouse;
 - iii. Open spaces shall be designed to be an integral part of any development. A majority of the required open space shall be consolidated into a primary central and common open space area. Alternative and innovative open space options may be presented to the land use authority for consideration which accomplish the similar goal of open space being integral part of any development. Buildings shall be designed around the common open space edge. Majority open spaces shall not be located in perimeter outlying areas of the development;
 - iv. Where appropriate, the planning commission may approve individual private yard areas in place of common open space. However, development with private open space shall have no loss of the required open space percentage:
 - 1. Rear-loaded buildings shall provide private open space through porches, balconies, and small front yards;

2. Front-loaded units may provide private open space as enclosed rear yards.

- v. Trees shall be planted along any property line abutting single family residential with trees planted as a buffer every thirty (30) feet. Trees shall be a minimum two (2) inch caliper, measured one (1) foot above the ground and shall be at least six (6) feet in height. Tree species shall be planted as found in the Lindon City Tree Planting Guide. An eight (8) foot landscaped area shall be provided for trees to be planted and allow for future tree growth. It shall be the responsibility of the property owner to maintain the trees in a healthy manner and to replace any trees that have died in order to maintain the buffer.
- vi. Accent elements such as trellises, arches, arbors, columns, or low monument features shall be used to demarcate entrances to the development, common open spaces and paseos. Alternative accent elements may be approved by the land use authority

10. *Lighting Plan.* All Planned Residential Development's shall include a lighting plan and photometric study for parking lots, pedestrian walkways and buildings. The lighting plan shall be designed to:

- a. discourage crime;
- b. enhance the safety of the residents and guests of the Planned Residential Development;
- c. prevent glare onto adjacent properties; and enhance the appearance and design of the project.

All Planned Residential Development homeowners' associations and housing units are required to control and meter all outside lighting shown on the lighting plan except for front and back door lighting. The lighting plan shall designate which lighting shall be commonly metered to the association or owner.

11. *Parking.* There shall be a minimum of two (2) parking spaces provided for each dwelling. At a minimum, sixty-five (65) percent of the residential units shall have a garage capable of parking two (2) vehicles. Required off-street parking spaces shall not be permitted within the street-side yard setbacks. There shall be a minimum of one half (½) parking space for each dwelling for guest parking within the development. Guest parking shall be located on the same lot or parcel of the dwellings served. With approval of the land use authority, a development may count building unit driveways up to fifty (50) percent of the required spaces toward meeting the guest parking requirement. All parking spaces shall measure at least nine (9) feet by eighteen feet (18'). Developers shall pave with asphalt and/or concrete all parking spaces, parking areas, and driveways and provide proper drainage. Drainage shall not be channeled or caused to flow across pedestrian walk ways. The architecture of all covered parking structures shall be the same as the architecture of the main buildings within the Planned Residential Development.

- a. Direct access to each parking space shall be from a private driveway and not from a public street unless otherwise granted by the Planning Commission based on the following guidelines:
 - i. Topography or other development constraints on the project area are such that a private drive is impractical to serve the project.
 - ii. Traffic volumes, safety, and visibility on the public roadway will not create a dangerous situation for direct parking stall access.
 - iii. No more than six (6) units shall directly access any public roadway.

12. *Irrigation Systems.*

- a. Where an existing irrigation system consisting of open ditches is located on or adjacent to or within one hundred (100) feet of a proposed subdivision, complete plans for relocation or covering or other safety precautions shall be submitted with an application for preliminary approval of a plat.
- b. All pressure irrigation systems in or within one hundred (100) feet of a proposed subdivision shall be identified and otherwise color-coded as to pipe and valve color to meet state standards and regulations.

13. *Solid Waste Receptacles.* All solid waste receptacles which are not located within a building, shall be enclosed on at least three sides with the similar materials as used on the exterior of the main buildings within the Planned Residential Development. Central waste receptacles shall only be permitted within a trash enclosure which meets standards found in the Development Manual. Trash enclosures shall be located in the side or rear of the dwelling units, but not the Streetside, and must be accessible for garbage trucks.

14. *Architectural and façade Designs.* The treatment of building design, materials and exteriors shall be architecturally and aesthetically pleasing and have unique individual, feel and sense of place, while still being architecturally compatible with the surrounding buildings and properties. Buildings within developments shall have a variety of building materials to architecturally set them apart and to create unique and separate buildings. Both vertical and horizontal elements shall be used, as appropriate, to give variety and architectural detail. Side facades of buildings shall typically receive equal design consideration, particularly when fronting common open spaces, public or private streets, and development entrances. The following architectural design requirements shall be applied:

- a. Buildings shall contain more than a single-color application and more than a single material application;
- b. Building Materials
 - i. The following materials may be used as the primary exterior materials of a building consisting of at least sixty (60) percent: wood clapboard, cementitious fiber board, wood board and batten, wood siding, brick, stone, or similar material as approved by the land use authority. The following secondary materials may be

used: cementitious fiber board, brick, wood, stone, glass, architectural metal panel, or similar material as approved by the land use authority.

- ii. EIFS or stucco may be used for up to thirty (30) percent on the front façade of a building and forty (40) percent of a side façade when facing a public or private street, development entrance or common open space. EIFS and stucco do not have a maximum percentage on the remaining side and rear facades when not fronting on a public or private street, development entrance or common open space.
 - c. Each building shall include varied wall plains, recesses, or similar façade design to incorporate wall variation.
 - d. Changes in materials and color shall correspond to variations in building mass or shall be separated by a building element.
 - e. Buildings shall incorporate a variety of materials and architectural elements to provide variation among the building types.
 - f. Eaves and rooflines are encouraged to emphasize vertical proportions. They shall be broken up with gables, building projections, and articulation to emphasize the individual quality of the units.
 - g. Garage doors shall be designed consistent with the overall style of the building. Material, pattern, and, color to be coordinated with the architectural style. Garages shall be recessed from wall plane. Where garage doors are flush with facades, the facade shall feature upper level building projections and decorative building elements such as trellises to provide interest and relief. For buildings with front loading garages, garage doors shall include windows to add variety to the door.
 - h. Stucco-textured foam trim molding shall not be used as the only application to enhance building facades
 - i. All windows along the front façade shall incorporate at least two of the following:
 - i. mullions and/or transoms;
 - ii. trim or molding at least four inches in width. The trim or molding shall have a different color from the buildings primary color;
 - iii. canopies, shutters, or awnings, proportional to window size;
 - iv. recessed inset from the front façade by at least two (2) inches.
 - j. the front façade of any residential building shall not face or front the rear yard or side yard of a single-family home
15. *Roof Pitch.* All buildings shall have a pitched roof consistent with the overall architectural style of the building.
16. *Homeowner's Association.* The applicant shall establish a home owners association for every Planned Residential Development containing common or limited common property, with more than one owner for the purpose of maintaining the Planned Residential Development. The

homeowner's association, the individual property owners, and tenants shall maintain the ~~PRD~~ Planned Residential Development in accordance with the approved site plan.

17. *Existing Homes.* No Planned Residential Development shall include an existing single-family dwelling. If a single-family dwelling exists on the property where a Planned Residential Development is proposed, the applicant shall plat separately a lot containing the home. The plat shall comply with the requirements of the Lindon City Development Manual.

18. Each attached unit must contain enhanced sound attenuation and sound mitigation construction;

19. *Pedestrian Connections.*

- a. The project site plan and development must connect each separate building with internal concrete walkways to provide safe and convenient pedestrian access to common areas and amenities. The width of internal walkways that are adjacent to parking stalls shall be no less than five feet. The width of internal walkways that are not adjacent to parking stalls shall be no less than four feet.
- b. To the extent possible, developments shall make at least one pedestrian access connections to a public street right-of-way.

20. *Frontage, Orientation and Entrances.*

- a. Building entrances shall, to the extent feasible, front onto streets, private driveways designed as streets or common open spaces. Where an end unit fronts onto a street or private driveway designed as a street, center block residences may front onto a common open space, courtyard, paseos or landscaped pedestrian way;
- b. In order to create neighborhood connections, all residential buildings shall have expansive windows, entryways, balconies, terraces or other architectural design features which are oriented to the street, pedestrian way or common open spaces.
- c. Building entrances shall be the primary feature of the front façade and identify access to individual units;
- d. Stoops or front porches, raised a minimum of one (1) foot above the adjacent grade, shall be provided at entrances that face a street, paseo, common open space area, or other public space.

21. *Access and Streets.*

- a. Development access shall be identified on the site plan and subdivision plans. New public streets shall follow the Lindon City Streets Master Plan Map. Projects may be accessed through existing or new commercial developments when appropriate easements or land is secured for access. Proposed developments shall not remove existing single-family homes for access connections to adjacent neighborhoods.
- b. The minimum width for private streets shall be twenty-four (24) feet if residential buildings are less than thirty (30) feet in height. For residential buildings thirty (30) feet or greater in height, the minimum private street width is twenty-six (26) feet. Where a street includes public utilities, the minimum street width shall be twenty-nine (29) feet, constructed to a public street standard as found in the Lindon City Development Manual,

10. Action Item — Consideration of interest in water stock. The Council will review and consider its option to purchase certain water stock per a 1993 agreement with the Bezzant family. *(5 minutes)*

The City is has not budgeted for water share purchases nor is the City actively pursuing water shares/water stock except as required as part of new developments. Public Works and Engineering staff recommend NOT purchasing the water stock and releasing interest in the water stock after which the Mayor will sign the attached letter.

Sample Motion: I move to release interest in the certain water stock per the 1993 agreement with the Bezzant family and authorize Mayor Acerson to sign the attached letter waiving the city's interest in purchasing the water stock (as presented, or with changes).

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

LINDON

TEL 801-785-5043
FAX 801-785-4510
www.lindoncity.org

September 21, 2020

Steven R. Bezzant and Lisa Bezzant
241 S. 240 W.
Lindon, UT 84042

RE: Release of Interest in Water Stock

Mr. & Mrs. Bezzant,

Having received and reviewed the proposed offer for purchase of water stock made by Steven Bezzant, Lindon City elects NOT to exercise its option to purchase the 1/3 share of North Union Irrigation Company Water Stock owned by the Bezzants under the Right of First Refusal entered into by Lindon City and Steven and Lisa Bezzant via a written agreement dated May 17, 1993.

Sincerely,

Jeff Acerson
Mayor

Attachments: Right of First Refusal Agreement dated May 17, 1993

AGREEMENT

This Agreement is entered into this 17 day of May, 1993, by and between Steven R. Bezzant and Lisa Bezzant of 241 South 240 West, Lindon, Utah 84042, herein collectively referred to as "Bezzants," and Lindon City Corporation, a municipal corporation, herein referred to as "City."

WHEREAS, Bezzants desire to connect to the Lindon City Pressurized Irrigation Water System, herein referred to as the "System;" and

WHEREAS, a dispute has arisen between Bezzants and the City concerning the connection by Bezzants to the System; and

WHEREAS, the parties desire to resolve the issues concerning the connection by Bezzants to the System.

NOW THEREFORE, in consideration of the mutual obligations, as set forth and described herein, the parties hereby agree as follows:

1. The recitals portion of this Agreement is incorporated herein by this reference, as if fully set forth herein.

2. Bezzants shall pay to the City the sum of \$375.00, as the connection fee to the System to connect the property of Bezzants located at 241 South 240 West, Lindon, Utah, herein referred to as the "Property." The City hereby acknowledges receipt of said payment in the sum of \$375.00.

3. Bezzants do hereby grant to the City a Right of First Refusal and certain Options as described herein to purchase the 1/3

share of North Union Irrigation Company Water Stock owned by Bezzants, as represented by Certificate #2550, dated March 30, 1990, herein referred to as the "Water Stock," which Right of First Refusal and Options shall be subject to the following provisions:

a. If Bezzants shall receive a bona fide written offer for the purchase of the Water Stock for cash, which offer Bezzants desire to accept, the City shall have a Right of First Refusal and Option to purchase the Water Stock of Bezzants.

b. Bezzants shall promptly give the City written notice of the receipt by Bezzants of the written offer to purchase the Water Stock, together with a complete copy of the written offer, and a statement as to the identity of the real party interested in making the offer, the offering price and all other terms and conditions of the proposed transaction, and of Bezzants' desire to accept the offer.

c. The City shall have the right, exercisable within thirty (30) days from the date of receipt by the City of the written notice, as described in the forgoing paragraph, to purchase from Bezzants the Water Stock at the price and according to the terms set forth in the offer.

d. If the City does not exercise its right to purchase the Water Stock of Bezzants, within the thirty (30) day period, as described above, then Bezzants shall have the right to sell the Water Stock pursuant to the bona fide offer, on the terms and conditions set forth in such bona fide offer, provided that the sale shall be consummated and the Water Stock transferred to the

offeror within thirty (30) days following the termination of the option of the City to purchase the Water Stock; thereafter, a new offer must be offered to the City before Bezzants can transfer the Water Stock and all of the provisions of this Agreement shall apply to such transfer.

e. In the event of the death of Bezzants, the heirs, devisees, and personal representatives shall make a written offer to the City to sell the Water Stock to the City at a price equal to the fair market value of the Water Stock, as of the date of the death of the survivor of Bezzants. In the event that the City does not accept said offer within thirty (30) days after the receipt of such written offer to purchase the Water Stock, then the heirs, devisees, and personal representatives shall be entitled to transfer the Water Stock to the heirs or devisees in accordance with applicable law; provided, however, that any sale by the personal representatives, heirs, or devisees of the Water Stock within one (1) year from said date of death shall be subject to the Right of First Refusal as set forth and described herein.

f. In the event the Water Stock shall be levied upon, sequestered, administered by receiver, trustee in bankruptcy, sold or proposed to be sold in foreclosure or execution, under any power of sale contained in a note or loan agreement, or by operation of law, Bezzants shall give the City written notice of such occurrence and the City shall for a period of thirty (30) days after receipt of such written notice have the right to purchase the Water Stock at a price equal to the connection fee, as of the date of receipt

of such written notice, for connection to the System for a 1/3 acre lot.

4. Any transfer of ownership or change of owner as shown on Stock Certificate #2550, whether for consideration or without consideration, shall be deemed a transfer and sale for the purposes of this Agreement.

5. Any lease of the Water Stock for a period in excess of one (1) year shall be deemed to be a sale of the Water Stock, for purposes of this Agreement.

6. Bezzants shall mark Water Stock Certificate #2550, and any replacement stock certificate for Stock Certificate #2550, on its face with the following legend:

The shares of stock represented by this certificate are subject to all of the terms of an agreement with Lindon City, which agreement, among other things, limits the right of the owner to pledge, encumber, sell, or transfer the shares represented hereby.

7. Bezzants hereby agree, represent, and warrant that they are the fee simple owners of the Water Stock, without exception, reservation, limitation, easement, encumbrance, lien, any other restriction, or impediment.

8. Bezzants hereby covenant, agree, represent, and warrant that there does not exist, and that there will not exist, and that they will not create or allow to be created, or attached, directly or indirectly, any mortgage, pledge, lien, charge, encumbrance, or

any other claim in or to the Water Stock; provided however, Bezzants shall be allowed to utilize the Water Stock as Security if the secured party agrees, in writing, that the security interest of the secured party in the Water Stock is subject to, subordinate to, and inferior to this Agreement and the rights of the City in and to the Water Stock.

9. This Agreement shall be binding upon and inured to the benefit of the parties, and their respective heirs, executors, administrators, successors, legal representatives, and assigns.

10. This Agreement constitutes the entire Agreement among the parties pertaining to the subject matter hereof, and supersedes all prior oral agreements, written agreements, and understandings pertaining thereto. The obligations of Bezzants are joint and several. Any breach of this Agreement shall entitle the non-breaching party to all attorney's fees and costs incurred in enforcing this Agreement. Bezzants shall notify the North Union Irrigation Company that the Water Stock is subject to the restrictions as contained in this Agreement.

11. For and in consideration of the terms and provisions of this Agreement, Bezzants, and their heirs and assigns, do hereby fully release and forever discharge the City from any and all known and unknown claims, demands, liabilities, actions, causes of action, costs, expenses, suits for damages, in law and in equity, on account of or in any way growing out of any claim of Bezzants against the City, arising from or related to connection fees to

the System for the property located at 241 South 240 West, in the City of Lindon.

12. The City hereby agrees to accept the sum of \$375.00 as full consideration for the connection fee for the connection of the Property to the System, which Property is a residential lot consisting of 20,000 square feet.

13. Bezzants shall remain liable for the monthly user fees for the System as said monthly user fees are not included within the terms and provisions of this Agreement.

DATED this 17 day of May, 1993.

Steven R. Bezzant
STEVEN R. BEZZANT

STATE OF UTAH)
 : ss.
COUNTY OF UTAH)

17 The foregoing document was acknowledged before me this day of May, 1993, by STEVEN R. BEZZANT.



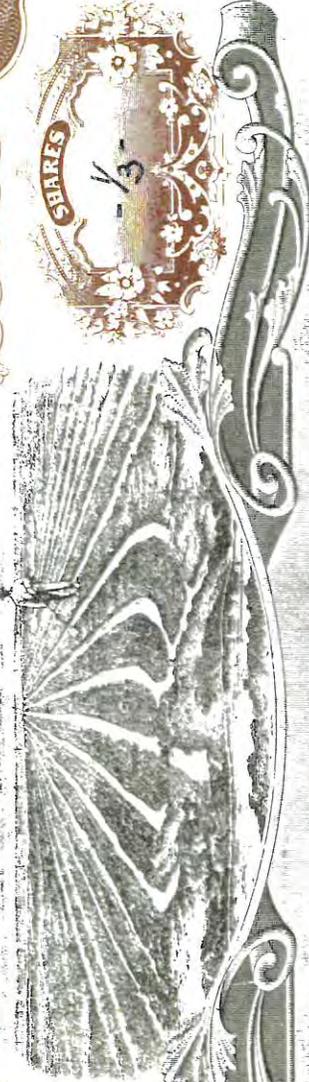
Charmaine Childs
NOTARY PUBLIC

My Commission Expires:
6-28-96

Residing at:
Pleasant Grove, Utah

The shares of stock represented by this certificate are subject to all of the terms of an agreement with Lindon City, which agreement, among other things, limits the right of the owner to pledge, encumber, sell, or transfer the shares represented hereby. The Agreement is dated May 17, 1993.

INCORPORATED UNDER THE LAWS OF
THE STATE OF UTAH, APRIL 5, 1893



North Union Irrigation Company

CAPITAL STOCK \$100,000.00
2,000 SHARES PLEASANT GROVE, UTAH

This Certifies that Steve R. Bergant is the owner of
One Third Shares of the Capital Stock of

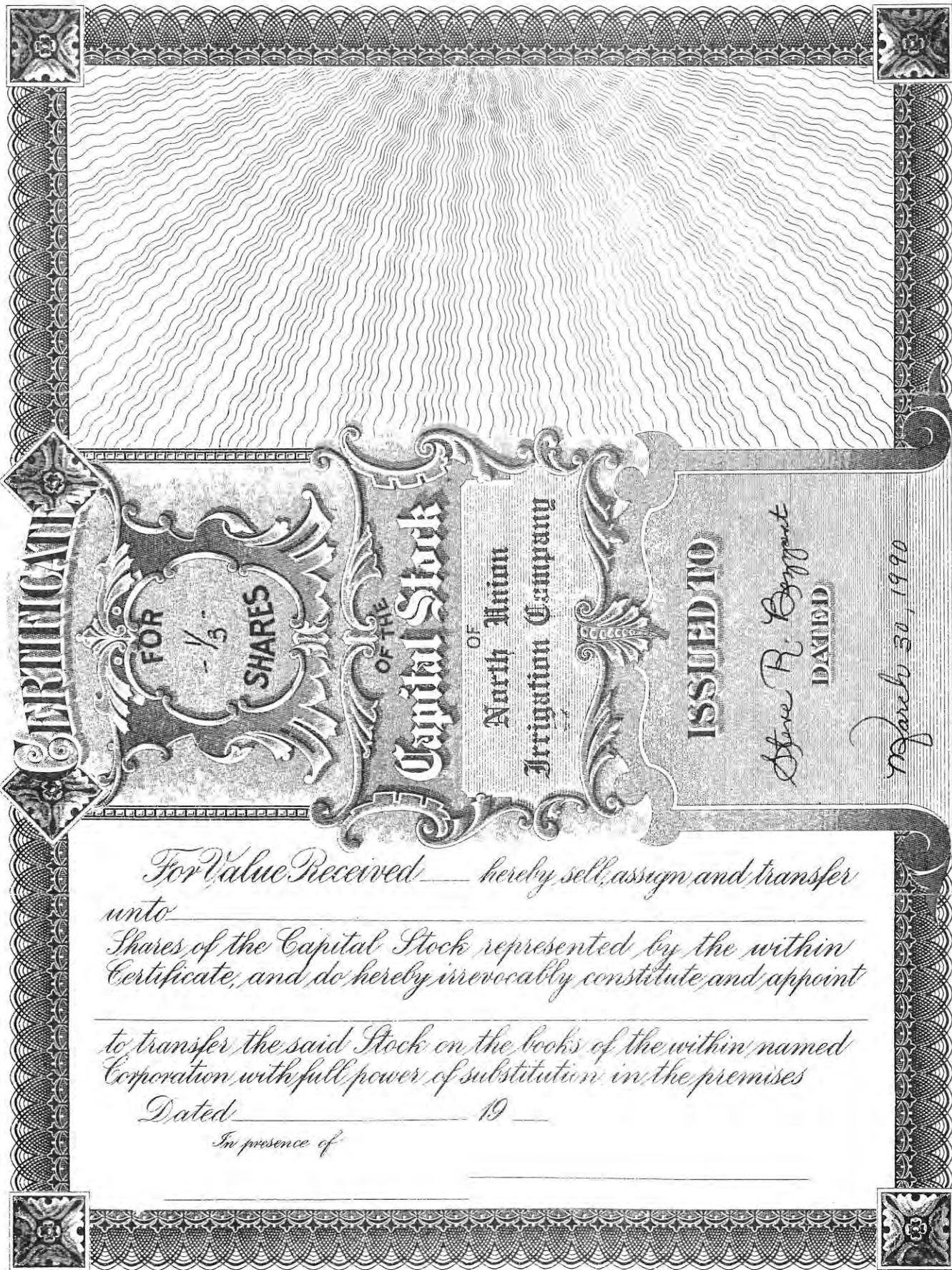
North Union Irrigation Company
transferable only on the Books of the Corporation on surrender
of this Certificate properly endorsed.

In Witness Whereof, the said Corporation has caused this Certificate to be
signed by its duly authorized officers and its Corporate Seal to be hereunto
affixed. This 30th day of March A.D. 1990

James O. Brown SECRETARY
Nenneth P. Gilman PRESIDENT

SHARES \$50.00

EACH



CERTIFICATE

FOR
- 1/5 -
SHARES

OF THE
Capital Stock

OF
North Union
Irrigation Company

ISSUED TO

Steve R. Byggent

DATED

March 30, 1990

For Value Received _____ *herby sell, assign and transfer*
unto _____
Shares of the Capital Stock represented by the within
Certificate, and do hereby irrevocably constitute and appoint
_____ *to transfer the said Stock on the books of the within named*
Corporation with full power of substitution in the premises
Dated _____ *19* _____
In presence of _____

11. Discussion Item — Parks, Trails and Recreation impact fee options. The City Council will discuss Parks, Trails and Recreation impact fee options for differentiating between accessory apartment and other multi-family units. This item is for discussion only with no motion necessary. *(20 minutes)*

In effort to decrease the burden of creating lawful accessory apartments and lower the cost of moderate income housing options in Lindon City, the City Council had previously discussed decreasing the Park impact fee dollar amount for accessory apartments significantly below the maximum that is justified in our IFA and IFFP for our Parks, Trails and Recreation.

Lindon currently charges a Parks, Trails and Recreation impact fee of \$4,500 on Single Family Dwelling units and \$1,500 on Multi-Family Dwelling units (includes accessory apartments). *In prior discussions Staff mistakenly informed the Council that town-homes, twin homes, condos, etc are charged the lesser multi-family amount of \$1,500. However, this is incorrect. The Building Department defines multi-family housing as apartments, duplexes or similar housing units that are not able to be individually owned. Housing units such as condominiums, townhomes, twin-homes, etc that are platted individual units and built to certain building code standards are charged the higher single-family rate of \$4,500. Staff will explain more at the meeting and apologizes for the previous misinformation.

Staff will review various impact fee amounts and discuss options for impact fees within the scope of the recently adopted Lindon City Parks, Trails and Recreation IFA and IFFP (impact fee studies). The Council will discuss and provide feedback and direction to Staff on how to proceed.

This item is for discussion only with no motion needed.

LINDON Impact Fee Cost Comparisons

FEE	PLEASANT GROVE	AMERICAN FORK	LINDON	PROVO	VINEYARD	OREM
Police	-	\$326.45	\$162.00	\$373.18	-	\$120.69
Fire/EMS	-	\$429.30	\$152.00	\$207.49	-	\$217.70
Water	\$1,932.00	\$2,502.45	\$2,001.00	\$4,042.80	\$873.00/\$521.00	\$4,407.01
Storm Water	\$2,242.00	\$384.00	\$799.00	\$3,230.00	\$222.00/\$337.00	\$756.77
Roadway	\$1,533.00	\$3,548.30	-	\$1,293.06	\$3,586.00/\$1,286.00	\$436.43
Sewer	\$1,034.21	\$840.08	\$1,086.00	\$2,370.64	\$539.00/\$2,391.00	\$846.90
Parks	\$1,803.28	\$3,855.99	\$4,500.00	\$3,105.10	-	\$2,879.64
TSSD	\$1,708.00	\$1,708.00	-	-	-	-
Electrical	-	-	-	\$875.00	-	-
TOTAL	\$10,252.49	\$13,594.57	\$8,700.00	\$15,497.27	\$5,220.00 / \$4,535.00	\$9,665.14

- Provo - \$15,497.27 (based off of a 20,000 square foot lot)
- American Fork – \$13,594.57 (Storm Drain based of a 2,500 sq ft home, add \$6,300 for PI on a 15,000 sq ft lot)
- Pleasant Grove - \$10,252.49
- Orem – \$9,665.14 (based off of a 20,000 square foot lot)
- Lindon - \$8,700.00
- Vineyard – \$5,220.00 (Area A) \$4,535.00 (Area B) (Vineyard’s fees are divided into 2 geographical areas. Areas A and B)

Impact fee comparisons prepared by Zions Bank, summer 2020.

Parks and Recreation Impact Fees:	Single Family Dwelling	Multi-Family Units
Salt Lake City	\$5,173.00	\$3,078.00
Lindon (maximum)	\$5,097.13	\$4,927.23
Lindon (current)	\$4,500.00	\$1,500.00
Sandy	\$4,156.00	\$2,402.00
South Jordan	\$4,115.00	\$2,643.00
Spanish Fork	\$3,959.56	\$2,410.31
American Fork	\$3,855.99	\$3,064.51
Springville	\$3,715.00	\$3,715.00
West Jordan	\$3,201.00	\$2,498.00
Provo	\$3,105.10	\$2,884.62
Orem	\$2,813.07	\$2,435.66
Lehi	\$2,600.00	\$2,170.00
Saratoga Springs	\$2,388.44	\$2,388.44
West Valley	\$2,285.00	\$1,943.00
St. George	\$2,182.00	\$1,427.00
Layton	\$1,873.00	\$1,381.00
Pleasant Grove	\$1,803.28	\$1,477.16
Taylorsville	\$1,290.00	NA

U.S. Census info for Lindon City:

All Topics	Lindon city, Utah	Utah
Population estimates, July 1, 2019, (V2019)	11,100	3,205,958
Persons per household, 2014-2018	3.81	3.13

Persons per household, 2014-2018

Households and Persons Per Household

Sources: U.S. Census Bureau, American Community Survey (ACS) and Puerto Rico Community Survey (PRCS), 5-Year Estimates. The PRCS is part of the Census Bureau's ACS, [customized for Puerto Rico](#). Both Surveys are updated every year.

Definition

A household includes all the persons who occupy a housing unit as their usual place of residence. **A housing unit is a house, an apartment, a mobile home, a group of rooms, or a single room that is occupied (or if vacant, is intended for occupancy) as separate living quarters.** Separate living quarters are those in which the occupants live and eat separately from any other persons in the building and which have direct access from outside the building or through a common hall. The occupants may be a single family, one person living alone, two or more families living together, or any other group of related or unrelated persons who share living arrangements. (People not living in households are classified as living in group quarters.)

Persons per household, or average household size, is obtained by dividing the number of persons in households by the number of households (or householders). For the complete definition, go to [ACS subject definitions](#) "Average household size."

ADJOURN