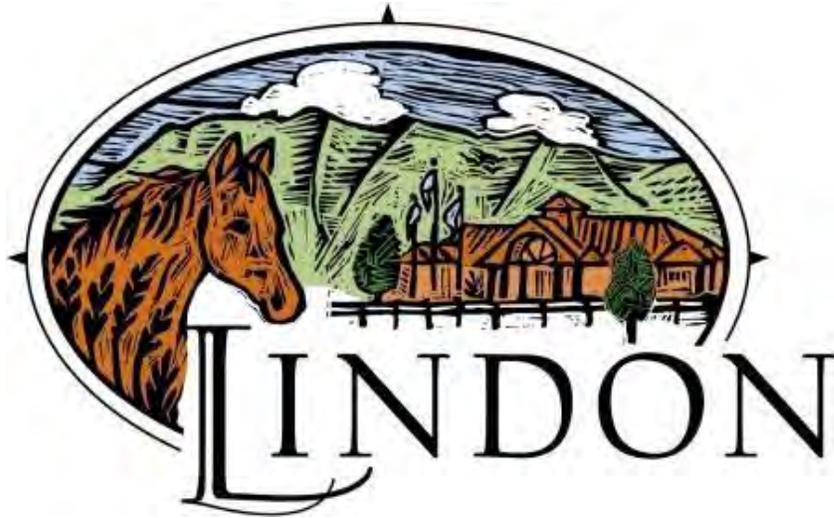


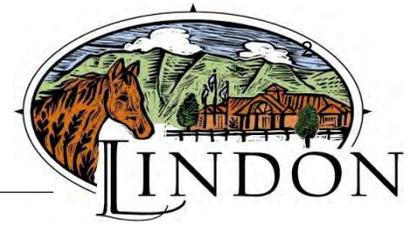
Lindon City Council Staff Report



Prepared by Lindon City
Administration

October 5, 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, October 5, 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: Jeff Acerson
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 September 21, 2020 and the joint meeting minutes of August 11, 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) Presentation: Rob Smith, Alpine School District.
 - c) Presentation: Central Corridor Transit Study Team will present the preferred BRT alignment to the City Council and explain the next steps in the process.
 - d) State of the City Report, September 2020.
- 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.)*
There are no consent agenda items for approval. *(5 minutes)*
- 8. Review & Action — Major Subdivision; Country Garden Estates – approximately 75 North 500 East.** Wayne Ercanbrack requests Major Subdivision approval for an eight-lot single family home subdivision in the Residential R1-20 zone. The planning commission recommended approval to the city council. *(15 minutes)*
- 9. Public Hearing — R2 Overlay and Accessory Apartment Ordinance Amendment – Lindon City.** The Planning Commission recommends approval to the City Council to amend Lindon City Code Title 17.46 pertaining to the R2 Overlay and Accessory Apartments. *(20 minutes)*
- 10. Discussion Item — Short Term Rentals.** Per prior Council inquiry, the Council will discuss options for regulating Short Term Rentals within the City. No motions will be made but direction to Staff will be provided. *(15 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 30, 2020; Time: 11:30 a.m.; Place: Lindon City Center, Lindon Police Dept., Lindon Community Development

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

Invocation: Jeff Acerson

Item 1 – Call to Order / Roll Call

October 5, 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 11, 2020** and **September 21, 2020**

The Lindon City Council and Lindon City Planning Commission held a Joint Work session on **Tuesday, August 11, 2020 at 6:45 p.m.** in the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

WORK SESSION – 6:45 P.M.

Conducting: Mayor Jeff Acerson

PRESENT

ABSENT

Jeff Acerson, Mayor
 Van Broderick, Councilmember
 Carolyn Lundberg, Councilmember
 Jacob Hoyt, Councilmember
 Randi Powell, Councilmember
 Mike Vanchiere, Councilmember
 Mike Marchbanks, Commissioner
 Sharon Call, Chairperson
 Rob Kallas, Commissioner
 Jared Schauers, Commissioner
 Scott Thompson, Commissioner
 Steven Johnson, Commissioner
 Mike Vanchiere, Commissioner

Staff Present

Mike Florence, Planning Director
 Anders Bake, Associate Planner
 Brian Haws, City Attorney
 Kathy Moosman, City Recorder

1. **Call to Order** – The meeting was called to order at 6:45 p.m.
2. **Presentation & Discussion**—Draft 700 North Master Plan - The IBI Group will present to the City Council and the Planning Commission the first draft of the 700 North Masterplan for their consideration and feedback. The final document will be considered for adoption at a future meeting.

Mike Florence, Planning Director, opened the discussion by explaining the purpose of this joint meeting tonight is for the IBI Group to present to the City Council and the Planning Commission the first draft of the 700 North and the masterplan for their consideration and feedback. He noted the final document will be considered for adoption at a future meeting.

Following the presentation by the IBI Group there was some general discussion including the following bullet points:

- The city council and planning commission were concerned about the number of residential units proposed in the plan

- 2 • The city council and planning commission asked to remove the residential square
footage numbers from the small area plan
- 4 • Councilwoman Powell and Councilman Vanchiere asked to have the
flex/warehouse building type removed
- 6 • With the removal of residential numbers, the city council and planning
commission liked the direction of the small area plan

8 Following some additional discussion, Mr. Florence thanked the IBI Group for
the presentation noting they will take these items under consideration in moving forward
10 with the final document.

12 Mayor Acerson called for any further comments or discussion from the Council or
Commission. Hearing none he adjourned the meeting.

14 **Adjourn** – The meeting was adjourned at 7:10

16 Approved – October 5, 2020

18
20 _____
Kathryn Moosman, City Recorder

22
24 _____
Jeff Acerson, Mayor

26
28 _____
Sharon Call, Chairperson

2 The Lindon City Council held a regularly scheduled meeting on **Monday, September 21,**
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: Randi Powell
10 Pledge of Allegiance: Brian Haws

12 **PRESENT**

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

EXCUSED

Van Broderick, Councilmember

22 1. **Call to Order/Roll Call** – The meeting was called to order at 5:15 p.m.

24 2. **Approval of Minutes** – The minutes of the regular meeting of the City Council
26 meeting of August 17, 2020 were reviewed.

28 COUNCILMEMBER POWELL MOVED TO APPROVE THE MINUTES OF
THE REGULAR CITY COUNCIL MEETING OF AUGUST 17, 2020 AS
30 PRESENTED. COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE
VOTE WAS RECORDED AS FOLLOWS:

32 COUNCILMEMBER LUNDBERG AYE
COUNCILMEMBER HOYT AYE
34 COUNCILMEMBER POWELL AYE
COUNCILMEMBER VANCHIERE AYE

36 THE MOTION CARRIED UNANIMOUSLY.

38 **3. COUNCIL REPORTS:**

40 **Councilmember Hoyt** – Councilmember Hoyt reported the Creekside Park remodel will
be done next week. He noted the Pickle ball hours have changed and a letter will be going
42 out; this should help mitigate any noise issues. He also reported we received the Cares
Act money from the county and Federal Govt. to do the grass by the pool and also the
44 new exit/entrance to the pool. He also reported the “All Hallows Eve” party at the
community center will be modified this year due to Covid-19. He also attended the
46 Pleasant Grove/Lindon Chamber of Commerce events noting it is a good organization
with good leadership and it is good to see them staying active during these tough times.

2 **Councilmember Vanchiere** – Councilmember Vanchiere reported Roger Harper at the
 4 transfer station has announced his retirement. The board met this morning with their final
 6 replacement choice; Neil Schwendiman. They were very impressed with him and they
 8 plan to offer the position noting it should be a smooth transition. He also mentioned he
 10 was contacted by members of the commission with confusion on the use of city buildings
 12 as it appears they have a bit of an issue with this benefit. He asked if the city council has
 14 any desire to offer that benefit to the planning commission. Mr. Cowie stated the benefit
 16 section in the policy manual that would need to be amended and if approved they can
 18 make that adjustment in October. Councilmember Vanchiere also commented that the
 20 roads that have been done so far are fantastic and they are doing a great job and he
 22 expressed his thanks to those involved. He also reported that the planning and zoning
 24 department is going great and staying very busy.

26 **Mayor Acerson** – Mayor Acerson advised the council to keep in mind to watch the
 28 Governor’s press conference tomorrow on what his directive on a mask mandate will be
 30 with the uptick of Covid-19 cases in Utah County.

32 **Councilmember Broderick** – Councilmember Broderick was absent.

34 **Councilmember Lundberg** – Councilmember Lundberg reported she attended the “Go
 36 Health” ground breaking event in Lindon noting it is a great company and a beautiful
 38 facility that is creating a lot of jobs; a representative from the Governor’s office was in
 40 attendance. She expressed that it is nice to see that the economy is moving forward and it
 42 is good to see. She also reported she has had some interaction with the Parks and
 44 Recreation Department with some new materials on the pickle ball courts to help with
 46 noise mitigation.

48 **Councilmember Powell** – Councilmember Powell reported she attended the engineering
 50 bi-monthly meeting with Noah Gordon and Juan Garrido. She expressed her gratitude for
 52 all they do. She also mentioned there was water leak on 25 South that gave her a chance
 54 to get to know the new public works employees who did a great job with a great attitude.
 56 She also extended a big thank you to the Public Works Dept. in regards to the street
 58 maintenance projects taking place. She has been contacted by a resident who reached out
 60 that they would be closing her road and they were having a wedding, so they were kind
 62 enough to rearrange the schedule to accommodate the resident; their kindness was greatly
 64 appreciated.

66 4. **Administrator’s Report:** Mr. Cowie reported on the following items followed by
 68 discussion.

70 **Misc. Updates:**

- 72 • Next council meetings: October 5th and October 19th
- 74 • October newsletter assignment: Adam Cowie
- 76 • Vote by Mail Ballots will be mailed the week of October 12th
- 78 • Utah County Health Dept. Immunization Clinic – September 23rd
- 80 • Update on CARES Act (covid-19) funding expenditures / projects

- 2 • Upcoming items: accessory apartments & short-term rentals; cemetery fees;
4 Alpine SD rep visit; budget amendments; surplus property at Horse Transfer
6 Station (waiting for appraisal);
- Pursuing First Right of Refusal for Hutchison property near Hollow Park
- Misc. Items

8 **5. Presentations and Announcements:**

- 10 a) Comments/Announcements from Mayor and Council members.
- 12 b) **Introduction:** New Orem City Fire Chief, Marc Sanderson was
14 introduced and welcomed by the City Council. Chief Sanderson also
16 introduced his team. He noted three of their components are staffing,
18 recruitment and retention. He noted they are going to be focusing on
strengthening their Fire and EMS training.
- 16 c) **Presentation:** Kelly Johnson, Emergency Planning Coordinator, and
18 Chief of Police, Josh Adams were in attendance and presented their
follow up report on the emergency drill event held on September 14th.

20 **6. Open Session for Public Comment** – Mayor Acerson called for any public
22 comment not listed as an agenda item. There were several residents in attendance
who addressed the council as follows:

24 **Linda Nielson:** Ms. Nielson spoke on Covid-19 and the possible mask mandate that the
Governor is considering. She stated she is not in favor of a mask mandate.

26 **Mr. Walker:** Mr. Walker spoke on Airbnb's questioning if they have been approved by
28 the city as they are having issues and problems with parking etc. in their neighborhood.
Mayor Acerson stated the council will have discussion on this issue at the October
30 meeting as there are currently no regulations on Airbnb's. He noted if there is an urgent
issue to contact the planning department.

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

- 36 a) **Memorandum of Understanding** - Memorandum of Understanding
38 with Alan Colledge for use of the city secondary water system to
deliver irrigation water to the Wadley Farms property.

40 COUNCILMEMBER HOYT MOVED TO APPROVE THE CONSENT
AGENDA ITEM AS PRESENTED. COUNCILMEMBER VANCHIERE SECONDED
THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

42 COUNCILMEMBER LUNDBERG AYE
44 COUNCILMEMBER HOYT AYE
46 COUNCILMEMBER POWELL AYE
COUNCILMEMBER VANCHIERE AYE
THE MOTION CARRIED UNANIMOUSLY.

2 **CURRENT BUSINESS**

4 **8. Review & Action — Major Subdivision; Lindon Treasury Plat D - 200 W.**
 6 110 S. Jeremy Ackley requests approval of a Major Subdivision Application for a
 8 four-lot single family development in the R1-20 residential zone. The planning
 commission recommended approval to the city council.

10 Mike Florence, Planning Director led this item by explaining the applicant, Mr.
 12 Ackley is seeking preliminary major subdivision approval for a 4-lot single family home
 14 development. He explained the planning commission and city council recently approved
 a previous phase of this subdivision which is being developed by a different owner; the
 16 planning commission unanimously gave preliminary approval. He noted the proposed 4-
 lot subdivision meets the minimum lot size and infrastructure requirements for the R1-20
 zone; are seeking preliminary major subdivision approval for a 20-unit commercial
 condominium development. Mr. Florence stated all Subdivision and lot requirements are
 met.

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

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

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

28 COUNCILMEMBER HOYT MOVED TO APPROVE THE LINDON
 TREASURY PLAT D SUBDIVISION FOR A FOUR-LOT SINGLE FAMILY
 30 DEVELOPMENT IN THE R1-20 RESIDENTIAL ZONE AS PRESENTED.
 COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE VOTE WAS
 32 RECORDED AS FOLLOWS:
 COUNCILMEMBER LUNDBERG AYE
 34 COUNCILMEMBER HOYT AYE
 COUNCILMEMBER POWELL AYE
 36 COUNCILMEMBER VANCHIERE AYE
 THE MOTION CARRIED UNANIMOUSLY.

38
 40 **9. Concept Review — Housing development;** approximately 550-570 N. State
 Street (Norton Property). Amy Johnson requests concept review for residential
 42 and commercial development for the property located at approximately 570 N.
 State Street. A Concept Review allows an applicant to receive feedback and
 44 comments on proposed projects. No formal approvals or motions are given but
 general suggestions or recommendations are typically provided.

46 ***Councilmember Hoyt recused himself at this time due to a conflict of interest.***

2 Mr. Florence led this item by stating the applicant, Amy Johnson, is requesting
 4 concept review feedback as a mixed commercial site for commercial business and
 residential uses. He noted Ms. Johnson participated in many of the public meetings on the
 6 Planned Residential Development Overlay ordinance. The applicant presented to the
 planning commission on September 8th and requested feedback on reducing the 300'
 8 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'
 10 foot setback but were willing to reduce the front building setback to 20'. He added that
 the developer's proposal showed the commercial depth at 250' and then a 50'
 12 landscape/open space buffer and housing then started at 300'. He indicated a number of
 residents on 500 North attended the meeting and were concerned about the traffic flow on
 14 to 500 North. He noted since the planning commission meeting, the developer has
 provided two additional site plan options.

16 Mr. Florence further explained with both site plan options the applicant is seeking
 feedback on the following items: Residential building encroachment into the 300'
 18 commercial area for residential on the South portion of the development. He pointed out
 the developer does not own the Healy or Lindstrom Brothers properties. With these
 20 properties and in combination with the property they own next to the church building,
 this makes for an odd lot configuration. Mr. Florence stated the Planned Residential
 22 Development Ordinance allows the planning commission to reduce the 300' commercial
 depth for three purposes:

- 24 ■ Viable commercial options remain for the site;
- 26 ■ A commercial lot is irregularly shaped;
- The reduction does not limit future redevelopment opportunities of the
 commercial property.

28 Mr. Florence went on to say Ms. Johnson has been working with UDOT on their
 access to State Street; the Lindon City Street Master Plan Map identifies 570 North as
 30 extending to State Street. He noted the fire marshal would prefer to have two entrances
 into the development. The applicant's proposal has two options as follows:

- 32 1) Allow access to both 500 North and 570 North, or
 - 34 2) Direct all access to State Street with an emergency gate only for 570 North
- This plan would also include pedestrian access.

36 Mr. Florence stated the plan that the commission reviewed had access to both
 State Street and 500 North with 570 being closed. He noted 570 North currently has a
 38 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 North was extended to State Street.
 40 Using a trip generation spreadsheet, city staff evaluated traffic generation numbers for a
 townhome development. He pointed out these numbers have not been confirmed by a
 42 traffic engineer and are only staff's research and these numbers should be used as a
 reference only and are not a professional report.

44 Mr. Florence indicated that 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. Mr.
 46 Florence then presented some preliminary numbers that were calculated using the trip
 generation spreadsheet as follows:

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

12
14 Ms. Johnson then gave her concept review presentation to the council. She re-
emphasized that 60 percent of the units have the master on the main floor as she sees a
16 strong need for that to be able to keep people in their community that they love. She
noted at the last planning commission meeting they spoke on the connectivity and they
18 heard mixed messages. She understands that traffic is a concern and she is working on
that issue. She also knows that density is an issue, but one thing she would ask the
20 council to remember is the typical townhome is 16 units per acre and they are at half of
that. She pointed out the green space border has been added with the walking path and
amenities including pickle ball community gardens and the walking path. She expressed
22 that she would appreciate any feedback on road directions. They are trying to help make
this development a valuable part of the community.

24 Councilmember Lundberg mentioned the commercial lots have been vacant for
many years and she wants to ensure they are making a good transitional product to the
26 adjoining neighborhood. She would have hoped to see a product more of a cottage type
smaller house as it is the quantity she has concerns with.

28 Ms. Johnson stated they are following the code that was approved. They are
going for a higher end master on the main floor (3,000 sq. ft.) that will sell in the high
30 300's or low 400's. She indicated she could build a patio home that is separate, but the
cottage would be a lower product price than these townhomes. She wanted to clarify that
32 the larger townhome has a larger footprint and is not the typical townhome (1,400 sq. ft.)
that may be a rental. She added for financing purposes they will limit the number of
34 rentals. She noted the majority will be owner occupied and the HOA will be very strict;
this will be a mix of community.

36 Councilmember Powell asked if there are any similarities to the Green Valley
condos. Ms. Johnson stated the footprint is more like Penny Lane in Orem; the end units
38 have the same footprint as a Penny Lane home and the middle units are a little bit
different configuration. They also have an ADA option for easy accessibility with a low
40 threshold. Councilmember Powell stated she does have concerns with the numbers and
would like to bring that down. She also has concerns with the access. Councilmember
42 Lundberg agreed that she is not comfortable with the number of doors.

44 Ms. Johnson pointed out there is a strong demand, but they have to be able to
provide an affordable option as there is not a lot of that in Lindon City. She also pointed
out that she is trying to follow the ordinance that was passed as she thought they were
46 accepting the 10 units per acre. This ordinance was site specific for this land and the
nursery property.

2 Councilmember Powell stated we are looking at the whole overlay and then the
3 specifics on the two properties that are wanting this right away. We are hoping for
4 consideration for both the landowner, the citizens and also the developer but we need to
5 be as thorough as possible. Ms. Johnson asked if there is there a specific number she
6 should be aiming for. Councilmember Powell mentioned 76 units but knows that is not
7 feasible. Ms. Johnson stated that would not pencil out and it would end up commercial.
8 Ms. Johnson stated she is trying hard to make this design beautiful as well as pencil out
9 for both them and the residents.

10 Mr. Florence then presented the updated concept plan #1, the updated concept
11 plan #2, the Lindon City Streets Master Plan Map, and the Planned Residential
12 Development Ordinance followed by some general discussion.

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

15 **Jim Peters:** Mr. Peters commented they had an overlay for multiple housing and they
16 were the first city in the state to comply with the low-income housing ordinance by doing
17 that and now it seems we are throwing that out the window. From a planning standpoint
18 he doesn't like the access with only one access off of State Street. The main complaint
19 he hears from residents at Green Valley is off street parking. With as many units that are
20 being proposed where are visitors going to park. He would suggest reducing the number
21 of units and create access and to also address and mitigate the off-street parking.
22

23 **Larry Walker:** Mr. Walker pointed out when he wanted to do some cottages on his
24 property he was denied. However, he likes this proposal because he would like to be able
25 to move back to Lindon. He commented that he lives in a 55 and older community and it
26 works great. He would suggest this should be one or the other with 55 and older or
27 families in the units.
28

29 **Steve Johnson:** Mr. Johnson stated the commission that they did not want to reduce the
30 300' foot setback and held it at 300' but they were willing to reduce the front building
31 setback to 20' and it would limit it to 8 units per acre; this is what the ordinance was
32 intended for.
33

34 **Cheryl Gurney:** Ms. Gurney asked if these units will they be identical. Ms. Johnson
35 stated they will not be identical and there will be a variance as they wanted to have a mix.
36 She added there a no condos in this project and they are striving to not make this a rental
37 community.
38

39 **Patrick Leichty:** Mr. Leichty asked why the 10 units were chosen noting the council
40 still has the option to say this is too dense and not approve it. Mayor Acerson clarified we
41 would have to change the zoning first to have the ordinance be applied and the number in
42 the ordinance is set but we may need to revisit it and make adjustments. Mr. Haws
43 clarified if the council approves a zoning change the 10 units will stand. Mr. Leichty
44 pointed out their petition has 260 signatures.
45

46

2 **Shelly Buswell:** Ms. Buswell stated she has lived in Lindon for 33 years for the little bit
of country feel. She noted she appreciates the planning commission trying to keep that
4 vision for residents. She pointed out that no one knew this was happening so they have
come here tonight to voice their concerns. They have a city initiative for signatures as
6 they feel the density number is too high. She understands the need in the city, but the
numbers are too high. Her neighborhood doesn't want to be like Pleasant Grove, Orem,
8 or Vineyard.

10 **Joann Martin:** Ms. Martin stated there is a twin home next to her home and apartments
and also the Green Valley condos. She feels her area has been thrown out the window
12 and they have allowed medium and high density and they just don't need it. There are 21
children in their neighborhood and if this proposal goes in it will pose serious safety
14 issues and this just can't happen.

16 **Kristy Dagley:** Ms. Dagley asked to please have accessibility options in regards with the
pandemic and have Facebook live etc. for all meetings so everyone can weigh in as she
18 does not feel safe being here in person. She stated we want to keep Lindon unique.
People settle in Lindon and love it because it is safe and when you throw in the high
20 density there goes the neighborhood. The traffic will be horrible and the traffic study was
done in the pandemic and not in a valid time; our street doesn't need any more traffic and
22 it will be very unsafe.

24 **Justin Stewart:** Mr. Stewart stated the developer, Ms. Johnson talked to them and told
them this would be a cul-de-sac and no one will be able to turn left on to State Street. He
26 expressed that the excessive traffic will not be safe and their property will be devalued.
The parking will definitely be an issue and there will be cars parked in front of their
28 home. He believes the density is too high.

30 **Mike Stay:** Mr. Stay commented Locust Avenue is 25 mph and people always drive too
fast. He appreciates what Ms. Johnson is trying to do to keep it green and beautiful, but
32 when they saw the plan the community is upset. We all came to Lindon for the low
density and a little bit of country. What are the pressures from the state that pushes us to
34 this type of density?

36 **Derick Bunker:** Mr. Bunker reminded everyone that someone owns that property and
will do something with it so long as it is within the regulations. That being said, he is also
38 concerned with the parking and traffic situation. Whatever goes in here it is his hope that
it is the best for Lindon and the best option and carefully considered with a lot of
40 guidance. He trusts the council will bring us where we want and need to go and they will
stick with traditional Lindon values.

42 **Shawnee Keetch:** Ms. Keetch commented that she is very vested in what is going to be
44 there. She understands they will sell their land and what is it going to be; the medium
density is what we have to worry about.

46

2 **Karl Nelson:** Mr. Nelson pointed out these developers come in and build something and
then they are gone. He stated people will park on 570 North and there is not enough
4 room for parking. He expressed his concerns that 90 units is a lot and there are a lot of
issues that would need to be mitigated.

6
8 **Riley Braught:** Mr. Braught stated he lives on 500 North. There are already trying to
push the ordinances that the city has put in place. He would advise the developer to do
what you said you were going to do.

10
12 **Lyle Lamoreaux:** Mr. Lamoreaux pointed out that prices have escalated and he has seen
so much development take place. He noted previous developers have stood up for the ½
acre lots. The city has moved away from the property down by the freeway for high
14 density and this proposal will set a precedent. We need to be very careful and remember
the basis that Lindon was made upon no matter whose money is being involved.

16
18 **Amy Alvord:** Ms. Alvord commented that she agrees with a lot of what has been said
here tonight and there is a lot of what they see is good too. They are concerned with the
commercial. They have been a part of this property being sold and she appreciates being
20 able to be heard. She pointed out the street is on the master plan but having a street go
through the residential is different. She expressed her concerns with the density and they
22 will be very affected and she is also concerned with property values and the parking
issues as well. They feel they are being pushed out and may have to put their house up
24 for sale, which they hope doesn't happen. They have great neighbors, and they love their
community and hopefully a win win can be achieved.

26
28 **Linda Nelson:** Ms. Nelson stated they live on a ½ acre property. She would like to see
Lindon kept as a little bit of country. She suggested instead of townhomes to put in
smaller houses on smaller lots. She also pointed out that the 600 North exit intersection is
30 a disaster area. She would like to see this property as a senior community.

32 At this time, Ms. Johnson asked for input and advice from the council on how to
connect the roads as she does need to get in and out of the project. She can look at
34 reducing the numbers, but she does need guidance from the city council as she doesn't
want to keep playing a guessing game. Mayor Acerson suggested looking at the
36 comments heard tonight and then see what makes sense to make it work to find a middle
ground to conceptually make it pencil out on this piece of property.

38 Mayor Acerson commented it is important that we are all part of the discussion
and he would hope every city council meeting the citizens would come and engage in the
40 meeting. The better the decisions will be with a broader view of the city and the citizens;
the city council represents your voice. Sharon Call clarified to those in the audience that
42 this item is not on the agenda for tomorrows planning commission meeting.

44 Mr. Florence pointed out that Ms. Johnson is proposing a public road system that
the city would maintain. He also mentioned 90 units requires at least 23 off-site parking
46 stalls. You could have parking on one side of the road plus the driveways; there is a lot
of parking for this development.

2 Councilmember Powell thanked the Mayor for allowing so much public comment
 here tonight, pointing out that it is important for citizens, the Council and also the
 4 Developers to communicate and be educated. In regards to the road access she feels the
 interior road needs to be moved into the development with no access on 500 North or 570
 6 North which only leaves State Street; she understands that is hard for Ms. Johnson but
 she has to consider the concerns of the residents. She is not sure how to mitigate these
 8 issues but it is a concern.

10 Councilmember Vanchiere expressed his opinion stating he loves Lindon noting
 he is not opposed to animal rights and it is wonderful. He clarified what he has said in
 the past, that he feels two things very strongly. He believes in individual property rights
 12 but he also personally feels that the demographics are different than in the past and we
 are not even considering the young families that cannot afford a ½ acre lot in Lindon. He
 14 worries that we may be trying to be exclusive in regards to who we want and don't want
 in our community. He does not want to exclude a demographic of those who have every
 16 right to live in Lindon; he does like our city motto of a little bit of country. He also
 respects all the comments heard tonight and hopes everyone understands where he is
 18 coming from as he doesn't want to come across as unsympathetic.

20 Councilmember Lundberg commented to Councilmember Vanchiere's point that
 she knows there are young people who want to come to Lindon as we have heard in
 previous meetings, but trying to balance all those voices is very tricky. She wants to
 22 preserve the heart of Lindon as we don't need to follow the trend happening everywhere
 else, but how do we move forward in a thoughtful and cautious way with best practices
 24 and yet preserve a neighborhood-based community. The owners have been trying to sell
 this property for many years and the family has aged and they have come in multiple
 26 times with many different concepts. She pointed out that things will evolve and we can
 preserve animal rights, but there are other places where we can meet regulations and do
 28 this before we are penalized and create an integrated community where people are
 connected.

30 She noted Ms. Johnson has been listening to these discussions on both sides for a
 long time and she has brought developers who have architectural standards that are
 32 beautiful with a park like atmosphere and she believes Ms. Johnson has accomplished
 that. We don't have to say the ½ acre is an all or nothing situation, but we can still find a
 34 way to embrace those values. She expressed that the 90 units gives her heartburn and
 questions if that could work. In regards to the roads there may be some connection but
 36 her concern is with whatever number this may be that we have to think about spreading
 the traffic flow; the traffic would have to be mitigated.

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

40
 42 *Councilmember Hoyt rejoined the meeting at 8:20 pm.*

44 **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
 46 agreement with the Bezzant family

2 Mr. Cowie explained the City is has not budgeted for water share purchases nor is
 4 the City actively pursuing water shares/water stock except as required as part of new
 6 developments. He indicated that the Public Works and Engineering staff recommends to
 8 not purchase the water stock and releasing interest in the water stock, after which the
 10 Mayor will sign the approval letter. Following some general discussion, the Council was
 12 in agreement to release the interest in the water stock as recommended by staff.

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

18 COUNCILMEMBER POWELL MOVED TO RELEASE INTEREST IN
 20 CERTAIN WATER STOCK PER THE 1993 AGREEMENT WITH THE BEZZANT
 22 FAMILY AND AUTHORIZE MAYOR ACERSON TO SIGN THE ATTACHED
 24 LETTER WAIVING THE CITY'S INTEREST IN PURCHASING THE WATER
 26 STOCK AS PRESENTED. COUNCILMEMBER VANCHIERE SECONDED THE
 28 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

30 COUNCILMEMBER LUNDBERG AYE
 32 COUNCILMEMBER HOYT AYE
 34 COUNCILMEMBER POWELL AYE
 36 COUNCILMEMBER VANCHIERE AYE
 38 THE MOTION CARRIED UNANIMOUSLY.

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

Mr. Cowie stated 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 the IFA and
 IFFP for our Parks, Trails and Recreation.

Mr. Cowie noted Lindon City 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 (including accessory apartments). He pointed out in prior discussions
 Staff had 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.

Mr. Cowie indicated housing units such as condominiums, townhomes, twin-
 homes, etc. that are platted as individual units and built to certain building code standards
 are charged the higher single-family rate of \$4,500. Mr. Cowie then reviewed the various
 impact fee amounts and discussed the options for impact fees within the scope of the
 recently adopted Lindon City Parks, Trails and Recreation IFA and IFFP (impact fee
 studies).

Following some general discussion, the Council was in agreement to reduce the
 Park impact fee to \$500 for accessory apartments and to see how it goes and then re-

2 evaluate if necessary. Mr. Cowie stated he will speak with Phil Brown, the Chief
4 Building Official for appropriate direction with compliance and verification issues and
bring it back to the council.

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

8 **Adjourn** –

10 COUNCILMEMBER HOYT MOVED TO ADJOURN THE MEETING AT 8:50
12 PM. COUNCILMEMBER POWELL SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

14 Approved – October 5, 2020

16
18

Kathryn Moosman, City Recorder

20
22

Jeff Acerson, Mayor

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 19th & November 2nd
- October newsletter assignment: Mike Vanchiere
- Vote by Mail Ballots will be mailed the week of October 12th
- City wide Fall Cleanup – November 13th – 22nd
- Secondary water turned off middle of October
- Misc. Items

Item 5 – Presentations and Announcements

- a) Comments / Announcements from Mayor and Council members.
- b) Presentation: Rob Smith, Alpine School District.
- c) Presentation: Central Corridor Transit Study Team will present the preferred BRT alignment to the City Council and explain the next steps in the process.
- d) State of the City Report, September 2020.

CENTRAL CORRIDOR TRANSIT STUDY

Executive Committee Meeting – September 24, 2020



Meeting Agenda

Agenda

- Transit Study Process and Schedule Refresher
- Point of the Mountain Transit Study Update
- Level 2 Evaluation Review
- Preferred Alternative Recommendation
- Next Steps
- Stakeholder Engagement Update

Meeting Purpose

- Recommendation to move forward with Preferred Alternative



Refresh – Transit Study Overview

- **Evaluate high-capacity transit improvements** from Lehi to Provo
- **Select a Preferred Alternative for transit** (alignment and mode) that can be moved into future phases of project development
- **Provide a transparent and collaborative process** between all project partners (Lehi, American Fork, Pleasant Grove, Lindon, Orem, Vineyard, Provo, Utah County, MAG, UTA, and UDOT)



Refresh – Central Corridor Transit Study Schedule



Refresh – Since Last Executive Meeting

➤ Last Executive Committee Meeting

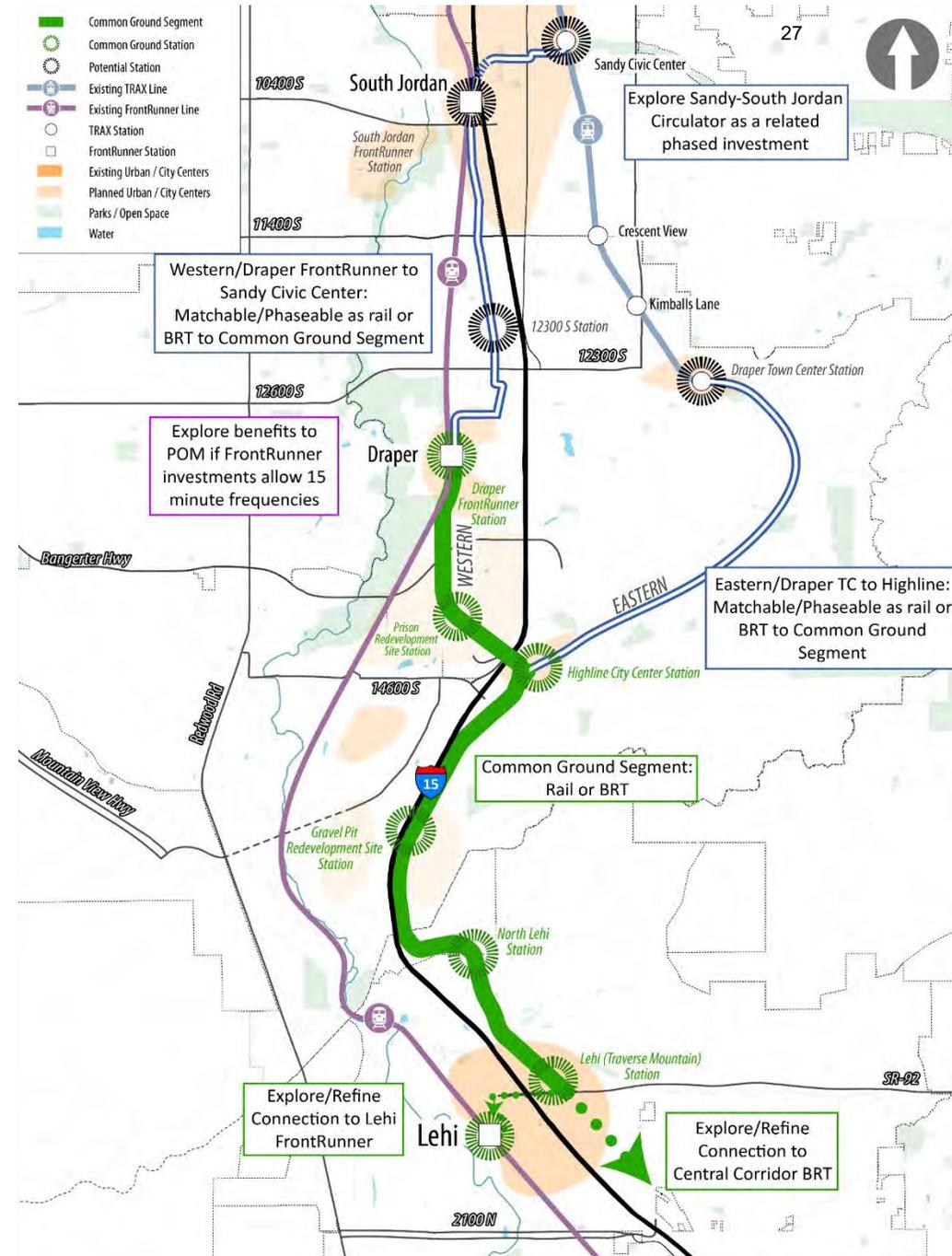
- Reviewed Level 1 screening results
- Refined corridor alternatives
- Introduced Level 2 screening criteria

➤ Work activity since last Executive Committee Meeting

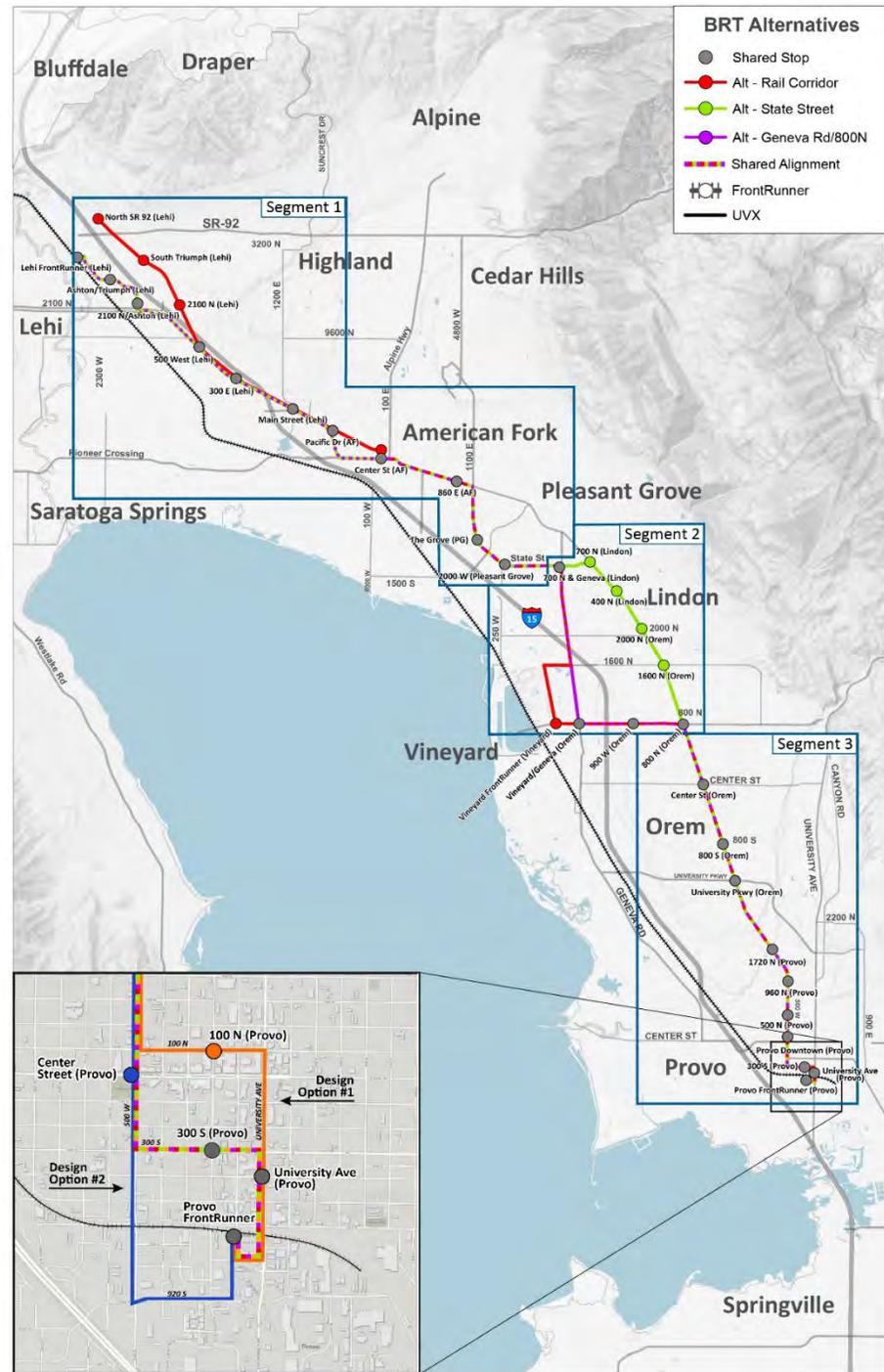
- Conducted Level 2 screening
- Refined alternatives and conducted additional analysis
- Held TAC meeting in July
- Continued public engagement activities
- Developed Preferred Alternative recommendation

Point of the Mountain Transit Update

- Development of the “Common Ground Segment”
 - “Common Ground” segment proposed as an initial project investment
 - Connects areas of high economic development to regional high-capacity transit
 - Rail or BRT investment
 - Other investments are possible as future phases
 - Additional coordination needed with agency partners
- Ongoing coordination with Central Corridor
- Anticipate Preferred Alternative by end of 2020



Level 2 Alternatives Evaluation Overview



➤ 3 BRT alternatives developed and evaluated

- Study area broken into three segments to understand differentiation between alternatives
- Level 2 screening to provide more detailed analysis of alternatives

STATION AREA EVALUATION MEASURE		ALTERNATIVE ALIGNMENTS		
Goal: Improve Transportation Mobility and Access with Anticipated Growth		RAIL CORRIDOR 5.7 Miles/5 Stations	STATE STREET 3.8 Miles/4 Stations	GENEVA ROAD/ 800 NORTH 4.5 Miles/4 Stations
Goal: Support Land Use and Economic Development Planning		●●● HIGH PERFORMANCE ●●● MED. PERFORMANCE ●●● LOW PERFORMANCE		
Development Potential		●●● HIGH PERFORMANCE ●●● MED. PERFORMANCE ●●● LOW PERFORMANCE		
Ridership	2019: 700 riders 2050: 1,550 riders 2050 SE data change: 1,600 riders	2019: 750 riders 2050: 1,650 riders 2050 SE data change: 1,650 riders	2019: 800 riders 2050: 1,350 riders 2050 SE data change: 1,400 riders	
Traffic/Freight Operations	Portions of alignment operate in mixed traffic to minimize impacts to left turning freight traffic. Heavy left turn volume movements at 800 N/State St.	Portions of center running median alignment restricts left turn movements.	Portions of alignment operate in mixed traffic to minimize impacts to left turning freight traffic. Heavy left turn volume movements at 800 N/State St.	
Transit Reliability	56% exclusive lanes	100% exclusive lanes	22% exclusive lanes	
Travel Time¹	13 signals 16-18 minutes	8 signals 12-13 minutes	11 signals 13-14 minutes	
Corridor Transit Trips	●●● 2019 ●●● 2050 2019 gain of 26% new riders 2050 gain of 4% new riders	●●● 2019 ●●● 2050 2019 gain of 31% new riders 2050 gain of 10% new riders	●●● 2019 ●●● 2050 2019 gain of 32% new riders 2050 gain of 5% new riders	
Capital Costs²	58% more than lowest level of investment	64% more than lowest level of investment	Lowest level of investment	
Operating Costs	Operating costs not calculated at segment level.			
State of Good Repair	State of good repair considerations not addressed at segment level.			
Constructability	Utility relocations may be required at 8 signals. Timing of transit investment with UVU campus development requires coordination. Major intersection rebuild at 800 N/State St. due to left turn movements.	Utility relocations may be required at 8 signals.	Utility relocations may be required at 3 signals. Major intersection rebuild at 800 N/State St. due to left turn movements.	
Environmental Risk	Moderate potential to impact parks, historic properties, wetlands, and biological resources.			
Potential Property Impacts	More property impacts due to roadway and intersection widening and station areas. Widening along 1600 N and 800 N/State St.	More property impacts due to roadway and intersection widening and station areas along State St.	Limited property impacts due to joint use configuration on Geneva Rd. Additional widening required at 800 N/State St.	
Air Quality Improvement	Not calculated at segment level.			

- **Preferred Alternative developed as a result of Level 2 technical analysis, agency, and public feedback**

Level 2 Alternatives Evaluation Overview

Level 2 Alternative Evaluation (June-July 2020)

Technical Advisory Committee Input (July 2020)

Agency One-on-One Meetings (August 2020)

Public Input (June - September 2020)

Proposed Preferred Alternative

Level 2 Alternatives Evaluation Overview

- **What did we hear at the July TAC Meeting?**
 - **Segment 1**
 - Support of Rail Corridor Alternative (operating BRT in the rail corridor)
 - Move the Pacific Drive to Main Street connection further west
 - **Segment 2**
 - Support for State Street Alternative from Lindon and Orem
 - Vineyard expressed preference for Rail Corridor Alternative but noted potential support for the State Street Alternative if connected to the State Street alignment with a similar transit solution (i.e. high-quality/BRT type service); however, it was noted that additional conversations were needed
 - **Segment 3**
 - Overall support for the alignment
 - Consider additional exclusive transit facilities in this Segment
 - Discussion about 500 West design option as a future option when roadway is widened and grade separation provided

➤ What did we hear at agency one-on-ones?

- General support for work to date
- Slight alignment and station locations modifications and additions provided
- Main north-south corridor with “branch” connection to Vineyard emerged as one project



Level 2 Alternatives Evaluation Overview

➤ What did we hear from the public?

- **State Street Alternative**

- Recognized as backbone of Utah County, best location to support businesses
Support for route along North County Boulevard
- Concern with the ability of State Street to accommodate transit, contributing to additional congestion, and widening of roadway

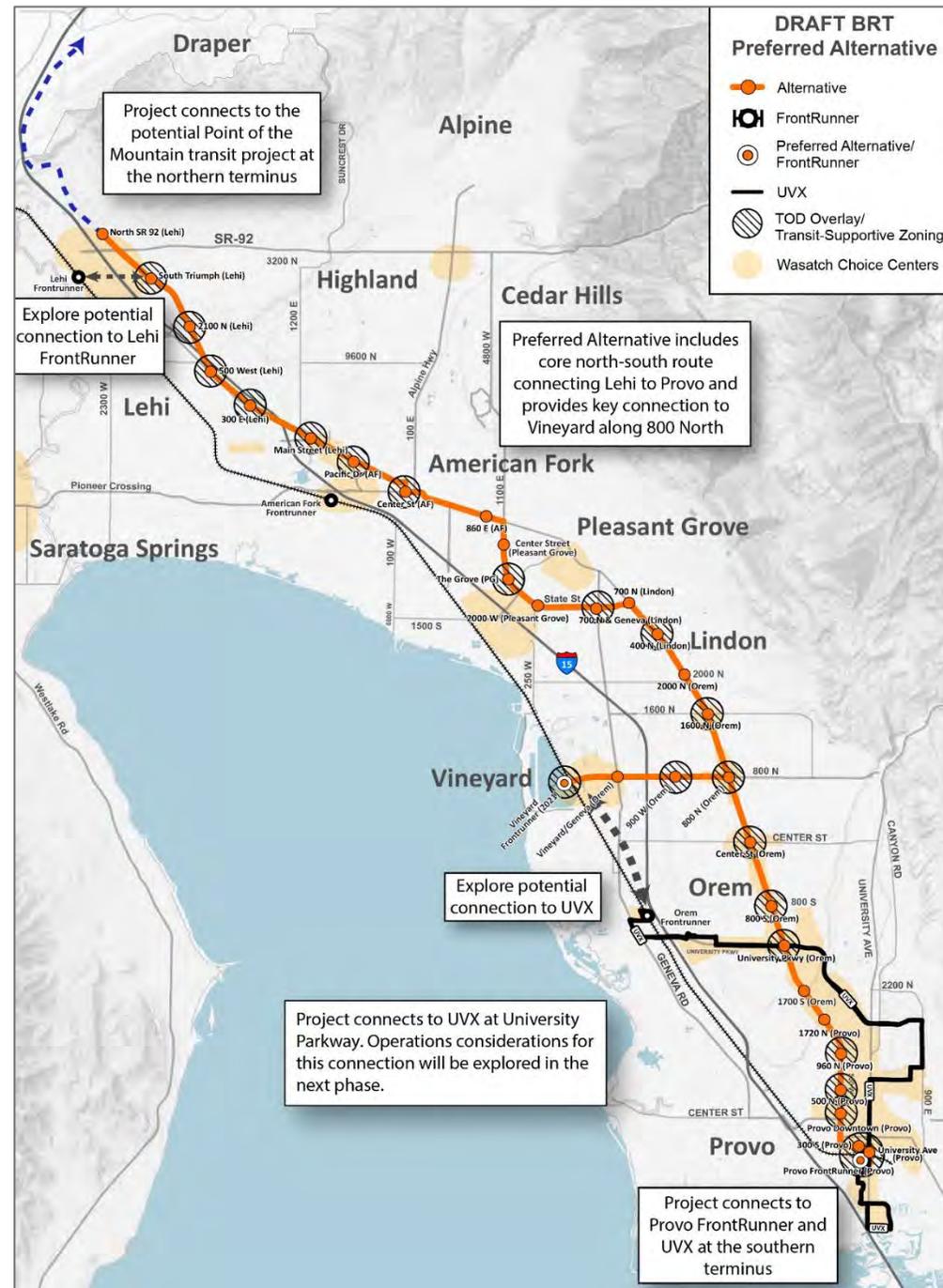
- **Rail Corridor Alternative**

- Attractive option in keeping transit out of the roadway and lessen congestion
Interest in connecting to the new development in Vineyard and future UVU campus

- **Geneva Road Alternative**

- Less support
- Fewer destinations along route and industrial land uses make it less appealing
Other feedback
- Ensure adequate east-west transit connectivity with route, with connections to FrontRunner noted (Lehi, American Fork, Vineyard, and Orem)
- State Street alternative with “spur” to Vineyard was suggested by several commenters
- Overall concern over delay to vehicular traffic and pedestrian safety with street-running transit
- Several comments were made in opposition to transit in general

Preferred Alternative Recommendation



➤ Preferred Alternative

- **Mode: BRT**
- **Segment 1:** Rail Corridor alternative
- **Segment 2:** State Street Alternative
- **Segment 2:** Vineyard “branch” connection from Vineyard FrontRunner to State Street along 800 N
- **Segment 3:** Shared alignment

➤ Recommend to move forward as one project to maximize likelihood for funding and stakeholder consensus

Preferred Alternative Recommendation



Key Features

- Creates a robust north-south high-capacity transit spine with connections to key developing areas
- Connects to key TOD opportunities
- Provides connections to regional transit system – FrontRunner, UVX, potential Point of the Mountain
- Serves all communities in the study area
- Preliminary modeling indicates that this alternative maximizes ridership potential compared to other alternatives on their own

➤ Segment 1 Recommendation Considerations

Rail Corridor:

- Ridership performance
- Connection to Point of the Mountain Transit
- Serves identified TOD areas and enhanced station area performance for Rail Corridor stations
- Exclusivity offered by rail corridor and minimized impacts to freight on northern end

Preferred
Alternative
Recommendation



Preferred Alternative Recommendation

➤ Segment 2 Recommendation Considerations

State Street:

- Directness of route and reduced travel times
- Serves existing development areas that have robust plans for growth
- Preserves Geneva Road/freight rail corridor for future light rail transit (LRT) as envisioned in MAG RTP
- Shows slight increase in ridership and double the number of new transit trips compared to other alternatives



Preferred Alternative Recommendation

➤ Segment 2 Recommendation Considerations

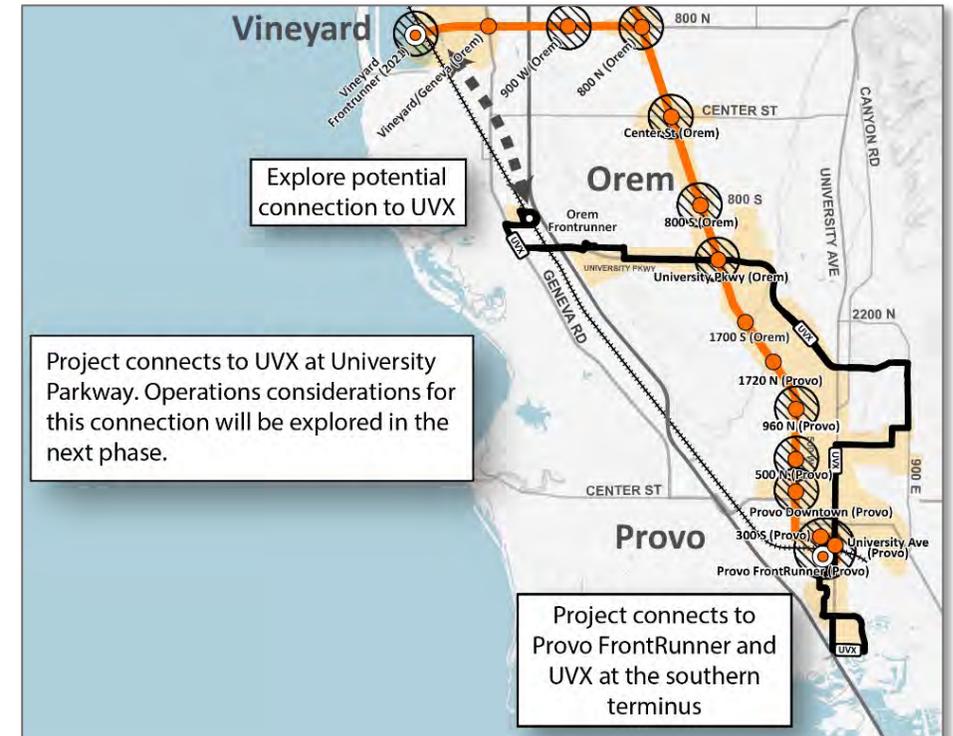
- **Vineyard Branch:**
- This branch builds stronger ridership on main north-south spine compared to other alternatives analyzed
- Robust TOD is envisioned in Vineyard Town Center – provides direct connection and access to development (in further coordination with UTA)
- This branch may help competitiveness in FTA Capital Improvement Grant process by improving ridership and land use ratings



Preferred Alternative Recommendation

➤ Segment 3 Recommendation Considerations

- Same alignment for all three alternatives
- Additional refinements will be explored around joint vs. exclusive use of roadway facilities and the use of 500 W as a design option



Preferred
Alternative
Recommendation

➤ **Feedback from Executive Committee**

Study Next Steps

- With Executive Committee recommendation, additional refinement and analysis to include (September-November):
 - Engineering refinements
 - Ridership optimization, including connection to PoM
 - Transit integration planning (Vineyard branch, UVX station connections, FrontRunner stations)
 - Funding strategies
 - Operations planning
 - Phasing and implementation strategies
 - High-level examination of equity and access to opportunity
 - High-level recommendations to local jurisdictions on transit supportive land use policies/zoning changes and access and mobility considerations
 - Virtual Public Open House (October 20th *tentative*)

- Final TAC/Executive Committee Meeting
 - November – project wrap up

LINDON

State of the City Report September 2020

Lindon City: Economic Optimism

The 2020 year has been a challenge for many cities. Lindon City is fortunate that it continues to see positive sales tax revenues from its commercial base and new development that is occurring in its residential, industrial and office sectors. Through a commitment to prudent financial responsibility, planning for an improved quality of life for its residents, and efforts to create lasting economic development, Lindon City is on a trajectory of success in spite of 2020's challenges.

This document is intended to be a brief overview of various public services and activities provided by Lindon City. It will highlight Lindon's past achievements, aspects of the current Fiscal Year (FY) 2021 budget (July 1, 2020 – June 30, 2021), examine crucial taxes & fees collected by the City and provide insight into some of Lindon's future challenges.

Lindon's Past Year at a Glance (FY2020):

Lindon City is a full-service municipality covering about 8.5 square miles and serves a population estimated at 11,440 people. The City provides a wide scope of urban services and amenities that are on par with services and amenities provided by much larger neighboring cities.

SERVICES, MAINTENANCE RESPONSIBILITIES, & PERFORMANCE STATS (JULY 1, 2019 - JUNE 30, 2020)

Public Works <ul style="list-style-type: none"> • 88 miles of water lines • 83 miles of sewer lines • 51.6 miles of secondary water lines • 49 miles storm drain lines • 13 miles open ditches • 840 fire hydrants • 37 cemetery interments 	Streets <ul style="list-style-type: none"> • 56 miles of streets maintained • Operates 6 snow plows • 18 tons of asphalt used to fill potholes • 923 street signs maintained • 350 street lights 	Utilities <ul style="list-style-type: none"> • 3,534 culinary connections • 2,678 secondary water connections • ~1.1 billion gallons secondary water delivered • ~458 million gallons culinary water delivered
Parks & Recreation <ul style="list-style-type: none"> • Operates a Senior & Community Center • 55 acres of parks • 6.5 miles of trails • 56,603 visitors to Aquatics Center (2019 season) • 9,908 individual program participants (2019) 	Development <ul style="list-style-type: none"> • 359 bldg permits issued • \$48,661,272 = value of building projects • 58 land use applications processed • 10 new commercial / industrial developments • 860 business licenses 	Public Safety <ul style="list-style-type: none"> • 15 full-time police officers <ul style="list-style-type: none"> ◦ 6,029 service calls ◦ 2,324 traffic stops • 15 full-time fire & EMS (contracted through Orem) <ul style="list-style-type: none"> ◦ 608 fire & EMS service calls from Lindon Station to Lindon City location
Employees <ul style="list-style-type: none"> • 52 full-time • 34 permanent part-time (includes elected & appointed officials) • 163 temp/seasonal • Millions put into economy through paid employees 	Justice Court <p>Processed:</p> <ul style="list-style-type: none"> • 263 criminal cases • 22 small claims cases • 2,886 traffic cases 	Finance <ul style="list-style-type: none"> • \$2.32M ending General Fund balance (savings) • One-time surpluses prioritized to pay down debt • GFOA Budget Award

FY2020 Accomplishments & Achievements

- Held over 40 public meetings and open houses
- Updated Parks, Trails & Recreation Master Plan
- New City Center Park playground; Refurbished Sr. Center
- Extra payments made to pay down debts faster
- 2019-20 Grants Awarded & Donations Received:
 - \$157,143 – LWC grant for Creekside Park upgrade
 - \$23,993 – Various grants for Police Dept
 - \$50,000 – 700 North Planning Assistance grant
 - \$5,475 – Recreation grant for parks equipment
 - \$6,000 – Emergency Manager Assistance grant
 - \$5,500 - Senior Center facility upgrades
 - \$5,170 – Donations: 2019 Thanksgiving Dinner
- \$8,288,102 in awarded grants and donations since 2005



NEW CITY CENTER PARK PLAYGROUND

Lindon City Recognitions

- 2020: Suburbs with Best Public Schools in Utah (19th of 74), *Niche*
- 2019: Best Suburb in Utah to Raise a Family (17th of 74), *Niche*
- 2017: Safest Cities in the State of Utah (6th), *LendEDU*
- 2016 & 2013: Business Friendly City Award, *State of Utah Governor's Office*
- 2013, 2011, 2009: "100 Best Small Cities to Live In America", *CNN Money Magazine*

Regional Recognitions (Provo-Orem Metro Area):

- 2020: Best-Performing Cities (2nd), *Milken Institute*
- 2019: Most Educated Cities in America (10th), *WalletHub.com*
- 2019: Happiest State in the United States (2nd), *WalletHub.com*
- 2017: Best Cities for Small Businesses (17th), *ValuePenguin*

FY2021 Budget – Saving for the Future & Paying Down Debt

Lindon City has committed to build its General Fund balance (savings/reserves) as close as possible to the maximum allowed by the State in order to help avoid tax & fee increases during



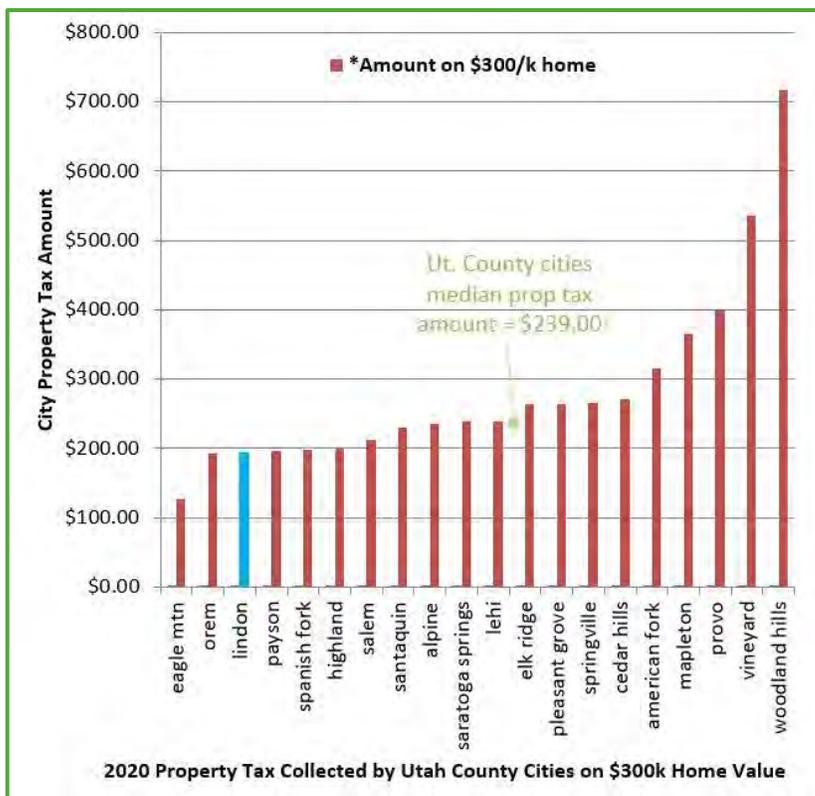
economic downturns. The City is projecting it will end its current budget year (June 30, 2021) with about 22.62% of revenues, or \$1.97 million, saved in its General Fund balance (State allows max of 25%). This projection was made early in the Covid-19 economic crisis but current indications show better-than-expected revenues and increased General Fund savings. The City has prioritized using one-time revenue surpluses to pay down debt on the Public Safety Building ten years ahead of schedule thus saving hundreds of thousands in interest.

Reports comparing city expenditures sometimes cite Lindon's high spending per capita: Lindon has a large budget compared to its smaller population. However, these reports are poor comparisons of true city-to-city cost burdens on tax payers and ignore varying service levels between cities. They also fail to recognize the fortunate position Lindon enjoys by having a small population which benefits from a large commercial & industrial sales tax base. Lindon's citizens and businesses enjoy below average property taxes, average fees, and excellent city services and amenities. Lindon's prosperous position enables it to meet demand for increased services and amenities without the need to significantly increase property taxes and fees.

Property Taxes

Unrealized by many tax payers is that Lindon City receives only a portion of property taxes. The majority of local property taxes goes to Alpine School District (73%), followed by Lindon City (13.5%), Utah County (9.1%), and Central Utah Water Conservancy District (4.4%). The chart to the right compares the CITY PORTION of residential property taxes collected by Utah County cities.

In 2020 Lindon will receive about \$194 in property taxes from a residential property valued at \$300,000. For \$194 the land owner essentially purchased their access to one-year of full-time police/fire & EMS coverage, parks & trails, snow plowing, fixing of potholes, street signs, street lights, resurfaced roadways, a Senior Center, city fair & cultural events, a Community Center, library card reimbursements, discounted 'resident rates' for facility rentals & programs, etc. *What a deal!* Lindon is fortunate to have a large sales tax base and healthy franchise tax base that helps supplement these general fund services so that property taxes can stay relatively low. In nearly 30 years Lindon has only increased its property taxes once (in 2009).



Lindon is fortunate to have a large sales tax base and healthy franchise tax base that helps supplement these general fund services so that property taxes can stay relatively low. In nearly 30 years Lindon has only increased its property taxes once (in 2009).



Utility Rates

Lindon City provides sewer, storm water, water (including secondary water) and waste collection services. These services are sustained by user fees paid through your utility bill. Small increases are planned each year to help cover aging infrastructure replacement costs and keep up with inflation. Comparing utility rates between cities is like comparing apples to oranges; every city has different infrastructure costs that their utility rates are based upon. However, it is helpful to know that Lindon's residential monthly utility rates are near average compared to these 14 other Utah cities.

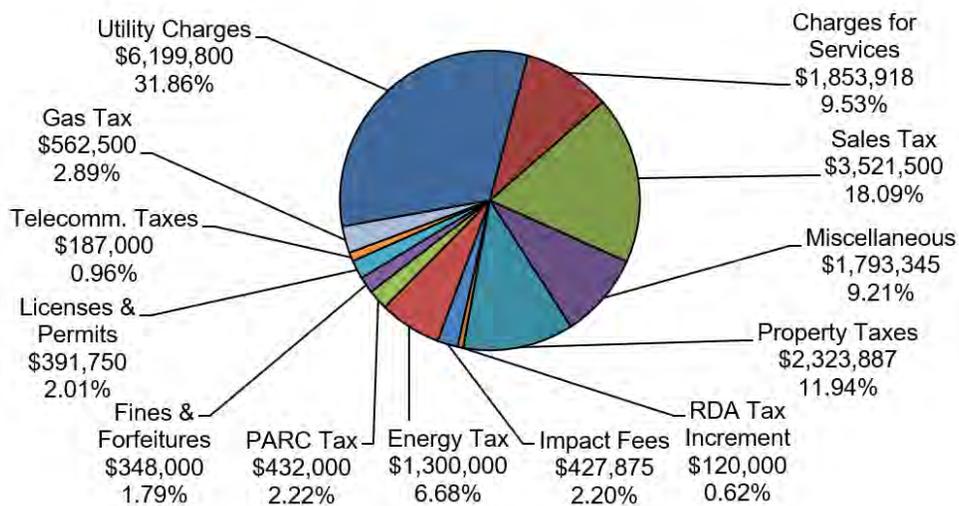
Data from Orem City FY2020-21 Budget: based on 28,000 gallons of water used per month; 9,000 gallons of sewer per month. Lindon water zone rates averaged.

FY2021 Budget – Revenues vs. Expenditures

Each year Lindon City reviews and adopts a new budget through a series of committee meetings, recommendations from City department managers, and input from the public at City Council meetings. Below are charts showing projected city revenues and expenditures for the current fiscal year (FY2021). The largest portions of revenue come from Utility Charges, Sales Taxes, Property Taxes, Charges for Services, Miscellaneous Income (grants, leases, etc.), and other taxes and fees.

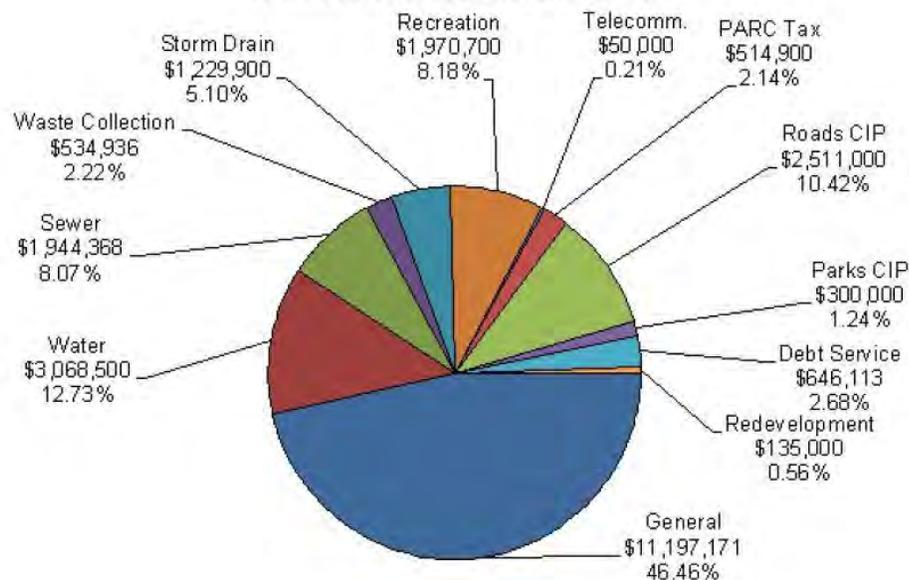
Where the Money Comes From

Total City Revenues = \$19,461,575
 Net of fund balances and transfers



Citywide Expenditures by Fund

Total Expenditures = \$24,102,588
 Total Includes Fund Balances and Transfers

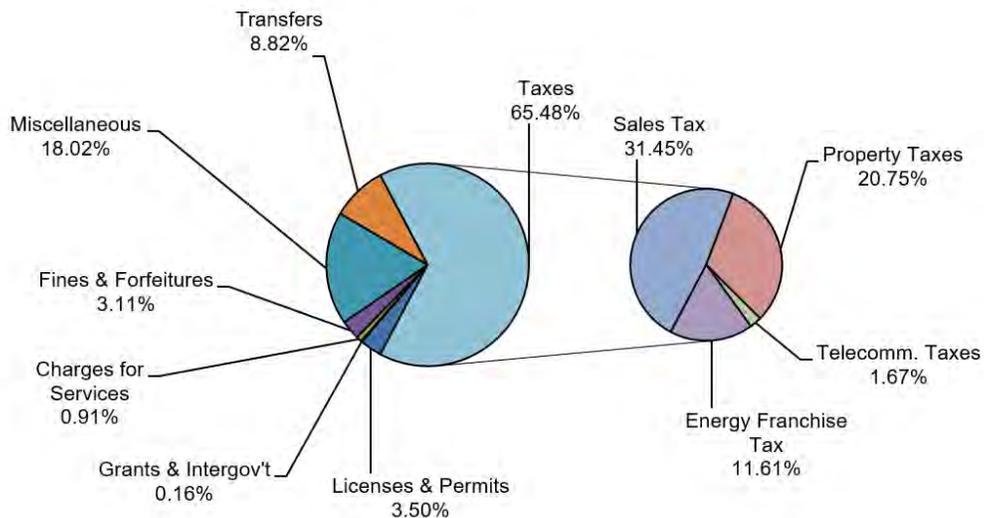


General Fund

The General Fund is the primary operating fund for most government activities and is the fund that elected officials have the most discretion in how revenues are spent. The General Fund supports services such as police, fire & EMS, streets, parks, city planning, building inspection, administration & finance, facility & grounds maintenance, etc. The General Fund does not include the utility, RDA, recreation, or PARC tax funds. The charts below show the breakdown of revenue sources and expenditures by department for the FY2021 General Fund.

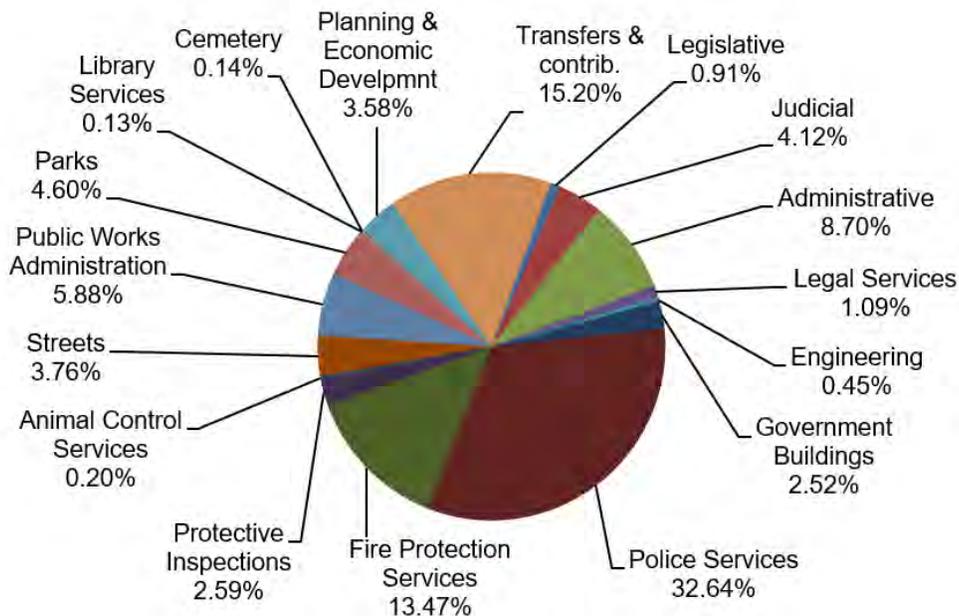
GENERAL FUND REVENUES

Total = \$11,197,171



GENERAL FUND EXPENDITURES BY DEPARTMENT

Total Expenditures = \$11,197,171



What are the primary taxes that the City collects?

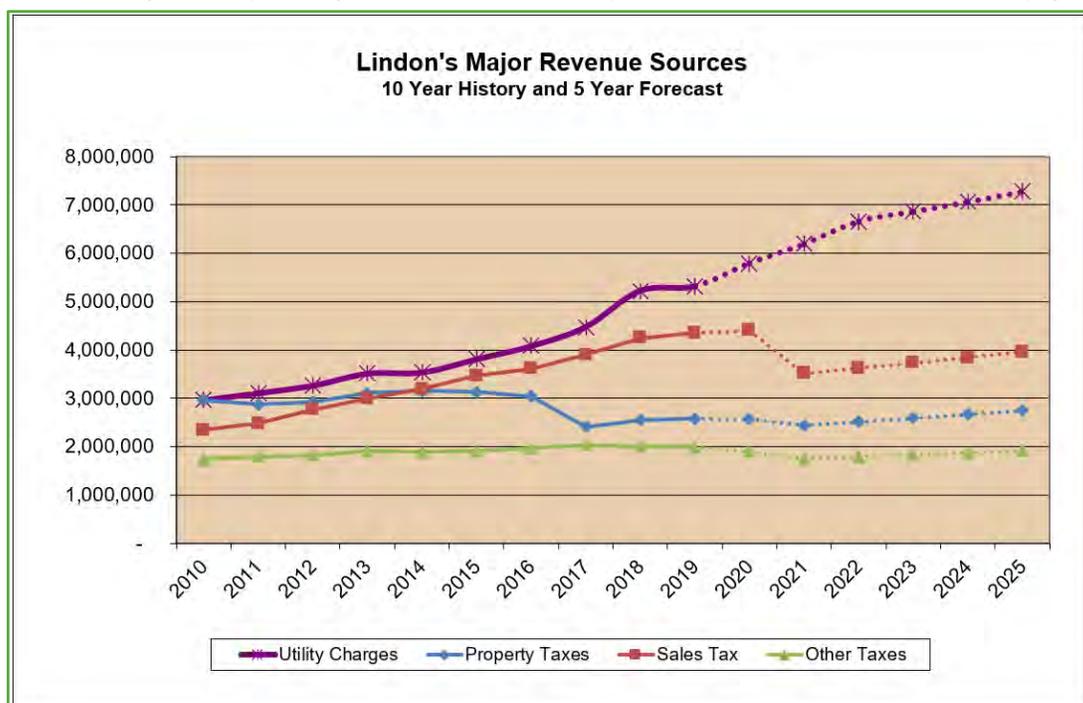
Sales Tax: Of all the taxes, Lindon City receives the most revenue from sales tax and forecasts receiving about \$3.52 million in sales taxes this fiscal year. The combined sales tax rate in Lindon is 7.25%. The rate is a combination of various sales tax assessments with the majority of the tax going to the State of Utah (4.85%) and the remaining going to the City (1%), Utah Transit Authority (0.55%), Utah County/Transportation Infrastructure (0.75%), and Lindon's PARC tax (0.1%). The State of Utah collects all of the sales tax and requires cities to share half of their collected sales tax which is then pooled and re-distributed back to every city based on population. Since Lindon has a smaller population the City retains a little more than half of the sales taxes it generates. Therefore, the City's *functioning* sales tax rate is about 0.65%.

Property Tax: Property taxes are assessed at rates set by the taxing entity (School District, City, County, Special Service Districts) and collected by Utah County. The County sends assessors to all properties to be appraised then a tax bill is created based on those appraisals. Homes used as a primary residence are taxed at 55% of the assessed value, while secondary homes and non-residential properties (commercial, industrial) are taxed at 100% of the assessed value. Lindon's largest property tax payers are commercial, office, and industrial properties. Lindon anticipates receiving about \$2.32 million in property tax revenues this fiscal year.

Franchise Tax: The City charges utility franchise taxes (fees) on energy, cable, and telecommunication activities within the City. Most private utility service companies use Lindon's streets and right-of-ways to install their infrastructure and do business. Cities commonly assess fees for the use of these public corridors. Lindon's franchise tax rates match that of most other Utah cities. Lindon anticipates receiving about \$1.48 million in franchise taxes this fiscal year.

Revenue Projections

The chart below shows a ten year history and five year forecast for Lindon's major revenue sources consisting of utility charges, sales tax, property tax, and other taxes. As the City grows



Lindon anticipates increased sales tax, increased utility charge collections (as new homes and businesses develop), and gradual increases in property valuations. With the ever improving economy and an optimistic outlook for new business growth along our 700 North corridor, Lindon's projection for future revenues is very positive.

Note that the drop in property taxes received during FY2016 - FY2018 (blue line) is due to special tax disbursements expiring in Lindon's **Redevelopment Areas (RDA)**. Lindon's expired RDA's no longer receive a higher proportion of the property taxes for those RDA project areas, thus the decrease in total property tax revenues.

Future Challenges

While the outlook for Lindon in this growing economy is very positive the City still has its share of current and future challenges.

Road Funding: Many cities are facing shortages in available funds for maintenance, repair, and replacement of roadway infrastructure. Lindon forecasts annually receiving about \$562,000 from State gas taxes and transportation funds based on state-wide fuel sales and number of road miles maintained in the City.

While this sounds like a lot of money the cost of road construction does not allow it to stretch very far. Lindon recently reconstructed 1/2 mile of roadway at a cost of about \$220k. With nearly 55 miles of Lindon streets the gas tax and state funding just isn't enough to keep roads throughout the entire city in good condition. Lindon engineers estimate it will take more than \$1.2 million per year to keep 70% of Lindon's roadways in good to fair condition. That means that, *if* the City is able to budget over a million dollars per year in road maintenance funding, 30% of our roads will remain in poor or failed condition without more funding.



The City Council is carefully watching State initiatives and legislation that may increase road funding. They have also researched transportation utility fees as a possible funding option and are studying other municipalities that have implemented these types of fees. Sustainable and consistent road maintenance funding is Lindon's biggest financial challenge.



Aging Utility Infrastructure: Much of the City's water, secondary water, sewer, and storm water utilities were installed several decades ago. As these utilities age they will eventually fail and need to be repaired and/or replaced. The City's utility rates have historically been set at adequate levels to provide and maintain the services but, for many years, the rates were not sufficient to replace large amounts of aging infrastructure. Over several years the City has initiated small increases to utility rates for replacement of infrastructure and to keep up with inflationary costs.

Managing Growth: New development and growth brings jobs, housing, and shopping – and with that growth comes increased traffic and demand for city services. Lindon's 700 North corridor (North County Blvd) and the I-15 Lindon/PG interchange are ripe for development. The City has made efforts to plan appropriate types of land uses along the corridor and is carefully

planning growth through creation of an Area Master Plan for 700 North. A special revenue area has been created along the corridor to help fund utility improvements with increased property tax revenues as new development occurs. The City and UDOT are also planning for future interchange improvements, widening, traffic signal and transit improvements in the area.

Lindon's elected officials and staff are constantly seeking funding for transportation projects and are well aware of the need for future traffic and transit improvements in Lindon. Lindon's City Engineer and Planning Director were successful in obtaining \$706,000 in transportation grant funding to help improve the 200 S. Geneva Road intersection & traffic signal. The location has seen a substantial increase in traffic congestion primarily due to business growth in Lindon's industrial areas. This funding is available in FY2021-22.



Lindon's Building Inspectors and Public Works Divisions work diligently to keep up with demands from new building construction. Since the Great Recession the city has annually seen tens-of-



millions in value added to the community from new buildings and developments. Maintaining a high level of service in community development services and Public Works is a priority for the City. In 2020 the City filled several Public Works positions to assist with increasing demands on our utility systems. We thank our planners, inspectors, engineers and utility maintenance employees who are keeping up with an increasingly demanding work load.

Get Involved!

Citizens can get involved in the budget process by attending annual public budget hearings and budget discussions with the City Council. The City makes the proposed budget for the upcoming fiscal year available to citizens in late April or early May. From May to June the City Council holds meetings on the budget where citizens can come express their views and ask questions about the budget. Questions and comments at other times are always welcome.

Finalized budget, tax information, fee schedules, and associated documents are available for download through the city website at www.lindoncity.org.

Lindon City, 100 North State Street, Lindon, Utah 84042 (801)785-5043 www.lindoncity.org



www.facebook.com/lindoncity



www.instagram.com/lindon_city

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.

There are no consent agenda items for approval.

8. **Review & Action — Major Subdivision; Country Garden Estates – approximately 75 North 500 East.** Wayne Ercanbrack requests Major Subdivision approval for an eight-lot single family home subdivision in the Residential R1-20 zone. The planning commission recommended approval to the city council. *(15 minutes)*

Sample Motion: I move to (approve, deny, continue) the Country Garden Estates Major Subdivision for an eight-lot single family development in the R1-20 residential zone (as presented, or with changes).

Country Garden Estates Major Subdivision Approval Approximately 75 N. 500 E.

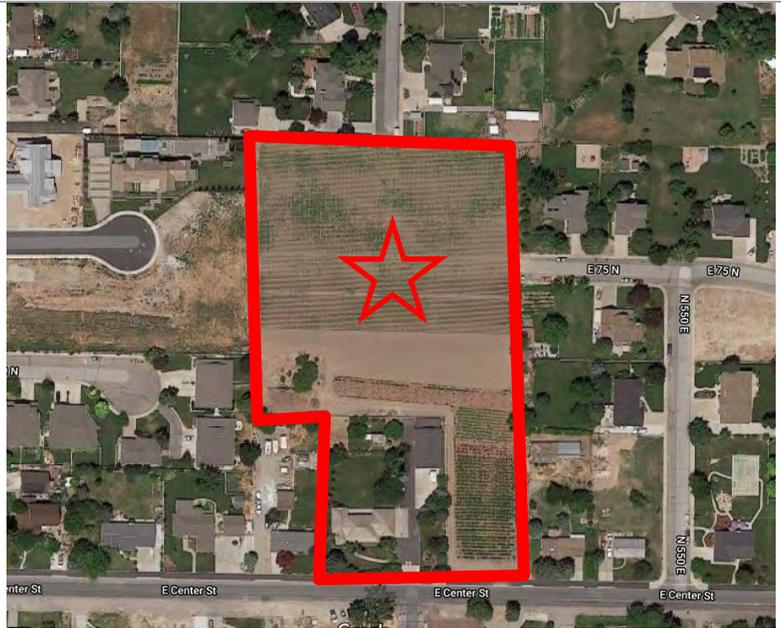
Date: October 5, 2020

Applicant: Wayne Ercanbrack
Presenting Staff: Michael
Florence

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

Property Owner: Wayne
Ercanbrack
Parcel ID's: 14:073:0207

Type of Decision: Administrative
Council Action Required: Yes



SUMMARY OF KEY ISSUES

1. Mr. Ercanbrack is seeking preliminary major subdivision approval for an 8-lot single family home development;
2. The planning commission unanimous recommended approval.

OVERVIEW

1. The proposed 8-lot subdivision meets the minimum lot size and infrastructure requirements for the R1-20 zone;
2. The development will be connecting 75 N. and 500 E.
3. The road alignment follows the Lindon City Street Master Plan map.
4. Public utilities are already in the ground where the new road alignment/connection is proposed.
5. The subdivision will include one existing home which is owned by Mr. Ercanbrack.

MOTION

I move to recommend (approval, denial, or continue) **of the applicant's request for preliminary approval** of the Country Garden Estates plat 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. The plat with lot layouts is approved as provided in the staff report;
3. 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 signature of all entities indicated on the attached subdivision plat;
4. Complete (or post an adequate improvement completion assurance), warrant and post required warranty assurance for all required public infrastructure improvements;
5. The plans and plat will meet and be constructed as per applicable specifications as found in the Lindon City Development Manual;
6. Prior to final development approval the applicant shall place permanent survey monuments in the subdivision;
7. 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: Residential R1-20 – Single Family

Lot Requirements – Residential (R1-20) Zone

Required	Compliant
Minimum lot size: 20,000 square feet	Lots range in size from 20,000 square feet to 42,784 square feet

Subdivision Requirements

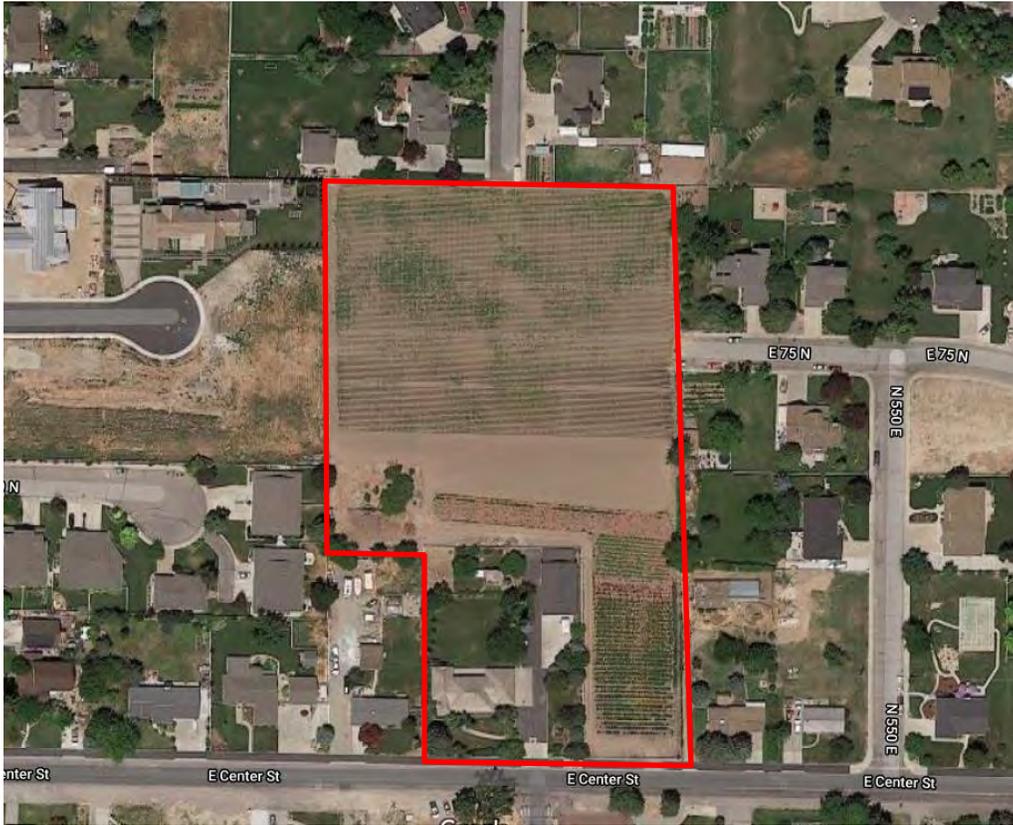
Required	Complaint
No single lot shall be divided by municipal or county boundary lines, roads, alleys, or other lots.	Yes
All residential lots shall front on a public street	Yes
Side lot lines shall be at right angles or radial to street lines.	No. All lots in this subdivision are not at right angles. The planning commission and city council must approve any variation in the lot lines
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%	1.50%
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, a Granville street light will be placed on Lot 8

Engineering Requirements

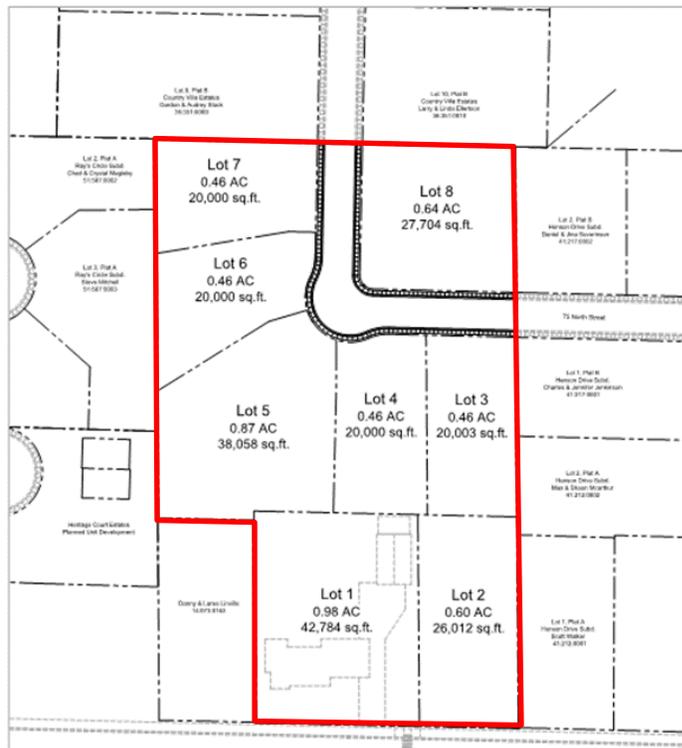
The City Engineer is working through technical issues related to the plat and civil engineering plans and will ensure all engineering related issues are resolved before final approval is granted.

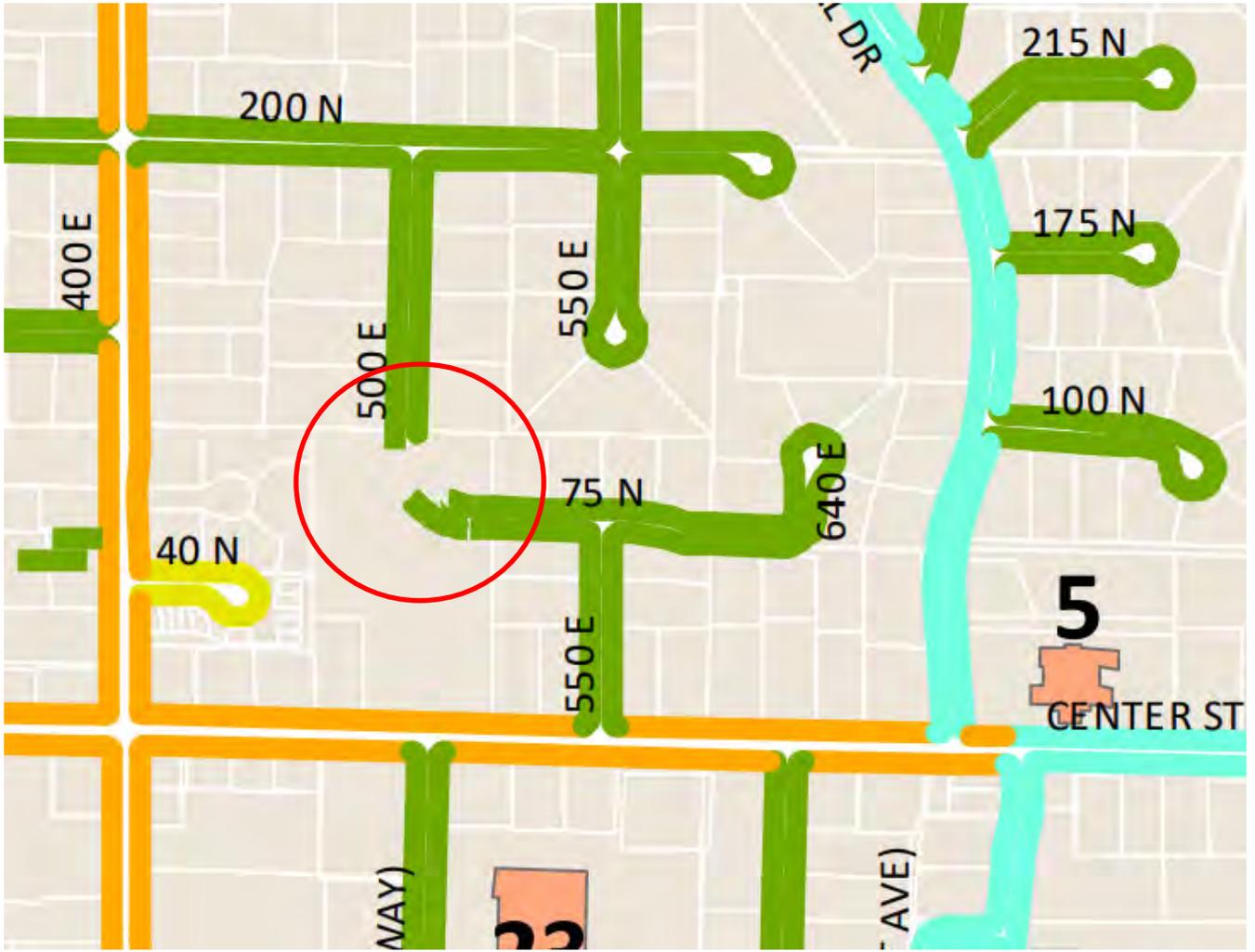
EXHIBITS

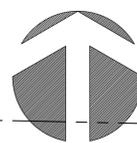
1. Aerial photo
2. Vicinity map
3. Lindon City Street Master Plan Map section
4. Plat



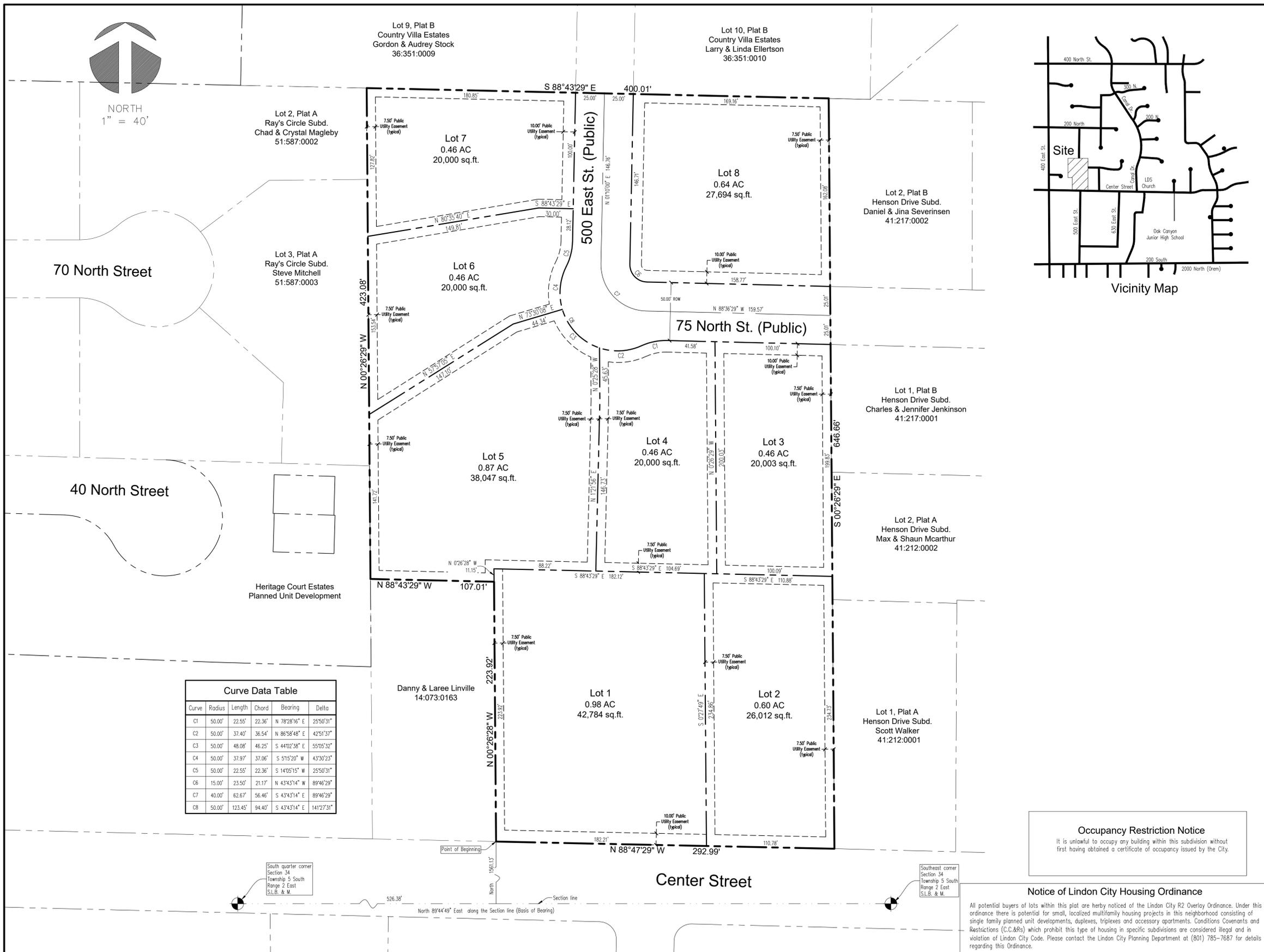
Country Garden Estates



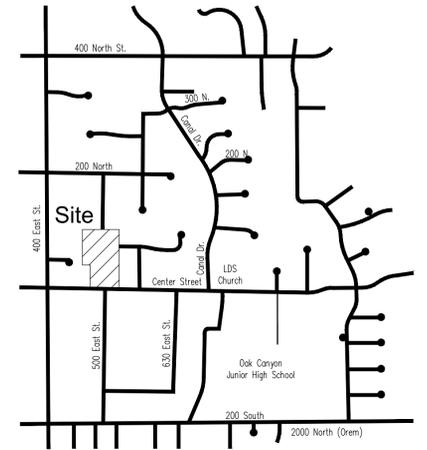




NORTH
1" = 40'



Curve Data Table					
Curve	Radius	Length	Chord	Bearing	Delta
C1	50.00'	22.55'	22.36'	N 78°28'16" E	25°50'31"
C2	50.00'	37.40'	36.54'	N 86°58'48" E	42°51'33"
C3	50.00'	48.08'	46.25'	S 44°02'38" E	55°05'32"
C4	50.00'	37.97'	37.06'	S 51°52'07" W	43°30'23"
C5	50.00'	22.55'	22.36'	S 14°05'15" W	25°50'31"
C6	15.00'	23.50'	21.17'	N 43°43'14" W	89°46'29"
C7	40.00'	62.67'	56.46'	S 43°43'14" E	89°46'29"
C8	50.00'	123.45'	94.40'	S 43°43'14" E	141°27'31"



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 COUNTRY GARDEN ESTATES 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 North 89°44'49" East along the Section line 526.38 feet and North 1561.13 feet from the South quarter corner of Section 34, Township 5 South, Range 2 East Salt Lake Base and Meridian; thence North 00°26'29" West 223.92 feet; thence North 88°43'29" West 107.01 feet to the Easterly boundary of Heritage Court Estates, Planned Unit Development; thence North 00°26'29" West partially along Heritage Court Estates, Planned Unit Development and Ray's Circle Subdivision 423.08 feet to the Southerly boundary of Plat "B", Country Villa Estates Subdivision; thence South 88°43'29" East along Plat "B", Country Villa Estates Subdivision 400.01 feet to the Westerly boundary line of Plat "B", Henson Drive Subdivision, thence South 00°26'29" East along said Plat "B", Henson Drive Subdivision 646.66 feet to the northerly boundary line of Center Street; thence North 88°47'29" West along Center Street 292.99 feet to the point of beginning.

Area = 234,689 sq.ft. or 5.387 Acres
Total number of Lots = 8
Basis of Bearing is North 89°44'49" East along the Section line from the South quarter corner to the Southeast corner of Section 34.

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 COUNTRY GARDEN ESTATES SUBDIVISION, Owner hereby consents to the concurrent recordation 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 hereon, 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 _____

Conditions of Approval

Plat "A"

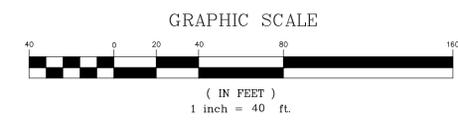
Country Garden Estates

Lindon City, Utah County, Utah
Scale: 1" = 40 Feet

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.

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



SURVEYOR'S SEAL	NOTARY PUBLIC SEAL	CITY ENGINEER SEAL	CLERK-RECORDER SEAL	COUNTY RECORDER
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- 9. Public Hearing — R2 Overlay and Accessory Apartment Ordinance Amendment – Lindon City.** The Planning Commission recommends approval to the City Council to amend Lindon City Code Title 17.46 pertaining to the R2 Overlay and Accessory Apartments. *(20 minutes)*

Sample Motion: I move to (approve, deny, continue) Ordinance #2020-14-O the R2 Overlay and Accessory Apartment Ordinance Amendment to Lindon City Code (as presented, or with changes).

Ordinance Amendment – R2 Overlay and Accessory Apartment Ordinance

Date: October 5, 2020

Applicant: Lindon City

Presenting Staff: Michael Florence

Type of Decision: Legislative

Council Action Required: Yes, the planning commission unanimously recommended approval.

Motion

I move to recommend (*approval, denial, to continue*) (of) ordinance amendment 2020-14-O (*as presented, or with changes*).

Overview:

At a joint planning commission and city council meeting on August 11, 2020 staff presented proposed changes to the R2 Overlay and accessory apartment ordinance.

Under the current ordinance, an accessory apartment is identified under the R2 Overlay Zone. City staff are proposing to divide the ordinance into two sections which will be the R2 Overlay and the Accessory Apartment sections.

Under the R2 Overlay zone, the city is divided into 18 districts. Each district, is allowed a specific number of R2 units depending on acreage and calculation per district. See attached map. The R2 Overlay Zone also counts accessory apartments towards the overall total unit count for each district. However, the number of accessory apartments can exceed the district unit count with no limits to the number of accessory apartments. Currently, all but five districts are full and don't allow additional R2 Overlay developments. For the most part, the districts are full due to the number of accessory apartments rather than R2 Overlay developments.

District	Total Acres	Max # of Units	Approved Units	# of Units that are not Accessory Apartments	Estimate of number of available lots in each district
1	123	29	48	2	3
2	245	59	70	0	3
3	151	36	20	0	5
4	114	27	44	26	2
5	160	38	41	13	6
6	64	15	38	2	0
7	75	18	29	11	0
8	84	20	12	2	1
9	65	15	22	2	1
10	99	23	14	4	4
11	165	39	84	54	5
12	68	16	34	10	1
13	109	26	42	10	2
14	70	16	33	11	1
15	196	47	67	10	3
16	176	43	42	28	3
17	265	63	4	8	3
18	55	13	54	54	0
Totals		543	698	247	43

Proposed R2 Overlay Changes

- Under sections 17.46.010 and 17.46.050 the ordinance calls out R2 Overlay projects as conditional use. Staff is proposing to change 17.46.030 from permitted to conditional to be consistent with other sections of this code.
- Staff and the Planning Commission propose removing section 17.46.010 which states “*Neighborhood organizations, home owners associations, and/or private citizens shall not be permitted to restrict the placement and construction of R2 Overlay projects in specific neighborhoods and subdivisions through the use and implementation of Conditions, Covenants, and Restrictions and/or other types of restrictive legal documents. Such practices undermine Lindon City’s ability to provide for the housing needs of its citizens and prohibit attainment of established zoning requirements and General Plan Goals.*” The purpose in removing this section is that the City feels that CC&R’s are the governing documents of some neighborhoods and their HOA organizations which can be stricter than city codes. The commission felt that there could be some legal issues with the City trying to override CC&R’s and their HOA organizations.
- Staff is proposing to remove accessory apartments from the overall district calculation since there is no limit and accessory apartments can exceed the district limit.
- Staff is proposing to change how the number of units are calculated for each district. Staff evaluated the number of R2 Overlay developments in each district, the 750’ required buffer between R2 Overlay units, and available parcels. The proposal is to set a number of allowed R2 Overlay unit per district. There are a few districts that staff are proposing to remain closed due to the number of existing R2 Overlay developments. The proposed amendment would now allow 11 of the 18 district to be open to additional units in the R2 Overlay.

The way the below calculations works, for example, is District 1 currently has two units and the City would allow two additional units for a total of 4 in that district. Staff will continue to track new developments and update the R2 Overlay map as districts fill up.

District 1: 4 (+2)	District 7: 11 (+0)	District 13: 12 (+2)
District 2: 24 (+2)	District 8: 4 (+2)	District 14: 13 (+2)
District 3: 2 (+2)	District 9: 4 (+2)	District 15: 17 (+2)
District 4: 26 (+0)	District 10: 6 (+2)	District 16: 30 (+2)
District 5: 15 (+2)	District 11: 54 (+0)	District 17: 4 (+0)
District 6: 2 (+0)	District 12: 10 (+0)	District 18: 54 (+0)

Proposed Accessory Apartment Changes

- To ensure the proper code reference are made throughout the code, staff has referenced section 17.14.150 which does not allow accessory apartments in the Anderson Farms Planned Development Zone. See 17.46.100(2)(a)
- Allows that one accessory parking stall be located within the front setback. See 17.46.100(2)(c)
- Removes the requirement that the path, sidewalk or walkway have to be hard surfaced 17.46.100(2)(c)
- Removes the noticing and appeal requirement prior to an accessory apartment being approved. Replaces the language with a requirement that the city will send a notice to surrounding property owners once the accessory apartment has been approved. See 17.46.100(5)

Analysis

City staff has tried to simplify both the R2 Overlay requirements for the district calculations as well as requirements for accessory apartments. Particularly, since the City does not have a limit on the number of accessory apartments, staff finds it better to clearly state how many R2 Overlay units are allowed per district. This will allow some additional units in districts that were otherwise closed due to accessory apartments.

The planning commission should evaluate the attached maps to ensure that they are comfortable with the number of units per district.

Exhibits

Draft 17.46 Ordinance amendment

Current R2 Overlay Map

Proposed R2 Overlay Map and map showing vacant properties

ORDINANCE NO. 2020-14-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING TITLE 17.46 R2 OVERLAY ZONING ORDINANCE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council is authorized by state law to enact and amend ordinances establishing land use regulations; and

WHEREAS, the proposed amendment is consistent with the goal of the General Plan that a variety of housing types should be provided where appropriate, and innovative development patterns and building methods that will result in more affordable housing being encouraged; and

WHEREAS, the proposed amendment is consistent with the goal of the Moderate-Income Housing Element of the General Plan to evaluate the effectiveness of the R2 zone modify appropriate regulations; and

WHEREAS, the proposed amendment is consistent with the goal of the General Plan that the relationship of planned land uses should reflect consideration of existing development, environmental conditions, service and transportation needs, and fiscal impacts; and

WHEREAS, the proposed amendment is consistent with the goal of the General Plan that transitions between different land uses and intensities should be made gradually with compatible uses, particularly where natural or man-made buffers are not available; and

WHEREAS, on September 8, 2020 the Planning Commission held a properly noticed public hearing to hear testimony regarding the ordinance amendment; and

WHEREAS, after the public hearing, the Planning Commission further considered the proposed ordinance amendment and recommended that the City Council adopted the attached ordinance; and

WHEREAS, the City Council held a public hearing on October 5, 2020, to consider the recommendation and the City Council received and considered all public comments that were made therein.

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

SECTION I: Amendment. Amend Lindon City Code Section 17.46 as follows:

Chapter 17.46

R2 OVERLAY ZONE AND ACCESSORY APARTMENT ORDINANCES

Sections:

- 17.46.010 Purpose.
- 17.46.015 Definitions.
- 17.46.020 Map and district establishment.
- 17.46.025 Underlying Zoning Applies.
- 17.46.030 District unit calculations.
- 17.46.040 Density, lot size, and required separation distance.
- 17.46.050 Application submittal requirements.
- 17.46.060 R2 Project design criteria.
- 17.46.100 Accessory Apartments.
- 17.46.110 Second Kitchen Requirements.

17.46.010 Purpose.

1. The purpose of the R2 Overlay Zone and the Accessory Apartment Ordinances are is to provide ‘moderate income housing’, as defined by the Utah State Code, and thereby achieve a reasonable opportunity for a variety of housing types, to meet the needs of people desiring to live and fully participate in all aspects of neighborhood and community life in Lindon. This Overlay zone establishes a place where, two (2) and three (3) family dwelling units can be constructed. It shall also be the purpose of this ordinance to establish a means whereby multi-family housing can be distributed throughout the City and throughout the individual R2 Overlay planning districts. Except for accessory apartments (either internal or detached), R2 Overlay projects and applications shall be considered a Conditional Use and regulated as such.

~~2. Neighborhood organizations, home owners associations, and/or private citizens shall not be permitted to restrict the placement and construction of R2 Overlay projects in specific neighborhoods and subdivisions through the use and implementation of Conditions, Covenants, and Restrictions and/or other types of restrictive legal documents. Such practices undermine Lindon City’s ability to provide for the housing needs of its citizens and prohibit attainment of established zoning requirements and General Plan Goals. (Ord. 2005-6, amended, 2005; Ord. 2002-18, amended, 2002; Ord. 2000-13, amended, 2000; Ord. 98-13, amended, 2000)~~

17.46.015 Definitions.

For the purposes of this chapter, the terms below shall have the following meanings:

“Accessory apartment” means a residential unit that is located on the same lot or parcel as a single-family dwelling unit, either internal to or attached to the single-family unit or in a detached structure on the same lot or parcel, and which is owned by an owner occupant of the property. The accessory apartment shall be a complete housekeeping unit with a separate entrance, kitchen, sleeping area, and bathroom facilities.

“Owner occupant” means:

1. An individual who:
 - a. Possesses, as shown by a recorded deed, fifty (50) percent or more ownership in a dwelling unit, and
 - b. Occupies the dwelling unit with a bona fide intent to make it his or her primary residence; or
2. An individual who:
 - a. Is a trustor of a family trust which:
 - i. Possesses fee title ownership to a dwelling unit;
 - ii. Was created for estate planning purposes by one (1) or more trustors of the trust; and
 - b. Occupies the dwelling unit owned by the trust with a bona fide intent to make it his or her primary residence.
3. An owner occupant as defined in section 1 or 2 of this definition shall continue to be defined as such even if said owner occupant temporarily resides elsewhere due to a disability, infirmity, military service, temporary job assignments, sabbaticals, or voluntary and ecclesiastical service which requires the owner to temporarily reside at another location not to exceed three (3) years. In such event, the dwelling unit shall be considered an occupied domicile by the owner occupant during the temporary absence.

“Owner occupied” means a residential dwelling unit that is occupied by an owner occupant. (Ord. 2012-2, amended, 2012)

17.46.020 Map and district establishment.

The Planning Department shall maintain on file a map and associated documents which divide the residential areas within the city into individual R2 Overlay districts and which includes such data as: total acreage of each district, total allowable units per district, etc. The R2 Overlay Zone includes all residential zones in their entirety, and also all residential uses within non-residential zones that existed

prior to April 1, 2011. (Ord. 2005-6, amended, 2005; Ord. 2002-18, amended, 2002; Ord. 98-13, amended, 2000)

17.46.025 Underlying Zoning Applies.

Unless specifically provided for otherwise in this chapter, R2 Overlay projects and accessory apartments are subject to the regulations of the underlying zoning district in which they are constructed. (Ord. 2012-2, amended, 2012)

17.46.030 District unit calculations.

The maximum number of units that are allowed by conditional use permitted within each R2 Overlay district identified on the R2 Overlay map shall be established as follows:

<u>District 1: 4</u>	<u>District 7: 11</u>	<u>District 13: 12</u>
<u>District 2: 24</u>	<u>District 8: 4</u>	<u>District 14: 13</u>
<u>District 3: 2</u>	<u>District 9: 4</u>	<u>District 15: 17</u>
<u>District 4: 26</u>	<u>District 10: 6</u>	<u>District 16: 30</u>
<u>District 5: 15</u>	<u>District 11: 54</u>	<u>District 17: 4</u>
<u>District 6: 2</u>	<u>District 12: 10</u>	<u>District 18: 54</u>

As per ordinance 17.41.150, the Anderson Farms Planned Development Zone is excluded from the R2 Overlay and R2 Overlay housing is not allowed within this zone.

~~The maximum number of units that are permitted within each R2 Overlay district identified on the R2 Overlay map shall be calculated by multiplying 4% of the total acreage within each district by six (6). Each dwelling unit approved as part of an R2 project, and each accessory apartment and its' associated single family dwelling unit, shall be counted towards the capacity of the units permitted in each district. At such time as a district reaches the maximum permitted capacity of units that district will be closed to any further R2 Overlay projects. However, owner occupied single family dwellings with accessory apartments shall continue to be permitted even if the district reaches its capacity. (Ord. 2012-2, amended, 2012; Ord. 2008-1, amended, 2008; Ord. 2005-6, amended, 2005; Ord. 98-13, amended, 2000)~~

17.46.040 Density, lot size, and required separation distance.

Density: The maximum number of units allowed for any R2 Overlay project shall be four (4) units. Available multi-family projects include twin homes, condominiums, apartments, duplexes, triplexes, townhouses, or any other multi-family housing unit that has two or three units per structure. Detached single-family dwellings (one unit only) and projects with four units (4-plexes) are prohibited.

Lot size: The maximum number of units on an approved building lot in the residential zone is two (2) units. In the event that the lots are larger than twenty thousand (20,000) square feet for the R1-20 zone

and twelve thousand (12,000) square feet for the R1-12 zone, then the maximum density shall be calculated at four (4) units per net acre. Substandard legal non-conforming lots shall only be allowed a maximum number of units based on four (4) units per acre.

Separation Distance: Irrespective of R2 Overlay district boundaries, new R2 Overlay projects shall not be within seven hundred fifty (750) feet from any other approved R2 Overlay unit or other existing multi-family housing units, except for accessory apartments. (Ord. 2005-6, amended, 2005; Ord. 2000-13, amended, 2000; Ord. 98-13, amended, 2000)

17.46.050 Application submittal requirements.

1. Any applicant desiring to receive approval for an R2 Overlay Zone project as described in this ordinance ([17.46](#)) shall submit a Land Use Application and fee for a Conditional Use, including a completed site plan which includes all the project design criteria as established in this chapter and any submittal requirements as established in the Land Development Policies, Standard Specifications and Drawings Manual (Development Manual).
2. Any applicant for an R2 Overlay project shall provide documentation that each proposed dwelling unit will meet the “moderate income housing” definition as per Utah State Code. On a form approved by the City, a certification regarding the owner’s understanding of the moderate income housing requirements, and an agreement to abide by said requirements, shall be recorded against the property and shall run with the land and be binding on future successors of the property. A building permit will not be issued until said documentation is received by the Planning Department.
3. The provisions of subsection 2. above shall apply to any R2 Overlay project which was approved by Lindon City after January 17, 2012. (Ord. 2012-2, amended, 2012; Ord. 2005-6, amended, 2005; Ord. 2002-18, amended, 2002; Ord. 2000-13, amended, 2000; Ord. 98-13, amended, 2000)

17.46.060 R2 Project design criteria.

1. *Compliance with Lindon City Code.* Any proposal in the R2 Overlay Zone shall comply with the requirements of this Chapter and all other applicable Lindon City Code divisions and the conditions imposed by the Land Use Authority. The requirements and standards set forth herein shall apply to any R2 Overlay proposal.
2. *Structure Setbacks.* Building setbacks shall be the same as that required in the underlying residential zone in which the project is being constructed.
3. *Width to Depth Ratio.* No proposed lot utilized for an R2 Overlay project shall have a width to depth ratio that exceeds one (1) to three (3) unless the subject property is a platted subdivision lot previously approved by the City.

4. *Land Ownership Designation.* All land within a development shall be either common area, limited common area, dedicated to public use, privately owned as a buildable lot or a combination of the above.

5. *Utilities.* All dwelling units shall be served by the public sewer system and public water supply. Installation of these and other utilities shall conform to applicable building codes and city ordinances. All utilities shall be placed underground.

6. *Fences.* A six foot (6') high sight obscuring fence shall be erected on the perimeter, except the front yard setback, of all R2 projects. The Land Use Authority may waive or modify fencing requirements if it is necessary to preserve the character and aesthetic qualities of the development or surrounding areas. These fencing requirements may be waived or modified by the Land Use Authority only if the following criteria are met:

- a. Removing or modifying the fence will still provide for an adequate buffer for the adjoining use.
- b. The appearance or removing of the fence will not detract from the uses of neighboring property.
- c. Removing or modifying the proposed fence will still provide some method of shielding for the neighboring use from noise, storage, traffic, or any other possible characteristics of an R2 overlay project.
- d. Problems with care and maintenance of fences shall be dealt with in accordance with LCC [8.20](#) (Nuisances).

7. *Landscaping.*

- a. Except for driveways, the required front setbacks, street-side yard setbacks, and all common areas shall be permanently landscaped with trees, shrubs, lawn, or other living ground cover and shall be maintained in accordance with good landscaping practices.
- b. Landscaped areas within the front yard and street-side yard setbacks may not be used for parking.
- c. Not less than forty percent (40%) of the net acreage of the entire development shall remain in permanently landscaped areas.

8. *Security Lighting.* All R2 proposals with attached housing units shall include a security lighting system which shall be designed in such a way as to give control of its operation to the homeowner's association or property owner of the project.

9. *Parking.* Dwelling units shall be provided with not less than two (2) off street parking spaces each. Required off-street parking spaces shall not be permitted within the front yard or street-side yard setbacks. Guest parking shall be located within seventy five feet (75') of the dwellings served. All parking spaces, parking areas, and driveways shall be hard surface and properly drained as per Lindon City Development

Manual specifications. Drainage shall not be channeled or caused to flow across pedestrian walkways. All freestanding and unenclosed parking structures incorporated into an R2 Overlay project shall be to the rear of the main building. Free standing parking structures shall not be allowed in the front or side yard setback of any lot.

10. *Streets.*

- a. For the purposes of this division the following definitions apply:
 - i. Public Street shall mean a right-of-way owned and maintained by the City.
 - ii. Driveway shall mean a vehicular right-of-way owned and maintained privately that is no more than thirty-four feet (34') in width and is no less than twenty feet (20') in width. After considering public safety and access issues the Land Use Authority shall designate the width of the drive access as per this requirement.
- b. Public streets shall adhere to design and construction standards found within the Development Manual and shall be properly dedicated to the city.
- c. A driveway shall be paved with either concrete or asphalt.
- d. No "hammerhead" turnarounds shall be permitted.
- e. All streets that are shown on the Lindon City Master Plan shall be developed as public streets according to the size and general location shown on the Lindon City Street Master Plan Map. The Land Use Authority has the authority to require streets in an R2 proposal to connect with other public streets outside the proposed project where such connection is necessary for good traffic circulation in the area.
- f. All streets in an R2 proposal shall be public streets. However, driveways may be permitted provided that:
 - i. They will not extend to provide service to another property or parcel not included in the project unless there is no reasonable way to access existing parcels contiguous to a private street. However, the Land Use Authority may consider limited connections of additional lot accesses to a driveway on a case-by-case basis to allow for reasonable development of surrounding properties that will compliment the R2-Overlay project and will not cause a burden or hazard from traffic flows on the private driveway. Any additional lots that are approved to access R-2 Overlay project driveways shall meet all standard lot and development requirements applicable to the zone in which the property is located, and could be accessed and served with utilities as a 'stand alone' lot. Shared access shall only be permitted if it is determined to provide safer access for the additional lots in question and/or provides other reasonable benefits to the surrounding neighborhood and community.

- ii. They will not provide access or travel between, or otherwise connect with two (2) or more public streets unless the street or driveway is designed to discourage through traffic.
- iii. They are designed and constructed to City Standards and Specifications found within the Development Manual.
- iv. They are designated on the final plat as perpetual right-of-way and public utility easements.
- v. They shall not be longer than one hundred fifty (150) feet. Driveways longer than one hundred fifty (150) feet shall be dedicated public streets and comply with all City standards for public streets.
- vi. Private driveways, private streets, and private utilities will not be maintained and/or serviced by the City.

11. *Common Areas.* Common areas of a development shall be developed according to the plan approved by the Land Use Authority and maintained in accordance with the provisions of this chapter.

12. *Storage Areas and Central Waste Receptacles.* Exterior storage areas available to multiple tenants for the keeping of boats, RVs, or other miscellaneous items, shall be enclosed with a 6' high site obscuring fence. Said storage areas shall only be permitted on the side or rear of the dwelling units. 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 and must be accessible for garbage trucks. All individual garbage containers shall have the ability to be serviced from a public street.

13. *Architectural Styles and Treatments.* The intent of the architectural styles and treatment requirements is to maintain the single-family residential appearance of R2 multi-family projects and to avoid obvious recognition that the structure is a duplex, twin home, or triplex. R2 project proposals shall be designed according to traditional residential styles which are compatible with other home in the immediate vicinity. The building colors shall be in earth tone(s) (refer to Commercial Design Guidelines for color palate). Unless otherwise existing, the building shall have no more than one front door and garage/carport entrance facing the street frontage or facing the same direction unless in the rear of the building. Corner lots shall have no more than one front door and garage/carport entrance facing each street or side-street frontage unless otherwise existing. (See Table 17.46 A) The applicant shall submit building elevations with details on exterior materials and colors addressing the requirements listed above. (Ord. 2008-12, amended, 2008; Ord. 2008-6, amended, 2008; Ord. 2008-1, amended, 2008; Ord. 2007-14, amended, 2007; Ord. 2005-6, amended, 2005; Ord. 2004-1, amended, 2004; Ord. 2002-18, amended, 2002; Ord. 2000-13, amended, 2000; Ord. 98, amended, 1983)

17.46.100 Accessory Apartments.

This section establishes requirements and regulations regarding accessory apartments.

1. *Purpose Statement.* It is the intent of this section ~~the R2 overlay zone~~ to allow accessory apartments in conjunction with owner occupied single-family homes in residential zones, where such single-family homes were not approved as part of an R2 overlay project. The purpose of the accessory apartment provisions are to:

- a. Provide a mix of housing options that responds to changing family needs and smaller households;
- b. Offer a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship, and services;
- c. Provide a broader range of affordable housing;
- d. Create new housing units within existing residential zones while respecting the look and scale of single-family dwelling development within Lindon.

2. *General Requirements for All Accessory Apartments.*

- a. *Location.* Accessory apartments shall be allowed only in conjunction with owner occupied single-family dwellings, but shall not be approved in conjunction with other R2 overlay projects or the Anderson Farms Planned Development Zone at found in 17.14.150.
- b. *Number of Accessory Apartments.* A maximum number of one (1) accessory apartment shall be allowed in conjunction with each owner occupied single-family dwelling.
- c. *Parking.* A single-family dwelling with an accessory apartment shall provide at least four (4) total off-street parking stalls (two (2) for the single-family dwelling and two (2) for the accessory apartment). Parking stalls within a garage or carport utilized by the single-family dwelling shall not count toward the two (2) additional required parking stalls for the accessory apartment, or vice versa, unless the garage is sized for more than two (2) vehicles and an accessible route from the garage parking to the accessory apartment can be maintained. Not more than one of the designated accessory apartment parking stalls may be located within the front yard setback. ~~No required parking shall be within the front or street side yard setback.~~ Tandem (end-to-end) parking in a side yard may be acceptable for the required parking. Parking areas and driveways shall be provided with a dustless, hard surface material such as asphalt, concrete, compacted gravel, masonry, or concrete pavers. A ~~hard surfaced~~ path, sidewalk, or walkway shall be provided from the accessory apartment entrance to the required accessory apartment off-street parking stalls.

d. *Size Restrictions.* The size of an accessory apartment shall be at least three hundred (300) square feet and shall not contain more than three (3) bedrooms.

e. *Building Code.* All construction and remodeling shall comply with building codes in effect at the time of construction or remodeling.

f. *Building Entrances.* A single-family dwelling approved with an accessory apartment shall not have a separate entrance at the front of the building or side of the building facing the street where the sole purpose of the entrance is to provide access to the accessory apartment. Entrances to detached accessory apartments shall also not face a street unless the detached accessory apartment is placed behind the primary residence so that the entrance is not substantially visible from the street. The purpose of this requirement is to preserve the single-family residential appearance of the single-family dwelling and/or the detached accessory apartment.

g. New or existing garages and accessory buildings substantially attached to the main dwelling by covered walkways, covered breezeways, and covered porches may include an accessory apartment. In such instances, the garage/accessory building shall not be more than a distance of eighteen feet (18') from the main dwelling unit measured linearly between the foundation lines of the two (2) structures, and the apartment may not exceed sixty percent (60%) of the footprint of the primary residence livable floor area, but in no case shall it exceed one thousand two hundred (1,200) square feet of maximum livable floor area.

h. *Apartment Address.* The address of the accessory apartment shall be clearly posted so as to be seen from the public street.

i. *Ownership.* An accessory apartment shall not be sold separately, or subdivided from the principal dwelling unit, parcel, or lot.

3. *Additional Requirements for Detached Accessory Apartments.*

a. *Height Restrictions.* Detached accessory apartments are limited to two (2) stories above grade with a maximum height not to exceed the height of the primary residence or thirty feet (30') high, whichever is less. Building height is determined by averaging the measurements of the four (4) corners of the structure 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 (4) corners of a structure and determining building height.

b. *Setbacks.* A detached accessory apartment must meet the same setbacks as the primary residence for the underlying zone in which it is located, except that it shall be set back at least ten feet (10') further from a front-facing façade of the primary residence which faces a street. Detached accessory apartments on the street-side yard of corner lots are only required to be set back ten feet (10') further than the front-facing façade of the primary residence. No additional setback applies to street-side

yard areas. See Table 17.46B. If a deck is constructed on the second story, the building setback will be measured from the deck.

c. *Size Limit.* The detached accessory apartment may be attached to or part of other accessory structures, but in no case shall the maximum livable floor area of the detached accessory apartment exceed one thousand five hundred (1,500) square feet or forty percent (40%) of the primary residence, whichever is less. The total livable square footage is calculated for both stories and does not apply separately to each story. Stairways for access to the second story shall be constructed on the interior of the accessory apartment. No exterior staircases shall be constructed unless required by building code. If an accessory apartment is connected to or constructed above a garage, the apartment shall have a separate entrance from the garage area.

d. *Exterior Design.* Architectural features and roofline of the detached accessory apartment shall be designed and constructed to be compatible with the character and materials used on the exterior of the primary residence.

e. *Utilities.* Except for sewer service, all public and private utility services to the detached accessory apartment shall be provided through utility lines which service the primary residence. Additional utility meters, utility laterals, or secondary service hook-ups are not permitted except as approved by the chief building official and/or the public works director in cases where options to provide utilities through the primary residence service laterals are not feasible or cause significant hardship to the applicant.

4. *Accessory Apartment Permit.* Any person constructing or causing the construction of a residence that has an accessory apartment or any person remodeling or causing the remodeling of a residence for an accessory apartment, or any person desiring an accessory apartment shall obtain a building permit from the city. Before the permit is issued the applicant shall:

a. Submit a site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings and building entrances, proposed buildings or additions, dimensions from buildings or additions to property lines, and the location of parking stalls.

b. Include detailed floor plans drawn to scale with labels on rooms indicating uses or proposed uses and other criteria required by the chief building official.

5. The city shall evaluate the permit and shall approve or deny the application based on the criteria as outlined in this section. If the application meets all requirements, the city shall mail notice to owners of record within three hundred feet (300') of the subject property that approval has been given for the accessory apartment. The City shall list the address of the accessory apartment in the notice. ~~This notice shall summarize the nature of the request, give the location of the apartment, list the approval criteria with an indication that the city intends to issue the permit, and inform the property owners that they may~~

~~request that the accessory apartment application be reviewed by the planning commission if they feel that the application does not meet the approval criteria. Any interested party requesting planning commission review shall submit a written request to the planning commission within fourteen (14) days after the date of the notice received and shall state how the application does not meet the ordinance criteria. If no written request for planning commission review is received by the city within fourteen (14) days after the date of the notice, the permit for the accessory apartment can be issued.~~

~~6. Upon submittal to the planning department of a written request for planning commission review, the planning commission shall hear the item at their next regularly scheduled meeting and shall review the request to determine compliance with the approval criteria as found within this chapter. The planning commission shall then approve, continue, or deny the application.~~

7. Upon issuance of the accessory apartment building permit, the applicant shall pay fees in accordance with the currently adopted Lindon City fee schedule.

8. *Affidavit and Agreement Requirements.* The following affidavits and agreements shall be required prior to issuance or final approval of a building permit for an accessory apartment:

- a. The owner of any single-family dwelling requesting an accessory apartment shall sign an affidavit therein stating that the primary dwelling and/or the accessory apartment on the lot or parcel will be owner occupied. This affidavit shall be recorded against the property and run with the land and be binding on future successors of the property; and
- b. The owner shall provide documentation that the accessory apartment rental rates will meet the “moderate income housing” definition as per Utah State Code. On a form approved by the city, a certification regarding the owner’s understanding of the moderate income housing requirements and an agreement to abide by said requirements shall be signed by the owner and recorded against the property and shall run with the land and be binding on future successors of the property.
- c. The provisions of subsection [\(8\)\(b\)](#) of this section shall apply to any accessory apartment which was approved by Lindon City after February 1, 2012. (Ord. 2019-6 §1, amended, 2019; Ord. 2012-2, amended, 2012; Ord. 2008-6, amended, 2008; Ord. 2008-1, amended, 2008; Ord. 2001-10, amended, 2001; Ord. 2000-13, amended, 2000; Ord. 99-22, amended, 2000; Ord. 98-13, amended, 2000)

17.46.110 Second Kitchen Requirements.

1. Single family homes with more than one kitchen shall not be considered to have an accessory apartment (unless specifically approved as such by issuance of a building permit) and shall comply with the following requirements:
2. The home shall have only one address.

3. An interior access shall be maintained to all parts of the home. This requirement is to assure that an accessory apartment is not created. For example, doors between the second kitchen and the remainder of the home shall have no locks or deadbolt mechanisms which could restrict access. Other methods for limiting or restricting access from the second kitchen to the remainder of the home shall also not be permitted. Access to a second kitchen through a garage shall not be considered “interior access.”
4. The home shall have no more than one electrical meter.
5. A kitchen shall be defined as a place with permanent food preparation facilities which shall include a stove/range appliance.
6. The owner of any single-family dwelling requesting a second kitchen shall sign an affidavit on a form prepared by the City, therein stating that the second kitchen area in the dwelling will not be used as a duplex or accessory apartment. Presence of a second kitchen does not constitute approval of a multi-family unit. This affidavit shall be recorded against the property and run with the land and be binding on future successors of the property.

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

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

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

PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this _____ day of _____, 2020.

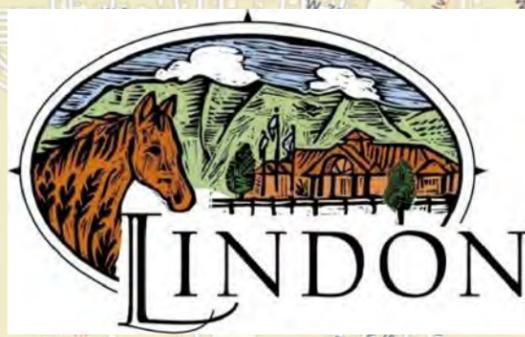
Jeff Acerson, Mayor

ATTEST:

Kathryn A. Moosman,

Lindon City Recorder

SEAL



Current R-2 Overlay Map

Parcels where R2 development is permitted are shown in green
(See Lindon City Code 17.46)

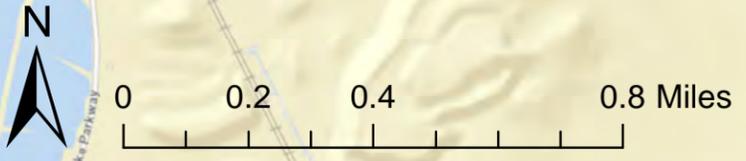
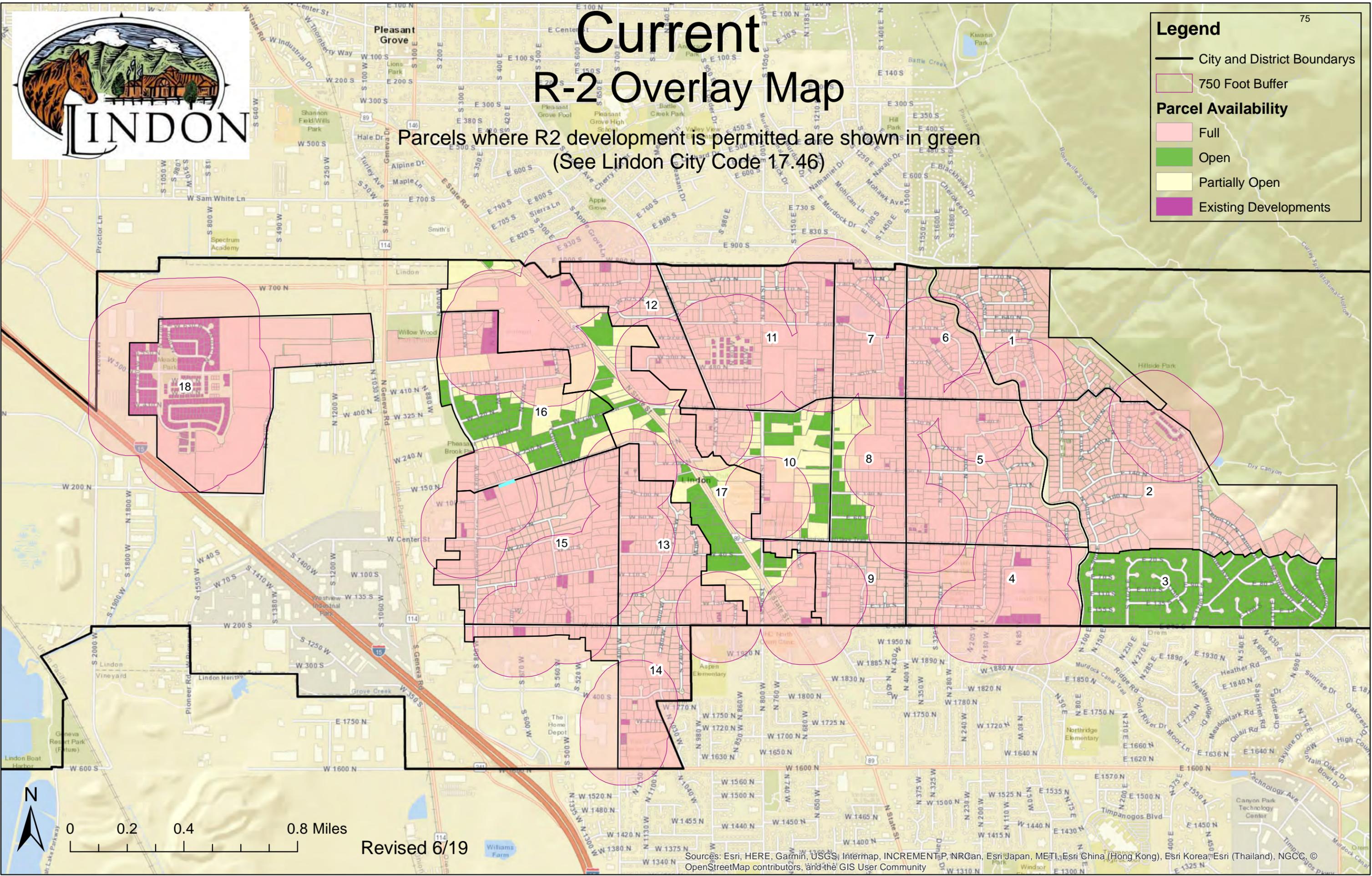
75

Legend

- City and District Boundaries
- 750 Foot Buffer

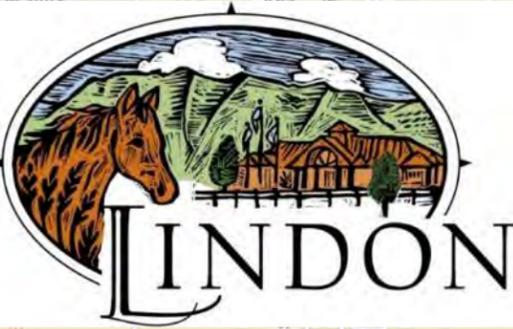
Parcel Availability

- Full
- Open
- Partially Open
- Existing Developments



Revised 6/19

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community



Proposed Map with Vacant Properties R-2 Overlay

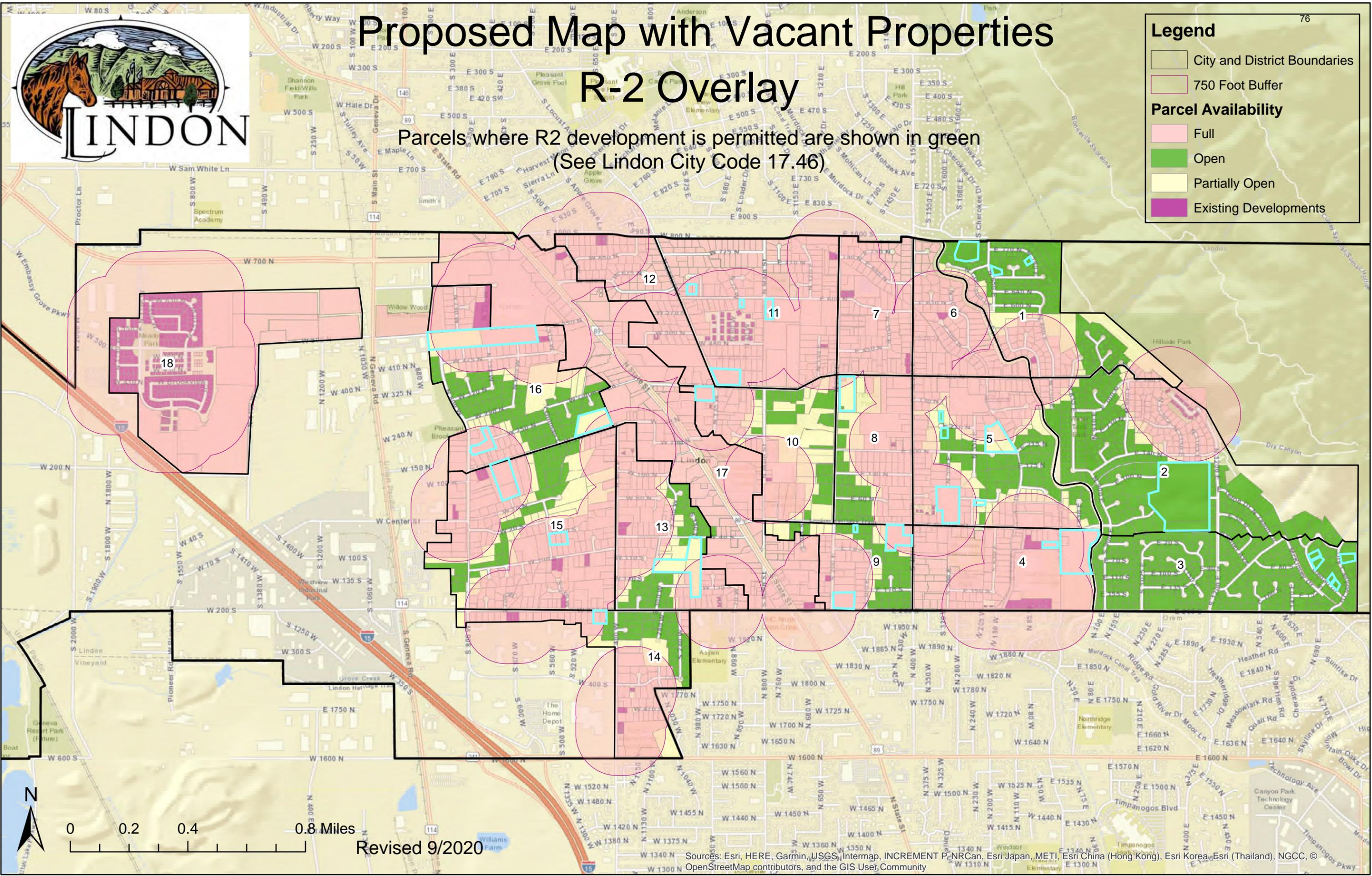
Parcels where R2 development is permitted are shown in green
(See Lindon City Code 17.46)

Legend

- City and District Boundaries
- 750 Foot Buffer

Parcel Availability

- Full
- Open
- Partially Open
- Existing Developments



0 0.2 0.4 0.8 Miles

Revised 9/2020

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

10. Discussion Item — Short Term Rentals. Per prior Council inquiry, the Council will discuss options for regulating Short Term Rentals within the City. No motions will be made but direction to Staff will be provided. *(15 minutes)*

No motion is necessary as this item is for discussion only.

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



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www.lindoncity.org

Short-Term Rentals

Utah State Code

Utah Code 10-8-85.4. Ordinances regarding short-term rentals -- Prohibition on ordinances restricting speech on short-term rental websites. Amended in 2017

- (1) As used in this section:
 - (a) "Residential unit" means a residential structure or any portion of a residential structure that is occupied as a residence.
 - (b) "Short-term rental" means a residential unit or any portion of a residential unit that the owner of record or the lessee of the residential unit offers for occupancy for fewer than 30 consecutive days.
 - (c) "Short-term rental website" means a website that:
 - (i) allows a person to offer a short-term rental to one or more prospective renters; and
 - (ii) facilitates the renting of, and payment for, a short-term rental.
- (2) Notwithstanding Section 10-9a-501 or Subsection 10-9a-503(1), a legislative body may not:
 - (a) enact or enforce an ordinance that prohibits an individual from listing or offering a short-term rental on a short-term rental website; or
 - (b) use an ordinance that prohibits the act of renting a short-term rental to fine, charge, prosecute, or otherwise punish an individual solely for the act of listing or offering a short-term rental on a short-term rental website.

Utah State law regarding short-term rentals was based off the argument that advertising a short-term rental is a free speech right and that cities cannot use short-term rental websites to enforce short-term rental regulations. Cities should base their enforcement off of complaints and investigations rather than using these websites as a proactive tool.

The Sharing Economy

*"The sharing economy: an old concept made new through the internet-based sharing of underutilized space, skills, and stuff for monetary and non-monetary benefits. These companies encourage people—and businesses—to use resources more efficiently and to share non-product assets (like time) as well as conventional "stuff." Citizens can share space in their homes (**Airbnb**), seats in their car (**Lyft**, **Sidecar**, **UberX**), places to park (**Park Circa**), used clothing (**ThredUp**), outdoor gear (**gearcommons**), time in the day (**TaskRabbit**, **Instacart**), and even capital (**Zopa**, **Prosper**)."*

Cohen, Molly and Corey Zehngbot. "What's Old Becomes New: Regulating the Shared Economy." Boston Bar Journal. April 1, 2014. <https://bostonbarjournal.com/2014/04/01/whats-old-becomes-new-regulating-the-sharing-economy/>

Types of Short-Term Rentals

1. Hosted sharing, where the primary occupants of a residence remain on-site with guests;
2. Unhosted sharing, where the primary occupants of a residence vacate the unit while it is rented to short-term guests;
3. Dedicated vacation rentals, where there are no primary occupants

4 Types of Regulatory Approaches

1. Quantitative Restrictions – limiting the amount of STR accommodations, the number of allowed visitors or days rented, and the amount of times a STR can be rented out per year.
2. Locational Restrictions – confine STR's to specific locations.
3. Density Restrictions – limit the number of STR's in certain neighborhoods.
4. Qualitative Restrictions – define the type of accommodation (room or apartment), licensing, building code compliance.

Nieuwland, Shirley and Rianne van Melik (2018): Regulating AirBnB: how cities deal with perceived negative externalities of short-term rentals, Current Issues in Tourism, DOI: 10.1080/13683500.2018.15048999

Questions

- Can cities prohibit or regulate short-term rentals within their community?
 - Yes. However, cities need to adopt appropriate ordinances in order to regulate.
- Can cities require a business license for short-term rentals?
 - Yes. The City would need to do a fee study to determine the appropriate fee to charge.
- Can cities require that the short-term rental be owner occupied?
 - Yes, cities such as Sandy and Riverton set minimum requirements for how often the home must be owner occupied vs rented during the year.
 - Hurricane, Utah requires that a home owner may only own one short-term rental in the city.
- Can cities set limits on how many individuals can rent a short-term rental?
 - Yes, cities like Lehi, Sandy, Riverton set limits on how many renters can stay at the rental.
- Do cities receive taxes for short-term rentals?
 - Yes, short-term rental companies remit transient room taxes to the State of Utah and then appropriate taxes are passed on to local jurisdictions.
 - FY 2019-2020 – \$2,500, FT 2018-2019 - \$800.
 - One concern is if the short-term rental is not registered with a STR company then the State of Utah is not collecting taxes.
- Do short-term rentals limit affordable housing options?
 - Some research shows that owners earn more money off of nightly short-term rentals than long-term rentals (greater than 30 days). Of the 12 short-term rentals in Lindon that are advertised on Air BnB's website, 9 of those appear to be using separate accessory apartments. These units would typically have be used for long-term affordable housing. Comparing short-term rental sites there are between 12-25 short-term rentals listed on the web in Lindon.
- Is insurance typically required?
 - A number of cities require proof of insurance prior to issuing a rental permit or business license.
 - AirBnB has a host protection insurance program that provides liability coverage for up to \$1 million per listing location. Hosts need to pay extra for this coverage.
 - Homeowners insurance policies typically provide little to no protection when renting a home for short-term rentals. For long-term renting, an insurance company can add a write-on to an existing policy. Most insurance companies require a separate policy for short-term renters due to the number of different people coming and going from the rental.

Short-term Rentals (STR)

	Short-term Rentals Allowed	Regulations	Business License
Orem	Yes	<ul style="list-style-type: none"> Regulates rental by family or 4 unrelated individuals 	No
Pleasant Grove	No	No	No
Provo	No	<ul style="list-style-type: none"> Unlawful to maintain a STR in a residential or agricultural zone 	No
Lehi	Yes	<ul style="list-style-type: none"> Home has to be owner occupied for majority of the year not located within 600' of school one parking stall per bedroom limited to 10 people or as limited by parking curfew and quiet hours from 10 pm to 6 am. 	Yes, \$50
American Fork	No	Also prohibits accessory apartments to be used as STR	No
Springville	No*	No	No
Sandy	Yes	<ul style="list-style-type: none"> Community divided into 29 districts. Allows so many STR's per district, waiting list. Rental allowed in main dwelling or accessory apartment Proof of ownership Must be owner occupied and owner must live in the home a minimum of 183 days per year Rental limited to 182 days Minimum of 1-night vacancy between rentals Limited to 8 related or 4 unrelated renters Required to provide off-street parking Nameplate posted at entrance or rental and info packet 	Yes, <ul style="list-style-type: none"> \$85 for special use permit. \$40 first time processing fee \$140 if gross receipt over \$50,000/yr \$90 if gross receipt under \$50,000 per/yr
Millcreek	Yes	<ul style="list-style-type: none"> Allowed in specific residential zones 	Yes, \$145
Cottonwood Heights	Yes	<ul style="list-style-type: none"> Only allowed in multi-family and mixed-use zones. Only allowed in PUD or condo developments of 8 or more units with private streets. Not allowed in single family zones. 	Yes, \$350
Spanish Fork	Yes	No	No
Salt Lake County	Yes	<ul style="list-style-type: none"> No used for commercial purposes Proper site and housekeeping maintenance Entrance nameplate and sign 	Yes
Riverton	Yes	<ul style="list-style-type: none"> Owner occupied for 185 nights Rental allowed for 150 nights Off-street parking 4 hours vacancy between renters Rentals are limited to 8 renters Proof of sales tax Info packet at entrance 	Conditional use Permit: \$175
Hurricane	Yes	<ul style="list-style-type: none"> Owners can only have one STR in the City Must have a 300' separation between STR 3 licenses per 1,000 residents Nuisance violations Required parking Required posting of rules and contact info Maximum occupancy of 10 	Yes, \$100

*Springville is in the process of possibly updating their code to allow short-term rentals

Options to Consider When Regulating Short-Term Rentals

- Whether to regulate, prohibit, or take a “hands-off” approach.
- Are there benefits that Lindon City and its residents can capture by allowing STR’s while also ensuring that STR’s operate in a responsible way?
- Whether to require a business license.
- Whether to establish baseline levels for safety and accountability.
- Whether to establish location standards and spatial concentration – which zones, separation, distance, cap the number of units.
- Good neighbor information. Colorado Springs requires that once the City gives approval, the homeowner is then required to send out a notice to surrounding neighbors letting them know they have been approved by the City for a short-term rental. The notice includes the owners contact information. Some jurisdictions also require a local representative that can respond to complaints.
- Whether to require proof of insurance.
- Whether to set parking standards.
- Decide if the home should be owner occupied for a period of time.
 - Does the City allow accessory apartments to be rented if the homeowner lives on site?
- Whether to set vacancy requirements.
- Whether to set occupancy limits.
- Whether to set noise, quiet hour, or nuisance limits.
- Whether to require entrance information postings.
- Whether to require a building inspection.

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