



Lindon City Council Staff Report

Prepared by Lindon City
Administration

March 4, 2024

Notice of Meeting of the Lindon City Council



The Lindon City Council will hold a meeting at **5:15 pm on Monday, March 4, 2024** in the Lindon City Center Council Chambers, 100 North State Street, Lindon, Utah. Meetings are typically broadcast live at www.youtube.com/user/LindonCity. 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: Carolyn Lundberg, Mayor
Invocation: Jake Hoyt, Councilmember
Pledge of Allegiance: By invitation

(Review times are estimates only)

1. **Call to Order / Roll Call** *(2 minutes)*
2. **Presentations and Announcements:** *(15 minutes)*
 - a) **Recognitions: Lindon Public Works Employees.** Specific employees from Lindon Public Works Department who worked through an entire night and into the next day during recent water service outages will be recognized for their significant efforts and dedication.
 - b) **Presentation: 2024 Little Miss Lindon Royalty.** The 2023 Little Miss Lindon Royalty will present the newly crowned 2024 Little Miss Lindon Royalty to the Mayor and City Council.
 - c) Comments / Announcements from Mayor and Council members.
3. **Open Session for Public Comment** *(For items not listed on the agenda)* *(10 minutes)*
4. **Council Reports** *(20 minutes)*
5. **Administrator's Report** *(5 minutes)*
6. **Approval of Minutes** — The minutes of City Council meetings from January 25, 2024, February 5, 2024, February 22, 2024 will be reviewed. *(5 minutes)*
7. **Consent Agenda** — *(Items do not require public comment or discussion and can all be approved by a single motion.* The following consent agenda item was presented for approval. *(5 minutes)*
 - a) (No consent agenda items)
8. **Discussion Item: Community Center Rates for Contract Rentals.** The Council will review and discuss information provided by the Lindon City Parks & Recreation Director, Heath Bateman, and provide feedback and direction regarding rental rates for use of the Community Center by groups requesting special pricing and/or multi-year rental contracts. *(35 minutes)*
9. **Public Hearing: Ordinance Amendment; LCC 17.51, Commercial Farm Zone - Ordinance #2024-04-O.** The City Council will consider an amendment to LCC 17.51 to address the priority of agricultural production to meet the objectives of the zone, clarify lot coverage requirements, and make other technical changes for development in the Commercial Farm Zone. *(25 minutes)*
10. **Public Hearing: Ordinance Amendment; LCC 17.02 and 17.04.420 regarding portable shipping containers - Ordinance #2024-02-O.** This is a city-initiated ordinance change to define

portable shipping containers and adopt regulations and standards for such containers. (20 minutes)

11. Review & Action: Historic Preservation Commission appointments. The Council will review and consider possible appointment of various individuals to the Historic Preservation Commission. (5 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 Britni Laidler, 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 six public places within the Lindon City limits and on the State (<http://pmn.utah.gov>) and City (www.lindoncity.org) websites.

Posted by: /s/ **Britni Laidler, Lindon City Recorder**

Date: **February 29, 2024; Time: 1:00 p.m.**; Place: Lindon City Center, Lindon Police Dept., Lindon Community Development, Lindon Public Works, Lindon Community Center, Lindon Justice Court

Meetings are typically broadcast live at www.youtube.com/user/LindonCity

REGULAR SESSION – 5:15 P.M. - Conducting: Carolyn Lundberg, Mayor

Invocation: Jake Hoyt, Councilmember

Pledge: By invitation

Item 1 – Call to Order / Roll Call

February 5, 2024 Lindon City Council meeting.

Carolyn Lundberg
Van Broderick
Cole Hooley
Jake Hoyt
Lincoln Jacobs
Steve Stewart

Item 2 – Presentations and Announcements

- a) **Recognitions: Lindon Public Works Employees.** Specific employees from Lindon Public Works Department who worked through an entire night and into the next day during recent water service outages will be recognized for their significant efforts and dedication.
- b) **Presentation: 2024 Little Miss Lindon Royalty.** The 2023 Little Miss Lindon Royalty will present the newly crowned 2024 Little Miss Lindon Royalty to the Mayor and City Council.
- c) Comments / Announcements from Mayor and Council members.

Item 3 – Open Session for Public Comment *(For items not on the agenda - 10 minutes)*

Item 4 - COUNCIL REPORTS:*(20 minutes)*

- A) MAG/MPO, COG, UIA, Utah Lake Commission, ULCT, Youth Council, Public Relations (media)
- B) Public Works/Eng., Irrigation Co. Representative, Cemetery, Facilities/Building
- C) CTC, Healthy Utah, 2024 Centennial Celebration, Historical Commission, Tree Board
- D) Police/Fire/EMS, CERT, Economic Dev., Lindon Days, Utah League of Cities & Towns Alternate
- E) Transfer Station Board, Planning Commission, Community Development/General Plan, Parks & Trails
- F) Youth Council (Lead Advisor), Econ. Dev, PG/Lindon Chamber of Comm., Senior Center, Edu. grants

- Carolyn Lundberg
- Van Broderick
- Cole Hooley
- Jake Hoyt
- Lincoln Jacobs
- Steve Stewart

Item 5 - ADMINISTRATOR'S REPORT*(10 minutes)***Misc. Updates:**

- Next regular meeting is March 18th
- April 2024 newsletter assignment: Kristen Aaron
- Centennial / Dowdle painting unveiling: Monday, March 25th @6:30pm @ Community Center
- ULCT Spring Conference, April 17th-19th
- Joint Orem / Lindon council meeting: April 25th @ 3:00pm @ Orem Council chambers
- Misc. Items.

Item 6 – Approval of Minutes

- Review and approval of City Council minutes: **January 25, 2024, February 5, 2024 and February 22, 2024.**

2 The Lindon City Council regularly scheduled meeting on **Thursday, January 25, 2024,**
4 **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: Carolyn Lundberg, Mayor

10 **PRESENT**

Carolyn Lundberg, Mayor
12 Van Broderick, Councilmember
Jake Hoyt, Councilmember
14 Steve Stewart, Councilmember
Cole Hooley, Councilmember
16 Lincoln Jacobs, Councilmember
Brian Haws, City Attorney
18 Mike Florence, Community Dev. Director
Britni Laidler, City Recorder

EXCUSED

Adam Cowie, City Administrator

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

22 **CURRENT BUSINESS**

- 24 2. **Continued Item - Anderson Farms Planned Development change (Ordinance**
26 **2024-3-O).** The applicant requests an amendment to modify requirements relating
28 to lot frontage, coverage, setbacks, development & road design, lot size, and lot
type in the AFPD zone.

30 Mike Florence, Community Development Director presented this item. He stated
32 that this proposed ordinance amendment was continued by the city council at their
January 16, 2024, meeting. He gave a brief overview of the Ordinance amendment noting
34 that the plan consists of 49 single-family homes and 30 townhomes. He then stated that
Ivory Development is proposing changes to the ordinance and plans since the previous
36 January 16 meeting. Those changes include changing the front setbacks in Phases H2 and
H3 to be increased from 18’ to 20’ to the front of the garage with 8’ rear yards except for
38 Lots 117, 123, 124, & 131 which, due to the curvature of the streets, decreases the lot
depth. For those lot the front setback would be 18’ to the front of the garage. The
40 applicant is also proposing to increase the number of visitor parking stalls for the
townhomes from 10 to 19.

42 Mr. Florence then presented the proposed ordinance amendments does the
following:

- 44 • The existing side yard setback requirement in the ordinance calls out 5’/5’.
However, the development agreement has a side yard setback requirement of

- 2 6’/6’. The ordinance fixes an inconsistency between the city code and the
 development agreement.
- 4 • From the January 16, 2024 meeting the front setbacks are being changed from 18’
 to 20 to the garage with the exception of lots 117, 123, 124, and 131. Those will
 6 still have 18’ front yard setbacks to the garage due to the curvature of the roads.
- 8 • The ordinance amendment would adopt the different setback requirements for
 Phase H only.
- 10 • The proposed amendment would allow for one flag lot with a 15’ frontage. A
 typical frontage in the city subdivision code is 25’.
- 12 • The proposed amendment allows for 6 double frontage lots on Phase H3 but does
 not allow vehicles access.
- 14 • The proposed amendment sets a maximum building coverage for Parcel H so that
 the entire lot is not covered in buildings.
- 16 • The proposed amendment amends the average lot size to 6,300 square feet.

Single-Family Setbacks

| | Front Setback | Rear Setback | Side Setback | Side Corner Setback | Minimum Lot Size | Minimum Lot Coverage |
|------------|-----------------------------------|--------------|--------------|---------------------|------------------|----------------------|
| Parcel H1 | 20’-0’ | 20’-0’ | 6’/6’ | 15’-0’ | 8,000 sq ft | 60% |
| Parcel H2* | 12’ to living space 20’ to garage | 20’-0’ | 5’/5’ | 15’-0’ | 6,600 sq ft | 60% |
| Parcel H3* | 12’ to living space 20’ to garage | 8’-0’ | 4’/4’ | 10’-0’ | 2,800 sq ft | 65% |

Townhome Setback

| | Front Interior Setback | Corner Side and Perimeter Setback | Interior Side Setback | Rear Setback | Setback between Separate Buildings |
|-----------|------------------------|-----------------------------------|-----------------------|--------------|------------------------------------|
| Parcel H4 | 0’-0’ | 10’-0’ | 0’-0’ | 10’-0’ | 24’ |

22 Mr. Florence then noted that the townhome renderings and floor plans that were
 presented to the council previously were from a different development that Ivory
 24 Development is constructing in Lehi. He noted that those renderings submitted didn’t
 show a rear door going to private rear yard, and the floor plans didn’t match the site plan.
 26 The developer noted this inconsistency and is committed to providing appropriate access
 with a first level door to the private rear yards.

2 Councilmember Hoyt asked for clarification on square footage requirements, and
 4 if there was an average that needed to be met per section. Mr. Haws explained the
 6 agreement stated that when determining whether or not plan complies with the
 8 development agreement they will need to refer to exhibit k. He stated that exhibit K lays
 10 out setbacks for townhomes but doesn't set a size for townhomes. Councilmember
 12 Hooley wanted to clarify that the most recent potential plan with more townhomes would
 14 add 15 more townhomes versus the current presented plan. Mr. Florence clarified the
 16 difference in the presented amendment versus the most recent potential plan presented.
 18 He noted that both options would fit within the terms of the original development
 20 agreement.

22 Following some general discussion, Mayor Lundberg called for a motion to open
 24 the public hearing.

26 COUNCILMEMBER HOYT MOVED TO OPEN THE PUBLIC HEARING.
 28 COUNCILMEMBER BRODERICK SECONDED. THE MOTION CARRIES.

30 **Kristen Tims** wanted to voice dissatisfaction with this plan stating she doesn't like
 32 townhomes and thinks there is a better way to go about this. She stated she wants to see
 34 more affordable housing in that area.

36 **Stephanie Smith** wanted to voice her opinion that as a resident in that area she would
 38 prefer the option with less townhomes, and stated she likes the smaller cottage single-
 40 family homes in H3. She asked for clarification on the homes wondering if they would be
 42 sold or rented.

44 **Dane Peterson** stated he is also a resident in the area and stated that he misses the larger
 lots of Lindon and knows he cannot change anything at this point but is disappointed in
 how things are now. He wanted to know what would be done to help traffic in the area,
 stating it is already hard to get out of that area without all these added homes. He hopes
 that any future developments that come, that no loopholes would be available to
 developers.

COUNCILMEMBER HOYT MOVED TO CLOSE THE PUBLIC HEARING.
 COUNCILMEMBER BRODERICK SECONDED. THE MOTION CARRIES.

Mr. Haws, City Attorney wanted to clarify to those in attendance that Ivory did
 not find loopholes, they were just working with their original 2017 agreement. Mayor
 Lundberg then gave a timeline of the events from the last meeting to this meeting to those
 in attendance and wanted to commend Ivory for being patient and making changes that
 were discussed previously to the presented amendment tonight. Councilmember Jacobs
 stated that appreciated Ivory coming back and listening to concerns and making those
 changes. Councilmember Hooley voiced appreciation for those in attendance and stated
 he went and was able to survey the area in parcel G and get resident input and found that

2 overall residents were less concerned with cottage homes and more with the townhomes
and added traffic. Councilmember Stewart stated he appreciates the public coming and
4 voicing their opinion. He then stated gratitude that this plan is back on the table for the
council to address.

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Mayor Lundberg called for any further discussion or comments from the Council.
8 Hearing none she called for a motion.

10 COUNCILMEMBER STEWART MOVED TO APPROVE ORDINANCE
AMENDMENT 2024-3-O AS PRESENTED. COUNCILMEMBER JACOBS
12 SECONDED THE MOTION.

THE VOTE WAS RECORDED AS FOLLOWS:
14 COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER HOYT AYE
16 COUNCILMEMBER STEWART AYE
COUNCILMEMBER HOOLEY AYE
18 COUNCILMEMBER JACOBS AYE
THE MOTION CARRIED UNANIMOUSLY.

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**3. Continued Item – Amendment to the Anderson Farms Master Development
22 Agreement (Resolution 2024-2-R).** The applicant requests to amend the
development plan for Parcel H as identified in the Anderson Farms Master
24 Development Agreement and exhibits.

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Mr. Florence presented this item stating that the proposed development agreement
28 amendment was continued by the city council at their January 16, 2024 meeting. He
presented to the council the changes this amendment would make. He then presented the
30 road profile changes this would make to Wheatgrass Lane and 1200 W. He noted that
since the last meeting Ivory Development and the City has not been able to make the road
32 profile changes that were discussed by the city council at the January 16 meeting. He
stated that staff has included as a condition of approval that Ivory Development and the
34 city will continue to work on a final road profile design for 1200 W. and Wheatgrass
Lane.

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Mayor Lundberg called for any further discussion or comments from the Council.
38 Hearing none she called for a motion.

40 COUNCILMEMBER STEWART MOVED TO APPROVE RESOLUTION
AMENDMENT 2024-2-R AS PRESENTED. WITH THE CONDITION THAT THE
42 APPLICANT AND CITY WILL CONTINUE TO WORK ON A FINAL ROAD
PROFILE DESIGN FOR 1200 W. AND WHEATGRASS LANE. COUNCILMEMBER
44 JACOBS SECONDED THE MOTION.
THE VOTE WAS RECORDED AS FOLLOWS:

2 COUNCILMEMBER BRODERICK AYE
 COUNCILMEMBER HOYT AYE
 4 COUNCILMEMBER STEWART AYE
 COUNCILMEMBER HOOLEY AYE
 6 COUNCILMEMBER JACOBS AYE
 THE MOTION CARRIED UNANIMOUSLY.

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4. Amended Preliminary Major Subdivision Approval for 79 lots in Parcel H of the Anderson Farms Development. Ivory Development requests major subdivision approval for a 79-lot subdivision. Parcel H Phase 1 originally received major subdivision approval by the Lindon City Council on November 21, 2022. The Parcel H Phase 1 subdivision plat was never recorded. Ivory Development is requesting to amend the original Parcel H subdivision.

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Mike Florence presented this item stating that Ivory is seeking preliminary subdivision plat approval for Plat H. He stated that Plat H is a 79-lot detached single family lot and townhome phase of the development and Plat H will be the 7th and final phase of the Anderson Farms single-family/townhome phase of the development.

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

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COUNCILMEMBER JACOBS MOVED TO APPROVE THE APPLICANT’S REQUEST FOR PRELIMINARY MAJOR SUBDIVISION APPROVAL OF ANDERSON FARMS PLAT H AMENDING THE PREVIOUSLY APPROVED 2022 PLAT WITH THE FOLLOWING CONDITIONS: 1. THE APPLICANT WILL CONTINUE TO WORK WITH THE CITY ENGINEER TO MAKE ALL FINAL CORRECTIONS TO THE ENGINEERING DOCUMENTS AND PLAT; 2. PRIOR TO PLAT RECORDING, THE APPLICANT WILL PROVIDE STAFF WITH A FINAL PLAT MYLAR TO INCLUDE NOTARIZED SIGNATURES OF OWNER’S CONSENT TO DEDICATION, AND OBTAIN SIGNATURE OF ALL ENTITIES INDICATED ON THE ATTACHED SUBDIVISION PLAT; 3. COMPLETE (OR POST AN ADEQUATE IMPROVEMENT COMPLETION ASSURANCE), WARRANT AND POST REQUIRED ASSURANCE FOR ALL REQUIRED PUBLIC INFRASTRUCTURE IMPROVEMENTS; 4. THE PLANS AND PLAT WILL MEET AND BE CONSTRUCTED AS PER APPLICABLE SPECIFICATIONS AS FOUND IN THE LINDON CITY DEVELOPMENT MANUAL; 5. ALL ITEMS FOR PARCEL H FOUND IN THE DEVELOPMENT AGREEMENT WILL BE COMPLETED; 6. THE APPLICANT WILL CONTINUE TO WORK WITH CITY STAFF ON THE FINAL ROAD PROFILE FOR 1200 W. AND WHEATGRASS LANE; AND 7. ALL ITEMS OF THE STAFF REPORT. COUNCILMEMBER STEWART SECONDED THE MOTION.

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THE VOTE WAS RECORDED AS FOLLOWS:
 COUNCILMEMBER BRODERICK AYE

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2 COUNCILMEMBER HOYT AYE
 COUNCILMEMBER STEWART AYE
 4 COUNCILMEMBER HOOLEY AYE
 COUNCILMEMBER JACOBS AYE
 6 THE MOTION CARRIED UNANIMOUSLY.

8 Mayor Lundberg addressed the public to inform them of how Ivory has helped in
 the development of that area allowing for homes instead of an industrial zone. She then
 10 voiced appreciation for Ivory for all they have done to help build a beautiful community
 in the Aderson Farms development. Mayor Lundberg called for any further discussion or
 12 comments from the Council. Hearing none she called for a motion to adjourn.

14 **Adjourn** –

16 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING
 AT 6:06 PM. COUNCILMEMBER HOYT SECONDED THE MOTION. ALL
 18 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

20 Approved – March 4, 2024

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 Britni Laidler, City Recorder

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30 _____
 Carolyn O. Lundberg, Mayor

2 The Lindon City Council regularly scheduled meeting on **Monday, February 5, 2024, at**
4 **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: Carolyn Lundberg, Mayor
Invocation: Carolyn Lundberg, Mayor
10 Pledge of Allegiance: Jake Hoyt, Councilmember

12 **PRESENT** **EXCUSED**

Carolyn Lundberg, Mayor
14 Van Broderick, Councilmember
Jake Hoyt, Councilmember
16 Steve Stewart, Councilmember
Cole Hooley, Councilmember
18 Lincoln Jacobs, Councilmember
Adam Cowie, City Administrator
20 Brian Haws, City Prosecutor
Mike Florence, Community Dev. Director
22 Britni Laidler, City Recorder

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

26 2. **Presentations and Announcements:**

28 a) Comments / Announcements from Mayor and Council members.

30 3. **Open Session for Public Comment** – Mayor Lundberg called for any public
comments. Hearing none she moved onto the next item.

32 4. **COUNCIL REPORTS:**

34 **Councilmember Hoyt** – Councilmember Hoyt reported that after a update from Chief
36 Brower he was made aware that there have been quite a lot of drug, alcohol, assault, and
theft arrest in Lindon the past few weeks. He then proceeded to say that we may not feel
38 like we have all of this going on in our city, and he believes it is because of the great
work our police department does. Councilmember Hoyt then continued to say that he
40 recently spoke with an officer in another city who stated that Lindon Police Department
is held in high regard with a lot of respect for Chief Brower. He noted that it was great to
42 hear nothing but nice things about our police department. Councilmember Hoyt then
closed by stating there is a Chamber Gala on February 8th and encouraged
44 councilmembers to attend if available.

2 **Councilmember Broderick** – Councilmember Broderick reported that he was able to
 4 attend the North Union Irrigation Company board meeting, and noted that Juan Garrido
 was appointed President, however, that it may only be temporary as they work out
 bylaws.

6
 8 **Councilmember Stewart** – Councilmember Stewart reported that on January 17th the
 Youth Council were able to attend Day at the Legislature and it was a great experience.
 They were able to meet with Senator Kennedy and Representative Stratton, who were
 10 generous enough to give a lot of their time to talk to the youth.

12 **Councilmember Jacobs** - Councilmember Jacobs reported that he was able to attend a
 North Pointe Solid Waste meeting and gave a brief update on the progress he is making
 14 towards getting integrated into that board. He then stated that the Parks and Recreation
 Department have a chess tournament coming up on February 7th and noted that they have
 16 a new text service people can join to be updated on upcoming classes and events. He
 closed with hiring updates from the Community Development Department.

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 20 **Councilmember Hooley** – Councilmember Hooley reported there was a great turnout for
 the Centennial Roaring 20’s Party. He then stated the upcoming March activities for the
 centennial include a proclamation and the Dowdle puzzle unveiling on March 25 at 6:30
 22 p.m. He then updated that the Lindon Communities that Care is having a lot of success
 noting that both youth classes are full and they have 7 families participating in the family
 24 program.

26 **Mayor Lundberg** – Mayor Lundberg encouraged the new city council members to go to
 ULCT to register for the upcoming conference, and to stay up to date on current
 28 legislation bills. She then closed with a quick update on the budget kickoff meeting
 coming up on February 22nd.

30 **Administrator’s Report:** Mr. Cowie reported on the following items.

32 **Misc. Updates:**

- 34 • February 22nd (Thursday meeting -Budget Kickoff)
- Next regular meeting is March 4th.
- 36 • March 2024 newsletter assignment (due February 26th): Van Broderick
- ULCT Spring Conference, April 17th-19th
- 38 • Joint Orem/Lindon council meeting: April 25th @ 3:00pm @ Orem Council
 chambers
- 40 • Legislative updates – A few significant pending bills that may impact the city:
 - 42 ○ HB 257 – Sex-based Designations for Privacy; passed.
 - 44 ■ requires government entities to:
 - report allegations of certain criminal offenses to law
 enforcement;

- 2 • adopt a privacy compliance plan;
- 4 • provide a single-occupant facility in new construction; and
- 6 • consider the feasibility of certain retrofit or remodel projects;
- 8 • requires the state auditor to investigate government entity compliance with certain requirements;
- 10 • requires the attorney general to impose fines on political subdivisions that fail to cure noncompliance that the state auditor identifies;
- 12 ○ SB 91 - Local Government Officers Compensation Amendments
 - 14 ▪ Requires a separate public hearing for any change in compensation to elected or appointed officers (council, planning commission, city administrator, recorder, engineer, etc.)
- 16 ○ HB 306 – Residential Housing Amendments
 - 18 ▪ Preempts all zoning laws state-wide to allow up to 8 units to the acre if a percentage of the units meet certain moderate income housing prices.
- 20 ○ HB 354 – Truth in Taxation Revisions
 - 22 ▪ Requires all property tax increases by any taxing entity to go through a public voting process in years 2024-2027.
- 24 ○ SB 0086 – Local Government Bonds Amendments
 - 26 ▪ Unless the bond is approved by voters, caps borrowing limit for lease revenue bonds at \$10M for municipalities; \$30M for school districts. (PG used this financing tool for the Hale Theater at approximately \$35M)
- 28 ○ HB 84 - School Safety Amendments
 - 30 ▪ Requires armed personnel, security guards, or school resource officers (SRO) at all schools; requires additional training for police dept & changes to SRO contracts/policies.
- 32 • Misc. Items.

34 **6. Approval of Minutes** – The minutes of the regular City Council meeting of January 16, 2024 will be reviewed.

36 COUNCILMEMBER HOYT MOVED TO APPROVE THE MINUTES OF THE
 38 REGULAR CITY COUNCIL MEETING OF JANUARY 16, 2024 AS PRESENTED
 WITH NOTED CHANGES. COUNCILMEMBER STEWART SECONDED THE
 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

40 COUNCILMEMBER BRODERICK AYE
 COUNCILMEMBER HOYT AYE
 42 COUNCILMEMBER STEWART AYE
 COUNCILMEMBER HOOLEY AYE
 44 COUNCILMEMBER JACOBS AYE

THE MOTION CARRIED UNANIMOUSLY.

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7. Consent Agenda Items

- a) Mayor Lundberg presented the 2024 Arbor Day Proclamation declaring May 3, 2024 as Arbor Day.

COUNCILMEMBER HOYT MADE A MOTION TO APPROVE THE 2024 ARBOR DAY PROCLAMATION AS PRESENTED. COUNCILMEMBER BRODERICK SECONDED. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

CURRENT BUSINESS

- 8. Public Hearing — (Continued from September 18, 2023) - Ordinance #2024-1-O; Mark Weldon Zone Change.** The Council will review a recommendation by the Lindon City Planning Commission for approval of Ordinance #2024-1-O to change the Zoning Map designation of the subject property from Commercial General-A8 (CG-A8) to Mixed Commercial (MC) with architectural standards approved through an associated Development Agreement.

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

Mike Florence, Community Development Director presented this item with a brief overview of the property stating that in 2017, the property directly behind the current proposal was rezoned to Mixed Commercial to construct another flex office/warehouse project. During that original zone change a concept plan was shown of the property in discussion with an office building. He then noted that during the site plan approval the applicant later presented a plan that showed two 4,800 sq ft restaurant/retail buildings on the subject property. At that time, the planning commission approved the site plan with the restaurant buildings.

The applicant now would like to build a new 58,624 sq ft building at this location. However, the current zoning, CG-A8, is for commercial, retail, office, and service uses and does not allow a flex office/warehouse. Mr. Florence then reminded the council that this is a continuance from the September 18, 2023 city council meeting. The continuance was to allow the applicant to make changes discussed at that September meeting. He noted that the applicant has redesigned the facades of the building to look less industrial and presented renderings to the council and went over the changes that were made to give a more retail appearance.

2 Mr. Florence then presented the parking requirements, stating that the proposed
building will need approximately 118 parking stalls to meet the city parking
4 requirements. However, the applicant is only providing 94 stalls stating that the applicant
would like the city to consider a shared parking arrangement for all the buildings owned
6 by the applicant in this area. He noted that the total parking spaces the applicant currently
has is 837 for the 3 existing buildings and the proposed building and would meet the city
8 code. Mr. Florence did note that the applicant may need to install some additional
pedestrian walkways to meet the city code for the shared parking and pedestrian access.

10
12 Councilmember Hooley stated he had recently gone down to that area and noted
he saw some office vacancies, and inquired about the potential businesses they anticipate
going in. Lauren Weldon and Delana Downton were present representing the applicant.
14 Ms. Weldon gave a brief update on the potential businesses looking into going there to
the council. Ms. Downton addressed the vacancy stating that the only office vacancy they
16 had was recently filled. Councilmember Hooley then asked about navigation of parking
and the potential for crosswalks to make the shared parking safer. Councilmember Jacobs
18 stated that he finds the distance between the parking lots was minimal and noted he liked
the curb appeal and what they have done. Mayor Lundberg asked the applicant if they are
20 planning to install the industrial grease traps in the corner units for those potential
restaurant businesses. Ms. Weldon confirmed that they do plan on installing those.
22 Councilmember Jacobs inquired how the city can capture the importance of those being
installed into this site plan, with Mr. Haws, City Attorney stating that we would be able
24 to add that as a provision. Councilmember Broderick asked the applicant if they are also
planning on installing grease hoods in those units. Ms. Weldon stated that is something
26 they require the tenants to install.

28 Councilmember Hoyt stated he loves what the applicant has done in the area and
is a big fan of flex space. He noted that that in the past flex space had the lowest vacancy
30 rate in the state, however retail is now taking over as the lowest. He then proceeded to
say that Lindon is blessed with great sales tax revenue, which allows them to keep
32 property taxes low. Councilmember Hoyt stated that for him personally, it was never
about the architectural appearance as much as it was about potential opportunity cost. He
34 stated that by changing this to mixed commercial he feels that we miss out on getting full
retail in that area and the sales tax revenue from that. Councilmember Hoyt then stated
36 that he has to think about this property having the opportunity to become a great retail
location, especially when the Vineyard connector comes through.

38
40 Mayor Lundberg stated she loves what councilmember Hoyt voiced and believes
what the applicant has presented allows for the ability to bring retail into that area. She
then proceeded to reference a conversation she recently had with someone in regard to
42 their small business growing into needing a warehouse and storefront. Mayor Lundberg
stated that she sees this building as a possibility to be innovative and help generate sales
44 tax for the city in a different type of way than they have done before.

2 Following general discussion, Mayor Lundberg called any other public comment,
4 hearing none she called for a motion to close the public hearing.

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

10 Mr. Cowie presented to the council a comparison of property tax value as opposed
12 to sales tax revenue. He noted that property with just a parking lot brings in less tax
14 revenue than that same property with a building structure on it. Councilmember Hoyt
asked for potential sales tax revenue for the location in discussion. Mr. Cowie stated he
couldn't give an actual estimate, however, was able to present other properties in that
area and the tax revenue they bring. General discussion followed.

16 Mayor Lundberg called for any further discussion or comments from the Council.
18 Hearing none she called for a motion.

20 COUNCILMEMBER BRODERICK TO APPROVE ORDINANCE 2024-01-O
22 TO AMEND THE LINDON CITY ZONING MAP FROM COMMERCIAL GENERAL
A8 (CG-A8) TO MIXED COMMERCIAL (MC) AT 625 N 2800 W (PARCEL
NUMBER 67:013:0004). COUNCILMEMBER STEWART SECONDED THE
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

- 24 COUNCILMEMBER BRODERICK AYE
 - 26 COUNCILMEMBER HOYT NAY
 - 28 COUNCILMEMBER STEWART AYE
 - COUNCILMEMBER HOOLEY AYE
 - COUNCILMEMBER JACOBS AYE
- THE MOTION CARRIED UNANIMOUSLY.

30 **9. Review & Action – Resolution #2024-6-R approving a Development**
 32 **Agreement associated with the Mark Weldon (WICP) Zone Change.** The
 34 Council will review and consider Resolution 2024- 6-R approving a Development
 Agreement between WICP Orem West #4 LLC and Lindon City for property
 improvements & development standards located at 625 N. 2800 W., Lindon.

36 Mike Florence presented this item stating the purpose of the development
38 agreement is to outline the development responsibilities of the developer with the zone
40 change. He noted that the development agreement will only apply to the property located
at 625 N. 2800 W.

42 Mayor Lundberg called for any further discussion or comments from the Council.
44 Hearing none she called for a motion.

2 COUNCILMEMBER BRODERICK MOVED TO APPROVE RESOLUTION
 4 2024-06-R AS PRESENTED WITH THE AMENDEDMENT TO REQUIRE
 6 SUFFICIENT GREASE TRAPS TO ADEQUATELY SUPPORT POTENTIAL
 8 RESTAURANT USE. COUNCILMEMBER JACOBS SECONDED THE MOTION.
 10 THE VOTE WAS RECORDED AS FOLLOWS:
 COUNCILMEMBER BRODERICK AYE
 COUNCILMEMBER HOYT NAY
 COUNCILMEMBER STEWART AYE
 COUNCILMEMBER HOOLEY AYE
 COUNCILMEMBER JACOBS AYE
 12 THE MOTION CARRIED UNANIMOUSLY.

14 **10. Review & Action - Resolution #2024-3-R Amending street name in Anderson
 Farms development.** The Council will consider a request to correct a street name
 16 labeling error. City staff request that a section of Briarwood Lane, between
 18 Ledgebrook Lane and Anderson Blvd, be renamed to Wheatgrass Lane. No
 residential addresses are impacted by this change.

20 Mike Florence presented this item stating that the purpose of this request is to
 22 change the street name in the Anderson Farms development. He noted that Ivory
 Development realized that they have two different streets with the name Briarwood Lane,
 24 noting that the street in discussion is located between Anderson Boulevard and
 Ledgebrook Lane. The portion of Briarwood Lane that is proposed to be changed does
 not have any homes that address from it and this portion of the street will also match up
 26 with the new Wheat Grass Lane that connects Anderson Boulevard to 1200 W.

28 Mayor Lundberg called for any further discussion or comments from the Council.
 Hearing none she called for a motion.

30 COUNCILMEMBER HOYT MOVED TO APPROVE RESOLUTION 2024-3-R AS
 32 PRESENTED. COUNCILMEMBER JACOBS SECONDED THE MOTION. THE
 VOTE WAS RECORDED AS FOLLOWS:
 34 COUNCILMEMBER BRODERICK AYE
 COUNCILMEMBER HOYT AYE
 36 COUNCILMEMBER STEWART AYE
 COUNCILMEMBER HOOLEY AYE
 38 COUNCILMEMBER JACOBS AYE
 THE MOTION CARRIED UNANIMOUSLY.

40 **11. Public Hearing: Resolution #2024-4-R; FY2023-24 Budget and Fee Schedule
 42 update.** The Council will review and consider updates to the FY23-24 budget and
 44 fee schedule as presented.

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

6 Kristen Colson-Aaron, Financial Director, presented this item, noting the council
was provided the amendment information to review beforehand. She then explained the
8 breakdown of the data presented.

- 10 1. GL# 10-32-100 Business Licenses & Permits +\$29,200
GL# 10-32-350 Building Bonds Forfeited +\$6,000
12 GL# 10-32-400 Plan Review Fee +\$30,000
GL# 10-34-556 Fire Safety Inspection +\$1,000
14 GL# 10-36-110 Police Misc. Revenue +\$12,000
GL# 10-36-635 Sale of Surplus Items +\$168,500
16 GL# 10-36-904 Lease Revenue-Building +\$37,235
GL# 10-36-905 Lease Revenue (\$37,235)
18 GL# 10-37-100 Sale of Burial Plots +\$25,000
*Adjusting General Fund revenues to better match year-end projections. Moving
20 the lease revenue for the basement to its own revenue line.*
- 22 2. GL# 10-44-110 Salaries & Wages (\$2,400)
GL# 10-44-290 Gasoline +\$4000
24 *Adjusting to remove monthly travel stipend and adjust fuel expenditures to better
match year-end projections.*
- 26 3. GL# 10-44-675 Purchase of Equipment +\$2,000
28 GL# 10-51-675 Purchase of Equipment +\$8,500
*Adjusting for equipment costs to equip and furnish the offices for the new HR
30 Generalist and City Recorder/Court Clerk.*
- 32 4. GL# 10-54-230 Travel & Training +\$3,125
*Increase to pay for new police officer's tuition for UVU's law enforcement
34 academy.*
- 36 5. GL# 10-54-510 Insurance +\$800
GL# 10-64-510 Insurance +\$1,775
38 GL# 52-40-510 Insurance +\$455
GL# 55-42-510 Insurance +\$65
40 *Adjusting for increase in property and liability insurance premiums.*
- 42 6. GL# 10-57-630 North UT County Animal Shelter +\$10,315
Adjusting for actual assessment.
- 44 7. GL# 10-60-740 Purchase of Capital Asset +\$8,600

- 2 *Increase to purchase a concrete/asphalt walk behind saw.*
- 4 8. GL# 10-62-310 Professional & Tech Services +\$8,000
 Increase to pay for grant consulting and GIS services.
- 6
- 8 9. GL# 10-62-740 Purchase of Capital Asset (\$169,520)
 *Adjusting to delay purchasing a dump truck until next fiscal year and to make a
 purchase of a portable message boards this fiscal year.*
- 10
- 12 10. 10 GL# 10-64-115 Salaries & Wages - Overtime +\$3,060
 Adjusting Parks overtime budget to better match year-end projections.
- 14 11. GL# 10-67-675 Purchase of Equipment +\$525
 Increase to cover network equipment costs for new cemetery building.
- 16
- 18 12. GL# 10-67-760 Office/Warehouse +\$38,000
 Increase to cover costs for new cemetery building.
- 20 13. GL# 22-30-425 700N CDA – Tax Increment +\$9,360
 GL# 22-30-430 700N CDA – Prior Year Tax Increase +\$6,150
 Increase for actual revenue received.
- 22
- 24 14. GL# 22-83-310 Dist3 – Professional Services +\$4,000
 Increase for services assisting with the creation of a CRA within RDA District 3.
- 26
- 28 15. GL# 24-41-675 Purchase of Equipment (\$116,100)
 GL# 24-41-920 Trfr to Recreation – Capital Exp +\$116,100
 GL# 55-30-880 Trfr from PARC Tax Fund +\$116,100
 GL# 55-41-730 Aq. Ctr. Improvements +\$116,100
 GL# 55-41-730 Aq. Ctr. Improvements +\$22,100
 *Moving capital outlay for improvements to the concession stand to the Recreation
 Fund along with the transfer of PARC Tax funds to cover the improvements. Also,
 increase the budget to cover phase 1 costs for replacing the pool Myrtha lining
 from \$100,000 to \$122,100.*
- 30
- 32
- 34
- 36
- 38 16. GL# 24-42-620 Other Services +\$60
 GL# 24-44-620 Other Services +\$11,565
 *Adjusting for increased costs to paint the Community Center and to re-stain 2
 pavilions and bathrooms at Pioneer Park.*
- 40
- 42 17. GL# 24-44-250 Operating Supplies & Maintenance +\$33,000
 Carry over from last fiscal year for bathroom security.
- 44
18. GL# 51-30-600 Grant Proceeds +\$55,805

2 *Carry over from last fiscal year water grants.*

4 19. GL# 52-40-600 Orem City Sewer Collection +\$50,000
Adjusting for Orem City Sewer Collection increase.

6 20. GL# 52-40-757 Infiltration Elimination +\$7,220
8 *Carry over sewer manhole work from previous fiscal year.*

10 21. GL# 54-40-222 Uniform Expense +\$130
Adjusting for actual costs.

12 22. GL# 55-30-410 Special Event Revenue +\$3,675
14 GL# 55-30-570 Community Center Donations +\$1,000
Increase for sponsorships and donations received.

16 23. Multiple GL’s Use of Fund Balance (\$300,505)
18 *The changes in revenues and expenses are balanced and offset by changes in the
20 use of fund balances.*

22 Ms. Colson-Aaron then presented the proposed fee schedule changes regarding
the centennial puzzle. Following some general discussion Mayor Lundberg called any
other public comment, hearing none she called for a motion to close the public hearing.

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

28 Mayor Lundberg called for any further discussion or comments from the Council.
30 Hearing none she called for a motion.

32 COUNCILMEMBER BRODERICK MOVED TO APPROVERESOLUTION
#2024-4-R AS PRESENTED. COUNCILMEMBER STEWART SECONDED THE
34 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

- 36 COUNCILMEMBER BRODERICK AYE
- COUNCILMEMBER HOYT AYE
- COUNCILMEMBER STEWART AYE
- 38 COUNCILMEMBER HOOLEY AYE
- COUNCILMEMBER JACOBS AYE

40 THE MOTION CARRIED UNANIMOUSLY.

42 **12. Recess to Lindon City Redevelopment Agency Meeting (RDA).**

44 COUNCILMEMBER HOYT MOVED TO RECESS THE LINDON CITY
COUNCIL MEETING AND CONVENE AS THE LINDON CITY RDA.

2 COUNCILMEMBER BRODERICK SECONDED MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

- 4 COUNCILMEMBER HOYT AYE
- COUNCILMEMBER BRODERICK AYE
- 6 COUNCILMEMBER HOOLEY AYE
- COUNCILMEMBER STEWART AYE
- 8 COUNCILMEMBER JACOBS AYE

THE MOTION CARRIED UNANIMOUSLY.

10 BOARDMEMBER BRODERICK MOVED TO ADJOURN THE LINDON RDA
12 MEETING AND RECONVENE THE LINDON CITY COUNCIL MEETING.

BOARDMEMBER STEWART SECONDED THE MOTION. THE VOTE WAS
14 RECORDED AS FOLLOWS:

- 16 BOARDMEMBER HOYT AYE
- BOARDMEMBER BRODERICK AYE
- BOARDMEMBER HOOLEY AYE
- 18 BOARDMEMBER STEWART AYE
- BOARDMEMBER JACOBS AYE

20 THE MOTION CARRIED UNANIMOUSLY.

22 **13. Review & Action - Resolution #2024-5-R. North Pointe Solid Waste Special
Service District Board appointment adjustment.**

The Council will consider a request by NPSWSSD amending the appointment of Lincoln Jacobs to the NPSWSSD Board to an alternate Lindon representative, and retain the current chair of the Board, Mike Vanchiere, as Lindon’s representative until Utah County appoints Mr. Vanchiere as their at-large board member.

Mr. Cowie presented this item stating that previous councilmember Mike Vanchiere had been appointed to represent Lindon City as an at-large voting member of the North Pointe Solid Waste Special Service District Board of Directors. The length of this would run for a period of 45 days if passed. He then noted that councilmember Jacobs is appointed as an alternate voting member of the Board to act in Mr. Vanchiere’s absence. Mr. Cowie then stated that 45 days after the potential passing of this resolution, Mr. Vanchiere’s appointment with Lindon City would expire and Mr. Jacobs would become the voting representative for Lindon City on the North Point Solid Waste Board.

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

COUNCILMEMBER JACOBS MOVED TO APPROVE, RESOLUTION #2024-5-R AS PRESENTED COUNCILMEMBER HOYT SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

- 44 COUNCILMEMBER BRODERICK AYE
- COUNCILMEMBER HOYT AYE

2 COUNCILMEMBER STEWART AYE
 COUNCILMEMBER HOOLEY AYE
 4 COUNCILMEMBER JACOBS AYE
 THE MOTION CARRIED UNANIMOUSLY.

6

14. Review & Action - Union Pacific crossing agreements. The Council will review and consider two at-grade crossing license agreements with Union Pacific Railroad Company for crossings of the Lindon Heritage Trail and associated railroad improvements near 1600 North (Vineyard) and 2800 West (Lindon). Agreement 0769958 (1600 N) license fee = \$38,517.00; Agreement 0784054 (2000 W) fee = \$28,000.00. Costs of the license agreements will be covered by the City with primary costs of the crossing and trail improvements paid for by grant funding obtained through MAG. Lindon has a 6.77% match on the total project costs.

16

Mr. Cowie presented this item stating that they are working with Union Pacific Railroad on extending the Lindon Heritage Trail stating that The Lindon Heritage Trail is one of the only east-west trails in Utah County that will connect Utah Lake to the mountain foothills. The Heritage Trail has been constructed in two different segments through Lindon with this last phase completing the connection of the trail from the Lakeside Power Plant to the Lindon Marina and Utah Lake Shoreline Trail. He then presented to the council two segments of the trail that cross railroad tracks. Mr. Cowie then stated that the city has obtained transportation funding to do the updates that the Union Pacific Railroad Company is requiring and noted the city’s share of the project (6.77% match) is estimated to be between \$175k - \$200k. City funds used to pay for the UPRR agreement fees will go towards the City’s match. If the City spends more than the City’s required match amount, then the City can be reimbursed for the difference.

30 Mayor Lundberg called for any further discussion or comments from the Council. Hearing none she called for a motion.

32

COUNCILMEMBER STEWART MOVED TO APPROVETHE UNION PACIFIC CROSSING AGREEMENTS FOR THE LINDON HERITAGE TRAIL PROJECT AS PRESENTED COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BRODERICK AYE
 38 COUNCILMEMBER HOYT AYE
 COUNCILMEMBER STEWART AYE
 40 COUNCILMEMBER HOOLEY AYE
 COUNCILMEMBER JACOBS AYE
 42 THE MOTION CARRIED UNANIMOUSLY.

15. Closed Session to discuss deployment of security personnel, devices, or systems per Utah Code 52- 4-205(1)(f). This session is closed to the general

2 public.

4 COUNCILMEMBER HOYT MOVED TO ENTER THE CLOSED SESSION.
6 COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

- 8 COUNCILMEMBER BRODERICK AYE
- 8 COUNCILMEMBER HOYT AYE
- 10 COUNCILMEMBER STEWART AYE
- 10 COUNCILMEMBER HOOLEY AYE
- 12 COUNCILMEMBER JACOBS AYE

12 THE MOTION CARRIED UNANIMOUSLY.

14 COUNCILMEMBER STEWART MOVED TO CLOSE THE CLOSED
16 SESSION. COUNCILMEMBER HOYT SECONDED THE MOTION. THE VOTE
WAS RECORDED AS FOLLOWS:

- 18 COUNCILMEMBER BRODERICK AYE
- 18 COUNCILMEMBER HOYT AYE
- 20 COUNCILMEMBER STEWART AYE
- 20 COUNCILMEMBER HOOLEY AYE
- 22 COUNCILMEMBER JACOBS AYE

22 THE MOTION CARRIED UNANIMOUSLY.

24 **16. Review & Action: Master Services Agreement; Flock Group, Inc.** The
26 Council will review and consider a Master Services Agreement between Lindon
City and Flock Group, Inc. for installation of a camera system to assist in security
and policing activities within Lindon City.

28 Adam Cowie presented the agreement from the service provider, Flock Group.
30 Mr. Cowie stated that the contract is not included in this public staff report but has been
provided to the City Council members separately from the staff report for their review
32 and consideration.

34 Mayor Lundberg called for any further discussion or comments from the Council.
Hearing none she called for a motion.

36 COUNCILMEMBER STEWART MOVED TO APPROVE THE MASTER
38 SERVICE AGREEMENT BETWEEN FLOCK GROUP AND LINDON CITY
COUNCILMEMBER JACOBS SECONDED THE MOTION. THE VOTE WAS

- 40 RECORDED AS FOLLOWS:
- 42 COUNCILMEMBER BRODERICK AYE
- 42 COUNCILMEMBER HOYT AYE
- 44 COUNCILMEMBER STEWART AYE
- 44 COUNCILMEMBER HOOLEY AYE
- COUNCILMEMBER JACOBS AYE

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Mayor Lundberg called for any further discussion or comments from the Council.
Hearing none she called for a motion to adjourn.

Adjourn –

COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING
AT 7:38 PM. COUNCILMEMBER STEWART SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – March 4, 2024

Britni Laidler, City Recorder

Carolyn O. Lundberg, Mayor

The Lindon City Council held an annual Budget Kick-Off Meeting on **February 22, 2024**, beginning at 5:50 p.m. at the Lindon City Center, 100 North State Street, Lindon, Utah.

Conducting: Carolyn Lundberg, Mayor

PRESENT

Officials

Absent

- Carolyn Lundberg, Mayor
- Jake Hoyt, Councilmember
- Van Broderick, Councilmember
- Lincoln Jacobs, Councilmember
- Cole Hooley, Councilmember
- Steve Stewart, Councilmember

Staff

- Adam Cowie, City Administrator
- Kristen Aaron, Finance Director
- Heath Bateman, Parks & Recreation Director
- Juan Garrido, Public Works Director
- Mike Florence, Planning Director
- Brian Haws, City Attorney
- Orlando Ruiz, Lieutenant
- Chase Adams, Assistant Finance Director

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

2. Presentations and Announcements:

- a) Resident Denny Farnworth wanted to voice appreciation for Lindon City Public Works Department and the work they did on the recent water breaks during Presidents Day weekend. Mr. Farnworth stated that he and his company were able to help the city during that time and gave a little background on the process and time it takes to fix each leak. He continued to say he knows the amount of work that the Public Works Department had to do to repair those 18 breaks during that time. Mr. Farnworth closed by saying that Juan Garrido is the only Public Works Director he has ever seen jump into a hole and ask what he can do to help.
- b) Mr. Garrido gave an update on the water pressure and the events of the previous weekend along with the process they are making in replacing the bad RPV’s. He then addressed questions from the council about what contributed to those leaks, the process of fixing those issues and how to plan for the unexpected. He voiced appreciation for all the hard work of the Public Works Department employees.

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3. **DISCUSSION** – The Lindon City Administration and Department Heads met with the Mayor and Council in a work session to review, discuss, and receive feedback on significant budget issues and priorities for the upcoming 2024-2025 fiscal year. This item was for discussion only with no motions required at this meeting.

Items of general discussion included the following:

| <u>Item:</u> | <u>Presenter</u> | <u>Council Action</u> |
|---|-------------------|----------------------------|
| 1. Budget Adoption Process | Kristen | <i>Receive Information</i> |
| a. Kristen - Review timeline for budget process & adoption | | |
| 2. Financial Overview | Adam/Kristen/Juan | <i>Receive Information</i> |
| a. Review significant revenue sources | | |
| i. Sales tax – \$6.3 million estimated revenue; review graphs and trends | | |
| ii. Property tax – \$2.6 million estimated revenue; review graphs and trends | | |
| iii. PARC Tax – approx. \$945,000 projected this fiscal year | | |
| 1. Changes proportionally with sales tax revenues | | |
| 2. Currently adopted PARC Tax spending allocation (updated March 2023): | | |
| a. 32% Parks/Rec Facilities Maintenance | | |
| b. 20% Aquatics Center Improvements | | |
| c. 20% Parks & Trails Improvements | | |
| d. 18% Other (debt service, mini-grants, contingency) | | |
| e. 10% Community Center Improvements | | |
| iv. Utility Charges - \$7.4 million | | |
| 1. Proposed 2024-25 utility rate increases: Water 3% = base & usage; Sewer = 7% base & usage; Storm Water = 2% (see attached rate increase table) | | |
| v. Why do we need to raise rates? | | |
| 1. Cover costs of on-going maintenance projects without substantial need of borrowing/bonding and paying interest. | | |
| 2. Saving for large future projects (new wells; water tank; etc) | | |
| 3. Unease regarding low projected sewer fund balance. | | |
| a. Orem sewer plant upgrades | | |
| i. 2023-24, \$1.32M (Lindon’s cost of total project) | | |
| ii. 2025, \$4.4M (Lindon’s portion of upgrade; 20 yr bond) | | |
| iii. 2030, \$4.9M (Lindon's portion of upgrade; 20 yr bond) | | |

- 2 iv. 2035, \$3.06M (Lindon's portion of upgrade;
20 yr bond)
- 4 v. 2040, \$4.5M (Lindon's portion of upgrade;
20 yr bond)
- 6 b. Debt outlook for FY2025
- 8 i. Kristen - review debt schedule.
- 10 1. Future bonding may be necessary for
infrastructure needs (sewer plant
upgrades; possible property
12 acquisition for detention basin; storm
water piping; etc.)
- 14 ii. Kristen - Review CIP project fund balances
- 16 3. **Cost savings/Increased revenues** Adam & Dept. Heads *Receive Info/ Give
Direction*
- 18 a. Savings:
- 20 i. Open positions not immediately filled (City Recorder combined
w/Court Clerk; Parks Maintenance Technician; Police Officer;
Planner)
- 22 ii. Postponed projects or purchases: Public Works Dump Truck
(\$200k)
- 24 b. Increased or New Revenues:
- 26 i. Surplus vehicle & equipment sales: \$335k (mostly surplus PD
trucks)
- 28 ii. Grants:
- 30 1. Since this meeting last year, the city has been awarded
approx. \$1.18M in new grants (mostly for Lindon Heritage
Trail)
- 32 4. **Personnel Issues** Adam/Chase/Dept Heads *Give Direction*
- 34 a. Evaluating position needs as we experience growth & demand for
services:
- 36 i. City Recorder / Court Clerk – add additional duties for court clerks
as Deputy City Recorders
- 38 ii. Police Dept – Possible new Sgt position; potential new officer
position as 700 North develops.
- 40 iii. Parks & Rec: Community Center front desk, Part-time Employee
for nights, weekends and on call. 20-25 hrs a week; year-round.
- 42 iv. Community Development – will be filling current inspector
vacancy; continue evaluating 2nd inspector vacancy; evaluating
work demands on part-time clerk position w/potential move to FT
after completion of business license fee study.
- 44 b. Chase - Review Operational Revenues vs. Personnel Costs over time
- 46 c. Merit pay & COLA:
- i. Typical merit increase anticipated per 12-step pay scale
- ii. COLA & wage study:

- 1. Anticipate recommendation of approx. 4% COLA (see attached inflation index table);
 - a. Inflationary impact on wages continues to be significant; many positions already 3-5% or more below market average even after increases last year;
- 2. Wage study being updated. We'll gather additional information on inflation and wages prior to making final recommendation for COLA during the budget hearings.
- iii. New legislation may require separate public hearing for any change in compensation of "municipal officers" (essentially management/dept heads)
- d. Health/Dental insurance rates – TBD; Annual rate increases have historically been 5-7%.

5. Dept Specific updates/Capital Improvements Dept Heads Receive Info/ Give Direction

- a. Public Works (Juan Garrido): See attached.
- b. Parks & Rec (Heath Bateman): See attached.
- c. Police Department (Chief Brower / Lt. Ruiz): See attached.
- d. Facilities, Vehicles & Equipment:
 - i. See attached DRAFT Facilities & Fleet budget proposal from Alex Roylance.

In conclusion, Mr. Cowie asked the group if they felt there were any issues with financial obligations and if they felt that the city is heading on the right track. There was a general consensus among the group that they are satisfied with the financial direction the city is going with no major concerns or issues.

**This annual budget kick off meeting was for discussion and informational purposes only. The Council did not take action on any item at this meeting. Any items that require Council action will be discussed during regular City Council meetings prior to any action being taken.*

The meeting was adjourned at 7:45 p.m.

Approved – March 4, 2024

Britni Laidler, City Recorder

Carolyn Lundberg, Mayor

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.

The following consent agenda item was presented for approval.

- a) There are no consent agenda items.

Sample Motion: I move to (*approve, reject*) the consent agenda item (*as presented or amended*).

8. **Review & Action: Community Center Rates for Contract Rentals.** The Council will review and discuss information provided by the Lindon City Parks & Recreation Director, Heath Bateman, and provide feedback and direction regarding rental rates for use of the Community Center by groups requesting special pricing and/or multi-year rental contracts. *(35 minutes)*

See attached information from Parks & Recreation Director, Heath Bateman.

Sample Motion: (Feedback and direction will be provided, but no motions will be made.)

Memo

City Council

2-26-2024

RE: Holy Cow Boutique and Other Commercial Enterprises Renting the Community Center

Dear Lindon City Council,

As we discussed previously at the Budget Kickoff Meeting in February, we would like some direction from the council on how you would like us to administer the fees to the Holy Cow Boutique and other commercial rentals at the community center.

BACKGROUND: Holy Cow Boutique started to rent the Lindon Community Center in 2017. At that time, the owners of Holy Cow came to the council to see if they could get a rental fee reduction for the building rental as they considered renting in Lindon City could help keep the boutique near where it was started, and they weren't sure on participation levels.

See Holy Cow request in [OPEN SESSION HERE](#)

See Council Action in 2017 [FEE SCHEDULE CHANGE HERE](#)

The **2017** Fee Schedule for building rentals is below:

| Area | Resident | Non-Resident | Commercial | Non Profit |
|-------------------|--|--------------------|--------------------|--------------------|
| Classroom | \$25/hr, \$150 max | \$35/hr, \$210 max | \$45/hr, \$270 max | \$20/hr, \$120 max |
| Gym | \$50/hr, \$300 max | \$60/hr, \$360 max | \$70/hr, \$420 max | \$40/hr, \$240 max |
| Powell | \$45/hr, \$270 max | \$55/hr, \$330 max | \$65/hr, \$390 max | \$36/hr, \$216 max |
| Whole Building | (5% discount) | | | |
| | \$684 max | \$855 max | \$1,026 max | \$547 max |
| PG/Lindon Chamber | (5% Discount commercial rate with proof of membership) | | | |
| | All Daily Fees are capped at 6 our max | | | |

CURRENT SITUATION

Currently, we do not have a full facility rental in today's fee schedule. We changed the fee schedule several times over the last few years for various reasons including facility rental buildings not being able to have enough options to rent in so many different categories. If Holy Cow were to rent with today's fee schedule as a non-resident (whole building), the price would be \$175/hr. See below for the breakdown.

Current Fee Schedule 2023-24

| Area | Resident | Non-Resident |
|-----------------|----------|--------------|
| Classroom | \$25/hr | \$35/hr |
| Powell Aud. | \$45/hr | \$55/hr |
| South End (gym) | \$75/hr | \$85/hr |

Holy Cow rents around 90 hrs during the boutique week meaning they should be paying \$15,750 each boutique...times four per year = \$63k. This does not include the new commercial fee in the Fee Schedule...*"There will be an additional revenue-based fee of 5% will be added for all commercial for-profit rentals. The commercial for-profit rental must provide records of revenue earned when requested by the city."* This also does not include charges for Sunday use of the building that prohibits the city from other rentals on Sunday.

She is currently paying \$66/hr (\$5,940/show). (This comes from the 2017 Fee Schedule including a caveat that if she rented the whole building, she could get 5% off and if she maintained a Chamber Membership, she could have another 5% off as well as there was a 6 hour-a-day cap on full facility rentals.)

With the current fee schedule, she should be paying \$175/hr (\$15,750/show with 5% revenue-based fee); and should really be paying for the Sunday use (\$2,450) of the building (total of \$18,200 + 5% of revenue per show (with Sunday included)). The entire Community Center building that is used consists of approximately 7,400 square feet of available space for booths and registers. Holy Cow and other boutiques also put vendors/booths on the outside lawn, and the city has not charged additional amounts for outside vendor space.

OTHER FACILITY RENTAL OPTIONS:

Stone Gate Weddings & Events (most similar in sq/ft to the Lindon Community Center, ~8,100 sq/ft for total indoor rentable space; additional charges for outdoor rental space)

- 'Starting price', M-F \$3,500 / day
- 'Starting price', Fri-Sat \$5,500 / day

Wadley Farms (Daily rental 2pm-10pm)

- Monday-Thursday \$4,500
- Friday-Saturday \$6,500
- \$1,500 more for all day rental 10am-10pm.

Walker Farms

- Mon – Wednesday \$5,500
- Thurs \$6,500
- Friday-Saturday \$7,500

Bravo Events Center

- Select from the following hours: 3pm-10pm or 4pm-11pm
- Monday, Tuesday, or Wednesday: \$1,900
- Thursday: \$2,200
- Friday or Saturday: \$2,500
- Additional hours: \$250

Orion Events Center

- Sun – Thursday 11am to 11pm \$1,800

- Friday 12pm to 1am \$2,300
- Saturday 12pm to 1am \$3,400

OPTIONS GOING FORWARD

Option 1: No longer allow commercial/for profit events in the Lindon Community Center.

As we currently stand, and as some rental requests have increased over the years, we are finding it harder and harder to find enough time available to host our Parks and Recreation programs. Should a for-profit business make money off a publicly funded facility?

| Pros | Cons |
|---|---|
| <ul style="list-style-type: none"> • Our city programs can be scheduled and will run more smoothly. • Could be more available for smaller groups and families to rent the building. | <p>Loss of Revenue:</p> <ul style="list-style-type: none"> • Holy Cow Current Rents/Sales Tax Revenue: Rent \$5,940 x 4 a year = \$23,760 plus average sales tax of \$2,500 x 4 a year = \$33,760 (per show is \$8,440 average w/rental fee AND sales tax rev) • Other Boutiques Revenue <ul style="list-style-type: none"> ○ Creators Collective ○ The Market Co |

Option 2: Have the Boutiques pay the current and established fee schedule rates. The fee schedule established by the City Council during the budget is to be followed and amended from time to time.

| Pro's | Cons |
|---|--|
| <ul style="list-style-type: none"> • Everyone Pays the same rate established by the Fee Schedule. • Easy to schedule for staff. • Easier for City Programs to schedule time. | <ul style="list-style-type: none"> • Might be too costly to rent to boutiques. • Holy Cow might not be able to rent here which would facilitate loss of revenue and sales tax. |

Option 3: Develop a special category and fee in the fee schedule which is negotiated yearly or up to 3 years at a time that allows the Parks and Recreation Director criteria to set a fee with the renter at a set price. Possible criteria could include some or all of the following in development of rental price:

1. The renter must rent the ENTIRE building at least six (6) consecutive days 2 separate times per calendar year.
2. Payment must be made in advance for the first 2 events to be held in the calendar year.
3. The renter's event must provide a minimum of \$6,000 per calendar year in sales tax revenue.
4. Must be negotiated on a minimum of an annual basis but can be negotiated up to 3 years in advance.

- 5. The renter must demonstrate that it has commercial general liability insurance that names Lindon City as an additional insured for \$1 Million.

| Pro's | Cons |
|--|--|
| <ul style="list-style-type: none"> • Could be more affordable to larger groups that may provide a higher revenue to the city to offset facility costs. • Could make some revenue instead of the building remaining unrented. | <ul style="list-style-type: none"> • Pricing matrix might be confusing, subjective, and difficult to establish and institute for staff. • Could appear to others to be unfair in some cases. • Could open 'Pandoria's Box' with others requesting adjusted rates. |

Option 4: Grandfather the Holy Cow Boutique and ADD a 4% (or other %) price inflator until the Boutique reaches the current fee schedule fees or they can no longer afford to rent here. *With the past applied rate and this 4% annual inflation rate, and based off of 90 hours of rental time, it will take until 2045 to get to the current fee schedule.*

| Pro's | Cons |
|--|--|
| <ul style="list-style-type: none"> • Could be more affordable to larger groups that may provide a higher revenue to the city to offset facility costs. • Could make some revenue instead of the building remaining unrented. • Holy Cow brings many people to Lindon. | <ul style="list-style-type: none"> • Pricing matrix might be confusing, subjective, and difficult to establish and institute for staff. • Could appear to others to be unfair in some cases. • Could open 'Pandoria's Box' with others requesting adjusted rates. |

Option 5: Council gives a percentage off for certain criteria.

Ideas for Criteria

1. Revenue received through Sales Tax (over \$5k a year)
2. Consecutive Days Renting (over 5 days)
3. Frequency of renting yearly (regular renter)
4. Financial data presented by the renter.

| Pro's | Cons |
|--|---|
| <ul style="list-style-type: none"> • Higher paying revenue and shows with rental day commitment could be given a discount as the sales tax and revenue generated would be higher. | <ul style="list-style-type: none"> • Could appear to others to be unfair in some cases. • We are in a situation that if more shows come looking to use the community center and are looking for more days and discounts, we might not be able to accommodate them with other renters as well as our programs needs. |

Current rental rates with discounts listed (Holy Cow Boutique used as example)

**Does NOT include Sunday rental fee, even though they occupy the space over the Sunday.*

| Hours | Fee Schedule Rate (Non Res) | Total | % off | Total |
|--------------|--|----------------|-------|-------------|
| 90 | \$175 | \$15,750* | 10% | \$14,175 |
| | | | 15% | \$13,387.50 |
| | | | 20% | \$12,600 |
| | | | 25% | \$11,815.50 |
| | | | 30% | \$10,395 |
| | | | 35% | \$10,237.50 |
| | | | 40% | \$9,450 |
| <i>Hours</i> | <i>Holy Cow Current Fees under 2017 Fee Schedule</i> | | | |
| <i>90</i> | <i>\$66</i> | <i>\$5,940</i> | | |

SUMMARY: Holy Cow Boutique has a few other things that need to be addressed as well. Currently, they rent Saturday to tape the floors for booths and get the administration items set up. They do not rent the building on Sundays but in essence, Sunday is unusable for other rentals as they encumber the building with their set up. Should we be charging them for Sunday as well? We have only had one or two conflicts with Sundays but we believe this item needs to be addressed as well.

Holy Cow Boutique has been a good renter and they are willing and hopeful to work out a plan with the city wherein it is mutually beneficial to both the City and the Boutique.

Heath G. Bateman
Parks and Recreation Director

9. **Public Hearing: Ordinance Amendment; LCC 17.51, Commercial Farm Zone - Ordinance #2024-04-O.** The City Council will consider an amendment to LCC 17.51 to address the priority of agricultural production to meet the objectives of the zone, clarify lot coverage requirements, and make other technical changes for development in the Commercial Farm Zone. (25 minutes)

Sample Motion: See staff report.

Ordinance Amendment – 17.5I Commercial Farm Zone

Date: March 4, 2024
 Applicant: Lindon City
 Presenting Staff: Michael Florence

Type of Decision: Legislative

Council Action Required: Yes, the planning commission unanimously recommended approval of this ordinance amendment.

MOTION

I move to recommend to (*approve, deny, continue*) ordinance amendment 2024-04-O (*as presented, or with changes*).

Overview:

In 2023, the Lindon City Planning Commission and City Council made several amendments to the Commercial Farm zone to allow bed and breakfast uses, modified the number of residential units in the zone, and removed amphitheaters as an allowable use. During the amendment process there was a lot of discussion of ensuring that ordinance meets the intent and expectation of the Commercial Farm zone which states:

“Provide encouragement of agricultural production and associated commercial activities that are compatible with and/or promote agricultural uses within the city. Objectives of the zone include promoting and preserving agricultural production, promoting agricultural open space throughout the city, and allowing associated commercial activities which could be used as additional revenue sources to help sustain and support agricultural industry within Lindon City.”

City staff came back to the planning commission and city council at the end of 2023 and had a discussion of amendments that should be made to the ordinance to meet the intent of promoting agricultural production. A summary of the items that came out of those discussions focused on the following:

- Most of the commission and council felt like the commercial uses were self-regulating due to parking requirements and size of commercial areas.
- There was discussion regarding the phrase: “agricultural production be managed in such a way that there is a reasonable expectation of profit.”
- Move the agricultural production section of the ordinance to the beginning so it is the focus of the ordinance.
- Clarify that the building coverage requirement applies to the commercial areas.
- 2023 Youtube video of the city council discussion: (Discussion begins at 1 hour 15 minutes) https://www.youtube.com/watch?v=dWy6B4JoX_0&t=6538s
- February 27, 2024 Planning Commission meeting recommending approval of the amended ordinance: <https://www.youtube.com/watch?v=VTxwDkmQZ8o>

General Plan

The Lindon City General Plan has a focus on ensuring the historical heritage of Lindon is preserved while also implementing compatible development. Below is a list of goals and implementation measures of the plan:

- Identify and work with property owners to preserve remaining agricultural properties.
- Ensure commercial uses located in close proximity to residential uses do not negatively impact established characteristics and qualities.

Staff Analysis

The proposed amendments to the Commercial Farm zone try to bring to the forefront the importance of meeting the intent of preserving agricultural production and agricultural open space. As a reminder, for a property owner to be able to apply the Commercial Farm zone to their property, they are required to submit a land use application for a zone change with the planning commission and city council. This is a legislative act where the planning commission and city council can review if the agricultural and commercial uses are compatible with the area and meet the zoning requirements. During the zone change process the city is not obligated to approve a zone change request.

The proposed ordinance makes the following amendments:

- **17.51.010** – makes a reference to the commercial uses and replaces the word agricultural industry with agricultural production. The purpose in changing industry to production was so that there was not any inference that industrial agriculture is allowed. The city has a specific definition for agricultural industry that applies to feed lots, commercial raising of animals, food packaging, etc. The amendment will also make this section so it's consistent with the agricultural production section of the code.
- **17.51.011** – this is a new section and moves the agricultural production section to the beginning of the ordinance instead of following the allowable commercial uses. The ordinance also makes the following amendments:
 - Redefines what agricultural production is.
 - New definition: “agricultural activities including cultivation, processing and distribution of agricultural products that result in that product being marketed and sold at retail or wholesale but does not include industrial agricultural uses.”
 - Previous definition: “the production of food for human or animal consumption through the raising of crops and/or breeding and raising of domestic animals and fowl (except household pets) in such a manner that there is a reasonable expectation of profit.”
 - The city already defines the term agriculture which means: “the production of food through the tilling of the soil, the raising of crops, breeding and raising of domestic animals and fowl except household pets and not including any agricultural industry or business.”
 - The new definition removes the requirement that there is an expectation of profit and replaces it with the requirement that there be a retail or wholesale requirement. In some situations, a sales tax number is already required as part of a retail use. Such situations would be the Walker Farms store or when the Red Barn comes online at Wadley Farms. Seasonal agricultural sales are exempt from the sales tax requirement, but products are still being sold at retail.
 - To make the focus more on agricultural production, staff is proposing to increase the agricultural production percentage from 40% to 50% of the minimum 5 acre requirement. For a 5 acre property, an owner would now be required to provide 2.5 acres of agricultural property instead of 2 acres. This shows that the city values the agricultural equal to the commercial uses of the property.

- The amendment also requires that as part of the zone change request a property owner would need to provide the city with an agricultural production plan that outlines the products that will be sold, how agricultural open space will be preserved and a plan outlining the proposed commercial use and how the use will sustain and support the emphasis of agricultural production.
- 17.51.012 – removes the word “nonpermitted” because the list of commercial uses does not include a list of nonpermitted uses.
- 17.51.020 – clarifies that the minimum 5 acre requirement needs to be consolidated into one lot or parcel. By having multiple parcels property owners can move property lines around and sale off portions of the property without city approval.
- 17.51.120 – clarifies that the 40% building coverage applies to the non-agricultural area. The ordinance also proposes a minimum coverage requirement of 15% for agricultural areas. This would allow up to 16,335 square feet of agricultural buildings based off 2.5 acres.

Exhibits

1. Draft Ordinance

ORDINANCE NO. 2024-04-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING TITLE 17.51 – COMMERCIAL FARM ZONE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Lindon 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 Lindon City General Plan to carefully limit negative impact of commercial facilities on neighboring land-use areas, particularly residential development; and

WHEREAS, on February 26, 2024, 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 adopt the attached ordinance;

WHEREAS, the Council held a public hearing on _____, to consider the recommendation and the 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: Amend Lindon City Code sections as follows:

17.51.010 Purpose and objectives.

Commercial farm zones (CF) are established to provide encouragement of agricultural production and associated commercial activities that are compatible with and/or promote agricultural uses within the city. Objectives of the zone include promoting and preserving agricultural production, promoting agricultural open space throughout the city, and allowing associated commercial ~~activities~~ uses as listed in 17.51.012 which could be used as additional revenue sources to help sustain and support agricultural ~~industry~~ production within Lindon City. Although the intent of the zone is to promote agricultural uses within the city, the zone may be utilized as a “holding zone” to allow reasonable options for income from agricultural and/or commercial uses for a period of time before developing the land in conformance with the general plan land use map. (Ord. 2023-5 §1, amended, 2023; Ord. 2017-16 §1, amended, 2017)

~~17.51.015~~ **17.51.011 Agricultural production required.**

To meet the purpose and objectives of this zone an applicant shall submit as part of the zone map amendment an agricultural production plan with the following requirements:

- 1. For this purposes of this chapter, “agricultural production” shall be defined as agricultural activities including cultivation, processing and distribution of agricultural products that result in that product being marketed and sold at retail or wholesale but does not include industrial agricultural uses.”
- 2. A site plan demonstrating that at ~~At least forty percent (40%)~~ fifty percent (50%) of the property ~~must~~ will be maintained in active agricultural production, ~~and be managed in such a way that there is a reasonable expectation of profit.~~ Land used in connection with a farmhouse, such as landscaping, driveways, etc., cannot be included in the area calculation for agricultural production eligibility. The plan

shall also include associated commercial uses and buildings that meet the site plan submittal requirements as found in the Lindon City Land Development Policies, Standard Specifications and Drawings manual.

~~2. For the purposes of this chapter, “agricultural production” shall be defined as the production of food for human or animal consumption through the raising of crops and/or breeding and raising of domestic animals and fowl (except household pets) in such a manner that there is a reasonable expectation of profit. (Ord. 2023-5 §1, amended, 2023; Ord. 2017-16 §1, amended, 2017)~~

3. An agricultural production plan shall be submitted with the zone change application that specifically outlines the following:

- a. agricultural product(s) that will ultimately be marketed and sold at retail or wholesale.
- b. a plan demonstrating how agricultural open space will be preserved through continued agricultural production.
- c. A plan outlining the proposed commercial use and how the use will sustain and support the emphasis of agricultural production.

17.51.012 Permitted uses.

The following is a list of permitted, ~~and conditional, and nonpermitted~~ uses in the CF zone:

1. *Permitted Uses.* Single-family dwelling; accessory buildings to a single-family dwelling; agricultural production and related accessory buildings; other permitted uses in the R1 residential zones.
2. *Conditional Uses.* Caretaker’s or farm-help accessory dwelling unit; commercial horse stables; farmers’ market; greenhouses; plant or garden nursery; garden center; bed and breakfast guestroom units; educational programs and associated facilities; reception center; conference center; boutique; cafe; restaurant; veterinary clinic; and food manufacturing (not to exceed two thousand (2,000) square feet of processing and production area). (Ord. 2023-5 §1, amended, 2023; Ord. 2017-16 §1, amended, 2017)

17.51.014 Owner residency required.

Each commercial farm project shall have a legal on-site residence that is owner occupied. (Ord. 2023-5 §1, amended, 2023; Ord. 2017-16 §1, adopted, 2017)

~~17.51.015 — Agricultural production required.~~

- ~~1. At least forty percent (40%) of the property must be maintained in active agricultural production and be managed in such a way that there is a reasonable expectation of profit. Land used in connection with a farmhouse, such as landscaping, driveways, etc., cannot be included in the area calculation for agricultural production eligibility.~~
- ~~2. For the purposes of this chapter, “agricultural production” shall be defined as the production of food for human or animal consumption through the raising of crops and/or breeding and raising of domestic animals and fowl (except household pets) in such a manner that there is a reasonable expectation of profit. (Ord. 2023-5 §1, amended, 2023; Ord. 2017-16 §1, amended, 2017)~~

17.51.020 Lot area.

The minimum area of any lot or parcel of land in the CF zone shall be five (5) acres. ~~Multiple parcels that total five (5) acres or more may qualify as meeting the minimum lot area without combining the parcels only when they are under identical legal ownership and are contiguous.~~ The minimum required five (5) acre development

area shall be consolidated into one (1) parcel or lot. (Ord. 2023-5 §1, amended, 2023; Ord. 2017-16 §1, amended, 2017)

17.51.030 Lot width.

Each lot or parcel of land in the CF zone, or conglomeration of parcels as defined in Section [17.51.020](#), shall have a width of not less one hundred feet (100') (measured at front yard setback). (Ord. 2023-5 §1, amended, 2023; Ord. 2017-16 §1, amended, 2017)

17.51.040 Lot depth.

Each lot or parcel of land in the CF zone, or conglomeration of parcels as defined in Section [17.51.020](#), shall have a minimum lot depth of one hundred feet (100'). (Ord. 2023-5 §1, amended, 2023; Ord. 2017-16 §1, amended, 2017)

17.51.050 Lot frontage.

Each lot or parcel of land in the CF zone, or conglomeration of parcels as defined in Section [17.51.020](#), shall abut a public street for a minimum distance of fifty feet (50'), on a line parallel to the centerline of the street or along the circumference of a cul-de-sac improved to city standards. Frontage on a street end which does not have a cul-de-sac improved to city standards shall not be counted in meeting this requirement. (Ord. 2023-5 §1, amended, 2023; Ord. 2017-16 §1, amended, 2017)

17.51.070 Number of dwellings per commercial farm development.

Not more than one (1) single-family dwelling with an accessory apartment, and one (1) caretaker's or farm-help dwelling, may be placed on a lot or parcel of land in the CF zone (or conglomeration of parcels necessary to meet minimum acreage requirements). The total number of residential dwellings, accessory, caretaker's or farm-help apartments or bed and breakfast guestroom units combined shall not exceed six (6). The combined total number of residential dwellings, accessory apartment, and bed and breakfast guestroom units includes the guestroom units per acre requirements allowed for bed and breakfast uses.

In no case may the caretaker's, farm-help dwelling, accessory apartment, or bed and breakfast guestroom units be sold as a separate, subdivided lot or parcel unless the property is rezoned to allow such use and meet development standards of the single-family R1-20 zone. Owner occupancy of a primary residence on the property is required to maintain a caretaker's or farm-help dwelling unit. (Ord. 2023-5 §1, amended, 2023; Ord. 2017-16 §1, amended, 2017)

17.51.075 Bed and breakfast.

A bed and breakfast use may be approved following conditional use permit standards of Title [17](#) and meet the follow requirements:

1. Contain a total maximum number of four (4) guestroom units based on the calculations below.
 - a. The number of guestroom units is based off acres within the commercial farm zone. The property may have one (1) guestroom unit per four (4) acres of property.
 - b. Guestroom units may be located in one (1) building facility or separate detached buildings but shall not exceed the number of allowed guestroom units.

- c. The property owner shall live on site as their primary residence.
- d. Development standards, setbacks, and frontage of the commercial farm zone shall be met whether the bed and breakfast guestroom units are incorporated into one (1) building facility or separate detached buildings.
- e. The property owner shall be responsible to meet the sanitation requirements for public lodging facilities as described by Utah Administrative Rule 392-502 or as amended; and
- f. Guestroom units shall comply with all building and fire code requirements. (Ord. 2023-5 §1, adopted, 2023)

17.51.080 Noncommercial building yard setback requirements.

The following minimum yard requirements shall apply to noncommercial buildings in the CF zone. (Note: All setbacks are measured from the property line, or for property lines adjacent to a street the setback shall be measured from the street right-of-way line.):

- 1. Front yard setback: thirty feet (30').
- 2. Rear yard setback: thirty feet (30').
- 3. Side yard setback: ten feet (10').
- 4. *Street Side Yard – Corner Lots.* On corner lots, the side yard contiguous to the street shall not be less than thirty feet (30') and shall not be used for vehicle parking, except such portion as is devoted to driveway use. Of the remaining rear and side yards on a corner lot, one (1) rear yard setback of thirty feet (30') and one (1) side yard setback of ten feet (10') shall be required on the remaining non-street-facing sides of the lot. (Ord. 2023-5 §1, amended, 2023; Ord. 2017-16 §1, amended, 2017)

17.51.085 Commercial building yard setback requirements.

The following minimum yard requirements shall apply to the following commercial buildings/structures in the CF zone: amphitheater, reception center, conference center, boutique, cafe, restaurant, veterinary clinic, and food manufacturing. (Note: Unless otherwise noted, all setbacks are measured from the property line, or for property lines adjacent to a street the setback shall be measured from the street right-of-way line.)

- 1. Front yard setback: fifty feet (50').
- 2. Rear yard setback: twenty feet (20') to property line minimum and at least one hundred feet (100') from any neighboring primary residence.
- 3. Side yard setback: twenty feet (20') to property line minimum and at least one hundred feet (100') from any neighboring primary residence.
- 4. *Street Side Yard – Corner Lots.* On corner lots, the side yard contiguous to the street shall not be less than fifty feet (50'). (Ord. 2023-5 §1, amended, 2023; Ord. 2017-16 §1, adopted, 2017)

17.51.090 Projections into yards.

- 1. The following structures may be erected on or project into any required yard setback:
 - a. Fences and retaining walls in conformance with the Lindon City Code and other city codes or ordinances.
 - b. Necessary appurtenances for utility service.
- 2. The structures listed below may project into a minimum front, side, or rear yard not more than the following distances:

- a. The following may project into a minimum front, side or rear yard not more than twenty-four inches (24"): cornices, eaves, belt courses, sills, buttresses, or other similar architectural features; fireplace structures and bays (provided that they are not wider than eight feet (8'), measured generally parallel to the wall of which they are a part), awnings and planting boxes or masonry planters.
- b. The structures listed below may project into a rear yard not more than twelve feet (12'): a shade structure or uncovered deck (which does not support a roof structure, including associated stairs and landings) extending from the main-floor level and/or ground level of a building, provided such structure is open on at least three (3) sides, except for necessary supporting columns and customary architectural features.
- c. The following may project into a front, side or rear yard (above or below grade) not more than four feet (4') as long as they are uncovered (not supporting a roof structure): unenclosed stairways, balconies, landings, and fire escapes. (Ord. 2023-5 §1, amended, 2023; Ord. 2017-16 §1, amended, 2017)

17.51.100 Building height.

No lot or parcel of land in the CF zone shall have a building or structure which exceeds a maximum average height of thirty-five feet (35'), measuring the four (4) corners of the structure from finished grade to the highest point of the roof structure. In all zones, the planning director and chief building official shall be responsible for designating and identifying the four (4) corners of a structure. Nonhabitable architectural features or structures not wider than ten feet (10') such as silos, steeples, cupolas, or other similar structures may exceed the building height up to forty-five feet (45'). No dwelling shall be erected to a height less than one (1) story above grade. (Ord. 2023-5 §1, amended, 2023; Ord. 2017-16 §1, amended, 2017)

17.51.110 Distance between buildings.

The separation distance between any accessory buildings and a dwelling, or the distance between multiple detached accessory buildings, shall not be less than ten feet (10'). (Ord. 2023-5 §1, amended, 2023; Ord. 2017-16 §1, amended, 2017)

17.51.120 Permissible lot coverage.

1. In a CF zone, all buildings, including accessory buildings and structures, located outside the designated fifty (50) percent agricultural production area, shall not cover more than forty percent (40%) of the area of the lot or parcel of land; ~~or the conglomeration of parcels as defined in Section 17.51.020.~~
2. At least forty percent (40%) of the front yard setback area of any lot shall be landscaped to meet the design requirements of Chapter [17.19](#). On any lot, concrete, asphaltic, gravel, or other driveway surfaces shall not cover more than fifty percent (50%) of a front yard. (Ord. 2023-5 §1, amended, 2023; Ord. 2023-1 §1, amended, 2023; Ord. 2017-16 §1, amended, 2017)
3. All buildings, including accessory buildings and structures within the fifty percent (50%) agricultural production area shall not cover more than fifteen percent (15%) of the area of the lot or parcel of land.

17.51.125 Screening and fencing.

1. The following screening and fencing requirements are required in the CF zone:
 - a. A six-foot (6') high site obscuring fence shall be constructed and maintained along any property line between a residential use or residential zone and a commercial building in the CF

zone when the commercial building is closer than thirty feet (30') from the property line. The fence shall be placed along the property line at an area parallel to the commercial building and shall extend a minimum of fifty feet (50') along the property line from both directions from the ends of the building.

b. Any commercial structure closer than thirty feet (30') to a residential use or residential zone shall provide a minimum ten-foot (10') wide tree-lined buffer from the commercial building to the adjacent residential use or zone. Trees shall be planted at least every ten feet (10') along the buffer area adjacent to the residential use or residential zone. Trees must be a minimum of two-inch (2") caliper measured one foot (1') off the ground and at least six feet (6') tall when planted. In addition to any required fencing, trees shall be of a variety that will mature to a height of at least twenty feet (20') tall in order to provide an increased visual barrier between the commercial use and the residential use.

2. For purposes of this chapter, residential dwelling units and agricultural accessory buildings in the CF zone are not considered commercial structures.
3. The planning commission may waive or modify the fencing and/or landscape screening requirement upon finding that the fence and/or landscaping is not needed to protect adjacent residential uses from adverse impacts, or that such impacts can be mitigated in another appropriate manner. (Ord. 2023-5 §1, amended, 2023; Ord. 2017-16 §1, amended, 2017)

17.51.130 Parking.

1. Each use in the CF zone shall have, on the same lot or conglomeration of parcels as defined in Section [17.51.020](#), off-street parking sufficient to comply with the number of spaces required by Chapter [17.18](#).
2. Parking spaces in a CF zone are exempted from the surfacing, striping, and interior landscaping requirements as found in Chapter [17.18](#), but shall be provided with a dustless, hard surface material such as compacted gravel, asphalt, or concrete and shall be provided with a similar hard surfaced access from a public street.
3. Notwithstanding number 2 above, any off-street parking lot adjacent to a residential use or residential zone shall provide a minimum ten-foot (10') landscaped buffer from the parking lot to the adjacent residential use or zone. Trees shall be planted at least every ten feet (10') along the landscaped strip. Trees must be a minimum of two-inch (2") caliper measured one foot (1') off the ground and at least six feet (6') tall when planted. Trees shall be of a variety that will mature to a height of at least twenty feet (20') tall in order to provide a visual barrier between the parking lot and the residential use/zone.
4. No required parking spaces shall be within thirty feet (30') of a front property line or street side property line unless approved by the land use authority. The land use authority may reduce this requirement where an alternative plan is proposed that meets the design intent of the commercial farm zone while also maintaining appropriate setbacks and buffers compatible with surrounding properties. There shall be no overall net loss of landscape percentage for the site.
5. All required ADA parking stalls shall be provided with smooth, hard surface asphalt or concrete paving with a similar surface provided as an ADA accessible pedestrian route between the parking spaces and any public buildings being accessed from the spaces. (Ord. 2023-5 §1, amended, 2023; Ord. 2019-9 §1, amended, 2019; Ord. 2017-16 §1, amended, 2017)

17.51.140 Residential and agricultural accessory buildings.

1. *Accessory Building Within the Buildable Area (Noncommercial)*. Accessory buildings meeting all setback requirements (within the buildable area) for the main dwelling are permitted when in compliance with the following requirements:
 - a. Have a building height not taller than thirty-five feet (35'). Height to be calculated as per Section [17.51.100](#).
 - b. Comply with all lot coverage requirements.
2. *Accessory Building Outside the Buildable Area (Noncommercial)*. Accessory buildings that do not meet the setback requirements (outside the buildable area) for the main dwelling shall comply with lot coverage requirements and meet the following:
 - a. Be set back a minimum of thirty feet (30') from the front property line and five feet (5') from any other property line.
 - b. Be set back a minimum of ten feet (10') from property line when located between the main dwelling and the side property line.
 - c. Not be located within a recorded public utility easement, unless a release can be secured from all public utilities.
 - d. Have an average building height of no more than twenty feet (20') in height measured at the four (4) corners of the structure from finished grade to the highest point of the roof structure.
 - e. Comply with distance between buildings requirements.
3. Accessory buildings larger than two hundred (200) square feet shall be required to obtain a building permit.
4. Construction of an accessory building may precede the construction of the primary residence. (Ord. 2023-5 §1, amended, 2023; Ord. 2017-16 §1, amended, 2017)

17.51.145 Noise limits.

1. Noise levels, as measured in decibels, from any commercial event/activity shall be limited to the following levels:
 - a. Eighty-five (85) dBA between 7:00 a.m. and 10:00 p.m.
 - b. Fifty-five (55) dBA between 10:00 p.m. and 7:00 a.m.
2. Devices used to measure noise levels shall:
 - a. Be set to the “A” frequency weighting and “slow” response characteristic; and
 - b. Be placed at any point on the property line.
3. Any noise level greater than the approved levels above may be allowed through the issuance of a special event permit as approved by Lindon City. (Ord. 2023-5 §1, amended, 2023; Ord. 2017-16 §1, adopted, 2017)

17.51.150 Other requirements.

1. Except as otherwise stated within this chapter regarding animal uses in the CF zone, all applicable sections of Title [6](#) (Animal Regulations) pertain to the CF zone, including setbacks to agricultural buildings and corrals.
2. *Signage*. Signs allowed within the CF zone are limited to monument signs, wall signs, banner signs,

flags, directional signs, and temporary display signs (balloons, banners, and pennant flags) as more fully described in Title [18](#). (Ord. 2023-5 §1, amended, 2023; Ord. 2017-16 §1, amended, 2017; Ord. 2011-6, amended, 2011)

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 _____, 2024.

Carolyn Lundberg, Mayor

ATTEST:

Britni Laidler,
Lindon City Recorder

SEAL

10. Public Hearing: Ordinance Amendment; LCC 17.02 and 17.04.420 regarding portable shipping containers - Ordinance #2024-02-O. This is a city-initiated ordinance change to define portable shipping containers and adopt regulations and standards for such containers.
(20 minutes)

Sample Motion: See staff report.

Ordinance Amendment – 17.04.420 Portable Storage Containers

Date: February 27, 2024
 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, or continuance*) of ordinance 2024-02-O (*as presented, or with changes*).

Overview:

- Lindon City made an application for a portable storage container ordinance on May 17, 2023 and discussed this item with the planning commission as a pending ordinance on June 13, 2023 and August 22, 2023.
- The planning commission recommended approval to the city council on February 27, 2024.
- The purpose of the ordinance is to establish standards for placing portable storage containers in residential, commercial, industrial and agricultural areas.
- Lindon City has recently seen an increased use of portable storage containers as accessory buildings.
- In 2023 the city dealt with a code enforcement case where a property owner brought in 11 storage containers to use as a retaining wall and storage. This instance was very contested between the property owner and neighbors.
- City staff felt like with the interest in using portable storage containers as accessory buildings, the city should draft standards so that these structures are compatible with the zones where they are being located.
- The draft ordinance allows for both temporary and permanent use of storage containers depending on how they are being used. Temporary is allowed for when someone is remodeling their home, emergency situations, firework stands, or shipping/receiving merchandise for commercial/industrial businesses.

General Requirements

- Permanent placement of containers must meet setback requirements and not located in the front yard area
- Must be used for the intended purpose of storage (no residences, camping, cooking, etc.).
- A building permit is required for permanent containers over 200 square feet for residential uses and 120 square feet for commercial, industrial and agricultural uses.
- Permanent storage containers would be a contain onsite longer that 180 days.
- For construction or remodeling the temporary container can be onsite for one year but must be removed within 10 days of final inspections
- Temporary containers are allowed to be used on a property for 180 days for emergency situations such as a building fire or flood as well as when someone is moving.
- No vertical stacking of containers
- No containers on vacant lots or parcels
- Containers cannot be used for retaining walls

Residential Requirements

- 1 container per residential lot or parcel.
- Prohibited on residential lots smaller than 12,000 square feet.
- The container shall either be clad in material comparable to the onsite single-family home or entirely painted to cover advertising, letters, or numbers.

Agricultural Requirements

- Allows 2 storage containers
- Agricultural parcels are required to be a minimum of 3 contiguous acres.

Commercial/Industrial Requirements

- Allowed where used for shipping or receiving merchandise for up to 180 days.
- Temporary containers cannot be stored in vehicle circulation lanes, fire lanes, utility easements, or rights-of-way. They can be stored in parking areas when shipping and receiving merchandise but cannot affect overall parking management.
- Containers must be entirely painted to cover advertising, letters, or numbers or screened behind a fence.

Building Code Requirements

In 2023 the 2021 International Residential and Building Codes went into effect in Utah. The newest versions of the building code require property owners to implement the below general requirements. This is not an exhaustive list and property owners should meet with the Lindon City Building Official to discuss specific requirements. The building code recognizes that containers were constructed but built for storage. A person can use them, but they need to be safe.

- Permanent anchorage
- Data plate on the container
- Manufacturers information
- Foundation options for gravel or concrete

Staff Analysis

City staff and the planning commission spent a lot of time on this ordinance crafting it to hopefully be compatible with the different areas in Lindon. One item that the city council may want to still consider is limiting the number of permanent containers in a commercial or industrial area. The planning commission did not feel like this was necessary but city staff would like the council to at least discuss whether there should be a limit.

Requirements for other Cities

| Portable Shipping Containers in Residential Zones | |
|--|---|
| Municipality | Allowed or Prohibited |
| Provo | Allowed, 1 per residential or agricultural lot |
| Mapleton | Prohibited |
| West Valley | Prohibited |
| Daggett County | Allowed, the exterior of the storage container shall be painted or altered to cover any advertising, lettering, or numbers. |
| South Salt Lake | Yes, 1 per residential lot |
| Lehi City | Prohibited |
| Orem City | Prohibited |
| Payson City | Allowed only if the container were reclad or enhanced so it doesn't appear like a shipping container. |
| Saratoga Springs | Allowed if color and construction are compatible with and similar to the primary structure. Buildings over two hundred (200) square feet shall be built of durable materials, except metal on exterior walls, and shall include a wainscot, siding, or other similar architectural feature covering a minimum of thirty percent (30%) of all building sides (except door areas), made of similar materials used on the primary structure; |
| Sandy City | Prohibited |
| St. George | Prohibited. Only allowed as a temporary building during construction |
| Cedar Hills | Prohibited |
| Riverton | Prohibited |
| Holladay | Prohibited |
| Millcreek | Prohibited, unless they are modified to meet all the design requirements |

Exhibits

1. Draft ordinance

ORDINANCE NO. 2024-02-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING TITLES 17.02 DEFINITIONS AND ESTABLISHING TITLE 17.04.420 AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Lindon 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 Lindon City General Plan to preserve and protect neighborhood as diverse and attractive places; and

WHEREAS, the Lindon City Council finds that it is in the best interest of the City to allow for portable storage containers and where specific standards are met to limit negative effects on surrounding properties; and

WHEREAS, on August 22, 2023, 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 adopt the attached ordinance; and

WHEREAS, the Council held a public hearing on _____, to consider the recommendation and the 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: Amend Lindon City Code section as follows:

17.02.010

"Portable Storage Container" means a container fabricated for the purpose of transporting freight or goods on a truck, railroad or ship, including cargo containers, intermodal shipping containers, storage units, or other portable structures that are placed on private property and used for storage and shipment of materials and merchandise.

SECTION II. Establish Lindon City Code section as follows:

17.04.420. Portable Storage Containers

1. Portable Storage Containers, as defined in 17.02 of this title, may be used as accessory buildings, only in accordance with the following:

- a. Permanent placement of the portable storage container shall meet all setback requirements for the zone in which it will be located. Storage containers shall not be located in any front yard area on a lot or parcel.
- b. Portable storage containers may not be used for uses other than storage.
- c. Semi-trailers do not meet the definition of a portable storage container and shall not be used for permanent storage greater than one hundred and eight (180) days.
- d. A building permit shall be required for permanent portable storage containers that are located on the property longer than one hundred and eighty (180) days and exceeding two hundred (200) square feet in area in residential zones and one hundred twenty (120) square feet in area in commercial or industrial zones.

- e. Portable storage containers shall meet the setbacks and zoning regulations of the zone in which it is located.
- f. If a building permit has been issued for the construction or remodeling of a building, one (1) temporary portable storage container may be used for up to one (1) year. The container must be removed within ten (10) days of approval of the final inspection.
- g. A temporary portable storage container may be placed on a property located in any zone for an emergency, such as for storage following a building fire or flood, or for the purpose of moving, and shall be removed within one hundred and eighty (180) days. This requirement may be extended by following the requirements in subsection d.
- h. Portable storage containers shall not be used for retaining walls.
- i. Only one (1) portable storage container shall be permitted per lot or parcel in all residential zoning districts where a residential dwelling is located with the following requirements:
 - a. All requirements of Title 17.44.140 and building code requirements shall be met.
 - b. The exterior of the container shall either be clad in a material comparable in material to the onsite single-family dwelling or entirely painted to cover all advertising, letters, or numbers on the container.
 - c. Portable storage containers are prohibited on lots less than twelve thousand (12,000) square feet.
- j. Portable storage containers are not permitted on vacant property except where allowed as part of an ongoing agricultural operation of a minimum of three (3) acres of contiguous property. Such agricultural operation shall be limited to two containers. Containers shall have a minimum setback of five (5) feet from the property line and shall meet building code requirements if located on the property longer than one hundred and eighty (180) days. If located in a residential zone, a permanent portable storage container shall be entirely painted to cover all advertising, letters, or numbers on the container.
- k. Portable storage containers may be used in commercial and industrial zones where the containers are being used for shipping or receiving merchandise for a period not to exceed one hundred eighty (180) days. Portable storage Containers used longer than one hundred eighty (180) days are considered permanent. Permanent portable storage containers in commercial or industrial zones shall be screened from public view with fencing or the container shall be entirely painted to cover all advertising, letters, or numbers on the container.
- l. Vertical stacking of portable storage containers and stacking of any other materials on top of any portable storage container shall be prohibited in all zones.
- m. No temporary portable storage container shall be placed or located in a vehicle circulation aisle/lane, fire access lane, public utility easement or rights-of-way, including streets and sidewalks. Portable storage containers may be placed temporarily in a parking stall when shipping or receiving merchandise. The placement of a portable storage container in a parking stall shall not affect the overall parking management of the property.
- n. Portable storage containers are permitted for temporary site plan uses such as firework stands or similar uses and shall follow location and time limits as provided in Section 17.17.140 for temporary site plan uses.

SECTION III: 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 IV: 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 V: 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 _____, 2024.

Carolyn Lundberg, Mayor

ATTEST:

Britni Laidler,
Lindon City Recorder

SEAL

- 11. Review & Action: Historic Preservation Commission appointments.** The Council will review and consider possible appointment of various individuals to the Historic Preservation Commission. (5 Minutes)

The Historic Preservation Commission has a number of members, but not all are able to attend every meeting. The Mayor would like feedback from the City Council on possible appointment of 4 to 5 new individuals to serve as additional members on the Historic Preservation Commission.

These individuals below have not yet been contacted, but are suggestions by the Mayor and Staff of people that may be interested in this topic and commission, have served on the commission in the past, and/or have a long history of living in Lindon. After recommendation by the Council, the Mayor will then reach out to them to see if they're interested and able to serve.

Possible members:

- Jerry & Rebecca Hinckley
- Lindsey & John Bayless
- Kevin & Lisa Gillman
- Scott & Brenda Cullimore
- Mike & Jill Jorgensen
- Mike Vanchiere
- Ron Anderson
- Hal Anderson
- Bret Frampton
- Dave Tuomisto
- Gary & Judy Taylor
- Betty Clark
- Carol Page

No motion needed. Those who are recommended and, after being contacted by the Mayor, are willing/able to serve will be appointed by the City Council in a future meeting.

ADJOURN