Lindon City Council
Staff Report

Prepared by Lindon City Administration

December 4, 2023

Notice of Meeting of the
Lindon City Council

The Lindon City Council will hold a meeting **at 7:00 pm on Monday, December 4, 2023** 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 – 7:00 P.M. - Conducting: Carolyn Lundberg, Mayor
Invocation: Mike Vanchiere
Pledge of Allegiance: By invitation

(Review times are estimates only)

1. **Call to Order / Roll Call** *(2 minutes)*

2. **Presentations and Announcements:** *(5 minutes)*

   a) 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 the regular City Council meeting of November 20, 2023 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) **Employee Merit Increases; Mid-Year Budget Evaluation.** In the FY2023-24 budget the City Council approved a merit increase for employees (based upon employee performance) in accordance with the adopted pay scale. If warranted, the merit increases will be effective the first pay period of January 2024. Per past practice, the City evaluates mid-fiscal year budget constraints and economic indicators to determine if recommended merit increases are financially prudent. Given an optimistic local economic outlook and healthy General Fund reserves, the City Administration recommends the merit increase be applied as approved in the budget.

8. **Recess to Lindon City Redevelopment Agency Meeting (RDA)** *(15 minutes)*

9. **Review & Action — Resolution #2023-25-R**. Consideration for adoption of a resolution of the City Council of Lindon City, Utah (the "City"), authorizing the execution of a sales tax agreement and the issuance of the City obligation created thereunder; authorizing and approving the execution of a general indenture, a supplemental indenture and other documents that may be required in connection therewith; acknowledging the issuance and sale by the Lindon City Redevelopment Agency, Utah of tax increment and sales tax revenue bonds, Series 2023; authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution; and related matters. *(10 minutes)*

10. **Public Hearing — Amendment to the Standard Land Use Table; Ordinance #2023-23-O.** The City Council will hold a public hearing to amend the Lindon Standard Land Use Table. The applicant, Utah Air Guns, requests approval from the Lindon City Council to allow indoor gun ranges as a conditional use in the Heavy Industrial zone. *(15 minutes)*

11. **Discussion and Work Item — Commercial Farm Zone.** City Council will discuss potential amendments to the Commercial Farm zone. This item is for discussion purposes only with no action necessary. *(30 minutes)*

12. **Public Hearing — Subdivision Ordinance Amendment #2023-22-O.** The City Council will hold a public hearing to amend 17.02 - Lindon Definitions, 17.08 - City Council Review, 17.32 - Subdivision, 17.09 - Land Use Authority and Appeal Authority, and 17.33 Plat Amendment codes. Lindon City requests approval from the Lindon City Council to amend the above-mentioned Lindon City Codes and to bring those codes into compliance with Utah State Code (SB 174). *(15 minutes)*

13. **Public Hearing — Development Manual Updates & Subdivision Ordinance Updates.** The City Council will hold a public hearing to amend and update the Lindon City Land Development Policies, Standard Specifications and Drawings Manual regarding land use procedures and processes, development specifications, required document submittals, technical terms, and to bring the document into compliance with Utah State Code (SB 174). *(15 minutes)*

14. **Review & Action – 2024 Road Maintenance Bid Award.** The City Council will consider awarding the 2024 road maintenance projects to the low bidder, Geneva Rock, in the amount of $1,307,469.26.

15. **Review & Action — Canvass & Certification of 2023 General Election Results.** The City Council, acting as the Board of Canvassers, will canvass the results from the November 21, 2023 General Election and then, by motion, officially certify the results of the Canvass. *(15 minutes)* Resolution #2023-26-R.

Adjourn

All or a portion of this meeting may be held electronically to allow a council member to participate by video conference or teleconference. Staff Reports and application materials for the agenda items above are available for review at the Lindon City Offices, located at 100 N. State Street, Lindon, UT. For specific questions on agenda items our staff may be contacted directly at (801)785-5043. City Codes and ordinances are available on the City web site found at www.lindoncity.org. The City of Lindon, in compliance with the Americans with Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these accommodations for city-sponsored public meetings, services programs or events should call Kathryn Moosman, City Recorder at 801-300-8437, 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/ Kathryn Moosman, City Recorder
Date: November 30, 2023; Time: 5:00 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: Mike Vanchiere
Pledge: By invitation

Item 1 – Call to Order / Roll Call

December 4, 2023 Lindon City Council meeting.

Carolyn Lundberg
Jake Hoyt
Van Broderick
Mike Vanchiere
Randi Powell
Daril Magleby

Item 2 – Presentations and Announcements

a) Comments / Announcements from Mayor and Council members.

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

<u>Item 4</u> - COUNCIL REPORTS: *(20 minutes)*

A) MAG/MPO, COG, UIA, Utah Lake Commission, ULCT, Youth Council, Public Relations (media)	– Carolyn Lundberg
B) Public Works/Eng., Irrigation Co. Representative, Cemetery, Facilities/Building, Planning Commission	- Van Broderick
C) Emergency Management/CERT, Youth Council Lead Advisor, Senior Center, Education Grants	- Randi Powell
D) Lindon Days, Tree Advisory Board, UV Chamber, Historical Commission, 2024 Centennial Celebration	- Daril Magleby
E) Planning/Zoning, Gen. Plan, Economic Dev. PG/Lindon Chamber of Commerce, Transfer Station Board	- Mike Vanchiere
F) Parks, Trails, and Recreation, Police/Fire/EMS, Utah League of Cities & Towns Alternate	- Jake Hoyt

Item 5 - ADMINISTRATOR'S REPORT *(10 minutes)*

Misc. Updates:

- Next regular council meetings: December 18th & January 2nd
- January 2024 newsletter assignment (due last week of December): Brian Haws
- Dec 4th, 6:00pm, Tree Lighting at Community Center
- Dec. 4th, Santa Extravaganza, after tree lighting ceremony
- Dec. 6th, Santa Parade, beginning at 6pm
- Dec 13th, Kathy Moosman retirement open house 12 – 1pm
- Dec 15th, Employee Christmas Party at Community Center, 6:00pm.
- Misc. Items.

Item 6 – Approval of Minutes

- Review and approval of City Council minutes: **November 20, 2023 Regular City Council Minutes will be reviewed.**

The Lindon City Council regularly scheduled meeting on **Monday, November 20, 2023, at 5:15 pm** in the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

REGULAR SESSION – 5:15 P.M.

Conducting:	Carolyn Lundberg, Mayor
Invocation:	Randi Powell
Pledge of Allegiance:	Tatum Johnston

PRESENT	EXCUSED
Carolyn Lundberg, Mayor	
Daril Magleby, Councilmember	
Jake Hoyt, Councilmember	
Van Broderick, Councilmember	
Randi Powell, Councilmember	
Mike Vanchiere, Councilmember	
Adam Cowie, City Administrator	
Brian Haws, City Attorney	
Micheal Florence, Economic Director	
Kathryn Moosman, City Recorder	

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

2. **Presentations and Announcements** –

   a) Ceremonial Swearing-in of new Police Officer, Garrad Johnston. Officer Johnston was given the oath of office by the city recorder, Kathy Moosman. Chief Brower introduced Officer Johnston and his family and gave a brief background history of Officer Johnston. The Mayor and Council welcomed Officer Johnston and his family to Lindon City.
   b) Planning Department 2023 photo contest winners: 1st place, Bret Swalberg; 2nd Luanne Olson; 3rd Terrie Lynn Runolfson. Mary Barnes, Associate Planner introduced the contest winners who spoke on their prospective photos. The Mayor and Council congratulated the photo contest winners. Ms. Barnes noted the photos will be displayed for the public in the Community Development offices.
   c) Comments / Announcements from Mayor and Council members.

3. **Open Session for Public Comment** – Mayor Lundberg called for any public comments.

Maxine Smith: Ms. Smith spoke on her concerns with the North County Blvd. and the maintenance of trash. She also spoke about Geneva Road southbound from

Anderson Lane to I15 where there is no place to pull over if there is a problem, health or otherwise (Northbound too). It also becomes an issue to pull over with emergency vehicles. She also voiced her concerns about 200 South going west. There have been potholes there since 2002. This road is highly traveled (8th west to Geneva Road) and is very dangerous. She has concerns of damage that will occur with winter coming on. The speed limit is 25 and cars speed going at least 40 mph; our streets are a danger. The city has ordinances in place, and if the roads are not maintained whose responsibility is it. She also voiced her concerns with homes being converted to apartments and with no homeowner living there as this is happening a lot. She also has concerns about charges for green waste and the increases and asked would Lindon offer free green waste. Councilmember Vanchiere stated we offer 2 punch passes per year. At this time Mayor Lundberg asked Ms. Smith to furnish a copy of her concerns to the city.

Mayor Lundberg called for any further public comments. Hearing none she moved on to the next agenda item.

4. COUNCIL REPORTS:

Councilmember Hoyt – Councilmember Hoyt reported the turkey bowl will be held this Wednesday at 7am at Pheasant Brook Park. The Tree Lighting Ceremony will be held on December 4th at 6pm and we will meet for council at 7pm. Following the tree lighting is the Santa Extravaganza and the Santa Parade will be on December 6th. Chief Brower gave an update on the Sargent promotion process. He also spoke on the new in car camera system at the PD which is some great technology that will be well utilized.

Councilmember Vanchiere – Councilmember Vanchiere reported he has to be excused after his report as he has a NPSWD meeting tonight and needs to be there to chair the meeting. He was excused at this time.

Councilmember Magleby – Councilmember Magleby reported he met last week with the tree board where they discussed the upcoming Arbor Day celebration to be held on May 3rd and will go forward as planned. They have a need for a replacement for Steve Anderson on the board; they meet about 4 or 5 times a year. He expressed his appreciation to Mary Barnes for her great efforts in spearheading the Historical commission. They are working on accessing the historical room at the community center and displaying items in glass and making secure for the public to view without making an appointment. The centennial celebration next year is going good with some great things outlined on the calendar. They will have an event every month through the 2024 calendar year with the kickoff in March.

Councilmember Powell– Councilmember Powell reported the recently held Life Hacks 101 was a lovely evening and well attended with a lot of community involvement. The Youth Council held their monthly meeting. They did a service project with the mayor and picked up leaves. She also reported she was asked by the chief to participate in the

Sergeant interviews. There were four very highly qualified individuals. She also expressed her concerns about 200 south and Geneva Road where the traffic backups there. Mayor Lundberg shared the hangup is the railroad, noting the UPR is difficult to work with. Mr. Cowie stated the holdup is with the Union Pacific. They want a right hand turn lane there as part of that they have to improve the panel and the crossing arm. Cost is an issue as it is several hundred thousand dollars, but will be partially funded with a grant. The design is done but they need final approval from the Union Pacific railroad. Councilmember Powell thanked the mayor for working on this issue and keeping the conversation going. She also mentioned there is a window out on the rental home that needs to be repaired with the weather changing. Mr. Cowie stated he will contact the property manager.

Councilmember Broderick – Councilmember Broderick reported he attended the engineering coordination meeting on November 15th. He noted the Provo River Aqueduct is paved now which the turnout will be a great help for secondary water in Lindon; there is still some work to occur. He reported he took a tour at the cemetery building on site noting the process of interment can happen better and there will also be restrooms there. This is a great addition to the city.

Mayor Lundberg – Mayor Lundberg reported the leaf pickup program is continuing through the end of the month. It is important to pick up leaves so they don't go down the storm drain. The Youth Council picked up several trailer loads of leaves. She mentioned we are still in the middle of an election with election day tomorrow. There are four candidates running for three open seats. She noted the Parc Tax renewal is also on the ballot. Ballots can still be turned in. She also mentioned the challenge to plant 1000 trees. We are at 330 out of 1000 trees. She commended the public works staff commend for their work on 3 water breaks.

Administrator's Report: Mr. Cowie reported on the following items.

Misc. Updates:

- Next regular council meetings: December 4th & December 18th
- December 2023 newsletter assignment (due last week of November): Randi Powell
- Update on surplus property at Geneva Road & Center Street
- General Election date: November 21st
- No special meeting on the 27th.
- Sgt Barlow Retirement Open House, Nov 30th, 3pm to 5pm.
- Dec 4th, 6:30pm, Tree Lighting at Community Center (Followed by City Council meeting at 7:30pm, or meet at 5:15 and recess to attend tree lighting, then return to council?)
- Dec 13th, Kathy Moosman retirement open house
- Dec 15th, Employee Christmas Party at Community Center, 6:00pm.

- Misc. Items.

4. **Approval of Minutes** – The minutes of the regular City Council meeting of November 6, 2023 will be reviewed.

COUNCILMEMBER MAGLEBY TO APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF NOVEMBER 6, 2023 AS AMENDED. COUNCILMEMBER HOYT SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER HOYT	AYE
COUNCILMEMBER POWELL	AYE
COUNCILMEMBER MAGLEBY	AYE

THE MOTION CARRIED UNANIMOUSLY.

7. **Consent Agenda Items** – The following consent agenda items were presented for approval. There were no consent agenda items presented for approval.

CURRENT BUSINESS

8. **Public Hearing —** The Lindon City Council will receive input from the public with respect to (a) the sales tax agreement and in connection therewith the issuance of the city obligation and (b) any potential economic impact that the project to be financed with the proceeds of the bonds (repayment of which is secured by the city obligation) may have on the private sector; and related matters. All members of the public are invited to attend and participate.

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

Adam Cowie, City Administrator led this agenda item. He noted no motion is needed for this item. He stated the City needs only to receive public comments regarding this matter. He then gave some background explaining the sales tax agreement and bond purchase are related to the Lindon City RDA's intent to purchase approximately 8.2 acres of commercial land along the 700 North corridor for economic development purposes. The property is within the 700 North CDA Project Area and included in the 700 North Small Area Master Plan with goals to develop as retail commercial uses.

Mr. Cowie further explained that additional background information was presented to the City Council at the October 2, 2023 meeting. At that meeting, a majority of City Council members (also acting as RDA Board members) voted to move forward with securing bond funds to purchase the property. The property purchase price is $4,611,348 + interest. Financing terms and conditions are currently out for bids (seeking interested lenders) and are not yet finalized.

DRAFT

Mr. Cowie indicated at the October 11, 2023 City Council meeting, a budget amendment was approved which included a $500,000 transfer from the General Fund to the 700 N. CDA and identified using $600,000 from the 700 N. CDA fund balance, which all combined ($1.1 million), will go towards the down payment on the purchase thus reducing the total amount needing to be borrowed by the RDA. The total estimated bond amount to cover the remainder of the purchase is $3,590,000 (includes the cost of issuance).

Mr. Cowie went on to say that the City Council approved a resolution and agreement to pledge City sales tax revenues to help offset the costs of the RDA bond payments. He pointed out this public hearing is required in part due to this sales tax agreement and the city obligations. He noted a copy of the resolutions and agreement are included in the staff report. A calendar of events has also been included to show the timeline for securing financing to purchase the property. Approval of additional resolutions and actions by the City and RDA will be required prior to final closing on the bond in early December.

Mayor Lundberg called for any public comments at this time. There were several residents in attendance that addressed the council as follows:

Karen Danielson stated she lives on the west side of the city. She is so excited for a Lindon gateway. She feels if we don't take this opportunity, it will be a missed opportunity. She appreciates how much thought is put into things and consideration made by the council. She feels we don't want to get to a point where we have to settle.

Scott Thompson stated it comes down to finances. This is real estate and no real risk. He feels this will take off and be the catalyst to bring something good in; we can't really go wrong with real estate. He likes the concept of the Lindon Village and this is an opportunity to do this. He would encourage the council to vote yes on the bond as to not scare off possible investors. He supports this and hopes the council does too.

Ryan Doan stated he grew up on canal drive in Lindon and he loves Lindon. He now lives in the west area of Lindon where his property backs up to the Ron Anderson property. At first, he was nervous about the Lindon Village, but now loves the vision of the Lindon Village and appreciates all the discussion and thought put into this. He is excited for this prospect for Lindon and to bring more to the community. He thanked the council for all the hard work.

Pat Hansen stated he has lived in Lindon his whole life. Lindon is growing and has lost a little bit of identity. The Lindon Village is a great concept and getting more land is a good idea and he supports the Riverwood type of idea. This gives opportunity to be more centralized and bring the community together. How can you lose with land in Lindon; it is a win win situation. He is in support.

DRAFT

Mayor Lundberg thanked the residents for their comments. She then called for any further public comments. Hearing none she called for a motion to close the public hearing.

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

Mayor Lundberg called for any further comments from the council. Hearing none she moved on to the next agenda item.

9. **Public Hearing — Fee Schedule Update; Resolution #2023-24-R.** The City Council will review and consider updates to the Lindon City Fee Schedule as presented.

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

Mr. Cowie also led this agenda item by referencing the information included in the staff report from the Finance Division. He explained this is a recommendation to adopt a new 5% administrative processing fee that can be applied to miscellaneous transactions where the city is collecting a fee that is passed onto other entities. An example of where this may be used is with the recently modified fire inspection fees that the City of Orem Fire Department is requesting to be collected through business license renewals.

Mr. Cowie noted Lindon will collect the fee as part of the license renewal, then pass the revenue along to Orem. He stated Lindon will add and retain the 5% administrative processing fee to help cover our own costs.

Following some additional discussion, the council was in agreement to approve Resolution #2023-24-R, approving the fee schedule update as presented by staff.

Lincoln Jacobs asked for clarification. Mr. Cowie explained we are retaining 5% of the administrative fees and processes to help cover costs.

Mayor Lundberg called for any public comments. Hearing none she called for a motion to close the public hearing.

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

Mayor Lundberg called for any further comments from the council. Hearing none she called for a motion.

COUNCILMEMBER POWELL MOVED TO APPROVE RESOLUTION #2023-24-R APPROVING THE LINDON CITY FEE SCHEDULE UPDATE AS PRESENTED

BY STAFF. COUNCILMEMBER HOYT SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER HOYT	AYE
COUNCILMEMBER POWELL	AYE
COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER MAGLEBY	AYE

THE MOTION CARRIED UNANIMOUSLY.

10. Discussion Item — Geneva Resort Park / UVU Utah Lake Center. The Council will receive & discuss information regarding a possible partnership for a public facility to be located on the Geneva Resort Park property and operated by Utah Valley University.

Mr. Cowie led this discussion item be stating this item is for discussion purposed only with no motion needed. Mayor Lundberg has been negotiating with representatives from Utah Valley University, the Utah Lake Authority, and the City of Vineyard regarding a possible gift of 2.5 acres of the Geneva Resort Park property to be used as a future 'Utah Lake Center'. UVU is looking to build a 2 or 3 story structure to house laboratories, possible classrooms or instruction space, offices for professors and students, cultural & biological exhibits about Utah Lake, and the primary offices for the Utah Lake Authority staff.

Mr. Cowie stated UVU representatives indicated desire to also build relationships with Utah State University and other State Agencies to use the UVU Utah Lake Center as the primary location for educational studies and research associated with Utah Lake. In exchange for the property, preliminary discussion indicates that UVU may be willing to improve the entire Geneva Resort Park property, including the public park space behind the structure to the north, and will also maintain and police the property in perpetuity. Lindon City may continue to own the north public park portion of the property, but it would be maintained by UVU.

Mr. Cowie noted to fund the project, a legislative appropriations bill will be prepared and request $25 million from the State Legislature. A bill was run last legislative session for a similar concept in Saratoga Springs, but did not pass out of committee. UVU reps feel this location is better suited to their property in Vineyard, is closer to their students, and believe the funding request will gain more traction with the legislature this coming session.

Mr. Cowie then referenced the concepts that are preliminary only. He noted additional parking will be required beyond what is shown in these concepts. The Council will review, discuss, and provide feedback on this concept for the property use and general development of the Geneva Resort Park property for a possible 'Utah Lake Center' facility. He then presented the prepared presentation on the Geneva Park property.

Mayor Lundberg explained and spoke on the slides in the presentation including access points, office headquarters, ecology, education and classrooms, trials and wetlands and in partnerships with Vineyard as well to collaborate on the structure. She stated we

have an opportunity to bring stakeholders together to make a wildlife center. The Utah Lake authority is excited to make this their spot also and they consider it an ideal location not only for students but for environmental concerns. We are in negotiations with UVU. We have asked if we allow them to build this building it will help connect the public with nature and provide so much education on Utah Lake. We would still maintain our park as this would just be in the front of the property; this would be in lieu of purchasing the property and would be a regional draw. She noted the Hutchings Museum Institute would also have a small greenhouse. She concluded by stating she is really excited to have this potentially come together and be a win win for all. If this is something the council sees of value the appropriation bill would be written at the next legislative session. She welcomed the council's comments at this time.

Councilmember Powell stated she is so excited for this prospect and that this is moving forward. She understands this is conceptual, but she likes the preliminary concept of the elements. She also loves the fact that we are taking steps forward with many entities to make this a success; this is a beautiful spot where all can come and enjoy it.

Councilmember Hoyt commented that he had wondered about unintended consequences, but feels this fits the vision of our previous mayors and councils. It fits so well and he is really excited about this preliminary concept. He commended the mayor on her work on this; this is a perfect example of people coming together and working together.

Councilmember Magleby stated he is very impressed with this preliminary concept and doesn't have any concerns or issues.

Councilmember Broderick echoed the other comments and added this doesn't happen unless all parties come together; he is very excited with this preliminary concept.

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

Lincoln Jacobs. Mr. Jacobs stated education is our future. He also feels that all of the amenities involved with the park is great with nothing negative. The overall planning is great and a win win for everyone especially the educational aspect.

Terri Harman: Ms. Harman stated she is with Conserve Utah Valley. She expressed that they are so excited about this. This is protecting wetlands and it is so exciting for more restoration. One of the biggest challenges is the education about Utah Lake and we need to get the truth of Utah Lake out there; this is a partnership to support the lake.

Kay Nelson: Ms. Nelson stated she is also with Conserve Utah Valley. She noted this is a wish come true and this will not just be for Vineyard residents. This is visionary and hopefully other cities will take note and this will happen all around the lake.

DRAFT

Ryan Doan: Mr. Doan stated he is excited about this and thanked the council. He noted Lindon residents will love this concept.

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

Adjourn –

COUNCILMEMBER POWELL MOVED TO ADJOURN THE MEETING AT 6:40 PM. COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – December 4, 2023

_____
Kathryn A. Moosman, City Recorder

_____
Carolyn Lundberg Mayor

DRAFT

<u>Item 7</u> – 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) **Employee Merit Increases / Mid-Year Evaluation.** In the FY2023-24 budget the City Council approved a merit increase for employees (based upon employee performance) and in accordance with the adopted pay scale. If warranted, the merit increases will be effective the first pay period of January 2024. Per past practice, the City evaluates mid-fiscal year budget constraints and economic indicators to determine if recommended merit increases are financially prudent. Given an optimistic local economic outlook healthy General Fund reserves the City Administration recommends the merit increase be applied as approved in the budget.

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

LINDON
ADMINISTRATION

MEMORANDUM

To: Mayor Lundberg and City Council Members
From: Adam Cowie, Lindon City Administrator
Date: November 30, 2023
Re: Recommendation for FY 2023-24 Employee Merit Increases

The 2023-2024 Lindon City Budget (FY 2024) included funding a performance / merit-based step increase on the pay scale (~2.6%) effective January 1, 2024. The City Council has traditionally been apprised of the current financial standing of the City six-months into the approved budget so as to ascertain if economic trends would continue through the fiscal year as anticipated.

Lindon City's June 30, 2023 Financial Situation

The 2022-2023 fiscal year unaudited financial statements show revenue exceeding expenses by $177,434 in the General Fund. The General Fund reserves are healthy with a fund balance of $5,924,539. We expect Lindon City's tax revenue to meet our projections.

Economic Trends

In the most recent statistics released we are continuing to see low unemployment rates. Unemployment rates for September 2023 are 3.8% for the nation, 2.6% for Utah, and 2.7% for Utah County. Utah Department of Workforce Services said in their October 20, 2023 Utah Employment Summary press release, "*Utah's September private sector employment recorded a year-over-year expansion of 1.9%, or a 27,100-job increase. Eight of the ten major private-sector industry groups posted net year-over-year job gains. The overall job gains are led by leisure and hospitality services (9,700 jobs); education and health services (7,700 jobs); other services (4,400 jobs); and construction (3,900 jobs).*"

> "[Utah] County's diverse economy leaves it in a good position to weather the potential for an economic slowdown as the Fed works to limit inflation."
>
> Utah Dept. of Workforce Svcs, https://jobs.utah.gov/wi/insights/county/utah.html

According to the U.S. Department of Labor, the Consumer Price Index (CPI) has increased 3.2% from October 2022 to October 2023. Historic inflation combined with labor shortages is driving up competitive wages. Moving forward with the merit increases will assist in maintaining competitive wages for Lindon City employees.

Recommendation for Merit Increase

Considering Lindon's positive financial situation, optimism about Lindon's future economic conditions, and inflation that appears to be decreasing, I recommend that the City Council approve a merit increase for city employees. The merit increase will only be for employees who qualify through their performance evaluations. The increase will be effective the first pay period in January. The maximum fiscal impact of the merit increase on both wages and benefits is listed in the table to the right. These costs were already factored into and included within the approved 2023-2024 budget.

Fund	Cost of Merit Increase
General Fund	$91,635
Water Fund	$5,560
Sewer Fund	$3,680
Storm Water Fund	$3,335
Recreation Fund	$8,350
Total	$112,560

8. Recess to Lindon City Redevelopment Agency Meeting (RDA) *(15 minutes)*

Sample Motion: I move to recess the Lindon City Council meeting and convene as the Lindon City RDA.

Call Lindon City RDA to order, then review RDA minutes & agenda items.

Notice of Meeting of the *Lindon City Redevelopment Agency*

The Lindon City Redevelopment Agency will hold a meeting beginning at approximately **7:15 p.m. on Monday, December 4, 2023** 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:

Conducting: Carolyn Lundberg, Mayor

(Review times are estimates only)

1. **Call to Order / Roll Call** *(5 minutes)*

2. **Approval of RDA minutes from October 16, 2023** *(5 minutes)*

3. **Discussion Item —** The Council will review and discuss bond bids received from various lenders for the RDA.

4. **Public Hearing — Resolution #2023-7-RDA.** Consideration for adoption of a resolution of the Board of Directors of the Lindon City Redevelopment Agency (the "Agency") authorizing the issuance and sale of the Agency's tax increment and sales tax revenue bonds, Series 2023 in the aggregate principal amount of not to exceed $5,000,000; authorizing and approving the execution of a general indenture, a supplemental indenture, a bond purchase agreement, an interlocal sales tax pledge agreement and other documents required in connection therewith; authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution; and related matters. *(10 minutes)*

Adjourn and reconvene the Lindon City Council meeting.

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 the City Recorder, Kathy Moosman at 801-300-8437, 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/ Kathryn A. Moosman, City Recorder, MMC
Date: November 30, 2023; Time: 5:00 p.m.; Place: Lindon City Center, Lindon Police Dept., Lindon Community Development, Lindon Justice Court, Lindon Public Works, Lindon Senior Center

The Lindon City Redevelopment Agency held a meeting on **Monday, October 16, 2023** beginning at approximately 8:00 pm in the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

Conducting: Carolyn O. Lundberg, Chairman

PRESENT	**ABSENT**
Carolyn Lundberg, Chairman	Jake Hoyt, Boardmember
Randi Powell, Boardmember	
Mike Vanchiere, Boardmember	
Daril Magleby, Boardmember	
Van Broderick, Boardmember	
Adam Cowie, Executive Secretary	
Kathryn Moosman, City Recorder	

COUNCILMEMBER POWELL MOVED TO RECESS THE MEETING OF THE LINDON CITY COUNCIL AND CONVENE THE MEETING OF THE LINDON CITY REDEVELOPMENT AGENCY AT 8:00 P.M. COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

1. **Call to Order/Roll Call**

Chairman Lundberg	Aye
Boardmember Magleby	Aye
Boardmember Powell	Aye
Boardmember Vanchiere	Aye
Boardmember Broderick	Aye

2. **Review of Minutes** – The minutes of the RDA meeting of October 2, 2023 were reviewed.

BOARDMEMBER VANCHIERE MOVED TO APPROVE THE MINUTES OF THE LINDON CITY RDA MEETING OF OCTOBER 2, 2023 AS PRESENTED. BOARDMEMBER POWELL SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

BOARDMEMBER VANCHIERE	AYE
BOARDMEMBER BRODERICK	AYE
BOARDMEMBER MAGLEBY	AYE
BOARDMEMBER POWELL	AYE

THE MOTION CARRIED UNANIMOUSLY.

CURRENT BUSINESS –

3. **Public Hearing — RDA Resolution #2023-5-RDA;** FY2023-24 Budget Amendments. The RDA Board will consider for approval Resolution #2023-5-RDA approving amendments to the FY2023-24 RDA Budget.

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

Kristen Colson Aaron presented this agenda item. She explained in the budget notes #12 and #13 are regarding the RDA. She stated Note #12 is regarding the property purchase from the 700 north CDA that is receiving $500,000 from the general fund and the bond proceeds of 3.8 million to pay the cost of issuance estimated at $70,000 and the property purchase of almost 4.9 million. She noted these are placeholders for budget amendments and later on we will be discussing the bond parameters.

Ms. Colson Aaron stated Note #13 is the $250,000 from the District 3 RDA that is for a Development Agreement with Doug Smith Kia.

Boardmember Broderick stated he would like to see the options come multiple days before the meeting time in order to review to make the decision.

Chairman Lundberg called for any further public comments. Hearing none she called for a motion to close the public hearing.

BOARDMEMBER POWELL MOVED TO CLOSE THE PUBLIC HEARING. BOARDMEMBER MAGLEBY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Following some additional general discussion, Chairman Lundberg called for any further comments or discussion from the Board. Hearing no further comments, she called for a motion.

BOARDMEMBER MAGLEBY MOVED TO APPROVE RESOLUTION #2023-5-RDA APPROVING THE FY2023- 24 BUDGET AMENDMENTS AS PRESENTED. BOARDMEMBER VANCHIERE SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

BOARDMEMBER BRODERICK	AYE
BOARDMEMBER MAGLEBY	AYE
BOARDMEMBER VANCHIERE	AYE
BOARDMEMBER POWELL	NAY

THE MOTION CARRIED 3 TO 1.

Councilmember Powell explained her nay vote stating it is due to budget item #12 which has to do with the purchase of the property in the 700 N CDA.

4. **Review & Action: RDA, Interlocal Sales Tax Pledge Agreement / Parameters Resolution; Resolution #2023-6-RDA.** Consideration for adoption of a resolution of the Board of Directors of the Lindon City Redevelopment Agency, Utah (the "agency") authorizing the issuance and sale of not more than $5,000,000 aggregate principal amount of its tax increment and sales tax revenue bonds (the "bonds"); fixing the maximum aggregate principal amount of the bonds, the maximum number of years over which the bonds may mature, the maximum interest rate which the bonds may bear, and the maximum discount from par at which the bonds may be sold; providing for the posting of a Notice of Bonds To Be Issued; providing for the running of a contest period; authorizing and approving the execution of an Interlocal Sales Tax Pledge Agreement; and related matters.

Adam Cowie led this discussion item by stating this is a parameter resolution that will set the limits and boundaries. Jason Burningham has recommended the certain limit on dollars and on the percentage and the possible interest rate in the window of when we are trying to secure this. There is

a question of timely notice. Mr. Cowie stated we have two meetings between now and when we would be adopting this. We will hold a public hearing and bring it back on November 20th if the council is comfortable with the numbers and we would have a vote and choose to move forward or not and it would close in 7-10 days. They will get the numbers to the council as soon as possible, but it depends on lending institutions. He noted there are a lot of documents here, but what you are adopting are mostly the exhibits. He explained you are adopting nothing but the parameters in securing the bonds and noticing the public. He also asked to bump the closing to finalize the numbers and to see if the parc tax passes in the upcoming election.

Councilmember Powell expressed her concerns that she hasn't had the time to digest all of the information and she would like to have LYRB in attendance to be present to answer any questions as that would be very helpful. Mr. Cowie stated that Jason Burningham with LYRB will be to the meeting on November 20th. He is also available by phone in the meantime. Councilmember Vanchiere voiced his concern that he wants the assurance that we can back out if needed until closing. Mayor Lundberg pointed out this is a placeholder.

Following some additional general discussion, Chairman Lundberg called for any further comments or discussion from the Board. Hearing no further comments, she called for a motion.

BOARDMEMBER VANCHIERE MOVED TO APPROVE RESOLUTION #2023-6-RDA AS PRESENTED. BOARDMEMBER MAGLEBY SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

BOARDMEMBER BRODERICK	AYE
BOARDMEMBER MAGLEBY	AYE
BOARDMEMBER VANCHIERE	AYE
BOARDMEMBER POWELL	NAY

THE MOTION CARRIED 3 TO 1.

Boardmember Powell explained her nay vote wanting the record to reflect this is something she did not vote for and she does not want to go forward with a placeholder.

ADJOURN -

BOARDMEMBER POWELL MOVED TO ADJOURN THE MEETING OF THE LINDON CITY RDA AND RE-CONVENE THE MEETING OF THE LINDON CITY COUNCIL AT 8:16 P.M. BOARDMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – December 4, 2023

_____
Adam Cowie, Executive Secretary

_____
Carolyn O. Lundberg, Chairman

DRAFT

(See RDA agenda)

3. **(RDA) Discussion Item —** The Council will review and discuss bond bids received from various lenders for the RDA.

   City Finance & Administration staff, along with Jason Burningham from LRB, will review and discuss bids received from various lenders for the proposed RDA Series 2023 bond for purchase of 8.2 acres of undeveloped commercial land along the 700 North corridor for economic development purposes. A summary of the bond bids is attached.

   Recommendation: City Finance/Administration and the City's financial advisors, LRB, recommend Zions Bank Option B and have provided payment details for that option.

   This lending option allows the lowest required annual payment with the ability to pay off the bond at any time without prepayment penalty. This bond option is amortized as a 15-yr period loan (so annual payments are lower), but there is a balloon payment at year 10. The City will need to be principled in paying down this bond prior to the 10-yr mark to avoid the balloon payment. If higher amounts than the minimum annual payment are paid each year, the balloon payment will decrease. LRB has prepared a sample schedule to avoid the balloon payment that indicates an annual payment of approximately $453,000/yr will pay off the bond by year 10 – and thus saving significant interest costs. However, should there be financial hardship by the City, the lower required annual payment of approximately $338,000 provides some financial flexibility to the City, if needed. By planning on paying off the Zions Bank Option B bond by year 10, the actual cost of the bond (total debt service) will be very similar to the Zions Bank Option A, with the added flexibility of a lower payment if needed.

   Feedback from the Council will be provided, but no motion will be required.

REDEVELOPMENT AGENCY OF LINDON CITY, UTAH

Comparison of Purchaser Bids for:

Tax Increment and Sales Tax Revenue Bonds, Series 2023

LINDON

REDEVELOPMENT AGENCY OF LINDON CITY, UTAH

BIDDER:	Zions Bank - Option A	Zions Bank - Option B	Webster Bank	KeyBank	Capital One	Chase Bank - Option A	Chase Bank - Option B	Chase Bank - Option C
TERM:	10 Yrs.	10 Yrs. w/15-Yr. Amort.	15 Yrs.	15 Yrs.	15 Yrs.	15 Yrs.	15 Yrs.	15 Yrs.
PAR AMOUNT:	$ 3,579,000	$ 3,579,000	$ 3,579,000	$ 3,579,000	$ 3,579,000	$ 3,588,000	$ 3,588,000	$ 3,588,000
INTEREST RATE:	4.900%	4.940%	4.76%	7.05%	5.07%	4.32%	5.29%	4.71%
FIXED RATE:	Yes	Yes	Yes	Yes	Yes	Fixed after signed acceptance	Fixed after signed acceptance	Fixed after signed acceptance
TIC%:	4.901%	4.941%	4.761%	7.052%	5.071%	4.321%	5.291%	4.711%
AIC%:	5.296%	5.257%	5.042%	7.354%	5.354%	4.632%	5.612%	5.026%
CALL PROVISIONS FOR BONDS:	Callable in whole or in part at any time at par	Callable in whole or in part at any time at par	Callable on any payment date in whole but not in part after 11/1/2028 at declining premium as follows: Year / Premium Closing – 11/1/28: No Call 11/2/28 – 11/1/29: 102% 11/2/29 – 11/1/30: 101% Thereafter: 100%	Callable any time in whole but not in part at par	Callable in whole beginning 11/01/30 par with 30 days notice. Partial prepayment is allowed on any payment date, maximum $500,000 once per year throughout the life of the Bond provided that any such prepayment is applied to the outstanding Bond principal in inverse order of maturity.	Not Callable	Callable on any interest payment date after 11/1/2025 with 45 days prior notice in multiples of $5,000 to be applied in inverse order of maturity.	Callable on any interest payment date after 11/1/2028 with 45 days prior notice in multiples of $5,000 to be applied in inverse order of maturity.
TOTAL DS:	$ 4,596,794	$ 4,907,025	$ 5,074,930	$ 5,898,316	$ 5,182,443	$ 4,936,669	$ 5,272,717	$ 5,070,812
AVG. Annual DS:	$ 452,665	$ 338,006	$ 333,786	$ 386,493	$ 324,978	$ 324,978	$ 346,453	$ 333,548
DSRF:	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
TOTAL COI (est.):	$ 67,652	$ 67,652	$ 67,652	$ 67,652	$ 67,652	$ 76,152	$ 76,152	$ 76,152
ORIGINATION FEE:	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
LEGAL FEE:	$ -	$ -	$ -	$ -	$ -	$ 8,500	$ 8,500	$ 8,500

11/30/2023

Prepared by:

LRB PUBLIC FINANCE ADVISORS

LEWIS | ROBERTSON | BURNINGHAM

PUBLIC FINANCE ADVISORS

LEWIS | ROBERTSON | BURNINGHAM

LINDON

$3,579,000

Redevelopment Agency of Lindon City, Utah

Tax Increment and Sales Tax Revenue Bonds, Series 2023

(700 N. Project: 10 YearTerm with 15-Year Amortization, Zions Bank Option B)

Table of Contents

Report

Sources & Uses	1
Debt Service Schedule	2
Pricing Summary	3

41 N RIO GRANDE SUITE 101 | SALT LAKE CITY, UTAH 84101 | LRBFINANCE.COM

PUBLIC FINANCE ADVISORS

LEWIS | ROBERTSON | BURNINGHAM

LINDON

$3,579,000

Redevelopment Agency of Lindon City, Utah

Tax Increment and Sales Tax Revenue Bonds, Series 2023

(700 N. Project: 10 YearTerm with 15-Year Amortization, Zions Bank Option B)

Sources & Uses

Dated 12/07/2023 | Delivered 12/07/2023

Sources Of Funds

Par Amount of Bonds	$3,579,000.00
Total Sources	**$3,579,000.00**

Uses Of Funds

Costs of Issuance	67,652.00
Deposit to Project Construction Fund	3,511,348.00
Total Uses	**$3,579,000.00**

PUBLIC FINANCE ADVISORS

LEWIS | ROBERTSON | BURNINGHAM

LINDON

$3,579,000

Redevelopment Agency of Lindon City, Utah

Tax Increment and Sales Tax Revenue Bonds, Series 2023

(700 N. Project: 10 YearTerm with 15-Year Amortization, Zions Bank Option B)

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
12/07/2023	-	-	-	-	-
05/01/2024	-	-	70,721.04	70,721.04	70,721.04
11/01/2024	166,000.00	4.940%	88,401.30	254,401.30	-
05/01/2025	-	-	84,301.10	84,301.10	338,702.40
11/01/2025	174,000.00	4.940%	84,301.10	258,301.10	-
05/01/2026	-	-	80,003.30	80,003.30	338,304.40
11/01/2026	183,000.00	4.940%	80,003.30	263,003.30	-
05/01/2027	-	-	75,483.20	75,483.20	338,486.50
11/01/2027	192,000.00	4.940%	75,483.20	267,483.20	-
05/01/2028	-	-	70,740.80	70,740.80	338,224.00
11/01/2028	201,000.00	4.940%	70,740.80	271,740.80	-
05/01/2029	-	-	65,776.10	65,776.10	337,516.90
11/01/2029	212,000.00	4.940%	65,776.10	277,776.10	-
05/01/2030	-	-	60,539.70	60,539.70	338,315.80
11/01/2030	222,000.00	4.940%	60,539.70	282,539.70	-
05/01/2031	-	-	55,056.30	55,056.30	337,596.00
11/01/2031	233,000.00	4.940%	55,056.30	288,056.30	-
05/01/2032	-	-	49,301.20	49,301.20	337,357.50
11/01/2032	245,000.00	4.940%	49,301.20	294,301.20	-
05/01/2033	-	-	43,249.70	43,249.70	337,550.90
11/01/2033	1,751,000.00	4.940%	43,249.70	1,794,249.70	-
05/01/2034	-	-	-	-	1,794,249.70
Total	**$3,579,000.00**	**-**	**$1,328,025.14**	**$4,907,025.14**	**-**

Yield Statistics

Bond Year Dollars	$26,883.10
Average Life	7.511 Years
Average Coupon	4.9400000%
Net Interest Cost (NIC)	4.9400000%
True Interest Cost (TIC)	4.9407826%
Bond Yield for Arbitrage Purposes	4.9407826%
All Inclusive Cost (AIC)	5.2569946%

IRS Form 8038

Net Interest Cost	4.9400000%
Weighted Average Maturity	7.511 Years

PUBLIC FINANCE ADVISORS

LEWIS | ROBERTSON | BURNINGHAM

LINDON

$3,579,000

Redevelopment Agency of Lindon City, Utah

Tax Increment and Sales Tax Revenue Bonds, Series 2023

(700 N. Project: 10 YearTerm with 15-Year Amortization, Zions Bank Option B)

Pricing Summary

Maturity	Type of Bond	Coupon	Yield	Maturity Value	Price	Dollar Price
11/01/2033	Term 1 Coupon	4.940%	4.940%	3,579,000.00	100.000%	3,579,000.00
Total	**-**	**-**	**-**	**$3,579,000.00**	**-**	**$3,579,000.00**

Bid Information

Par Amount of Bonds	$3,579,000.00
Gross Production	$3,579,000.00
Bid (100.000%)	3,579,000.00
Total Purchase Price	$3,579,000.00
Bond Year Dollars	$26,883.10
Average Life	7.511 Years
Average Coupon	4.9400000%
Net Interest Cost (NIC)	4.9400000%
True Interest Cost (TIC)	4.9407826%

4. **(RDA) Public Hearing — Resolution #2023-7-RDA.** Consideration for adoption of a resolution of the Board of Directors of the Lindon City Redevelopment Agency (the "Agency") authorizing the issuance and sale of the Agency's tax increment and sales tax revenue bonds, Series 2023 in the aggregate principal amount of not to exceed $5,000,000; authorizing and approving the execution of a general indenture, a supplemental indenture, a bond purchase agreement, an interlocal sales tax pledge agreement and other documents required in connection therewith; authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution; and related matters. *(10 minutes)*

The RDA Board has previously been provided these bond documents in prior meetings. The only changes will be filling in blanks/exhibits according to the selected bond bid option.

Sample Motion: I move to (approve, continue, deny) Resolution #2023-7-RDA authorizing the issuance and sale of the Agency's tax increment and sales tax revenue bonds Series 2023 (*as presented, or with changes*).

Lindon, Utah

December 4, 2023

The Board of Directors (the "Board") of the Lindon City Redevelopment Agency, Utah (the "Agency"), met in regular public session at the regular meeting place of the Agency in Lindon, Utah, on December 4, 2023, at the hour of 5:15 p.m. with the following members of the Board being present:

Carolyn Lundberg	Chair
Van Broderick	Vice Chair
Jake Hoyt	Boardmember
Daril Magleby	Boardmember
Randi Powell	Boardmember
Mike Vanchiere	Boardmember

Also present:

Absent:

After the meeting had been duly called to order and after other matters not pertinent to this resolution had been discussed, the following Resolution was introduced in written form along with a Certificate of Compliance with Open Meeting Law with respect to this December 4, 2023, meeting, a copy of which is attached hereto as Exhibit A.

The following resolution was then introduced in writing, was fully discussed, and pursuant to motion duly made by Boardmember _____ and seconded by Boardmember _____ was adopted by the following vote:

AYE:

NAY:

The resolution was then signed by the Chair and recorded in the official records of the Lindon City Redevelopment Agency. The Resolution is as follows:

RESOLUTION NO. 2023-7-RDA

A RESOLUTION OF THE BOARD OF DIRECTORS (THE "BOARD") OF THE LINDON CITY REDEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE ISSUANCE AND SALE OF THE AGENCY'S TAX INCREMENT AND SALES TAX REVENUE BONDS, SERIES 2023 IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED $5,000,000 (THE "SERIES 2023 BONDS"); AUTHORIZING AND APPROVING THE EXECUTION OF A GENERAL INDENTURE, A SUPPLEMENTAL INDENTURE, A BOND PURCHASE AGREEMENT, AN INTERLOCAL SALES TAX PLEDGE AGREEMENT AND OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION; AND RELATED MATTERS.

WHEREAS, the Lindon City Redevelopment Agency (the "Agency") is a redevelopment agency (a public body, corporate and politic) duly created and established by Lindon City, Utah (the "City"), and authorized to transact business and exercise its powers, all under and pursuant to the Limited Purpose Local Government Entities–Community Reinvestment Agency Act, Title 17C, Utah Code Annotated 1953, as amended (the "Redevelopment Act"); and

WHEREAS, a project area plan (the "CDA Plan") for the Lindon 700 North Community Development Area ("700 North Project Area") as described in the CDA Plan (the "Project Area") has heretofore been adopted and approved and all requirements of law for, and precedent to, the adoption and approval of said CDA Plan have been duly complied with; and

WHEREAS, the Agency and Lindon City, Utah (the "City") are desirous to issue bonds for the purpose of financing certain costs and improvements within the 700 North Project Area, including the purchase of land and other related improvements (the "Project"); and

WHEREAS, the Agency has determined that it would be in furtherance of its public purposes to issue not to exceed $5,000,000 of bonds to be designated "Tax Increment and Sales Tax Revenue Bonds, Series 2023" (or such other name and series designation determined by the Agency) (the "Series 2023 Bonds") pursuant to (a) the Redevelopment Act; (b) this Resolution; (c) a General Indenture of Trust and a Supplemental Indenture (collectively, the "Indenture"), each between the Agency and the trustee (the "Trustee") and an Interlocal Sales Tax Pledge Agreement (the "Sales Tax Agreement") between the Agency and Lindon City (the "City"), in substantially the forms presented to the meeting at which this Resolution was adopted and which are attached hereto as Exhibits B and C; and

WHEREAS, there has been presented to the Board at this meeting a form of a bond purchase agreement (the "Bond Purchase Agreement") to be entered into between the Agency and Zions Bank, the purchaser for the Series 2023 Bonds (the "Purchaser"), in substantially the form attached hereto as Exhibit D; and

WHEREAS, pursuant to the CDA Plan and the Redevelopment Act, the Agency anticipates receiving certain tax increment revenues with respect to the Project Area (the "Tax Increment Revenues") and/or sales tax revenues from the City (the "Sales Tax Revenues") and the Agency desires to pledge the Tax Increment Revenues and the Sales Tax Revenues to the payment of the Series 2023 Bonds issued hereunder; and

WHEREAS, the Series 2023 Bonds shall be payable solely from the Tax Increment Revenues, the Sales Tax Revenues and other revenues identified in the Indenture; and

WHEREAS, pursuant to the Sales Tax Agreement, the City agrees to pledge to the Agency its Sales and Use Tax Revenues as described in the Sales Tax Agreement; and

WHEREAS, the Agency posted a "Notice of Bonds to be Issued" with respect to the Series 2023 Bonds on October 17, 2023, and a copy of a resolution dated October 16, 2023, this Resolution, and related documents have been and will be kept on file in the offices of the Agency for public examination for at least thirty (30) days after the date of such posting; and

WHEREAS, there has been presented to the Board at this meeting, bids from prospective purchasers to purchase the Series 2023 Bonds, and the Board desires to select the bid attached hereto as Exhibit E; and

WHEREAS, the Redevelopment Act and the documents herein authorized to be signed by the Agency provide that the Series 2023 Bonds shall not constitute nor give rise to a general obligation or liability of the Agency or be a charge against its general credit or the general credit or taxing powers of the City and that the Series 2023 Bonds will be payable from and secured by the Tax Increment Revenues and the Sales Tax Revenues;

NOW, THEREFORE, the Board of Directors of the Lindon City Redevelopment Agency does hereby resolve as follows:

Section 1. All terms defined in the foregoing recitals hereto shall have the same meanings when used herein.

Section 2. For the purpose of (a) financing the Project, and (b) paying costs of issuance of the Series 2023 Bonds, the Agency hereby authorizes the issuance of the Series 2023 Bonds which shall be designated the "Lindon City Redevelopment Agency, Utah Tax Increment and Sales Tax Revenue Bonds, Series 2023", in the aggregate principal amount of not to exceed $5,000,000. The Series 2023 Bonds shall mature in not more than twenty (20) years from their date or dates, shall be sold at a price not less than

ninety-seven percent (97%) of the total principal amount thereof, shall bear interest at a rate or rates not to exceed 6.50% per annum, as shall be approved by the Agency, all within the Parameters set forth herein. The issuance of the Series 2023 Bonds shall be subject to the final approval of Bond Counsel to the Agency and to the approval of the Attorney for the Agency.

Section 3. The Indenture, the Sales Tax Agreement and the Bond Purchase Agreement, in substantially the forms presented to this meeting and attached hereto as Exhibits B, C and D, respectively, are hereby authorized, approved, and confirmed. The Agency Chair and the City Recorder, or their designees, are hereby authorized to execute and deliver the Indenture, the Bond Purchase Agreement and the Sales Tax Agreement in substantially the forms and with substantially the content as the forms presented at this meeting for and on behalf of the Agency, within the Parameters set forth herein, and conforming to the terms described in Exhibit E, and with such alterations, changes or additions as may be necessary or as may be authorized by Section 5 hereof. The execution of the Bond Purchase Agreement shall signify the final terms and redemption provisions of the Series 2023 Bonds by the execution of a terms page contained within the Bond Purchase Agreement.

Section 4. The Chair and other appropriate officials of the Agency are authorized to make any alterations, changes or additions to the Indenture, the Sales Tax Agreement, the Series 2023 Bonds, the Bond Purchase Agreement, or any other document herein authorized and approved which may be necessary to conform the same to the final terms of the Series 2023 Bonds (within the Parameters set by this Resolution and conforming to the terms described in Exhibit E), to conform to any applicable bond insurance or reserve instrument or to remove the same, to correct errors or omissions therein, to complete the same, to remove ambiguities therefrom, or to conform the same to other provisions of said instruments, to the provisions of this Resolution or any resolution adopted by the Board or the provisions of the laws of the State of Utah or the United States.

Section 5. The form, terms, and provisions of the Series 2023 Bonds and the provisions for the signatures, authentication, payment, registration, transfer, exchange, redemption, and number shall be as set forth in the Indenture. The Agency Chair and the City Recorder or their designees, are hereby authorized and directed to execute and seal the Series 2023 Bonds and to deliver said Bonds to the Trustee for authentication. The signatures of the Agency Chair and the City Recorder or their designees, may be by facsimile or manual execution.

Section 6. The Chair and other appropriate officials of the Agency are hereby authorized and directed to execute and deliver to the Trustee the written order of the Agency for authentication and delivery of the Series 2023 Bonds in accordance with the provisions of the Indenture.

Section 7. Upon their issuance, the Series 2023 Bonds will constitute special limited obligations of the Agency payable solely from and to the extent of the sources set forth in the Series 2023 Bonds and the Indenture. No provision of this Resolution, the

Indenture, the Sales Tax Agreement, the Series 2023 Bonds, or any other instrument, shall be construed as creating a general obligation of the Agency, or of creating a general obligation of the State of Utah or any political subdivision thereof, or as incurring or creating a charge upon the general credit of the Agency or its taxing powers.

Section 8. The Chair and other appropriate officials of the Agency, and each of them, are hereby authorized and directed to execute and deliver for and on behalf of the Agency any or all additional certificates, documents and other papers (including, without limitation, any escrow agreements or reserve instrument guaranty agreements permitted by the Indenture) and to perform all other acts they may deem necessary or appropriate in order to implement and carry out the matters authorized in this Resolution and the documents authorized and approved herein.

Section 9. After the Series 2023 Bonds are delivered by the Trustee to the Purchaser, and upon receipt of payment therefor, this Resolution shall be and remain irrepealable until the principal of, premium, if any, and interest on the Series 2023 Bonds are deemed to have been duly discharged in accordance with the terms and provisions of the Indenture.

Section 10. In accordance with the provisions of the Redevelopment Act, the Agency caused a "Notice of Bonds to be Issued" to be posted on October 17, 2023 and has caused a copy of a resolution dated October 16, 2023, this Resolution, and related documents to be kept on file in the office of the Agency for public examination during regular business hours at least thirty (30) days from and after the date of publication thereof.

Section 11. It is hereby declared that all parts of this resolution are severable and that if any section, paragraph, clause or provision of this resolution shall, for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining provisions of this resolution.

Section 12. The Chair, the City Recorder and other officers of the Agency are hereby authorized to execute all documents and take such action as they may deem necessary or advisable in order to carry out and perform the purpose of this resolution and the execution or taking of such action shall be conclusive evidence of such necessity or advisability. All action heretofore taken by the Agency, its officers and employees, with respect to the issuance and sale of the Series 2023 Bonds is hereby ratified and confirmed. Any action authorized by this Resolution to be taken by the Chair may be taken by any duly authorized acting Chair in the absence of the Chair.

Section 13. All resolutions, orders and regulations or parts thereof heretofore adopted or passed which are in conflict herewith are, to the extent of such conflict, hereby repealed. This repealer shall not be construed so as to revive any resolution, order, regulation or part thereof heretofore repealed.

Section 14. This Resolution shall take effect immediately upon its approval and adoption.

APPROVED AND ADOPTED this December 4, 2023.

LINDON CITY REDEVELOPMENT
AGENCY, UTAH

(SEAL)

By:_____
Chair

ATTEST:

By:_____
City Recorder

After the conduct of other business not pertinent to the foregoing, the meeting was, on motion duly made and seconded, adjourned.

(SEAL)

By:_____
Chair

ATTEST:

By:_____
City Recorder

STATE OF UTAH)
: ss.
COUNTY OF UTAH)

I, the undersigned, duly qualified and acting City Recorder of the Lindon City Redevelopment Agency (the "Agency") do hereby certify:

1. The foregoing is a true, perfect and complete copy of the record of proceedings of the Board of Directors of the Agency, had and taken at a lawful public meeting of said Board held at the regular meeting place of said Board in Lindon, Utah, on December 4, 2023, commencing at the hour of 5:15 p.m., as recorded in the regular official book of the proceedings of the Agency kept in the office of the Agency, and said proceedings were duly had and taken as therein shown, and the meeting therein shown was duly held, and the persons therein were present at said meeting as therein shown.

2. All members of the Board of Directors of said Agency were duly notified of said meeting, pursuant to law.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this December 4, 2023.

(SEAL)

By:_____
City Recorder

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, the duly qualified and acting City Recorder of Lindon City, Utah, do hereby certify according to the records of the Lindon City Redevelopment Agency (the "Agency") in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated 1953, as amended, I caused to be given not less than twenty-four (24) hours public notice of the agenda, date, time, and place of the December 4, 2023, public meeting held by the Agency as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the meeting location at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting;

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be posted to the Utah Public Notice Website (http://pmn.utah.gov) at least twenty-four (24) hours prior to the convening of the meeting; and

(c) By causing a Notice, in the form attached hereto as Schedule 1, to be posted on the City's official website at least twenty-four (24) hours prior to the convening of the meeting.

The Redevelopment Agency meets on an "as needed" basis.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Agency this December 4, 2023.

(SEAL)

By:_____

City Recorder

SCHEDULE 1

NOTICE OF PUBLIC MEETING

EXHIBIT B

INDENTURE

SIXTH SUPPLEMENTAL INDENTURE OF TRUST

Dated as of _____ , 2023

by and between

LINDON CITY, UTAH

and

U.S. BANK TRUST COMPANY, NATIONAL ASSOCIATION
as Trustee

and supplementing
General Indenture of Trust
Dated as May 1, 2005

Table of Contents

Page

ARTICLE I
SUPPLEMENTAL INDENTURE; DEFINITIONS

Section 1.1 Supplemental Indenture 3
Section 1.2 Definitions.....3

ARTICLE II
ISSUANCE OF THE SERIES 2023 BONDS

Section 2.1 Principal Amount, Designation and Series 3
Section 2.2 Maturities and Interest 3
Section 2.3 Series 2023 Bonds as Additional Bonds. 3
Section 2.4 Perfection of Security Interest. 4

ARTICLE III
CONFIRMATION OF GENERAL INDENTURE

ARTICLE IV
MISCELLANEOUS

Section 4.1 Severability 4
Section 4.2 Counterparts.....5
Section 4.3 Effective Date 5

SIXTH SUPPLEMENTAL INDENTURE OF TRUST

This Sixth Supplemental Indenture of Trust, dated as of _____ , 2023, by and between Lindon City, Utah (the "Issuer"), a political subdivision and body politic duly organized and existing under the Constitution and laws of the State of Utah and U.S. Bank Trust Company, National Association (the "Trustee"), a national banking association authorized by law to accept and execute trusts and having its principal office in Salt Lake City, Utah:

W I T N E S S E T H:

WHEREAS, the Issuer has entered into a General Indenture of Trust, dated as of May 1, 2005, as heretofore amended and supplemented (the "General Indenture") with the Trustee; and

WHEREAS, pursuant to the General Indenture, Bonds includes other obligations authorized pursuant to the General Indenture; and

WHEREAS, the Issuer has established the Lindon City Redevelopment Agency (the "Agency"), a redevelopment agency existing under the Limited Purpose Local Government Entities - Community Reinvestment Agency Act, Title 17C, Utah Code Annotated 1953, as amended (the "Redevelopment Act") for the purpose of redeveloping and developing certain areas within the Issuer in order to accomplish the purposes of the Redevelopment Act; and

WHEREAS, the Agency has entered into a General Indenture of Trust (Tax Increment), (the "Tax Increment General Indenture") and a First Supplemental Indenture of Trust (Tax Increment), (the "Tax Increment First Supplemental Indenture" and together with the Tax Increment General Indenture, the "Tax Increment Indenture") each dated as of _____ with the Trustee; and

WHEREAS, the Agency has determined to issue its Tax Increment and Sales Tax Revenue Bonds (the "Series 2023 Bonds") for the purpose of (i) financing certain costs and improvements, including the purchase of land and related improvements within the Lindon 700 North Community Development Area (the "Project") and (ii) paying the costs associated with the issuance of the Series 2023 Bonds to be issued pursuant to the Tax Increment Indenture; and

WHEREAS, the Local Government Bonding Act, Title 1, Chapter 14, Utah Code Annotated 1953, as amended, authorizes the issuance of non-voted excise tax revenue bonds payable solely from the excise tax revenues of cities, towns or counties, levied and collected by the said government entity or levied by the State of Utah and rebated pursuant to law; and

WHEREAS, the Series 2023 Bonds will be secured by an Interlocal Sales Tax Pledge Agreement attached as Exhibit A hereto (the "Sales Tax Agreement") pledging

Revenues (as defined in the General Indenture) pursuant to which the Issuer has pledged the Revenues to the payment of the Series 2023 Bonds; and

WHEREAS, the Sales Tax Agreement and the obligations of the Issuer thereunder constitute Additional Bonds under and pursuant to the General Indenture and this Sixth Supplemental Indenture (the "Sixth Supplemental Indenture," collectively with the General Indenture and any amendments thereto or hereto, the "Indenture"); and

WHEREAS, the execution and delivery of the Series 2023 Bonds and of this Sixth Supplemental Indenture have in all respects been duly authorized and all things necessary to make the Series 2023 Bonds, when executed by the Agency and authenticated by the Trustee, the valid and binding legal obligations of the Agency and to make this Sixth Supplemental Indenture a valid and binding agreement of the Issuer have been done;

NOW, THEREFORE, THIS SIXTH SUPPLEMENTAL INDENTURE OF TRUST WITNESSETH, that to secure the Series 2023 Bonds and to provide for the payment and performance of the obligations under the Sales Tax Agreement to the trustee for the Series 2023 Bonds and all Bonds and Additional Bonds issued and Outstanding under the Indenture, the payment of the principal or redemption price thereof and interest thereon, the rights of the Registered Owners of the Bonds, to secure the Security Instrument Issuers of Security Instruments for any Bonds, and of all Reserve Instrument Providers of Reserve Instruments for any Bonds, and the performance of all of the covenants contained in such Bonds and herein, and for and in consideration of the mutual covenants herein contained and of the purchase of such Bonds by the Registered Owners thereof from time to time, and the issuance of Reserve Instruments by Reserve Instrument Providers, and of the acceptance by the Trustee of the trusts hereby created, and intending to be legally bound hereby, the Issuer has executed and delivered this Sixth Supplemental Indenture of Trust, and by these presents does, in confirmation of the General Indenture, as amended and supplemented, hereby sell, assign, transfer, set over and pledge unto U.S. Bank Trust Company, National Association, as Trustee, its successors in trust and its assigns forever, to the extent provided in the General Indenture, as amended and supplemented, all right, title and interest of the Issuer in and to (i) the Revenues (as defined in the General Indenture), (ii) all moneys in funds and accounts held by the Trustee under the General Indenture and hereunder (except the Rebate Fund), and (iii) all other rights granted under the General Indenture and hereinafter granted for the further securing of such Bonds.

TO HAVE AND TO HOLD THE SAME unto the Trustee and its successors in trust hereby created and its and their assigns forever;

IN TRUST, NEVERTHELESS, FIRST, for the equal and ratable benefit and security of all present and future Registered Owners of Bonds and Security Instrument Issuers without preference, priority, or distinction as to lien or otherwise (except as otherwise specifically provided), of any one Bond or Security Instrument Repayment Obligation over any other Bond or Security Instrument Repayment Obligation, and SECOND, for the equal and proportionate benefit, security and protection of all Reserve Instrument Providers, without privilege, priority or distinction as to the lien or otherwise

of any Reserve Instrument Repayment Obligation over any of the others by reason of time of issuance, delivery or expiration thereof or otherwise for any cause whatsoever.

ARTICLE I

SUPPLEMENTAL INDENTURE; DEFINITIONS

Section 1.1 Supplemental Indenture. This Sixth Supplemental Indenture is supplemental to, and is executed in accordance with and pursuant to Articles II and IX of the General Indenture.

Section 1.2 Definitions. All terms which are defined in the General Indenture, shall have the meanings, respectively, when used herein (including the use thereof in the recitals and the granting clauses thereof) unless expressly given a different meaning or unless the context clearly otherwise requires. All terms used herein which are defined in the recitals hereto shall have the meanings therein given to the same unless the context requires otherwise and, in addition, the following terms shall have the meanings specified below:

"Interest Payment Date" means, with respect to the Series 2023 Bonds, each _____ and _____ , commencing _____.

"Series 2023 Bonds" means the Agency's $_____ Tax Increment and Sales Tax Revenue Bonds, Series 2023 issued pursuant to the Tax Increment General Indenture.

"Series 2023 Project" means certain costs and improvements, including the purchase of land and related improvements within the Lindon 700 North Community Development Area.

ARTICLE II

ISSUANCE OF THE SERIES 2023 BONDS

Section 2.1 Principal Amount, Designation and Series. The Sales Tax Agreement is hereby authorized and the obligation and pledge of Revenues thereunder constitutes Bonds under the Indenture for the purpose of providing funds to (i) finance the Series 2023 Project and (ii) pay costs incurred in connection with the issuance of the Series 2023 Bonds. The Series 2023 Bonds shall be limited to $_____ in aggregate principal amount and shall be issued in the form and designation given and contain the terms as provided in the Tax Increment First Supplemental Indenture.

Section 2.2 Maturities and Interest. The maximum amount payable from the Revenues with respect to the Series 2023 Bonds shall be as set forth in the Sales Tax Agreement attached hereto as Exhibit A.

Section 2.3 Series 2023 Bonds as Additional Bonds. The Sales Tax Agreement securing the Series 2023 Bonds (and all debt service related thereto) constitutes Additional Bonds under the Indenture. The Issuer hereby certifies that the requirements set forth in

Section 2.13 of the General Indenture have been and will be complied with in connection with the issuance of the Series 2023 Bonds. As required by Section 2.13 of the General Indenture, no Event of Default has occurred or is continuing under the General Indenture.

Section 2.4 Perfection of Security Interest.

(a) The Indenture creates a valid and binding pledge and assignment of security interest in all of the Revenues pledged under the Indenture in favor of the Trustee as security for payment of the Series 2023 Bonds and the amounts payable under the Sales Tax Agreement, enforceable by the Trustee in accordance with the terms thereof.

(b) Under the laws of the State, such pledge and assignment and security interest is automatically perfected by Section 11-14-50, Utah Code Annotated 1953, as amended, and is and shall have priority as against all parties having claims of any kind in tort, contract, or otherwise hereafter imposed on the Revenues.

ARTICLE III

CONFIRMATION OF GENERAL INDENTURE

As supplemented by this Sixth Supplemental Indenture, and except as provided herein, the General Indenture is in all respects ratified and confirmed, and the General Indenture and this Sixth Supplemental Indenture shall be read, taken and construed as one and the same instrument so that all of the rights, remedies, terms, conditions, covenants and agreements of the General Indenture shall apply and remain in full force and effect with respect to this Sixth Supplemental Indenture, and to any revenues, receipts and moneys to be derived therefrom.

ARTICLE IV

MISCELLANEOUS

Section 4.1 Severability. If any provision of this Sixth Supplemental Indenture shall be held or deemed to be or shall, in fact, be inoperative or unenforceable as applied in any particular case in any jurisdiction or in all jurisdictions, or in all cases because it conflicts with any other provision or provisions hereof or any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any other provision or provisions herein contained invalid, inoperative, or unenforceable to any extent whatever. The invalidity of any one or more phrases, sentences, clauses, or sections in this Sixth Supplemental Indenture contained,

shall not affect the remaining portions of this Sixth Supplemental Indenture, or any part thereof.

Section 4.2 Counterparts. This Sixth Supplemental Indenture may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

Section 4.3 Effective Date. This Sixth Supplemental Indenture shall become effective immediately upon execution.

IN WITNESS WHEREOF, the Issuer and the Trustee have caused this Sixth Supplemental Indenture of Trust to be executed as of the date first above written.

LINDON CITY, UTAH

By:_____
Mayor

(SEAL)

Countersigned:

By:_____
City Recorder

U.S. BANK TRUST COMPANY,
NATIONAL ASSOCIATION as Trustee

By:_____

Title:_____

EXHIBIT A

SALES TAX AGREEMENT

EXHIBIT C

SALES TAX AGREEMENT

INTERLOCAL SALES TAX PLEDGE AGREEMENT

This INTERLOCAL SALES TAX PLEDGE AGREEMENT (the "Agreement") is entered into as of _____ , 2023, by and between LINDON CITY, UTAH, (the "City") a municipal corporation and political subdivision of the State of Utah and the LINDON CITY REDEVELOPMENT AGENCY, UTAH (the "Agency"), a redevelopment agency existing under the Limited Purpose Local Government Entities - Community Reinvestment Agency Act, Title 17C, Utah Code Annotated 1953, as amended (the "Redevelopment Act").

W I T N E S S E T H:

WHEREAS, the Agency has been established by the City for the purpose of redeveloping and developing certain areas within the City in order to accomplish the purposes of the Redevelopment Act; and

WHEREAS, pursuant to the Redevelopment Act and other provisions of law of the State of Utah, the City and the Agency may enter into an agreement whereby the City may grant or contribute funds to the Agency for economic development; and

WHEREAS, the City and the Agency have previously authorized the establishment of the Lindon 700 North Community Development Area (the "Project Area"); and

WHEREAS, pursuant to the terms of a General Indenture of Trust and a First Supplemental Indenture, each dated as of _____, 2023 (collectively, the "RDA Indenture"), and each by and between the Lindon City Redevelopment Agency, Utah (the "Agency") and U.S. Bank Trust Company, National Association (the "Trustee"), the Agency intends to issue its Tax Increment and Sales Tax Revenue Bonds, Series 2023 (the "Series 2023 Bonds") for the purpose of (i) financing certain costs and improvements, including the purchase of land and related improvements within the Project Area (the "Project") and (ii) paying the costs associated with the issuance of the Series 2023 Bonds; and

WHEREAS, a portion of the Series 2023 Bonds are payable from sales tax revenues (the "Sales Tax Revenues") the City collects under Title 59, Chapter 12, Part 2 of the Utah Code Annotated 1953, as amended (the "Utah Code"); and

WHEREAS, the City is authorized to issue sales tax bonds and may from time to time (collectively, the "Sales Tax Bonds") pursuant to a General Indenture of Trust dated as of May 1, 2005 (as may be supplemented and amended, the "Sales Tax Indenture") by and between the City and the Trustee; and

WHEREAS, the Utah Interlocal Cooperation Act (the "Interlocal Cooperation Act"), Title 11, Chapter 13, Utah Code provides that two or more public agencies may, by agreement, jointly exercise any power common to the contracting parties, and may share taxes and other revenues to accomplish their stated objectives; and

WHEREAS, the City has agreed to enter into this Agreement with the Agency to pledge the Sales Tax Revenues to the Series 2023 Bonds to pay any amounts owed on the Series 2023 Bonds, which pledge is on a parity with payment by the City of the Sales Tax Bonds; and

WHEREAS, the debt service on the Series 2023 Bonds is set forth in Exhibit A hereto; and

WHEREAS, this Agreement and the obligation and pledge of the Sales Tax Revenues hereunder shall constitute an Additional Bond under and as defined in the Sales Tax Indenture and such obligation and pledge shall terminate only upon payment of the Series 2023 Bonds in full [and payment of all amounts owed the insurer of such Bonds]; and

WHEREAS, the City and the Agency have found and determined that the pledge of the Sales Tax Revenues is essential to the issuance of the Series 2023 Bonds, is in the best proprietary and business interests of the City and will promote the health, safety and welfare of the City and its inhabitants by reducing the debt service and related costs of the Series 2023 Bonds; and

NOW, THEREFORE, in consideration of the mutual promises, the covenants contained herein, and other good and valuable consideration, the receipt of which is acknowledged, the parties hereto agree as follows:

Section 1. The Agency agrees that upon issuance of the Series 2023 Bonds it will use the net proceeds of such Series 2023 Bonds to finance the Series 2023 Project, fund any necessary reserve funds, pay capitalized interest, and pay costs of issuance.

Section 2. The City and the Agency, as applicable, agree as follows:

(a) Pursuant to Section 17C-1-207 and Section 17C-1-409 of the Redevelopment Act, the City agrees to assist the Agency in repaying the Series 2023 Bonds, and in furtherance of such agreement, hereby irrevocably grants a pledge on the Sales Tax Revenues received from and after the date of execution hereof to the Agency for the purpose of payment of the Series 2023 Bonds pursuant to the Sales Tax Indenture.

(b) The City covenants that it will continue to impose the taxes constituting the Sales Tax Revenues until all of the Series 2023 Bonds have been paid. While any of the Series 2023 Bonds remain outstanding and unpaid, any ordinance, resolution or other enactment of the City, implementing the taxes constituting the Sales Tax Revenues or transferring the revenues therefrom to the Agency for the payment of the Series 2023 Bonds shall not be amended or modified in any manner which would materially impair the rights of the holders of the Series 2023 Bonds or which would in any way materially jeopardize the timely payment of principal or interest when due. The City currently does not anticipate that it will reduce the rate of or repeal the imposition of the taxes from which the Sales Tax Revenues are derived. However, the parties hereto recognize that the State

legislature may reduce the maximum rate of such taxes. The City covenants that it will account for the Sales Tax Revenues separate and apart from the other funds of the City, and take such other actions as may be necessary to maintain the perfected security interest in the Sales Tax Revenues created for the benefit of the Agency and the holders of the Series 2023 Bonds herein. To the extent necessary to provide for the timely payment of the principal and interest on the Series 2023 Bonds, the City shall pay to the Agency for payment to the Trustee such amounts from the Sales Tax Revenues as shall be needed to make such payments.

(c) The Agency will account for the Sales Tax Revenues separate and apart from other funds of the Agency and will transfer the Sales Tax Revenues to the Trustee for payment of the Series 2023 Bonds consistent with the terms of the RDA Indenture.

(d) All books, instruments and documents in the Agency's and the City's possession relating to the Project, the Tax Increment Revenues, and the Sales Tax Revenues shall be open to inspection at all times during the City's regular business hours by any accountants or other agents of the Trustee which the Trustee may designate from time to time.

(e) The Sales Tax Revenues are hereby allocated and pledged as described above, to the payment of the Series 2023 Bonds and until all of the Series 2023 Bonds and all interest thereon have been paid (or until moneys for that purpose have been irrevocably set aside) the Sales Tax Revenues (except as otherwise specifically provided in the RDA Indenture and this Agreement) shall next be applied to the payment of the Series 2023 Bonds, the interest thereon, and premium, if any, then due as provided in the RDA Indenture, and then any other purpose permitted by law.

(f) [At least _____ (__) days prior to each Interest Payment Date (as defined in the RDA Indenture), the Agency shall notify the City in writing (i) the extent, if any, by which Debt Service (as defined in the RDA Indenture) exceeds amounts on deposit in the Bond Fund for the Series 2023 Bonds and (ii) the amount, if any, necessary to restore the Series 2023 Debt Service Reserve Account to the Reserve Requirement (collectively, the "Revenue Shortfall").

(g) Subject to the conditions of (f) above, at least _____ (__) days prior to each Interest Payment Date (as defined in the RDA Indenture), the City agrees to remit Sales Tax Revenues to the Agency in an amount equal to the Revenue Shortfall.]

(h) Once the City and Agency have remitted to the Trustee sufficient moneys for principal and/or interest payments on the Series 2023 Bonds then due as required by the RDA Indenture, and assuming that all payments then due with respect to the Series 2023 Bonds have been paid and are current, any Sales Tax Revenues then held by the Agency or the City may, subject to the lien of any other obligations, be released to the City for its use for any lawful purpose.

Section 3. The City and the Agency recognize that the intent of the parties hereto is to use the tax increment revenues from the Project Area (the "Agency Revenues") to the extent available, to pay or repay to the City amounts sufficient to pay amounts due with respect to the Series 2023 Bonds. In furtherance thereof, the Agency agrees to deposit with the City as such Agency Revenues become available to the Agency, all such Agency Revenues in excess of amounts required to pay the Series 2023 Bonds such that the City will have, to the extent available, sufficient Agency Revenues to pay or immediately reimburse the City for having paid, amounts to the Agency for the payment of the Series 2023 Bonds.

Section 4. The Agency agrees to apply such Sales Tax Revenues received pursuant to this Agreement to the payment of the Series 2023 Bonds or amounts owed to the insurer of such Bonds (including by pledging such amounts to the Trustee).

Section 5. Nothing contained in this Agreement shall be construed to create a general obligation liability of the City. The obligations hereunder and under the Series 2023 Bonds shall not be a debt of the City pursuant to any constitutional or statutory debt limitations, and the issuance of the Series 2023 Bonds and the execution of this Agreement shall not require the City to levy any form of taxation or to appropriate any moneys for the payment of the Series 2023 Bonds or amounts otherwise due under this Agreement (it being understood that this Section shall not limit the obligation of the City to levy and pay the Sales Tax Revenues to the Trustee as provided under the Sales Tax Indenture and hereunder).

Section 6. This Agreement shall be effective upon the date it is executed by both parties and filed with the keeper of the records of each party. The obligation and pledge of this Agreement shall terminate at such time as the Series 2023 Bonds are no longer outstanding and all amounts have been paid to the insurer of the Series 2023 Bonds. The City agrees it shall not replace the Trustee under the Sales Tax Indenture or the RDA Indenture unless such replacement agrees to assume the obligations of the Trustee hereunder.

Section 7. The City's obligation to make such payments and to perform and observe the other agreements and covenants on its part contained in this Agreement shall be absolute and unconditional, and shall not be limited or reduced by any rights of set off, recoupment or counterclaim it might otherwise have against the Trustee or any holder of the Bonds.

Section 8. So long as the Series 2023 Bonds are outstanding under the RDA Indenture, the Trustee shall be an express third-party beneficiary of this Agreement. This Agreement shall not be amended without the prior written consent of the Trustee, which consent shall not be unreasonably withheld or delayed.

Section 9. This Agreement creates a valid and binding pledge and assignment of, and security interest in, all of the Sales Tax Revenues pledged hereunder in favor of the Agency, as security for payment of the Series 2023 Bonds, enforceable by the Agency, as its interests may appear, in accordance with the terms hereof.

Under the laws of the State, such pledge and assignment and security interest is automatically perfected by Section 11-14-501, Utah Code Annotated 1953, as amended, and is and shall have priority as against all parties having claims of any kind in tort, contract, or otherwise hereafter imposed on the Sales Tax Revenues.

This Agreement also creates a valid and binding pledge and assignment of, and security interest in, all of the Agency Revenues pledged hereunder in favor of the City, as security for payment or repayment of amounts required to be advanced by the City hereunder for payment to the Agency of amounts due with respect to the Bonds, enforceable by the City in accordance with the terms hereof.

Section 10. In satisfaction of the requirements of the Interlocal Cooperation Act in connection with this Agreement, the City and the Agency agree as follows:

(a) This Agreement shall be authorized and adopted by resolution of the City and the Agency pursuant to and in accordance with the provisions of Utah Code Ann. Section 11-13-202.5;

(b) This Agreement shall be reviewed as to proper form and compliance with applicable law by a duly authorized attorney on behalf of the City and the Agency pursuant to and in accordance with the Utah Code Ann. Section 11-13-202.5(3);

(c) A duly executed original counterpart of this Agreement shall be filed immediately with the keeper of records of the City and the Agency pursuant to Utah Code Ann. Section 11-13-209;

(d) The City and the Agency agree that they do not, by this Agreement, create an interlocal entity;

(e) [As required by Utah Code Ann. Section 11-13-207, the City and the Agency agree that the undertaking under this Agreement shall be administered by one member of the City Council and one member of the Board of the Agency, each to be appointed by their respective governing body. Any real or personal property used and the City and the Agency's cooperative undertaking herein shall be acquired, held, and disposed of as determined by such administrators; and]

(f) No budget shall be established or maintained except as described herein.

Section 11. This Agreement shall be governed by the laws of the State of Utah.

IN WITNESS WHEREOF, the parties hereto have entered into this Agreement as of the day and year first written above.

LINDON CITY, UTAH

(SEAL)

By: _____
Mayor

ATTEST:

By: _____
City Recorder

APPROVED AS TO PROPER FORM AND COMPLIANCE WITH APPLICABLE LAW:

_____
Counsel to the City

LINDON CITY REDEVELOPMENT AGENCY, UTAH

(SEAL)

By:_____
Chair

ATTEST:

By:_____
Lindon City Recorder

APPROVED AS TO PROPER FORM AND COMPLIANCE WITH APPLICABLE LAW:

_____
Counsel to the Agency

EXHIBIT A

DEBT SERVICE SCHEDULE

Fiscal Year Ending December 31,	Principal	Interest	Fiscal Total

EXHIBIT D

BOND PURCHASE AGREEMENT

EXHIBIT E

BID

- -

Sample Motion: I move to adjourn the Lindon RDA meeting and reconvene the Lindon City Council meeting.

9. **Review & Action — Resolution #2023-25-R**. Consideration for adoption of a resolution of the City Council of Lindon City, Utah (the "City"), authorizing the execution of a sales tax agreement and the issuance of the City obligation created thereunder; authorizing and approving the execution of a general indenture, a supplemental indenture and other documents that may be required in connection therewith; acknowledging the issuance and sale by the Lindon City Redevelopment Agency, Utah of tax increment and sales tax revenue bonds, Series 2023; authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution; and related matters. *(10 minutes)*

The City Council has previously been provided these bond documents in prior meetings. The only changes will be filling in blanks/exhibits according to the selected bond bid option.

Sample Motion: I move to (*approve, reject*) Resolution #2023-25-R adopting the final bond resolution and final terms, conditions and provisions related to the issuance of the Series 2023 (*as presented or amended*).

Lindon, Utah

December 4, 2023

The City Council (the "Council") of Lindon City, Utah (the "City"), met in regular public session at the regular meeting place of the Council in Lindon, Utah, on Monday, December 4, 2023, at the hour of 7:15 p.m., with the following members of the Council being present:

Carolyn Lundberg	Mayor
Van Broderick	Councilmember
Jake Hoyt	Councilmember
Daril Magleby	Councilmember
Randi Powell	Councilmember
Mike Vanchiere	Councilmember

Also present:

Adam Cowie	City Administrator
Kathy Moosman	City Recorder
Kristen Colson Aaron	Finance Director

Absent:

After the meeting had been duly called to order and after other matters not pertinent to this resolution had been discussed, a Certificate of Compliance with Open Meeting Law with respect to this December 4, 2023 meeting was noted in the record, a copy of which is attached hereto as Exhibit A.

The following resolution was then introduced in written form, was fully discussed, and pursuant to motion duly made by Councilmember _____ and seconded by Councilmember _____, was adopted by the following vote:

AYE:

NAY:

The resolution is as follows:

RESOLUTION NO. 2023-25-R

A RESOLUTION OF THE CITY COUNCIL OF LINDON CITY, UTAH (THE "CITY"), AUTHORIZING THE EXECUTION OF A SALES TAX PLEDGE AGREEMENT AND THE ISSUANCE OF THE CITY OBLIGATION (AS DEFINED HEREIN) CREATED THEREUNDER; AUTHORIZING AND APPROVING THE EXECUTION OF A GENERAL INDENTURE, A SUPPLEMENTAL INDENTURE AND OTHER DOCUMENTS THAT MAY BE REQUIRED IN CONNECTION THEREWITH; ACKNOWLEDGING THE ISSUANCE AND SALE BY THE LINDON CITY REDEVELOPMENT AGENCY, UTAH OF TAX INCREMENT AND SALES TAX REVENUE BONDS, SERIES 2023; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION; AND RELATED MATTERS.

WHEREAS, pursuant to the Limited Purpose Local Government Entities—Community Development and Renewal Agencies Act, Title 17C, Utah Code Annotated 1953, as amended (the "Redevelopment Act"), the City Council (the "City Council") of Lindon City, Utah (the "City") is authorized to grant or contribute funds to the Redevelopment Agency of Lindon City, Utah (the "Agency"), for redevelopment projects; and

WHEREAS, a project area plan (the "CDA Plan") for the Lindon 700 North Community Development Area as described in the CDA Plan (the "700 North Project Area") has heretofore been adopted and approved and all requirements of law for, and precedent to, the adoption and approval of said Redevelopment Plan have been duly complied with; and

WHEREAS, in order to (i) finance certain costs and improvements within the 700 North Project Area, including the purchase of land and related improvements (the "Series 2023 Project"), and (iii) pay costs associated with the issuance of the Series 2023 Bonds, the Agency is issuing its Tax Increment and Sales Tax Revenue Bonds, Series 2023 (or such other name and series designation determined by the Agency) (the "Series 2023 Bonds") under the Redevelopment Act; and

WHEREAS, the City desires to pledge certain sales tax moneys to be received by the City to assist in repaying the Series 2023 Bonds to the extent other revenues are insufficient therefor pursuant an Interlocal Sales Tax Pledge Agreement by and between the City and the Agency (the "Sales Tax Agreement"), a copy of which is attached hereto as Exhibit C;

WHEREAS, the City desires to treat the pledge of sales tax revenues by the City under the Sales Tax Agreement (the "City Obligation") as a bond for purposes of the Local Government Bonding Act, Title 11, Chapter 14, Utah Code (the "Bond Act"); and

WHEREAS, the City Obligation created under the Sales Tax Agreement shall be issued under and pursuant to the Bond Act, a General Indenture of Trust dated as of May 1, 2005, as amended and supplemented (the "General Indenture"), and a Supplemental Indenture of Trust (the "Supplemental Indenture" and together with the General Indenture, the "Sales Tax Indenture"),

with said Sales Tax Indenture in substantially the form and attached hereto as Exhibit B, and all other laws thereunto pertaining; and

WHEREAS, to accomplish the purposes set forth in the preceding paragraphs, the City desires to authorize the City Obligation and in furtherance thereof, the City Council adopted a resolution on October 16, 2023 (the "Parameters Resolution") approving the City Obligation, the parameters for such obligation (the "Parameters") and authorizing the publication of a notice of public hearing and bonds to be issued; and

WHEREAS, there has been presented to the Council at this meeting, bids from prospective purchasers to purchase the Series 2023 Bonds attached hereto as Exhibit D; and

WHEREAS, pursuant to the Parameters Resolution and the Bond Act, the City previously published a "Notice of Public Hearing and Bonds to be Issued" and held the hearing on November 20, 2023;

NOW, THEREFORE, it is hereby resolved by the City Council of Lindon City, Utah, as follows:

Section 1. The terms defined or described in the recitals hereto shall have the same meanings assigned thereto when used in the body of this Resolution.

Section 2. All actions heretofore taken not inconsistent with the provisions of this Resolution by the officers and staff of the Agency and the City directed toward the consummation of the transactions contemplated herein are hereby ratified, approved, and confirmed.

Section 3. The City hereby authorizes and approves the issuance of the Series 2023 Bonds by the Agency for the purpose of financing the Series 2023 Project, all as more fully provided in the related documents.

Section 4. The City Council hereby finds and determines that the execution and delivery by the City and the Agency of the Sales Tax Agreement is necessary and in furtherance of the public purposes of the City and the Agency and of the health, safety, and welfare of the citizens of the City.

Section 5. No provision of this resolution, the Series 2023 Bonds, the Sales Tax Agreement, or any other instrument, shall be construed as creating a general obligation of the Agency, of the City, or of the State of Utah or any political subdivision thereof, or as incurring or creating a charge upon the general credit of the Agency or the City.

Section 6. The Sales Tax Indenture and the Sales Tax Agreement in substantially the forms presented to the City Council at this meeting, and attached hereto as Exhibits B and C, respectively, are in all respects authorized, approved, and confirmed. The Mayor (or the Mayor's designee) is hereby authorized to execute and the City Recorder (or the City Recorder's designee) to attest and to affix the seal of the City to, the Sales Tax Agreement and the Sales Tax Indenture, and such officers are authorized to deliver the same on behalf of the City.

Section 7. The City Administrator and other appropriate officials of the City are authorized to make any alterations, changes or additions to the Sales Tax Agreement and the Sales

Tax Indenture or any other document herein authorized and approved which may be necessary to conform the same to the final terms of the Series 2023 Bonds (within the Parameters set by the City resolution dated October 16, 2023 and conforming to the terms described in Exhibit D), to correct errors or omissions therein, to complete the same, to remove ambiguities therefrom, or to conform the same to other provisions of said instruments, to the provisions of this Resolution or any resolution adopted by the Board or the provisions of the laws of the State of Utah or the United States.

Section 8. If any provision of this Resolution shall be held invalid, the invalidity of such provision shall not affect any of the other provisions of this Resolution or any of the documents herein authorized and approved.

Section 9. All resolutions, ordinances or orders of the City Council or parts thereof which are inconsistent herewith are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed as reviving any resolution, ordinance or order, or part thereof, heretofore repealed.

Section 10. After any of the Series 2023 Bonds are issued and upon receipt of payment therefor, this Resolution shall be and remain irrepealable until the principal of and interest on the Series 2023 Bonds are, or are deemed to have been, fully discharged in accordance with the terms and conditions of the Sales Tax Indenture.

Section 11. This Resolution shall become effective immediately upon its adoption and approval by the City Council.

APPROVED AND ADOPTED this December 4, 2023.

LINDON CITY, UTAH

(SEAL)

By:_____
Mayor

ATTEST:

By:_____
City Recorder

(Other business not pertinent to the foregoing appears in the minutes of the meeting.)

Upon the conclusion of all business on the Agenda, the meeting was adjourned.

(SEAL)

By:_____
Mayor

ATTEST:

By:_____
City Recorder

STATE OF UTAH)
: ss.
COUNTY OF UTAH)

I, Kathy Moosman, the duly appointed and qualified City Recorder of Lindon City, Utah (the "City"), do hereby certify according to the records of the City Council of the City (the "City Council") in my official possession that the foregoing constitutes a true and correct excerpt of the minutes of the meeting of the City Council held on December 4, 2023, including a public hearing and a resolution (the "Resolution") adopted at said meeting as said minutes and Resolution are officially of record in my possession.

I further certify that the Resolution, with all exhibits attached, was deposited in my office on December 4, 2023.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of said City, this December 4, 2023.

(SEAL)

By:_____
City Recorder

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Kathy Moosman, the undersigned City Recorder of Lindon City, Utah (the "City"), do hereby certify, according to the records of the City in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the December 4, 2023, public meeting held by the City Council of the City (the "City Council") as follows:

(i) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the City's principal offices at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting; and

(ii) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be posted to the Utah Public Notice Website (http://pmn.utah.gov) at least twenty-four (24) hours prior to the convening of the meeting; and

(iii) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be posted on the City's official website at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2023 Annual Meeting Schedule for the City Council (attached hereto as Schedule 2) was given specifying the date, time and place of the regular meetings of the City Council to be held during the year, by causing said Notice to be posted at least annually (a) on the Utah Public Notice Website created under Section 63A-16-601, Utah Code Annotated 1953, as amended, (b) on the City's official website and (c) in a public location within the City that is reasonably likely to be seen by residents of the City.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this December 4, 2023.

(SEAL)

By:_____
City Recorder

SCHEDULE 1

NOTICE OF MEETING

SCHEDULE 2

ANNUAL MEETING SCHEDULE

EXHIBIT B

FORM OF SALES TAX INDENTURE

EXHIBIT C

FORM OF SALES TAX AGREEMENT

EXHIBIT D

BID

10. Public Hearing — Amendment to the Standard Land Use Table; Ordinance #2023-23-O. The City Council will hold a public hearing to amend the Lindon Standard Land Use Table. The applicant, Utah Air Guns, requests approval from the Lindon City Council to allow indoor gun ranges as a conditional use in the Heavy Industrial zone. *(15 minutes)*

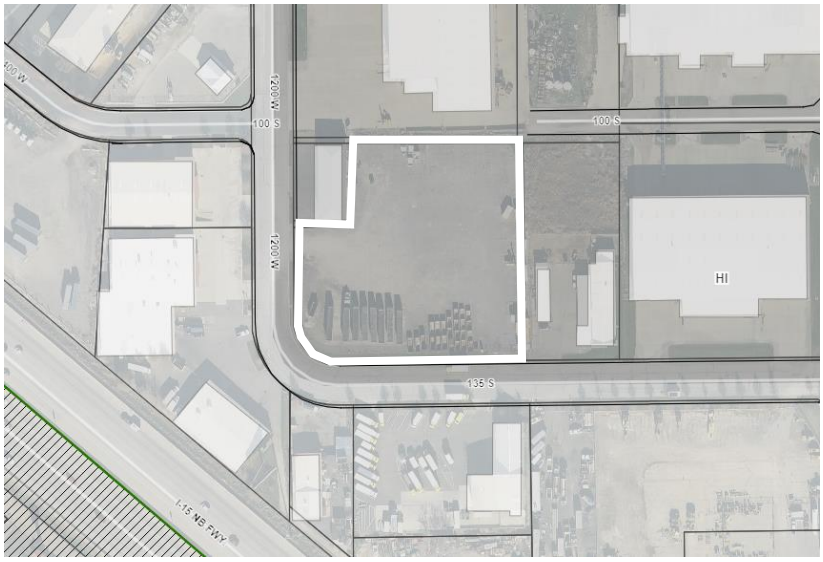
Sample Motion: I move to (*approve, reject*) Ordinance #2023-23-O approving amendments to the Standard Land Use Tablet to allow indoor gun ranges as a conditional use in the Heavy Industrial zone (*as presented or amended*).

Standard Land Use Table Ordinance Amendment – Gun Ranges

Date: December 4, 2023 **Applicant**: Justin Jacobson **Presenting Staff**: Mary Barnes **Type of Decision**: Legislative **Council Action Required**: Yes, the planning commission unanimously recommended approval.	**MOTION** I move to (*approve, deny, continue*) ordinance amendment 2023-23-O (*as presented, or with changes*).

Overview:

- Justin Jacobson, on behalf of Utah Airguns, is proposing an ordinance amendment to make indoor gun ranges a conditional use in the Heavy Industrial (HI) zone. They are currently not permitted.
- Utah Airguns wants to relocate its business on State Street in Orem and build its headquarters in Lindon at approximately 120 S. 1200 W., which is within the HI zone. This facility will include a warehouse, showroom, and shooting range for customers. A conceptual site plan is attached to this staff report.



  - The shooting range and facilities will only be used for air-powered guns.
- Currently, the Standard Land Use Table conditionally allows indoor gun ranges in the Light Industrial, Commercial General, and Mixed Commercial zones.
  - Staff is not aware of why gun ranges are not permitted in the Heavy Industrial zone. But it may be because the HI zone was specifically created to cater to heavy industrial uses.
  - An ordinance amendment like this would only allow gun ranges with a conditional use permit.
- Planning commission unanimously approved this ordinance amendment on November 28, 2023. Discussion centered on why indoor gun ranges are not already a conditional use in the heavy industrial zone, and air gun operations.

General Plan

The 2023 general plan states the purpose of the HI zone:

> Heavy industrial uses support intensive, high-impact industrial activities such as manufacturing, warehousing, assembly, and outdoor storage involving large-scale machinery and structures. A single district is located in the city on the west side of Geneva Road. Uses should be designed and implemented to minimize impact on the community, taking into account the preservation of natural resources and viewsheds, and minimizing use-generated impacts such as pollution, noise, and traffic. The application of transitional land uses along the edges of this district and the application of physical buffering techniques, such as walls and landscape screens, will help offset the impacts of heavy industry to adjacent and nearby uses.

Staff Analysis

Indoor gun ranges are conditional in almost every other zone in the city, except for the planned commercial, research and business, and residential zones. In light industrial zones, which almost completely surrounds the Heavy Industrial zone, this is a conditional use. Staff believes that allowing indoor gun ranges as a conditional use in the HI zone will have a minimal impact on the HI community.

Staff believes that allowing gun ranges as a conditional use will help Lindon to diversify its business base, and provide a new, experiential business. Because indoor gun ranges are a conditional use, if a new business with actual firearms and an indoor gun range wants to locate within the Heavy Industrial zone, staff will be able to recommend conditions that will mitigate potential impacts.

Exhibits

1. Aerial Image of approximately 120 N. 1200 W.
2. Utah Airguns Business Description
3. Standard Land Use Table Amendment
4. Concept site plan

Exhibit 1: Aerial Image of 183 N State St

Exhibit 2: Utah Airguns Business Description

Utah Airguns is looking to build their main facilities in Lindon UT. The majority of this concrete tilt building will be a warehouse, but there will also be a showroom and "shooting range" for their customers. This property is zoned as Heavy Industrial. Lindon City allows shooting ranges in the Light Industrial Zones but not in the Heavy Industrial zones. We are requesting that this Heavy Industrial zone allow this shooting range. It should also be noted that the "shooting range" that Utah Airguns is proposing will not accommodate any actual firearms that use powder to send the projectile downrange. The Utah Airguns range will only accommodate air powered guns.

ORDINANCE NO. 2023-23-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING APPENDIX A, THE STANDARD LAND USE TABLE 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 general plan to expand the range of retail and commercial goods and services available within the community; and

WHEREAS, the proposed amendment is consistent with the goal of the general plan to attract destination/experiential-based businesses to the community; and

WHEREAS, the proposed amendment is consistent with the goal of the general plan to evaluate the quality of potential commercial and retail business to ensure that they will have a positive impact on the city; and

WHEREAS, the Lindon City Council finds that it is in the best interest of the City to conditionally allow for indoor gun ranges in the Heavy Industrial zone; and

WHEREAS, on November 28, 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;

WHEREAS, the Council held a public hearing on _____, 2023, 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: **Amendment of the Lindon City Land Use Table**

The indoor gun range land use is amended in the Lindon City Standard Land Use Table as follows:

Parking Group	Permitted Primary Use	Residential	Mix Rec.		Commercial							Industrial			R/B
		R1-12, R1-20, R3, AFPD	RMU -W	RUM -E	PC -1	PC -2	CG	CG -A	CG A8	CG -S	MC	HI	LI	LI W	
7100	Indoor Gun Ranges	N	C	C	N	N	C	C	C	C	C	~~N~~ C	C	N	N

SECTION II: **Severability.**

Severability is intended throughout and within the provisions of this ordinance. If any section, subsection, sentence, clause, phrase or portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

<u>SECTION III</u>: Effective Date.

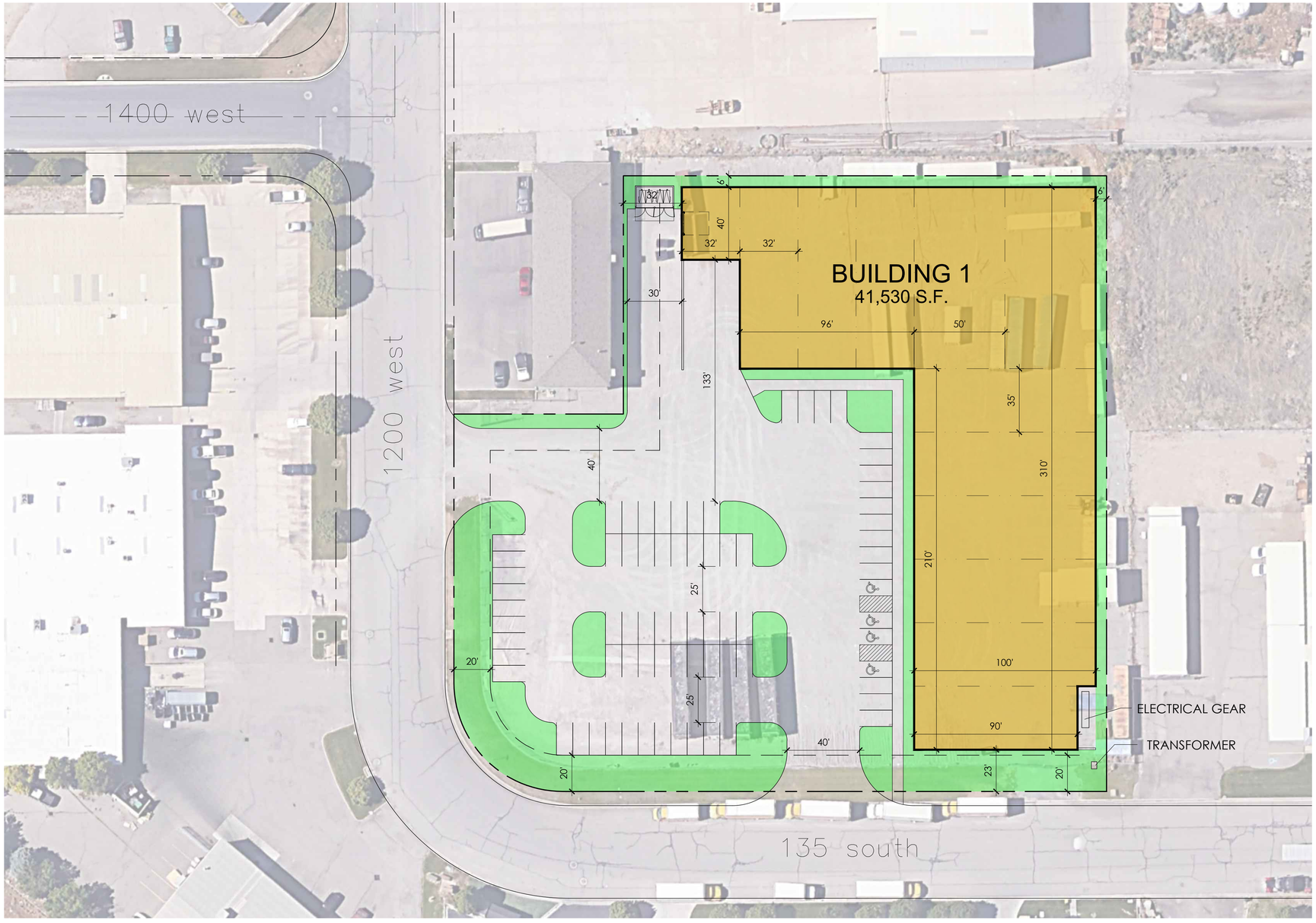
This ordinance shall take effect immediately upon its passage and posting as provided by law.

PASSED AND APPROVED AND MADE EFFECTIVE by the City Council of Lindon City, Utah, this _____ day of _____ 2023.

_____,
CAROLYN LUNDBERG
Lindon City Mayor

ATTEST:

_____,
Kathryn Moosman
City Recorder



PARKING/BUILDING DATA

BUILDING 1	41,530 SF
TOTAL PARKING	74 SPACES
RATIO	1.78/1,000 S.F.

LANDSCAPING	18.84%

CITY ZONING REQUIREMENTS

Jurisdiction	Lindon UT	
Zoning	H-1	
Setbacks	F 20' S 0 or 20' to street R 0 or 40 to residential	
Height	50'	
Parking	9X18 26	
	Office	1/350 OR 2.85/1,000
	Retail	1/350 OR 2.85/1,000
	Manufacturing	1.33/1000
	Warehouse	1/1000
Landscaping	10%	

For land uses not codified in the Stand Land Use Table

AClassification of New and Unlisted Land Uses. It is recognized that new types of land uses will develop and various forms of land uses not anticipated may seek to locate in Lindon. This provision of Appendix A, of the Lindon City Code, shall be to provide a mechanism to classify land uses not codified in the Standard Land Use Table. The Planning Commission and City Council shall review unlisted and uncodified land uses based on specific criteria established in the Compatibility Standard of this Appendix and determine whether or not the use is permitted, conditional or not permitted.

The Planning Commission and City Council shall adhere to specific compatibility standards set forth herein and assure that the proposed unlisted use is similar in character and impact to the uses listed in the zone where an unlisted land use is proposed. Unlisted and/or uncodified land uses must be compatible and harmonious with the zone and geographic area in which they want to locate in the following areas:

1. Volume and type of sales, retail, wholesale; size and type of items sold and nature of inventory on the premises;

2. Any processing done on the premises; assembly, manufacturing, smelting, warehousing shipping and distribution; and dangerous, hazardous, toxic or explosive materials used in processing;

3. The nature and location of storage and outdoor display of merchandise; enclosed, open, inside or outside the principal building; and predominant types of items stored Bbusiness vehicles, work in process, inventory and merchandise, construction materials, scrap and junk, and bulk materials, ores, powders and liquids;

4. Number and density of employees and customers, per unit area of site and buildings in relation to business hours and employment shifts;

5. Business hours the use is in operation or open for business, ranging from seven days a week, 24 hours a day to once to several times a year, such as sports stadiums or fairgrounds;

6. Transportation requirements, including modal split for people and freight, by volume, type and characteristics of traffic generation to and from the site, trip purposes, and whether trip purposes can be shared with other uses on the site;

7. Parking characteristics, turn over and generation, ration of the number of spacers required per unit area or activity, and potential for shared paring with other uses;

8. Predilection of attracting or repelling criminal activities to, from or other premises;

9. Amount and nature of nuisances generated on the premises –noise, smoke, odor, glare, vibration radiation, and fumes; and

10. Any special public utility requirements for serving the use –water supply, waste water output, pretreatment of wastes and emissions recommended or required, and any significant power structures and communication towers or facilities.

At such time as the Planning Commission finds a proposed land use "compatible and harmonious" with the zone in which it is to locate, they shall make a recommendation to the City Council. The Council shall then consider the application based on the criteria as established herein and the Planning Commission's recommendation. Decisions based on the Compatibility Standard shall only be valid for the specific site and application. Future applicants shall be required to submit a new application. If the Planning Commission finds that a specific land use should be added to the Standard Land Use Table after applying the Compatibility Standard, they shall do so in a recommendation to the City Council.

Lindon **17.49.070Architectural design.**

All buildings in the LI and HI zone shall be aesthetically pleasing, well-proportioned buildings, which blend with the surrounding property and structures. The following criteria shall be applied to all buildings and/or structures constructed in the LI, HI and T zones and any other construction requiring a building permit in the LI, HI and T zones as per the currently adopted building code for Lindon City:

1. Twenty-five percent (25%) minimum of the exterior of all buildings (except as permitted in 17.49.070(4)) shall be covered with brick, decorative block, stucco, wood, or other similar materials as approved by the Planning Commission. Precast concrete or concrete tilt-up buildings also meet the architectural treatment requirement, subject to the standards in section 17.49.070(2). (These architectural treatment standards are not applicable in the HI zone).

a. With the consent of the property owner, the Planning Commission may allow some or all of the required architectural treatment on a proposed building or addition to be transferred to a pre-existing building or structure, or transferred to one or more sides of a proposed structure, which may be more visible from a public street. Said transfer of architectural treatment would need to improve the overall visual character of the area in a greater manner than if the treatment is only applied to the less visible building, addition, or side of the structure being considered. No net loss of treatment should occur. When considering a transfer of the architectural treatment, the Planning Commission should be conscious of visual site lines of adjacent buildings and properties to determine if they would be negatively impacted by a Planning Commission decision to allow transfer of the architectural treatment on the proposed structures.

2. Precast concrete or concrete tilt-up buildings are permitted in the LI zone and meet the architectural treatment requirement in subsection 1 above, subject to the following standards:

a. Bare concrete exteriors are permitted if the concrete color is consistent and if the building is also finished with additional architectural details such as entrance canopies, wrought iron railings and finishes, shutters, multi-level porches, metal shades, and metal awnings.

b. Painted or colored concrete exteriors are also permitted if the shade of each color is consistent and if the building is also finished with additional architectural details such as entrance canopies, wrought iron railings and finishes, shutters, multi-level porches, metal shades, and metal awnings.

3. All exterior building materials in the LI, HI and T zones shall be earth-tone colors. A sample color palette of acceptable earth-tone colors is found in the Appendix of the Lindon City Commercial Design Guidelines.

4. The Planning Commission may approve ribless, metal, flat-faced, stucco embossed, metal sandwich panel buildings when the Planning Commission finds that the building is aesthetically pleasing, adequately trimmed, contrasted with different colors, is well proportioned, blends in with surrounding property, and has a similar look to that achieved by 17.49.070(1). The exterior appearance of such buildings shall primarily be of earth tone colors. Applicants desiring to apply for this type of construction may consider the Lindon City Public Works building located at 946 West Center Street and the building located at 375 North 700 West in Pleasant Grove as examples of structures in compliance with this architectural design standard. (Ord. 2015-6, amended, 2015; Ord. 2008-8, amended, 2008; Ord. 2008-4, amended, 2008; Ord. 2003-1, amended, 2003; Ord. 98-9, amended, 2000)

CONCEPTUAL SITE PLAN
THIS SITE PLAN IS FOR CONCEPTUAL PLANNING. THE SITE WILL NEED TO BE SURVEYED TO ACCURATELY DEFINE ALL BOUNDARIES, EASEMENTS, UTILITY EASEMENTS, RIGHT-OF-WAYS, CONFIRM ACCESS LOCATIONS, AND WETLANDS.

NORTH

0 30 60 90 120
Scale 1:30

aeurbia
architects and engineers

Westland - Lindon Tilt

LINDON, UTAH

AE2023.114 – SP 05
October 26, 2023

11. **Discussion and Work Item — Commercial Farm Zone.** City council will discuss potential amendments to the Commercial Farm zone. This item is for discussion purposes only with no action necessary. *(30 minutes)*

This item is for discussion purposes only with no motion needed.

Commercial Farm Zone Ordinance Amendment Discussion

Date: December 4, 2023
Applicant: Lindon City
Presenting Staff: Michael Florence

Type of Decision: Discussion Item Only
Planning Commission Action Required: Not at this time

SUMMARY OF KEY ISSUES

1. June 19, 2023, the Lindon City Council approved the ordinance amendment for Bed and Breakfast uses in the Commercial Farm Zone.
2. At the same meeting the city council reviewed the current list of permitted and conditional uses allowed in the Commercial Farm Zone. The city council asked that the ordinance be reviewed to see if regulations and uses allowed in the zone need to be "tightened up" to ensure the original intent of the ordinance is met. The city council did remove amphitheater uses from the allowable list of conditional uses.
3. The city council will not be making any official decisions at this meeting but discussing options with city staff in preparation for a future ordinance draft and public hearing.

OVERVIEW

1. YouTube links to the June 19, 2023 city council and November 14, 2023 planning commission meetings where changes to the Commercial Farm zone were discussed.
   a. City Council Meeting – (Starts at Minute 43 and ends at minute 1 hr 23 minutes) https://www.youtube.com/watch?v=M3NuOpjeoow&t=4960s
   b. Planning Commission Meeting – (Starts at minute 25:24 and ends at minute 1 hr 45 minutes) https://www.youtube.com/watch?v=u01yF6yrkVk

Topic of discussion with the planning commission and overview of comments

1. Ensuring that the 40% open space/agricultural requirement in the Commercial Farm zone is the primary focus of the zone. At the June 19, 2023 meeting, the city council requested further discussion of whether additional agricultural standards should be added to the ordinance.
   a. The planning commission felt like a few minor changes could be made to the ordinance which includes: first, amending the ordinance from an expectation of profit to reasonable revenue. Second, moving section 17.51.015, which is the Agricultural Production Requirement, above the list of permitted uses so that it is the focus of the ordinance.
2. Review of the number and types of allowable conditional uses in the Commercial Farm Zone. The Commercial Farms zone currently allows 14 commercial uses as conditional uses. With the ordinance, as is currently adopted, a property owner could request for conditional use permit approval for each of the 14 uses.
   a. The planning commission felt like the uses in the zone did not need to be modified. Their opinion was that with the parking requirements and 40% agricultural requirement the list of conditional uses is self-regulating.

b. List of allowable conditional uses in 17.15.012: 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)

c. If the city council wants to look at options to regulate the number of uses below are a few ideas:

i. Cap the allowable building square footages

ii. Reduce the percentage of allowable building coverage in the zone.

(a) Wadley Farms has an approximate building coverage of 5% of the entire property. A 40% building coverage would allow up 318,859 square feet of building coverage.

(b) Walker Farms has an approximate building coverage of 9% of the entire property. A 40% building coverage would allow up to 105,589 square feet of building coverage.

(c) Most likely neither commercial farm zone would meet their allowed building coverage due to parking requirements.

iii. Regulate the overall number of uses.

iv. Regulate the number of uses by acreage.

v. Follow something similar to the animal code where a property owner is allowed to have a certain number and type of uses depending on the overall acreage and type of uses.

3. Clarify in the ordinance that the 40% building coverage only applies to the non-agricultural areas. Currently, the ordinance says that 40% of the overall lot or parcel can construct up to 40% of the property in buildings.

Exhibits:

1. November 14, 2023 planning commission meeting minutes
2. Link to the Commercial Farm Ordinance: https://lindon.municipal.codes/Code/17.76

The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday, November 14, 2023 beginning at 6:00 p.m**. at the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

REGULAR SESSION – 6:00 P.M.

Conducting:	Sharon Call, Chairperson
Invocation:	Karen Danielson, Commissioner
Pledge of Allegiance:	Scott Thompson, Commissioner

PRESENT	**EXCUSED**
Sharon Call, Chairperson	Mary Barnes, Associate Planner
Rob Kallas, Commissioner	
Mike Marchbanks, Commissioner	
Steven Johnson, Commissioner	
Scott Thompson, Commissioner	
Jared Schauers, Commissioner	
Karen Danielson, Commissioner	
Michael Florence, Community Development Director	
Britni Laidler, Deputy Recorder	

1. **CALL TO ORDER** – The meeting was called to order at 6:00 p.m.

2. **APPROVAL OF MINUTES** –The minutes of the regular meeting of the Planning Commission meeting of October 10, 2023 were reviewed.

COMMISSIONER SCHAUERS MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF OCTOBER 10, 2023 AS PRESENTED. COMMISSIONER THOMPSON SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

3. **PUBLIC COMMENT** – Chairperson Call called for comments from any audience member who wishes to address any issue not listed as an agenda item.

Mark Davis: Mr. Davis addressed the commission in hopes of encouraging the city to initiate discussion with the church and Alpine School District to allow access to the Temple through the 200 South open field. Mr. Davis is concerned with all the traffic that will come to Center Street when the Temple opens, noting the schools that are along Center Street. He pointed out that Center Street is where a good portion of the students walk to and from school. He then noted that approximately 70% of temple visitors will be coming from the Orem side of 200 South, potentially using 900 East to get to the Temple. He stated that the traffic from Center Street and on 900 East upon the Temple opening will further put pedestrians at risk with the added traffic. Mr. Davis stated that he is hopeful that the city will work with the Alpine School District and the Church to come back to the table to figure this out and make a road from 200 South to go through the current field next to the Temple and behind Oak Canyon Jr. High School.

CURRENT BUSINESS –

4. **Conditional Use Permit Review – Hurt So Good Massage, 515 W. 550 N.** The planning commission will review compliance of the conditional use permit granted to Hurt So Good massage on October 11, 2022.

Mike Florence, Community Development Director presented this item noting that the applicant, Bridget Carpenter is present for this agenda item. Mr. Florence began with a history on this item, stating on October 11, 2022, the planning commission granted a conditional use permit to the applicant, with the condition of a 12-month review by the planning commission to ensure all other conditions are being followed. Ms. Carpenter has been operating her one-employee massage therapy business within Vero Health Chiropractic and Wellness Clinic for the past year and has indicated that business has been great.

Mr. Florence let the commission know that the applicant has been a great addition to the Lindon City business community and has continued to meet all the requirements for a Massage Establishment Business license. The applicant is also working towards ensuring that she meets all the conditions in the conditional use permit. It is expected that this business will continue to have minimal impact and will be compatible with the wellness and chiropractic clinic that it will be associated with.

There was then some general discussion by the commission regarding this item. They were in agreement that Ms. Carpenter appears to be in compliance with the conditional use permit granted for her business.

Chairperson Call called for any further discussion or comments from the commission. Hearing none she moved on to the next agenda item.

5. **Discussion and Work Item – Commercial Farm Zone** City Staff and the planning commission will discuss a potential ordinance amendment and feedback from the June 19, 2023 city council meeting.

Mr. Florence also presented this item stating on June 19, 2023, the Lindon City Council approved the ordinance amendment for Bed and Breakfast uses in the Commercial Farm Zone. At that meeting the city council reviewed the current list of permitted and conditional uses allowed in the Commercial Farm Zone. The city council asked that the ordinance be reviewed to see if regulations and uses allowed in the zone need to be “tightened up” to ensure the original intent of the ordinance is met, with focus on the conditional use permits. At the city council meeting, there was discussion about adding additional standards to encourage strong agricultural uses to meet the intent of the zone. Mr. Florence noted that Mr. Jorgensen of Walker Farms, and Mr. Colledge of Wadley Farms were in attendance to help give input. Topics of discussion of the Planning Commission included the following:

1. Ensuring that the 40% open space/agricultural requirement in the Commercial Farm zone is one of the primary focuses of the zone. While the city does not audit or regulate the income from the 40% agricultural requirement the ordinance requires that there be a reasonable expectation of profit.

a) At the city council meeting, there was discussion about adding additional standards to encourage strong agricultural uses to meet the intent of the zone.

2. Reviewing the conditional uses that are allowed in the Commercial Farm zone. As the ordinance is currently written, a property owner in the Commercial Farm zone could obtain conditional use permit approval and incorporate each use within the zone. The following commercial uses are allowed by conditional use:
    a) 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)
    b) A property owner would need to meet the parking requirements for each use. Parking requirements would be reviewed with each conditional use application.
    c) The city council did remove amphitheater uses from the zone as part of their review to protect surrounding neighborhoods.
    d) The Commercial Farm zone, as it is currently written, requires a minimum of 40% agricultural area be preserved and limits the maximum building coverage of the site to 40%.
    e) In regarding the uses how best should the city regulate those:
        i. By building square footage
        ii. Reduce the percentage of allowable building coverage in the zone.
            a. Wadley Farms has an approximate building coverage of 5%. A 40% building coverage would allow up 318,859 square feet of building coverage.
            b. Walker Farms has an approximate building coverage of 9%. A 40% building coverage would allow up to 105,589 square feet of building coverage.
            c. Most likely neither commercial farm zone would meet their allowed building coverage due to parking requirements.
        iii. Regulating the overall number of uses
        iv. Regulating the number of uses by acreage
        v. Follow something similar to the animal code where a property owner is allowed to have a certain number and type of uses depending on the overall acreage and type of uses

Mr. Florence went on to discuss the topic of conditional uses. He stated they wanted the commission to make sure that those listed are still appropriate and that they are evaluated to help protect the neighborhoods. Mr. Florence reminded the commission that once terms for conditional uses are listed, the city would have a hard time regulating them later on. Commissioner Thompson stated that he did note that the council removed the amphitheater use, Mr. Florence let the commission know that that the City Council wanted to make sure neighborhoods are protected in terms of noise.

Chairperson Call asked about the restaurant terms and voiced her thoughts on restaurant verses café. She also voiced concern with the idea of a Vet Clinic, and how that could look in the future. Discussion on the Vet Clinic ensued. Mr. Florence then asked if the commission was happy with allowing all the uses as listed, or if they wanted to cap the limit on the number of uses on properties. Commissioner Marchbanks stated he didn't see a problem having all those options on their property, and that they will only do what fits on their property and fits their needs.

Following some general discussion Commissioner Kallas asked for any suggestions from the current owners with the Commercial Farm Zone.

Alan Colledge: Mr. Colledge stated he helped work with the city years ago on how to preserve agriculture within the city. At that time, it was forward thinking, and what they thought they may see in 10 years. He stated that in trying to preserve Lindon, the conditional uses are what will help maintain those open spaces with the owners ability to supplement. He noted that he isn't sure what the future will hold, but these conditional uses will allow open spaces to remain. He stated that he didn't see any concern with the conditional uses as listed due to the city having input in making sure that any new Commercial Farms stay in compliance.

Mike Jorgensen: Mr. Jorgensen noted that their property isn't near the size of Wadley Farms, so they are somewhat limited in what they can do. He voiced that the Farm Zone is more about open space, but you can't make a profit on farming now as you used to be able to. Mr. Jorgensen then stated it's important to keep the open space, to avoid another subdivision. He stated that if a conditional use is listed, the actual property size of the commercial farm zone may not allow for some of them, so he saw no issue with the conditional list as is.

Tanner Colledge – Mr. Tanner Colledge noted he is the Project Manager at Wadley Farms. He thought that perhaps having any proposed uses go before the commission and council would help control any potential issues in the future instead of trying to predict the future. Mr. Florence gave his input that sticking with the amendment process would be better and give more control in the future.

DeAnne Terry: Ms. Terry asked the commission about adding something about storing unused or unusable items on the farm zone. Mr. Colledge stated that the current Commercial Farm Zone has a stipulation for fencing to help with this that is already in place.

Following some general discussion, the commission moved on to the discussion of whether or not to tighten up the 40% agricultural requirement. Chairperson Call asked Ms. Jill Jorgensen about the production they do on Walker Farms. Ms. Jorgensen let the commission know they produce yarn from their alpacas and that they do make some revenue from it. Discussion on reasonable revenue versus profit followed.

Commissioner Johnson wanted to have a clearer definition of intent of the city to preserve open space or to preserve production. Mr. Florence stated his feeling from the City Council meeting was the city wants to align more with its agricultural focus, with other purposes to help supplement. Discussion on changing the order of the ordinance to allow better

understanding was then discussed. Commissioner Schauers stated he would like more opportunities to visit these properties besides just weddings. He likes the idea of grabbing donuts and cider on the way home from work, or something like that which allows for people to enjoy the experience not only during weddings or events.

Mr. Florene then addressed the last item he would like to discuss with the commission on the 40% building coverage limit. He presented what 40% would look like on Wadley Farms and Walker Farms, and voiced concern with it taking up too much space on the lots. Following some general discussion, the commission found that the previous standards of 40% agricultural and the parking lot requirements will help control the amount of actual building coverage on a property.

Adjustments the commission decided on regarding this agenda item are as follows: 1) The commission did not want to change the list of conditional uses. They felt they were self-regulating with the parking and acreage requirements; 2) They recommended changing the word from profit to revenue in 17.51.015. Look at making this section more the focus so when a new application comes to the city that the primary focus will be evaluating the agricultural use first; 3) Move the agricultural requirement ahead of the allowed commercial conditional uses; and 4) Clarify the building coverage if it applies to just commercial buildings or to all areas of the property including the agricultural areas.

Mr. Jorgensen then addressed the Commission asking about putting in a greenhouse on their property where planter boxes are currently located. Following some discussion regarding setback requirements it was decided that Mr. Jorgensen would need to file for an ordinance amendment with the city.

Following some additional discussion by the commission, Chairperson Call called for any further discussion or comments. Hearing none she moved on to the next agenda item.

6. **Discussion and Work Item – Subdivision, Zone and Land Development Policies, Standards Specifications and Drawings Manual.** City staff and the planning commission will discuss a proposed ordinance amendment and feedback to the Lindon City subdivision, zoning ordinances and Land Development Policies, Standards and Drawings

Mr. Florence presented this item. He stated that during the 2023 State of Utah legislative session the legislature passed SB 174 which establishes a new process for subdivision review and approval. One of the main points of the legislation is that it prohibits a city council from reviewing and approving a subdivision for single-family homes, two-family dwellings, or townhomes. He noted that that SB 174 stated Municipalities must adopt the provisions of SB 174 by February 1, 2024. So that the city is consistent, staff is proposing that the planning commission is the administrative land use authority for all types of preliminary subdivisions.

The Development Review Committee, which consists of city engineers and city planners will continue to be the final land use authority and finalize all technical reviews. Some terms of this includes that the planning commission may only hold one public hearing, and City staff may only have four review cycles for each application. City staff must also ensure each time that the

12. **Public Hearing — Subdivision Ordinance Amendment #2023-22-O.** The City Council will hold a public hearing to amend 17.02 - Lindon Definitions, 17.08 - City Council Review, 17.32 - Subdivision, 17.09 - Land Use Authority and Appeal Authority, and 17.33 Plat Amendment codes. Lindon City requests approval from the Lindon City Council to amend the above-mentioned Lindon City Codes and to bring those codes into compliance with Utah State Code (SB 174). *(15 minutes)*

Sample Motion: I move to (*approve, reject*) Ordinance #2023-22-O approving amendments to the Subdivision code sections of the Lindon City Code as to bring those codes into compliance with Utah State code (SB 174) (*as presented or amended*).

Amending 17.02 Definitions, 17.08 City Council Review, 17.09 Land Use and Appeal Authority Table #1,17.32 Subdivision-Special Requirements, 17.33 Amending a Recorded Plat.

Date: December 4, 2023 **Applicant**: Lindon City **Presenting Staff**: Michael Florence **Type of Decision:** Legislative **City File Number:** 23-037-8 **Council Action Required**: Yes, the planning commission unanimously recommended approval of these ordinance amendments	**Motion** I move to (approve, deny, or continue) ordinance 2023-22-O (as presented, or with changes).

SUMMARY OF KEY ISSUES

- During the 2023 State of Utah legislative session, the legislature passed SB 174 which establishes a new process for subdivision review and approval. One of the main points of the legislation is that it prohibits a city council from reviewing and approving a subdivision for single-family homes, two-family dwellings, or townhomes. Additional detail about SB 174 is provided below.
- The Utah legislature also passed HB 406 which limits the pavement width for a local residential roadway to 32'. Lindon City currently has a minimum pavement width of 34' for a local residential street.

SB 174 Summary – link to SB 174: https://le.utah.gov/~2023/bills/static/SB0174.html

- Institutes a deadline, requiring municipalities to adopt the provisions of SB 174 by February 1, 2024.
- Prohibits the city council from reviewing subdivision applications for single-family and townhome developments. So that the city is consistent, staff is proposing that the planning commission is the administrative land use authority for all preliminary subdivisions. This would also include all major subdivisions like commercial and condominium subdivisions. The Development Review Committee (city engineers, city planners) will continue to be the final land use authority and finalize all technical reviews.
- The planning commission may only hold one public hearing. Lindon does not hold public hearings for subdivisions so this item will not be an issue.
- City staff may only have four review cycles for each application. City staff must ensure each time that the applicant has responded to each review or the city does not accept the review.
- Review cycles do not pertain to subdivisions that are within geologic hazard areas.
- The city has 15 days to review a preliminary subdivision application and 20 days for final subdivision review after application submittal. Lindon City has an internal policy of 10 days for plan reviews.
- The city needs to update its Development Manual which includes preliminary and final subdivision checklists. This will be part of the overall subdivision code update.
- The city must ensure that it does a thorough review because if the city does not address a change or correction in the plan review then the improvement is waived unless it protects public health or safety.

- The legislation sets up a new appeal process during the plan review phase where a dispute arises over a public improvement or engineering standard then the applicant has the right to appeal to a panel of experts made up of the following:
    - One licensed engineer designated by the municipality;
    - One licensed engineer designated by the land use applicant; and
    - One licensed engineer, agreed upon, and designated by the two designated engineers.
    - Members appointed to the panel may not have an interest in the application in question. The applicant must pay 50% of the total cost of the panel and the municipality's published appeal fee. The municipality pays the other 50%. The panel's decision is final, unless the municipality or applicant petition for district court review within 30 days after the final written decision is issued.

HB 406 Summary - link to HB 406: https://le.utah.gov/~2023/bills/static/HB0406.html

- The bill reduces the pavement with for a Residential Roadway to 32'. Lindon City currently has a 34' pavement width for local streets.
- Defines a Residential Roadway as:
    - a public local residential road that:
        - will serve primarily to provide access to adjacent primarily residential areas and property;
        - is designed to accommodate minimal traffic volumes or vehicular traffic;
        - is not identified as a supplementary to a collector or other higher system classified street in an approved municipal street or transportation master plan;
        - has a posted speed limit of 25 miles per hour or less;
        - does not have higher traffic volumes resulting from connecting previously separated areas of the municipal road network;
        - cannot have a primary access, but can have a secondary access, and does not abut lots intended for high volume traffic or community centers, including schools, recreation centers, sports complexes, or libraries; and
        - primarily serves traffic within a neighborhood or limited residential area and is not necessarily continuous through several residential areas.

Summary of City Code Amendments – See exhibit 1 for draft code amendments

17.02 – Definitions

- The proposal is to add the following State definitions to the city code:
    - Administrative Land Use Authority
    - Residential Roadway
    - Review Cycle
    - Subdivision Improvement Plan
    - Subdivision Ordinance Review
    - Subdivision Plan Review

17.08.090 – City Council Review

- This section of city code allows the city council to be the final land use authority for any land use application prior to the planning commission reviewing it. Basically, the current ordinance allows the council to "call up" a land use application so the council can be the final approval authority. With the new State code prohibiting the city council from approving specific subdivision types, this only leaves site plan and conditional use permit reviews that the city council could give final approval on. Because of the State Legislature's focus on the planning commission approving administrative items, city staff is recommending the removal of this

section of the code. Rarely has the city council used this ordinance and have delegated the approvals to the planning commission. Lindon City has adopted thorough ordinances and standards that help to guide the look and design of developments. In addition, this process causes uncertainty for land use applicants if they are required to seek approval from both the city council and planning commission. This amendment allows the city council to focus on legislative issues and priorities. The city council will still be the final land use authority on all zone changes, general plan and ordinance amendment applications.

17.09 – Land Use and Appeal Authority Table #1

- Amends which public bodies are the final land use and appeal authorities for Lindon City.
- Staff is proposing that the planning commission will be the final land use authority for all administrative applications such as site plans, conditional uses and subdivisions.
- Staff is also proposing to amend the appeal authority designations. Currently, the city council is the appeal authority for applications such as plat amendments, minor subdivisions, site plans, and conditional use permits. Because the city council is prohibited from reviewing subdivision approvals and many of the applications are administrative in nature staff is proposing that most appeals will now go to the board of adjustment.

17.32 Subdivision-Special Requirements

- Outlines that the planning commission is the final land use authority for preliminary subdivision approvals.
- Updates processing requirements for subdivisions.
- Allows for agricultural exemptions from plat requirements.
- Allows the planning commission to approve street alignments that vary from the Street Master Plan Map but still accomplish street connectivity requirements.
- Updates the categories of streets.
- Removes the requirement that the planning commission approves street names.
- Makes correct references to the General Plan and the Parks, Trails, and Recreation Master Plan.
- Removes the requirement for a conditional use permit for subdivisions.
- Makes a reference to the Flood Damage Prevention Ordinance found in 17.62 instead of flood design requirements in the subdivision code.
- Adopts the State appeals language for engineering standards.

17.33 – Amending a Recorded Plat

- Clarifies when an amended plat is required.
- Removes the requirement that if the city engineer and planning director have a “difficult question” about a lot line adjustment that the question goes to the planning commission.
- For Lot Line Adjustments, the appeal authority is changed to the board of adjustment.

Exhibits:

1. Draft Ordinance Amendments
2. Utah League of Cities and Town SB 174 Checklist

ORDINANCE NO 2023-22-O

AN ORDINANCE AMENDING CHAPTERS 17.02 DEFINITIONS, 17.08 CITY COUNCIL REVIEW, 17.09 LAND USE AUTHORITY AND APPEAL AUTHORITY TABLE #1, 17.32 SUBDIVISION-SPECIAL REQUIREMENTS, AND 17.33 AMENDING A RECORDED PLAT SO AS TO BRING THESE SECTION INTO CONFORMANCE WITH RECENT CHANGES IN STATE CODE.

WHEREAS, during the 2023 legislative session, the Utah legislature passed Senate Bill 174 and House Bill 406; and

WHEREAS, Senate Bill 174 enacts new processes for subdivision review and approval; and

WHEREAS, House Bill 406 establishes pavement widths for residential roadways within municipalities; and

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

WHEREAS, on November 28, 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 ordinances;

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 Lindon City, Utah County, State of Utah, as follows:

PART ONE: **AMENDMENTS OF THE LINDON CITY CODE.**

Chapter 17.02 of the Lindon City Code, is hereby amended as follows:

"administrative land use authority" means an individual, board, or commission, appointed or employed by a municipality, including municipal staff or a municipal planning commission. "Administrative land use authority" does not include a municipal legislative body or a member of a municipal legislative body.

"Residential roadway" means a public local residential road that:

(a) will serve primarily to provide access to adjacent primarily residential areas and property;
(b) is designed to accommodate minimal traffic volumes or vehicular traffic;
(c) is not identified as a supplementary to a collector or other higher system classified street in an approved municipal street or transportation master plan;
(d) has a posted speed limit of 25 miles per hour or less;

(e) does not have higher traffic volumes resulting from connecting previously separated areas of the municipal road network;
(f) cannot have a primary access, but can have a secondary access, and does not abut lots intended for high volume traffic or community centers, including schools, recreation centers, sports complexes, or libraries; and
(g) primarily serves traffic within a neighborhood or limited residential area and is not necessarily continuous through several residential areas.

"Review cycle" means the occurrence of:
(i) the applicant's submittal of a complete subdivision land use application;
(ii) the municipality's review of that subdivision land use application;
(iii) the municipality's response to that subdivision land use application, in accordance with this section; and
(iv) the applicant's reply to the municipality's response that addresses each of the municipality's required modifications or requests for additional information.

"Subdivision improvement plans" means the civil engineering plans associated with required infrastructure and municipally controlled utilities required for a subdivision.

"Subdivision ordinance review" means review by a municipality to verify that a subdivision land use application meets the criteria of the municipality's subdivision ordinances.

"Subdivision plan review" means a review of the applicant's subdivision improvement plans and other aspects of the subdivision land use application to verify that the application complies with municipal ordinances and applicable standards and specifications.

Chapter 17.08 of the Lindon City Code, is hereby amended as follows:

~~The Lindon City Council, in giving authority to the Planning Commission to review and approve all types of land use applications, reserves the right to review such application in a regularly scheduled City Council meeting when found to be in the public interest. The Council shall designate an item for Council review before a development application is advertised on an agenda for a Planning Commission meeting. At such time as the City Council names an item for review, the Planning Commission shall make a recommendation to approve or deny an application to the City Council. The City Council shall then become the final land use authority for the development application.~~

Chapter 17.09 Table #1 of the Lindon City Code is hereby amended as follows:

Table #1.

Land Use Application	Land Use Authority	Appeal Authority
General Plan Amendment	City Council	None
Zone Change and Zoning Ordinance Amendments	City Council	None

Land Use Application	Land Use Authority	Appeal Authority
Major Subdivisions	~~City Council~~ Planning Commission (administrative land use authority)	Board of Adjustment Expert Panel – for public improvements or engineering standards (see 17.32)
Minor Subdivisions*	Planning Commission (administrative land use authority)	~~City Council~~ Board of Adjustment Expert Panel – for public improvements or engineering standards (see 17.32)
Plat Amendment*	Planning Commission (administrative land use authority)	~~City Council~~ Board of Adjustment
Alteration of Nonconforming Use	City Council	Board of Adjustment
Reimbursement Agreement	City Council	Board of Adjustment
Property Line Adjustment~~*~~	City Staff	~~Planning Commission~~ Board of Adjustment
Building Permit~~*~~	City Staff	~~Planning Commission~~ Board of Adjustment
Temporary Site Plan~~*~~	City Staff	Planning Commission
1. Site Plan* ~~2. Site Plan in CF Zone~~	1. Planning Commission ~~2. Planning Commission – Preliminary; City Council – Final~~	1. ~~City Council~~ Board of Adjustment ~~2. Board of Adjustment~~

Land Use Application	Land Use Authority	Appeal Authority
~~1.~~ Conditional Use Permit* ~~2. Conditional Use Permit in CF Zone~~	~~1.~~ Planning Commission ~~2. Planning Commission – Preliminary; City Council – Final~~	1. ~~City Council~~ Board of Adjustment ~~2. Board of Adjustment~~
Temporary Conditional Use Permit*	Planning Commission	~~City Council~~ Board of Adjustment
Variances	Board of Adjustment	None
Other Administrative Actions as Listed in Code or Performed through Department Policy*	City Staff, Planning Commission, City Council	Board of Adjustment
Other Legislative Actions	City Council	None

~~* In cases where the city council implements Section 17.08.090 and becomes the land use authority, the appeal authority becomes the board of adjustment.~~

17.32 of the Lindon City Code, is hereby amended as follows:

Chapter 17.32
SUBDIVISIONS–SPECIAL REQUIREMENTS

Sections:

17.32.010 Scope.
17.32.020 Intent and purpose.
~~17.32.030 Exemptions.~~
17.32.~~040~~ 030 Final plat recordation.
17.32.~~050~~ 040 Subdivision Approval Procedure.
17.32.~~060~~ 050 Exemption from plat requirements.
17.32.~~070~~ 060 Amending a recorded subdivision plat.
17.32.~~080~~ 070 File of recorded subdivisions.
17.32.~~090~~ 080 Design Standards – Generally.
17.32.~~100~~ 090 General Standards.
17.32.~~110~~ 100 Lots.
17.32.~~120~~ 110 Streets.

17.32.~~130~~ 120 Street numbers and names.
17.32.~~140~~ 130 Subdivision construction standards.
17.32.~~150~~ 140 Major street frontage.
17.32.~~160~~ 150 Street Grades.
17.32.~~170~~ 160 Pathways, sidewalks, curbs and gutters.
17.32.~~180~~ 170 Blocks.
17.32.~~190~~ 180 Pedestrian crosswalks.
17.32.~~200~~ 190 Lot sizes.
17.32.~~210~~ 200 Easements.
17.32.~~220~~ 210 Utility undergrounding.
17.32.~~230~~ 220 Alleys.
17.32.~~240~~ 230 Sanitary sewage disposal–Generally.
17.32.~~250~~ 240 Sanitary sewer mains, laterals and house connections.
~~17.32.260 Sanitary sewers–Test procedures.~~
17.32.~~270~~ 250 Water – Subdivider obligation to provide sufficient quantity.
17.32.~~280~~ 260 Water–Culinary system–Storage facility.
17.32.~~290~~ 270 Irrigation System.
~~17.32.300 Conditional use permit–Required.~~
17.32.~~310~~ 280 Storm drainage and flood plans.
17.32.~~320~~ 290 Flag lots.
17.32.~~330~~ 300 Subdivision application expiration.
17.32.~~340~~ 310 Phased Subdivisions.
17.32.~~350~~ 320 Public Utility Lots.
17.32.330 Appeals

17.32.010 Scope.

1. No person shall subdivide any tract of land which is located wholly or in part within Lindon City except in compliance with this division, and with the subdivision regulations adopted by the City Council. It shall be unlawful for any person to subdivide any tract of land or to sell, exchange or offer for sale, or purchase or offer to purchase any parcel of land which is any part of a subdivision or a larger tract of land where the transaction would result in the subdivision of land, unless such subdivision has been created pursuant to and in accordance with the provisions of this division, local, and state code regulations; provided, that this division shall not apply to any lot or lots forming a part of a subdivision created and recorded according to then applicable law prior to the effective date of the ordinance codified in this division, except as provided in Subsection (2) of this section. This division shall apply, however, to lots created prior to adoption of the ordinance codified in this division and not in compliance with then applicable law.

2. No lot within a subdivision created and recorded prior to the effective date of the ordinance codified in this division or approved by the Planning Commission ~~and City Council~~ and recorded in the county recorder's office under the provisions of this division shall be further divided, rearranged, added to or reduced in area, nor shall any boundaries of any lot be altered in any manner so as to create more lots than initially recorded, or any nonconforming lot, without first obtaining the approval of the Planning Commission ~~and the City Council~~. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(A))

17.32.020 Intent and purpose.

The purpose of this chapter and the intent of the local jurisdiction in adoption of the ordinance codified in this division is to promote the health, safety, convenience, and general welfare of the present and future inhabitants of Lindon City. This chapter will accomplish this purpose by:

1. Providing policies, standards, requirements, and procedures to regulate and control the design and improvement of all subdivisions;

2. Assisting in the implementation of the objectives, policies, and programs of the master plan by ensuring that all proposed subdivisions, together with provisions for their design and improvement, are consistent with the master plan and all applicable specific plans;

3. Preserving and protecting, to the maximum extent possible, unique and valuable natural resources and amenities, including topographic and geologic features, beaches and natural watercourses, fish and wildlife habitats, historical and cultural places, and scenic vistas and attractions; and improving the public's access to and enjoyment of such resources and amenities through the dedication or continuance of appropriate public easements thereto;

4. Preserving and protecting the special environmental quality and aesthetic character of all hillside and mountainous areas; preventing detrimental impacts on the soil mantle, vegetative cover, and other environmental factors; reducing the hazards to life and property from fire, flood, erosion, sedimentation and soil slippage; and relating the amount of grading within a subdivision to the slope of the natural terrain;

5. Consider the clustering (consideration of density as opposed to lot size) of housing developments where subdivisions are permitted in hillside and mountainous areas, minimizing grading, preserving the natural terrain, and enlarging the open space;

6. Relating land use intensity and population density to existing developments, street capacity and traffic access, the slope of the natural terrain, the availability and capacity of public facilities and utilities, and open spaces;

7. Providing lots of sufficient size and appropriate design for the purposes for which they are to be used;

8. Providing streets of adequate capacity and design for the traffic that will utilize them, and ensuring maximum safety for pedestrians and users of vehicles;

9. Ensuring adequate access to each building site;

10. Providing sidewalks, pedestrian walkways, and multi-use trails for the safety, convenience, and enjoyment of residents of new developments;

11. Providing adequate systems of water supply, sanitary sewage disposal, storm drainage, street lighting, and other utilities needed for public health, safety, and convenience;

12. Providing adequate sites for public facilities needed to serve residents of new developments;

13. Ensuring that costs of providing land for streets, alleys, pedestrian walkways, easements, and other rights-of-way and for the improvements therein needed to serve new developments are borne by the subdivider(s);

14. Preventing land which is actually or potentially dangerous by reason of flood hazard, inundation, inadequate access, inadequate water supply or fire protection, insufficient sewerage facilities, or hazardous geological conditions from being subdivided for any use or in any manner tending to create an increased detriment to the public health, safety, or welfare;

15. Ensuring that, insofar as possible, land is subdivided in a manner that will promote the public health, safety, convenience, and general welfare and the physical, social and economic development of the area in conformance with the master plan. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(B))

~~17.32.030 Exemptions.~~

~~Any land divided for any purpose into three or more parts after the passage of the ordinance codified in this division shall be subject to the provisions and regulations herein, except the following, which are exempt therefrom:~~

~~1. Land divided into parcels, the smallest of which equals or exceeds one-quarter (1/4) of a standard section, the boundaries of such parcels to coincide with standard boundaries for the division of sections, i.e., one-quarter (1/4) sectional boundaries;~~

~~2. Land divisions which are bona fide divisions or partitions of agricultural land for agricultural purposes, and defined herein. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(C))~~

17.32.~~040~~ 030 Final plat recordation.

The Planning Director, or his/her authorized agent, shall record the final plat with the county ~~clerk and~~ recorder after approval of the final plat by the Development Review Committee ~~or the Lindon City Council, whichever is required~~. The subdivider shall pay the expense of such recording. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(D))

17.32.~~050~~ 040 Subdivision Approval Procedure.

1. All subdivision applications shall provide documentation, reports and plats as found in the Lindon City Land Development, Standard Specifications and Drawings Manual.

~~1~~2. A person may not submit a plat of a subdivision ~~to the County Recorder's Office~~ to be recorded with the county recorder's office ~~for filing or recording~~ unless preliminary plat approval ~~a recommendation~~ has been received from the Planning Commission, as an administrative land use authority, and the plat has been received final approval ~~approved~~ by the ~~City Council or other City Officers as designated by the City Council~~ Development Review Committee.

~~2~~3. Subdivision requests and applications shall follow application requirements as established in Lindon City Code Section 17.12.- Document Submission and Review and the Lindon City Land Development Policies, Standard Specifications and Drawings Manual. (Ord. 2001-8, amended, 2001)

17.32.~~060~~ 050 Exemption from plat requirements.

~~In subdivisions of less than 3 lots, land may be sold by metes and bounds, without the necessity of recording a plat if:~~

~~1. A recommendation has been received from the Planning Commission;~~

~~2. The deed contains a stamp or other mark indicating that the subdivision has been approved by the City Council or other City Officers as designated by the City Council;~~

~~3. The subdivision is not traversed by mapped lines of a proposed street as shown in the Lindon City general plan and does not required the dedication of any land for street or other public purposes;~~

~~4. The subdivision is located in a zoned area, each lot in the subdivision meets the frontage, width, and area requirements of the zoning ordinance or has been granted a variance from those requirements by the Board of Adjustment. (Ord. 2001-8, amended, 2001)~~

1. A lot or parcel resulting from a division of agricultural land is exempt from the plat requirements of Section 10-9a-603 if the lot or parcel:

a. qualifies as land in agricultural use under Utah Code Section 59-2-502;
b. meets the minimum size requirement of applicable land use ordinances; and
c. is not used and will not be used for any nonagricultural purpose.
d. The boundaries of each lot or parcel exempted under this section shall be graphically illustrated on a record of survey map that, after receiving the same approvals as are required for a plat under Utah Code Section 10-9a-604, shall be recorded with the county recorder.
e. If a lot or parcel exempted under Subsection (1)(a) is used for a nonagricultural purpose, the city shall require the lot or parcel to comply with the plat requirements as found in this code.

17.32.~~070~~ 060 Amending a recorded subdivision plat.

Applications to amend, vacate or change a subdivision plat shall follow procedure as established in Title 10-9-~~808~~ 608 of the Utah State Code as amended and Lindon City Code 17.33. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(F))

17.32.~~080~~ 070 File of recorded subdivisions.

Lindon City shall maintain a filing system of all subdivisions, which includes copies of all maps, data, and official subdivision action; ~~also master location map (or maps) referenced to the filing system,~~ for public use and examination. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(G))

17.32.~~090~~ 080 Design Standards – Generally.

1. All subdivisions shall comply with the following standards unless a variance from one or more provisions ~~of this section~~ is approved by the ~~City Council~~ Board of Adjustment in accordance with the variance procedure of this ~~division~~ Title. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H))
2. Where there is an infrastructure conflict, a better usability design, reduction to neighborhood impacts, or creation of more consistent infrastructure with surrounding areas the development review committee may recommend modifications to the specific design standards when in the best interest of the general public.

17.32.~~100~~ 090 General Standards.

1. The design and development of subdivisions shall preserve insofar as possible the natural terrain, natural drainage, existing topsoil, and trees.

2. Land subject to hazardous conditions such as slides, mud-flows, rock-falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods, and polluted or nonpotable water supply shall be identified and shall not be subdivided until the hazards have been eliminated or will be eliminated by the subdivision and construction plans. As applicable, proposed subdivisions shall follow required technical studies, reports and recommendations as found in the following chapters:

a. 17.56. SA-Sensitive Area District

b. 17.57. HP-Hillside Protection District

c. 17.62. Flood Damage Prevention

3. No lot containing five acres or less shall be created which is more than three times as long as it is wide. The Planning Commission ~~and City Council~~ may approve up to a 20% increase in the depth of a lot if they determine that the proposed development is the best us of the property and in the best interest to the City and surrounding properties. (Ord. 2007-2, amended, 2007; Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(l))

17.32.~~110~~ 100 Lots.

1. No single lot shall be divided by a municipal or county boundary line.

2. A lot shall not be divided by a road, alley, or other lot.

3. No wedge-shaped lot shall be less than thirty feet in width at the front property line, or the lot frontage required in the zoning district, whichever is larger.

4. Side lot lines shall be at right angles or radial to street lines, except where justified by the subdivider and approved by the Planning Commission ~~and/or City Council~~.

5. *Double Frontage Lots.* All residential lots in subdivisions shall front on a public street. Required frontage shall not be considered to be provided if vehicular access across the street line is prohibited. Frontage on lots having a front lot line on more than one (1) street, shall be measured on one (1) street only. Double frontage lots are prohibited unless approved by the planning commission for any of the following reasons:

a. Topography.

b. Residential lots in subdivisions or existing parcels where the rear yard abuts arterial or collector streets as identified on the Lindon City Street Master Plan Map. Such double frontage lots shall be accessed from internal local streets only as identified on the Lindon City Street Master Plan Map. Concrete, curbing, landscaping or landscape rock shall be installed at the base of the fence and extend to

the sidewalk to prevent weeds from growing and protruding under the fence and into the public right-of-way. All clear-view requirements shall be met for fencing.

c. Combining of two (2) residential lots or parcels and where the property would be accessed from two (2) local streets as identified on the Lindon City Street Master Plan Map. As part of the approval, a wall or view obstructing fence is allowed when the fence is set back ten (10) feet from the sidewalk, meets clear-view requirements, the setback is landscaped, and a gate is installed for landscape maintenance and snow removal. When a non-view obstructing fence is placed on the rear property line, concrete, curbing, landscaping or landscape rock shall be installed at the base of the fence and shall extend to the sidewalk to prevent weeds from growing and protruding under the fence and into the public right-of-way. Building structures shall be set back thirty (30) feet from the rear property line. Vehicle access to the rear yard is allowed when the requirements of this section are met.

d. For double frontage lots zoned commercial or industrial, access shall be from arterial or collector streets only. Emergency access to a local street, as identified on the Lindon City Street Master Plan Map, may be considered by the land use authority when required for emergency access.

The city shall designate both front and rear yards for double frontage lots. Typically, the front yard shall follow the prevailing orientation of designated front yards of other buildings on the street.

Where the double frontage lot is also a corner lot (three (3) frontages) the required fence clear view across corner property shall follow Section 17.04.310 at street intersections at both the front and rear of the lot.

The street frontage abutting the rear of any approved double frontage lot shall be improved in accordance with the standards set forth in the Lindon City Development Manual and city ordinances. (Ord. 2021-8 §1, amended, 2021; Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(2))

17.32.~~120~~ 110 Streets.

1. The street layout shall conform to the Lindon City general plan ~~and~~ official Lindon City street master plan map adopted by the planning commission and city council.

~~a. Upon the finding of a compelling public purpose, the land use authority may approve a subdivision plan with a street layout that varies from the street master plan map; provided, that there is an existing roadway which provides adequate traffic flow and street connectivity to and from the proposed subdivision and maintaining the street master plan map's current configuration serves the public purpose of identifying the location and alignment of the right-of-way of future arterials and major collectors.~~

a. The planning commission may approve a street alignment that varies from the general plan and street master plan map but still accomplishes the street connectivity requirements. To remove an identified

street from a subdivision, an amendment to the general plan and street masterplan map shall be applied for and approved by the city council with a recommendation from the planning commission.

b. A land use application which does not require a subdivision approval, but which still requires approval of a street design and/or construction as part of the application process under Chapter 17.17, shall likewise have a street layout that conforms to the Lindon City general plan and official Lindon City street master plan map, subject to the provisions of layout that conforms to the Lindon City general plan and official Lindon City street master plan map, subject to the provisions of Subsection (1)(a) of this section.

2. ~~Minor~~ Local streets shall be laid out to discourage through traffic.

3. Stub streets shall be provided where needed to connect to adjacent undeveloped land and new streets must be provided where needed to connect to existing stub streets in adjacent subdivisions.

4. Intersections of ~~minor~~ Local streets with ~~major~~ Arterial streets shall be kept to a minimum.

5. Minimum right-of-way widths for public streets shall be ~~determined by resolution~~ adopted by ~~of the~~ city council for various categories of streets, but shall in no case be less than the following:

~~a. Use street category minimum right-of-way width (in feet);~~

~~b~~ a. ~~Major~~ Arterial street, eighty-two feet (82');

~~c~~ b. Collector and Local Commercial street, sixty-six feet (66');

~~d~~ c. ~~Minor~~ Local Residential street, fifty feet (50').

6. Public streets shall have pavement roadway widths as approved by the city council, but shall in no case be less than those adopted in the Lindon City Land Development Policies, Standard Specifications and Drawings Manual. ~~the following and meet the following requirements~~

~~a. Major Arterial street, fifty-six feet (56');~~

~~b. Collector street, forty-four to forty-eight feet (44'). See ;~~

~~c. Minor street or frontage road, twenty-eight feet (28').~~

~~d. Minimum roadway widths for private streets shall be determined by use, and shall meet public street standards.~~

e. The Lindon City standard street cross sections ~~and utility locations (Drawing 2a - Lindon City Policies, Standard Specifications and Drawings Manual) and street and trail cross sections and utility locations (Drawing 2b –~~ (per the Lindon City Policies, Standard Specifications and Drawings Manual~~)~~

may be amended, changed, altered, and/or revised by the Lindon City Council after a public hearing and adoption. ~~for new development and/or reconstruction of existing improvements when deemed in the best interest of the general public to resolve or assist in resolving present or anticipated future conflicts with storm drainage improvements, trail and/or pathway access, aesthetics of the community, public safety, and/or other reasons when clearly identified. by the city council.~~ Before such time as the city council amends, revises, alters, or changes the above-mentioned cross sections, they shall receive a recommendation from the development review committee (DRC). ~~and if deemed necessary by the DRC and/or the city council, the planning commission shall also made a recommendation.~~

f. No partial width streets are permitted, except if required to complete a partial width street already existing or unless the city council, after review by the planning commission, determines a partial width street is necessary to resolve problems with future road alignments of streets and/or intersections, or future development.

g. Stub streets shall be permitted or required by the planning commission ~~and city council~~ only to provide future road access to adjoining property where such access would serve as a future second access. The planning commission and city council shall determine if stubbed streets, existing or proposed, have through access to planned future or existing public streets before such streets shall be extended or approved for construction.

7. Permanent cul-de-sac streets serving no more than fourteen (14) lots, and not more than six hundred fifty feet (650') long, whichever is more restrictive, may be permitted and shall be provided with a right-of-way at the turnaround of fifty feet (50') radius or more.

8. No more than four (4) streets shall enter an intersection.

9. Streets shall intersect at ninety (90) degrees, except where otherwise approved as necessary by the planning commission.

10. The centerline of two (2) subordinate streets meeting a through street from opposite sides shall extend as a continuous line, or the centerline shall be offset at least one hundred fifty feet (150').

a. The city engineer may grant a variance to the above standards upon findings that such a variance will not be contrary to the safety of vehicular or other forms of transportation. For instance, if the centerline offset is less than one hundred fifty feet (150') and will not result in increased conflict zones for left-turning vehicles from the major street onto the subordinate streets, a variance may be granted. Notwithstanding this paragraph, a continuous centerline or offset of one hundred fifty feet (150') are the preferred standards. (Ord. 2019-10 §1, amended, 2019; Ord. 2016-24 §1, amended, 2016; Ord. 2002-8, amended, 2002; Ord. 2001-8, amended, 2001; Ord. 2000-11, amended, 2000; Ord. 99-18, amended, 2000; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(3))

17.32.~~130~~ 120 Street numbers and names.

Street numbers shall always be preferred over street names. Streets shall have the numbers and/or names of existing streets which are in alignment. There shall be no duplication of street numbers and/or names within the area. Street numbers and names shall be indicated on the subdivision plat. ~~All street numbers and/or names must be approved by the Planning Commission, and opportunity shall be given the local recorder for review and recommendations prior to the approval of street names by the Planning Commission.~~ (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(4))

17.32.~~140~~ 130 Subdivision construction standards.

Public improvements associated with any subdivision shall be constructed according to provisions established in the Lindon City Land Development Policies, Standard Specifications and Drawings Manual. (Ord. 2001-8, amended, 2001)

17.32.~~150~~ 140 ~~Major~~ Arterial street frontage.

Where a residential subdivision abuts a ~~major~~ Arterial street, frontage roads may be required. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(6))

17.32.~~160~~ 150 Street Grades.

All street grades shall be designed as follows:

1. ~~Major~~ Arterial and collector streets shall be limited to a maximum grade of ten percent (10%). Sustained grades (600 feet or more) shall be limited to seven percent (7%).

2. ~~Minor~~ Local Residential streets shall be limited to maximum grade of twelve percent (12%). Sustained grades (600 feet or more) shall be limited to nine percent (9%).

3. Cul-de-sacs with a negative grade progressing toward the turnaround shall be limited to a maximum grade of six percent (6%). The cul-de-sac shall terminate with a grade not to exceed three percent (3%) for the last one hundred (100) feet of traveled surface. The cul-de-sac shall be limited to a maximum length of six hundred fifty (650) feet and have adequate easement for drainage.

4. Street intersections shall have a vertical alignment such that the centerline grade shall not exceed three percent (3%) for a minimum distance of fifty (50) feet each way from the centerline of the intersection.

5. Maximum grades shall be approved only when accompanied by changes to a lesser grade, and where length of that portion of that road at maximum grade is less than six hundred (600) feet.

6. All changes in vertical alignment shall be made by vertical curves with minimum length of one hundred (100) feet for minor streets and three hundred (300) feet for major streets. Actual vertical curve length shall be a function of design speed.

7. Streets in mountainous terrain shall be designed at less than maximum allowable grade in order that they can be safely negotiated and that snow can be removed during winter.

The ~~City Council~~ Planning Commission shall have the authority to make minor modifications to street grade requirements when a recommendation has been given by the Development Review Committee and the Planning Commission and one or more of the following conditions apply:

1. To facilitate the construction of essential and vital public infrastructure;

2. To facilitate the development of private property when street grade requirements would render the property undevelopable because of topographic conditions, and conditions are present or measures are proposed that would acceptably mitigate the negative effects of the steeper grades.

Street grade modifications shall be limited to single instances. Multiple street grade modification requests to allow the development of large private development projects shall not meet the purpose and intent of this section. Financial hardships associated with private development requests shall not be justification for a street grade modification. (Ord. 2001-9, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(8))

17.32.~~170~~ 160 Pathways, sidewalks, curbs and gutters.

Sidewalks, curbs and gutters shall be provided on both sides of all streets to be dedicated to the public, except as provided for in 17.32.120(6)(e) and in industrial subdivisions west of Geneva Road where solely curb and gutter shall be required. Right-of-ways ~~identified as part of the Lindon City Pathways and Trails System~~ shall be improved with sidewalks, pathways, planter strips, multi-use trails, equestrian pathways, and trails as per ~~the Parks, Pathways and Trails Element of the Lindon City general plan and Chapter 17.74. Pathways and Trails of the Lindon City Code~~ General Plan, Parks, Trails and Recreation Master Plan, and Bicycle and Pedestrian Master Plan. Sidewalks, curbs and gutters may be required by the ~~City Council~~ Planning Commission on existing streets ~~bordering~~ abutting the subdivision. (Ord. 2001-9, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7 (H)(9))

17.32.~~180~~ 170 Blocks.

Block lengths shall be reasonable as approved by the Planning Commission, and in total design shall provide for convenient access and circulation for emergency vehicles. (Ord. 2001-9, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(10))

17.32.~~190~~ 180 Pedestrian crosswalks.

Where blocks exceed one thousand (1000) feet in length, pedestrian rights-of-way of not less than ten (10) feet in width may be required by the Planning Commission through blocks where needed for adequate pedestrian circulation. Walk improvements (paving) of not less than five feet in width shall be placed within the rights-of-way, when required by the Planning Commission. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(11))

17.32.~~200~~ 190 Lot sizes.

~~Where no zoning regulations are in effect, density standards or minimum lot size requirements may be specified by the Planning Commission, based on interpretations made from the Lindon City general plan, and other available information. All lots shall conform to area requirements of any existing zoning ordinance. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(12))~~

Lot shall meet the minimum lot size requirements of the respective zone.

17.32.~~210~~ 200 Easements.

1. Easements shall follow rear and side lot lines whenever practical and shall have a minimum total width of ten feet (10'), apportioned equally in abutting properties.

2. Where front-line easements are required, a minimum of ten feet (10') shall be allocated as a utility easement. Perimeter easements shall be not less than ten feet (10') in width, extending throughout the peripheral area of the development, if required by the city engineer.

3. All easements shall be designed so as to provide efficient installation of utilities or street planting. Special guying easements at corners may be required if any utilities are to be overhead. Public utility installations shall be so located as to permit multiple installations within the easements. The developer shall establish final utility grades prior to utility installations. (Ord. 2022-9 §1, amended, 2022; Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(13))

17.32.~~220~~ 210 Utility undergrounding.

Unless the Planning Commission ~~and City Council~~ determines, upon application by the subdivider, supported by recommendations of the City Engineer, that it is not feasible to do so, all power lines, telephone lines, and other normally overhead utility lines shall be placed underground by the subdivider. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(14))

17.32.~~230~~ 220 Alleys.

The Planning Commission may approve service access to the interior of blocks where deemed to be in the public interest, in which case such alleys must be indicated in the preliminary design plans and on the final plat. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(15))

17.32.~~240~~ 230 Sanitary sewage disposal–Generally.

1. Except as otherwise provided in this section, the subdivider shall provide, or have provided, a piped sanitary sewerage system to the property line of every lot in the subdivision. The sewerage system shall meet the minimum standards and requirements of the local health officer, the State Division of Environmental Health, and this division.

2. Septic tanks and/or sealed vaults will be approved only when an existing sanitary sewer system is more than one-half (½) mile from boundary of the subdivision and shall be disapproved in any case unless approved in writing by the local health officer and the State Division of Health. In order to determine the adequacy of the soil involved to properly absorb sewage effluent and to determine the minimum lot area required for such installations, an interpretive map based on the National Cooperative Soil Survey showing the suitability of the soil for septic tank fields or pits shall be submitted, along with the results of percolation tests. The results of this data will be reviewed by the local health officer and the State Division of Health, in addition to any other information available to them, for recommendation to the Planning Commission. The following requirements shall be met:

a. Land made, altered, or filled with non-earth materials within the last ten (10) years shall not be divided into building sites which are to be served by soil absorption waste disposal systems.

b. Each subdivided lot to be served by an on-site soil absorption sewage disposal system shall contain an adequate site for such system. An adequate site requires a minimum depth of eight (8) feet from the surface of the ground to impermeable bedrock, and a minimum depth of six (6) feet from the surface of the ground to the groundwater surface (based on annual high water level). Each site must also be at least one thousand five hundred (1500) feet from any shallow water supply well and one hundred (100) feet

from any stream or water course, and at least two hundred (200) feet from any major live stream; and at least ten (10) feet from any dwelling or property line.

c. Soils having a percolation rate slower than or faster than standards allowed by the local health officer or the State Division of Environmental Health shall not be divided into building sites to be served by soil absorption sewage disposal systems.

d. Land rated as having severe limitations for septic tank absorption fields as defined by the county soil survey, US Department of Agriculture, Soil Conservation Service shall not be divided into building sites to be serviced by soil absorption sewage disposal systems unless each such building site contains not less than twenty thousand (20,000) square feet of other soils rated suitable for building construction and installation of an on-site soils absorption sewage disposal system.

3. An applicant desiring to install soil absorption sewage disposal facilities on the soils having severe limitations, as determined in the preliminary plan review, shall: have additional on-site investigations made, including percolation tests; obtain the certification of a soils scientist that specific areas lying within these soils are suitable for the proposed soil absorption sewage disposal system; and meet local health officer and Utah State Division of Health standards and regulations. In addition, the local health officer shall find that the proposed corrective measures have overcome or will overcome the severe soil limitations.

4. Other applicable standards adopted by the City Council and local and state health departments. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(16))

17.32.~~250~~ 240 Sanitary sewer mains, laterals and house connections.

Where local, county and regional master plans indicate that construction or extension of sanitary sewers may serve the subdivision area within a reasonable time, the Planning Commission may require the installation and capping of sanitary sewer mains and house connections by the subdivider, in addition to the installation of temporary individual on-lot sanitary sewage disposal systems by the subdivider or lot purchaser. Whenever individual on-lot sanitary sewage disposal systems are proposed, the subdivider shall either install such facilities or require by deed restrictions or otherwise as a condition of the sale of each lot or parcel within such subdivision that on-lot sanitary sewage disposal facilities be installed by the purchaser of said lot at the time the principal building is constructed, and no building permit shall be issued until such installation is assured. In all other cases, sanitary disposal facilities for sewage shall be provided for every lot or parcel by a complete community or public sanitary system. All sewer mains shall be a minimum of eight inches in diameter. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(17))

17.32.260 ~~Sanitary sewers–Test procedures.~~

~~Tests of sanitary sewer mains, laterals, and house connections shall be conducted in accordance with US Public Health Service Publication No. 526, 1963 Edition, and with other local and state health requirements. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(18))~~

17.32.~~270~~ 250 Water – Subdivider obligation to provide sufficient quantity.

The procurement of water shall be the responsibility of the subdivider; and water shall be provided for the exclusive use of Lindon City according to LCC Section 17.66. In residential zones one share of North Union Water or its equivalent per net acre shall be submitted ~~9~~ and rounded to the nearest 1/10th share per acre~~)~~ and in non-residential zone one half (½) share of North Union water or its equivalent per net acre shall be submitted (rounded to the~~4~~ nearest 1/10~~10~~ th share per acre). Water shares other than North Union shall be accepted as per the Lindon City Fee Schedule and LCC Section 17.66. (Ord. 2007-8, amended, 2007; Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(19))

17.32.~~280~~ 260 Water–Culinary system– ~~Storage facility~~.

The culinary water system ~~storage facility~~ shall extend to the property line of every lot and shall be capable of delivering ~~the~~ minimum flow~~s~~ requirements ~~required by the Uniform Fire Code~~ as adopted by Lindon City. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(21))

17.32.~~290~~ 270 Irrigation System.

1. Where an existing irrigation system consisting of open ditches is located on ~~or adjacent to or within one hundred (100) feet of~~ a proposed subdivision, complete plans for relocation or covering or other safety precautions shall be submitted with an application for preliminary approval of a plat.

2. All pressure irrigation systems in or within one hundred (100) feet of a proposed subdivision shall be identified and otherwise color-coded as to pipe and valve color to meet state standards and regulations. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(22))

~~**17.32.300 Conditional use permit - Required.**~~

~~A conditional use permit shall be required for the development of any subdivision. Final plat approval shall constitute such conditional use permit for any subdivision. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(23))~~

17.32.~~310~~ 280 Storm drainage and flood plans.

1. Complete drainage systems for the entire subdivision area shall be designed by a professional engineer, licensed in the state and qualified to perform such work, and shall be shown graphically. All existing drainage features which are to be incorporated in the design shall be so identified. If the final plat is to be presented in sections, a general drainage plan for the entire area shall be presented with the first section, and appropriate development stages for the drainage system for each section indicated.

2. The drainage and flood plan systems shall be designed to:

a. Permit the unimpeded flow of natural water courses;

b. Ensure adequate drainage of all low points;

c. ~~Ensure applications of the following regulations regarding development in designated flood-plains:~~ Meet the requirements as established in 17.62 – Flood Damage Prevention.

~~i. Construction of buildings shall not be permitted in a designated flood-way with a return frequency more often than a one-hundred-year storm,~~

~~ii. Building construction may occur in that portion of the designated flood-way where the return frequency is between a one-hundred-year and a maximum probable storm, provided all usable floor space is constructed above the designated maximum probable flood level,~~

~~iii. Where flood-way velocities are generally determined to be under five feet per second and maximum flood depth will not exceed three feet, such uses as cultivated agriculture, nurseries, parks and recreation facilities and accessory parking may be permitted,~~

~~iv. Any use of land is prohibited where flooding would create a public health hazard or problem. This includes shallow wells, encased deep wells, sanitary landfills, septic tank and on-lot sewage disposal systems, water treatment plants, and also sewage disposal systems not completely protected from inundation,~~

d. Any contemplated flood plain encroachment or channeling shall be thoroughly analyzed and its effect on stream flow determined before such encroachment is undertaken. Any construction, dumping, and

filling operations in a designated flood-way constitute an encroachment and must be approved by the Planning Commission before accomplishment,

e. No lot one acre or less in area shall include flood-lands. All lots more than one acre shall contain not less than forty thousand square feet of land which is at an elevation at least two feet above the elevation of the one-hundred-year recurrence interval flood, or, where such data is not available, five feet above the elevation of the maximum flood record;

f. Consider the drainage basin as a whole and shall accommodate not only runoff from the subdivision area but also, where applicable, the system shall be designed to accommodate the runoff from those areas adjacent to and "upstream" from the subdivision itself, as well as its effects on lands downstream;

g. All proposed surface drainage structures shall be indicated on the plans;

h. All appropriate designs, details, and dimensions needed to clearly explain proposed construction materials and elevations shall be included in the drainage plans. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(I))

17.32.~~320~~ 290 Flag lots.

1. *Purpose.* Flag lots are intended to allow reasonable utilization of property that has sufficient acreage for development, but lacks the required street frontage. Flag lots may be considered on parcels where the extension of public streets cannot or should not be extended due to the disruption of sensitive lands and natural features, or potential of significant impacts to the surrounding neighborhood that would be caused by a public street. Although standard frontage requirements and public roadways are encouraged, the intent of this ordinance is to allow flag lots if the development is the most harmonious to the existing subdivision layout and/or is the least disruptive configuration for the neighborhood. Additionally, flag lots may be considered for properties that have topographic constraints, off lot configuration, constraints caused by the built environment, etc. for which access by a public road is not feasible. It is not the intent of this ordinance to promote flat lots in order to merely 'maximize' the number of potential lots within a subdivision or to alleviate subdividing hardships that are self-imposed.

2. Flag lots are only permitted when one of the following two circumstances exists:

a. At the time of application, development using standard public streets is not possible. The property has specific constraints that limit access, public street frontage, and/or construction of a standard public roadway. These abnormal constraints may be restrictive topography, constraints caused by built environment, irregular lot configuration, ownership limitations, environmental constraints such as wetlands, springs, ditches, or canals, etc.

b. Development using standard public streets is possible, but not in the best interest of the public.

3. In order to demonstrate that this circumstance exists, the applicant shall provide ~~conceptual~~ preliminary development plans showing the development with and without the proposed flag lot that demonstrate that each of the following characteristics is present:

a. The design of the flag lot is harmonious and compatible with the configuration of the overall subdivision and/or neighborhood and will not adversely affect the living environment of the surrounding area.

b. Standard public street construction would cause disruption to the neighborhood in a significant physical or aesthetic manner, therefore making the flag lot access preferable to a public street.

c. Development of the flag lot will decrease public infrastructure while still providing in-fill development and efficient use of the land that is compatible with Lindon City development standards.

4. Assuming an application meets the criteria in #2 above, no more than one flag lot shall be permitted at the time of an initial subdivision application unless, at their sole discretion, the Planning Commission and City Council determine that additional flag lots within a development provide for the most compatible overall design within a neighborhood. As stated in the 'purpose' of this ordinance, it is not the intent of the City to promote flag lots in order for developers to merely 'maximize' the number of potential lots within a subdivision.

5. A flag lot must be a minimum of 20,000 square feet, and the remaining parcel from which the flag was created must meet or exceed the minimum lot area requirements of the zone in which it is located. The square footage calculation of such lots shall not include the area of any driveway access (flag pole) for the flag lot.

6. Frontage, driveway and development procedures apply as follows:

a. The lot shall have at least twenty-five (25) feet of frontage on a dedicated public street, which frontage serves as access only to the subject lot. The 25 foot width shall be maintained for the full length of the 'flag pole' portion of the platted lot.

b. Prior to recording the subdivision plat, the developer shall post a bond with the City to cover installation of the driveway and utilities to the end of the 'flag pole' portion of the lot.

c. Prior to issuance of a building permit for a dwelling on the flag lot, installation of road base for the driveway and utilities shall be installed to at least the end of the 'flag pole' portion of the lot.

d. The driveway serving the flag lot must have a surface traversable by a fire truck that is at least twenty (20) feet wide, of which 16 feet must be paved with a hard surface prior to the issuance of a Certificate of Occupancy for the proposed dwelling. Where a fire hydrant is located along the 'flag pole' portion of the lot the width of the lot adjacent to the fire hydrant must be thirty-one (31) feet wide (rather than 25 feet

wide), and the surface traversable by a fire truck must be at least 26 feet wide (rather than twenty (20) feet wide).

e. Prior to issuance of a Certificate of Occupancy for a dwelling on a flag lot, the edges of the driveway area (flag pole) that are not paved shall be landscaped and properly maintained. Such landscaping shall not hinder emergency vehicle access to the property.

f. An adequate emergency vehicle turn-around at the end of the driveway shall be constructed as approve by the Fire Chief. An accessible fire hydrant shall be located within 200 feet of any dwelling on the flag lot. Possible adverse impacts of excessive driveway lengths shall be considered by the Planning Commission, City Council, and emergency services.

g. No parking or storage of any kind shall be allowed on the designated driveway.

h. A flag lot driveway shall not serve more than one lot, and shall have no more than one dwelling unit and an accessory apartment per lot. Other than accessory apartments, R2 Overlay projects are not permitted on flag lots.

i. Adjoining lots shall not be permitted to have access from a flag lot driveway.

7. Construction of residences and accessory buildings on flag lots shall be limited to a maximum building height of 35 feet from finished grade. Building height restrictions shall be noted on the subdivision plat.

8. In order to further regulate the height of proposed structures, fill at the perimeter of buildings on the flag lot shall be limited to no more than 4 feet above the street grade from which the property has access. Properties that have a pre-existing grade that is higher than 4 feet above the street level are exempted from this fill limitation. The Planning Director and City Engineer may waive or modify the four 4 foot 'fill limitation' in specific instances where the fill limitation is found to be overly burdensome to the property owner (ex., the limited fill would prohibit utility connections to the dwelling, or the limited fill creates drainage problems that can't be reasonably mitigated, etc.).

9. The address of the dwelling on the flag lot shall be clearly displayed and visible from the public road and shall be maintained in a way to differentiate the flag lot from any adjacent properties.

10. Setbacks for the residence on the flag lot shall be defined as follows: Front yard setback shall be 30 feet, rear yard setback shall be 30 feet, and side yard setbacks shall be 15 feet on each side yard of the dwelling unit. Minimum setbacks shall be noted on the subdivision plat.

11. For purposes of determining the setbacks of the flag lot, the front property line shall be the nearest line that is most parallel with the street from which the driveway accesses. Orientation of the dwelling is not regulated.

12. Accessory structures for flag lots may be permitted in accordance with applicable section of the Lindon City Code, but shall be limited to 25' maximum height. No accessory buildings shall be permitted on the 'flag pole' portion of the driveway of the flag lot.

13. Flag lots shall only be permitted in the R1-12 and R1-20 zones.

14. Unless otherwise approved by the Planning Commission ~~and City Council~~, all flag lot driveway access points on a public road must have at least two legal parcels located between any other flag lot driveway on the same side of the street. Flag lots may only be adjacent to each other if the flag lots are accessed from different roadways or at least two legal parcels are located between any other flag lot driveway on the same side of the street.

15. In addition to the minimum requirements above, the Planning Commission ~~and City Council~~ may impose additional conditions on flag lots including, but not limited to, the following;

a. Fencing and screening requirements.

b. Installation of one or more fire hydrants or other safety related items.

c. Installation of curb and/or gutter along private drives.

d. Other conditions that increase the compatibility of the proposed project with existing conditions and surroundings.

16. Due to the typical nature of flag lots being created from long, deep parcels, flag lots are exempted from any width-to-depth ratio requirements. (Ord. 2015-01, amended, 2015; Ord. 2008-2, amended, 2008; Ord. 2007-10, amended, 2007; Ord. 2006-8, amended, 2006; Ord. 2002-12, amended, 2002; Ord. 2001-8, amended, 2001; Ord. 99-14, amended, 2000)

17.32.~~330~~ 300 Subdivision application expiration.

Subdivision applications shall not be considered for processing and/or approval after such time as no new submittals are received by Lindon City for a period of six (6) months. Resubmitted subdivision applications related to an expired application shall conform to current zoning and subdivision standards at the time of resubmittal. (Ord. 2001-8, amended, 2001)

17.32.~~340~~ 310 Phased Subdivisions.

1. *Purpose.* The intent of this section is to allow for incremental recordation of final plats and posting of public improvement bonds. By allowing these steps in the subdividing process to be phased, Lindon City can approve a subdivision's master plan while relieving the applicant of the requirement of coming before

the Land Use Authority for each proposed phase. This also reduces application processing time, resulting in cost savings for the city. Additionally, phasing may grant opportunity for traditional up-front costs of subdividing to be spread out over time, thus granting an applicant a greater ability to see a project through to completion.

2. This section provides the steps required for phased subdivisions but is not intended to contain a comprehensive listing of all requirements of the Lindon City Code.

3. If the applicant is proposing phasing a subdivision into two or more sections for purposes of recording final plats, such information must be included as a part of the preliminary plat submission.

a. A phasing plan describing each phase, anticipated number of lots and associated improvements of each phase, the order of phasing and the projected time for recording and development of each phase shall be submitted.

b. The entire project, with all phases, shall be represented on the Preliminary Plat and be subject to the application submittal requirements for preliminary subdivision plans as outlined in the Land Development Policies, Standard Specifications and Drawings Manual.

4. Upon preliminary approval and starting with phase one (1), final improvement and plat drawings for each phase may be submitted independently, according to the original project-phasing plan. Submittals shall be subject to the application submittal requirements for final plat and final improvement drawings as outlined in the Land Development Policies, Standard Specifications and Drawings Manual.

a. Phase one (1) final plat and final improvement drawings must be submitted within one (1) year of preliminary approval.

b. Subsequent phases must submit final plat and final improvement drawings within one (1) year of recording the previous phase plat.

c. The Design Review Committee (DRC) shall have final approval authority in determining which infrastructure improvements are required in each phase.

d. Failure to reach submittal deadlines as outlined in a. and b. above shall result in the expiration of the preliminary plan approval and a new application shall be required.

5. Bonding requirements as found in LCC 17.38 shall apply to phased subdivisions. However, bonding for public improvements may be posted with Lindon City phase by phase with specific details regarding the improvements requiring bonding to be finalized by the Design Review Committee.

6. Additional fees according to the Lindon City Fee Schedule may be required for bond reviews, final plat reviews, and final improvement drawing reviews associated with phased subdivisions. (Ord. 2013-1, adopted, 2013)

17.32.~~350~~ 320 Public Utility Lots.

1. Public Utility Lot is defined as a lot or parcel used for public utility facilities, including but not limited to Lindon City facilities, and may contain facilities or uses such as natural gas pressure regulating stations, power substations, communications antennae, power or telecommunication pedestals, water wells, water reservoirs/tanks, storm drainage facilities, pump stations, trails or pedestrian ways and related support facilities, and other similar uses. Public Utility Lots shall not be considered buildable lots for the purpose of constructing habitable buildings or structures intended for occupancy. Construction of non-habitable structures for the purpose of housing utility equipment or other similar uses is permitted.

2. Public Utility Lots shall be exempt from the following:

a. Minimum lot size requirements.

b. Minimum lot frontage requirements provided easement documents are recorded ensuring perpetual access to the lot.

3. Notwithstanding section 2 above, all other standards of the underlying zone may be imposed, subject to review and consideration by the Planning Commission of whether or not the standard or condition is necessary in order to protect the public health, safety, welfare, and aesthetics of the area, or is otherwise in the public interest.

4. Regulation of uses shall apply as listed in the Standard Land Use Table (LCC, Appendix A). This chapter is not intended to allow uses otherwise identified in the Standard Land Use Table as not being permitted within a specific zone.

5. Site plans for installation of public utility facilities are subject to Planning Commission approval as a Conditional Use. (Ord. 2013-11, adopted, 2013)

17.32.330 Appeals

1. For disputes arising from the subdivision ordinance review related to public improvements or engineering standards, the city shall advise the applicant, in writing, of the deficiency in the application and of the right to appeal and within ten (10) business days after the day on which the request is received:

a. for a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah Code Subsection 10-9a-508(5)(d) to review and approve or deny the final revised set of plans; or

b. for a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority.

c. for a dispute arising from the subdivision improvement plans a panel of experts shall include:

i. One licensed engineer designated by the municipality;

ii. One licensed engineer designated by the land use applicant; and

iii. One licensed engineer, agreed upon, and designated by the two designated engineers.

iv. Members appointed to the panel may not have an interest in the application in question. The applicant must pay 50% of the total cost of the panel and the municipality's published appeal fee. The municipality pays the other 50%. The panel's decision is final unless the municipality or applicant petition for district court review within 30 days after the final written decision is issued.

17.33.010 and 17.33.050 of the Lindon City Code, is hereby amended as follows:

17.33.010 Purpose.

A plat amendment is a change or alteration to a recorded plat that does not create any new parcels or lots, not including the adjustment of boundaries between adjacent lots. (~~The~~ A change ~~may be~~ requiring a plat amendment includes: the relocation of multiple property lines, the elimination of a property line within the plat, a change in notations or lot numbers on the plat, a change of the title or name of the plat, etc.) A plat amendment is an alternative to having to go through a subdivision application process in order to amend a recorded plat when no new parcels or lots will be created. These regulations will ensure that:

1. A plat amendment does not result in properties that violate the requirements of this Title or other currently adopted zoning and development standards of Lindon City; and

2. A plat amendment does not alter the coverage or availability of existing utility services to existing lots or parcels.

17.33.050 Adjustment of boundaries between adjacent lots (Lot Line Adjustment).

1. The owners of record of adjacent lots in a recorded plat may exchange title to portions of those lots through a Lot Line Adjustment (LLA) if the exchange of title is approved by the Land Use Authority as provided in this subsection.

a. Applicants requesting an LLA shall not be required to follow the submittal requirements listed in the Land Development Policies, Standard Specifications and Drawings Manual (Development Manual), but shall submit such documents and information requested by Staff to determine the effects of the adjustment and the resulting lots.

2. A request for an LLA shall be reviewed by Staff. The City Engineer and the Lindon City Planning Director shall constitute the Land Use Authority for approving such requests.

a. The Land Use Authority may approve a request for an LLA if the resulting lots meet the requirements of this Title.

b. The Land Use Authority shall deny a request for an LLA if it is determined that the application fails to meet Lindon City Code requirements.

~~c. If the Planning Director and the City Engineer, in their sole discretion, determine that an LLA request presents a difficult question or would create a unique or unanticipated result, they may refer the request to the Planning Commission for final decision.~~

~~i. Upon referral of an LLA request, the Planning Commission shall become the Land Use Authority.~~

d. If the Land Use Authority denies an LLA request, the applicant may file an appeal pursuant to LCC 17.09.

i. The ~~Planning Commission~~ Board of Adjustment shall be the Appeal Authority on Lot Line Adjustment requests.

~~A. If the original request was referred by Staff to the Planning Commission the City Council shall act as the Appeal Authority on appeal.~~

PART TWO: **Severability.**

Severability is intended throughout and within the provisions of this ordinance. If any section, subsection, sentence, clause, phrase or portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

PART THREE: **Effective Date.**

Ordinance No._____ shall take effect immediately upon its passage and posting as provided by law.

PASSED AND APPROVED AND MADE EFFECTIVE by the City Council of Lindon City,

Utah, this _____ day of _____ 2023.

_____,
CAROLYN LUNDBERG
Lindon City Mayor

ATTEST:

_____,
Kathryn Moosman
City Recorder

SB174 Compliance
Subdivision Ordinance Update Audit Checklist
April 2023

Do we have to update our Subdivision Ordinance?

Yes, State Law changes effective May 4,2023 but, in a sense, not a lot. Subdivisions are administrative in nature (e.g there is no discretion – if they meet your ordinances, they get approved). Most of the changes simply reinforced the administrative nature of subdivisions. See new LUDMA Section 604.1. This new law only applies to subdivisions for 1 or 2 family dwellings and townhomes, but it could be useful to generalize this for all subdivisions. All these changes need to be accomplished by February 1, 2024, for cities over 5,000 in population and smaller communities will have until December 1, 2024. Here is a link to the bill summary and FAQ's.

Step One: Check your current ordinance to see what you may need to modify or update. Look for these items.

1. **Review and Update your process. Designate an administrative land use authority.**
   Make sure you have designated in your subdivision ordinance an "administrative land use authority" for preliminary plats. This can be staff or planning commission or a subset of the Planning Commission. This is a local policy decision to make.
   Some options to consider: a) preliminary plat can be reviewed by staff, b) the planning commission can review in a public meeting , or a public hearing . If you choose to hold a public hearing please consider what the hearing will add to this administrative fact based process.
   Reminder: The Final plat **cannot** be reviewed by Council or Planning Commission (for small towns it could be a subset of the PC). Staff, if you have staff, could manage (and be designated in the ordinance) to be the administrative land use authority to take the process of final subdivision review through the recording process. Then the Mayor signs the final plat, which also dedicates any potential streets.

2. **Remove any mandates for a concept plan review.** In the new law concept plan review cannot be mandated. It can be optional, strongly encouraged and agreed to by the applicant. Since these are administrative approvals, they have no regulatory value. It can be incorporated into the preliminary plat as part of that process but call it something else.Again an applicant may request a pre-application meeting but it **cannot** be mandated.
3. **Define a Complete Application.** Make sure you have clearly defined what a "complete" application is with checklists for both planning and engineering. Here is one example from Lehi, Utah.

Step Two. Review process timing issues.

Reminder: Under the new law, Preliminary and final plats review are the only "steps" allowed within the new subdivision process. Here are the steps to make sure your updated ordinance reflect.

1. **Initial review of preliminary plat.** To be completed within 15 business days of receiving a **Complete Application**. As mentioned above it is important to assure you have everything required for review before it moves forward in the process.
2. **Review of final plat.** To be completed within 20 days of receiving the complete application,
3. **Capped Review Cycle.** There is now a maximum of 4 review cycles permitted for final review only. So in between the Preliminary approval and final approval only four revisions are permitted.
4. **Agreed upon changes.** The Applicant must respond to required changes. If he/she disagrees with those issues, those must be committed in writing.
5. **Lot line adjustments.** Changes were made in HB406 and SB174. The lot line adjustment changes removed the requirement to record an amendment plat.

Step Three. Review engineering standards

1. **Codified Engineering standards.** As a reminder from prior law, every municipality needs to provide clear engineering standards and these need to be adopted by the City, Town or County with a public hearing at the Planning Commission and final adoption by the legislative body.

2. **Bonding for Private Landscaping.** In another companion bill HB406 Section 10-9a-604.5 new provisions were added in regards to bonding. As of May 2023 Bonding for landscaping on private property is **not** allowed. Update your enforcement processes to include any fines, liens, and when you go to court for any unmet obligations. Update the bonding language. Under assurances can only be accomplished for public infrastructure .
3. **New road standards.** In HB406 Section 10-9a-508. Exactions new residential roadway standards were adopted. Municipalities that require road widths greater than 32' for residential roads (defined as residential use and 25 mph roads) should review those ordinances for compliance with these new standards. Wider can be allowed under certain conditions.

Step Three. Add the new appeal process

Reminder: SB 174 creates two distinct appeal processes after the four review cycles have been exhausted and 20 days have passed. You will need to add this appeal process to your subdivision ordinance.

1. For disputes relating to public improvement or engineering standards, the municipality shall assemble a three-person panel meeting within 10 days of receiving a request from the applicant.
2. For all other disputes, the municipality shall refer the question to the designated appeal authority at the applicant's request.
   - The panel of experts includes:
     - One licensed engineer designated by the municipality.
     - One licensed engineer designated by the land use applicant.
     - One licensed engineer, agreed upon, and designated by the two designated engineers.

Members appointed to the panel may not have an interest in the application in question. The applicant must pay 50% of the total cost of the panel and the municipality's published appeal fee. The municipality pays the other 50%. The panel's decision is final, unless the municipality or applicant petition for district court review within 30 days after the final written decision is issued.

13. **Public Hearing — Development Manual Updates & Subdivision Ordinance Updates; Ordinance #2023-24-O.** The City Council will hold a public hearing to amend and update the Lindon City Land Development Policies, Standard Specifications and Drawings Manual regarding land use procedures and processes, development specifications, required document submittals, technical terms, and to bring the document into compliance with Utah State Code (SB 174). *(15 minutes)*

Sample Motion: I move to (*approve, reject*) Ordinance #2023-24-O approving updates to the Lindon City Land Development Policies, Standard Specifications and Drawings Manual (*as presented or amended*).

Amending the Lindon City Land Development Policies, Standard Specifications and Drawings.

Date: December 4, 2023 **Applicant**: Lindon City **Presenting Staff**: Michael Florence **Type of Decision:** Legislative **City File Number:** 23-037-8 **Council Action Required**: Yes	**Motion** I move to (approve, deny, or continue) ordinance 2023-24-O (as presented, or with changes).

SUMMARY OF KEY ISSUES

- With the amendments to the subdivision and zoning codes the city is also proposing to update the Lindon City Land Development Policies Standard Specifications and Drawing Manual (Development Manual).
- Since SB 174 only allows the city to perform four review cycles on a subdivision application the ULCT recommends that all subdivision checklists need to be updated. The checklists are located within the Development Manual. City staff decided since the checklists needed to be updated that the city should also do a comprehensive review of the Development Manual and update any outdated information.
- The City is also proposing to update the pavement and sidewalk specifications in the development manual.
- Current State law requires that anytime the city updates a development specification that a public hearing is required to be held.
- Due to the size of the Development Manual a link is provided that includes the adopting ordinance and "redlined" changes:

Link: https://media.rainpos.com/442/Development_Manual_2022_24_O_Draft_Ordinance.pdf

Overview of Amendments to the Development Manual

Chapter One – Welcome to Lindon

- Update the Lindon City Community Profile.
- Update department contact information.

Chapter Two – Application and Submittal Requirements

- Updates application process information from paper application to online applications.
- Provides correct times for Development Review Committee Meetings.
- Coordinates final land use authorities with zoning code.
- Provides guidance for when a traffic study is required by the city engineer.
- Update infrastructure bonding information.
- Refers to the State of Utah Low Impact Development requirements instead of Lindon City requirements. The State has specific requirements where in 2015 when the manual was last updated the city has suggested standards.
- Updates required documents to be submitted prior to a pre-construction meeting.
- Updates checklist of documents and plans to be submitted for all land use applications.
- Updates itemized information that needs to be included on the plans for review.
- Provides Utility Trench Patching requirements.

- Provides dewatering plan requirements.
- Provide asphalt and sawcut requirements for when a roadway is widened.
- Updates appropriate forms for each reviewing department.

Chapter 5 – Standard Drawings

- Standard Drawing 2a –
    - Local Streets - reduces the pavement width from 34' to 32' and increases the sidewalk width from 4' to 5'.
    - Collector and Local Commercial Streets – reduces the pavement width from 50' to 48' and increase the sidewalk width to 5'.
    - The purpose in increasing the sidewalk width to 5' is that the city then maintains the same overall right-of-way width. In addition, a 5' sidewalk is the standards width for most communities and it also provides for better ADA access landing areas. The additional sidewalk width is also better from a pedestrian standpoint, it provides for addition distance from the roadway and pedestrian passing. Finally, UDOT's standard is a 5' sidewalk when there is a park strip. This allows for a better transition from UDOT to Lindon sidewalks.
- Standard Drawing 2b
    - Trail-Type 66' Street – reduces the pavement width from 44' to 43' and decreases the trail width to 9.5'
    - Trail-Tye 50' street – reduces the pavement width from 28' to 27' and increases the sidewalk width to 5'.
    - Eliminates the cross section with a 6' trail because the city does not use this cross section.
- Standard Drawing 3b – updates the sidewalk detail to a 5' sidewalk.
- Standard Drawing 5a - updates the sidewalk detail to a 5' sidewalk.
- Standard Drawing 6a – updates the corner ramp and sidewalk width requirements as well as sidewalk thickness requirements.
- Standard Drawing 6b – Eliminates this drawing because it is not used.
- Standard Drawing 6c – Updates the curb, gutter and sidewalk and sidewalk thickness.
- Adds a clear view diagram drawing.
- Updates the trash enclosure diagram.
- Updates ADA parking and loading specifications.

Appendix

- Remove the Land Development Flow Chart

<u>Exhibits:</u>

1. Development Manual – Link: https://media.rainpos.com/442/Development_Manual_2022_24_O_Draft_Ordinance.pdf

14. Review & Action — Canvass & Certification of 2023 General Election Results; Resolution #2023-26-R. The City Council, acting as the Board of Canvassers, will canvass the results from the November 21, 2023 General Election and then, by motion, officially certify the results of the Canvass. Resolution #2023-26-R.

(15 minutes)

Sample Motion: I move to (*approve, reject*) Resolution #2023-26-R and officially certify the canvass of the 2023 General Election Results (*as presented or amended*).

NOTE: The vote tallies below are as of November 28, 2023. A final tally of votes will be provided by Utah County on the afternoon of December 4, 2023.

Lindon City Council

Vote For 3

	TOTAL	VOTE %
STEVE STEWART	1,925	28.73%
COLE HOOLEY	1,681	25.09%
LINCOLN JACOBS	1,642	24.50%
BRET D. FRAMPTON	1,453	21.68%
Total Votes Cast	6,701	100.00%

Lindon Proposition #4 "Parc" Tax Lindon - Incorporated

Vote For 1

	TOTAL	VOTE %
Yes	2,056	76.37%
No	636	23.63%
Total Votes Cast	2,692	100.00%

RESOLUTION NO. 2023-26-R

A RESOLUTION OF THE MAYOR AND MUNICIPAL LINDON CITY COUNCIL SITTING AS THE BOARD OF CANVASSERS ACCEPTING THE 2023 ELECTION RETURNS, DECLARING AND CERTIFYING THE RESULTS OF THE MUNICIPAL GENERAL ELECTION HELD ON NOVEMBER 21, 2023 AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Municipal General Election was held on November 21, 2023; and

WHEREAS, pursuant to Section 20A-4-301 et seq. of the Utah State Code, the Municipal Council and Mayor constitute the Board of Municipal Canvassers for Lindon City and do hereby canvass the returns of the General Election; and

WHEREAS, on December 4, 2023, the Board held a duly noticed meeting to canvass the results of the General Election as required by State Code.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Lindon City, Utah, acting as the Board of Municipal Canvassers for Lindon City as follows:

SECTION 1:

The Board hereby certifies the results as shown by the Tabulation of Election Returns as supplied by the Utah County Elections Office and the City Recorder as shown in Exhibit "A."

SECTION 2:

1. The Board hereby certifies that Candidates Steve Stewart, Cole Hooley and Lincoln Jacobs had the highest number of votes and declares them Elected to the office of City Council for a four-year term.
2. The Board hereby certifies that Lindon Proposition #4, "PARC" Tax, received _____% 'Yes' votes and can thus be approved and implemented by the Lindon City Council for a 10-year period.

SECTION 4:

A certified report of the election results shall be prepared. Each nominated candidate shall receive a certificate of nomination. A report of the canvass will be published on the Public Notice Website and the Lindon City Website and posted in a conspicuous place. A copy of the Canvass will be filed with the Office of Lieutenant Governor for the State of Utah, all in conformance with State Law.

SECTION 5:

This Resolution shall take effect immediately upon its passage.

APPROVED AND ADOPTED BY THE Board of Canvassers of Lindon City, Utah County, Utah this 4th day of December, 2023

_____
Carolyn O. Lundberg; Mayor

ATTEST:

_____
Kathryn A. Moosman, City Recorder, MMC

ADJOURN