

# Lindon City Council Staff Report



Prepared by Lindon City  
Administration

September 19, 2017

# Notice of Meeting of the Lindon City Council



The Lindon City Council will hold a meeting beginning at **7:00 p.m. on Tuesday, September 19, 2017** in the Lindon City Center council chambers, 100 North State Street, Lindon, Utah. The agenda will consist of the following:

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(Review times are estimates only)

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

Pledge of Allegiance: By Invitation

Invocation: Jeff Acerson

- 1. Call to Order / Roll Call**
- 2. Presentations and Announcements**
  - a) Comments / Announcements from Mayor and Council members
  - b) Oath of Office / Swearing-in of new City Engineer: Noah Gordon
- 3. Approval of minutes:** September 5, 2017 (5 minutes)
- 4. Consent Agenda** – No Items
- 5. Open Session for Public Comment** (For items not on the agenda) (10 minutes)
- 6. Continued Public Hearing — Ordinance Amendment, Lindon City Code (LCC) 17.04.400; Ordinance #2017-12-O** (30 minutes)
 

This item was continued from the September 5, 2017 City Council meeting. Marc Udall, Dry Canyon Ranch, requests an amendment to LCC 17.04.400, regulating Home Occupation requirements, to allow for Summer Physical Education lessons to have more vehicular traffic than what is currently allowed by ordinance. *The Planning Commission recommended denial of the request.*
- 7. Presentation — Overview of Water Rates & Water Utility Systems** (45 mins)
 

Mark Christensen, with JUB Engineers, will provide a general overview of Lindon's culinary and secondary water systems and review basis for new tiered water rate increases implemented in July 2017. Lindon's Public Works Director, Finance Director, and City Engineer will also be available for questions.
- 8. Public Hearing — Zone Map Amendment, Request: Commercial Farm Zone Walker Farms of Lindon ~55 South 400-500 East. Ordinance #2017-14-O** (45 mins)
 

Mike Jorgensen requests approval of a Zone Map Amendment to reclassify multiple parcels from Residential Single Family (R1-20) to the Commercial Farm (CF) zone on the following parcels: 47:184:0002 (Michael B & Jill Jorgensen 55 South 400 East), 14:073:0201 (Michael & Jill Jorgensen 85 South 400 East), 47:184:0003 (Michael B & Jill Jorgensen 53 South 500 East), and 14:073:0028 (Michael B Jorgensen on behalf of MJ Real Estate Holdings LLC 484 East Center Street). Total land area of ~5.19 acres. *The Planning Commission recommended denial of the request.*
- 9. Public Hearing — Zone Map Amendment & Ordinance Adoption ~400 North 2800 West, LCC 17.54 Regional Commercial (RC) Zone. Ordinance #2017-11-O** (30 mins)
 

Lindon City requests review and approval of a Zone Map Amendment from General Commercial Auto (CG-A8) to Regional Commercial (RC), on multiple parcels located at approximately ~400 North 2800 West. Lindon City also requests approval of an amendment to Lindon City Code by way of adopting 17.54 Regional Commercial Zoning Ordinance, to address development regulations, activities and uses in the RC zone. These items may be continued for further review. *The Planning Commission recommended approval.*
- 10. Review & Action — Bureau of Reclamation Contract for North Union Piping Grant** (5 minutes)
 

The City Council will review and consider an agreement / contract between Lindon City and the Bureau of Reclamation for terms and conditions associated with a grant award to assist in piping sections of the North Union Canal. The awarded grant is for up to \$258,922 and requires previously committed \$300,000 match from Lindon City plus \$15,000 match from North Union Canal Company. Design will begin this fall with bidding through this winter and actual construction in the fall/winter of 2018-19. The majority of city matching funds will be appropriated in FY2018-19.
- 11. Council Reports:** (20 minutes)
  - A) MAG, COG, UIA, Utah Lake Commission, ULCT, NUVAS, IHC Outreach, Budget Committee - Jeff Acerson
  - B) Public Works, Irrigation/water, City Buildings - Van Broderick

- C) Planning, BD of Adjustments, General Plan, Budget Committee
- D) Parks & Recreation, Trails, Tree Board, Cemetery
- E) Public Safety, Court, Lindon Days, Transfer Station/Solid Waste
- F) Admin., Community Center, Historic Comm., PG/Lindon Chamber, Budget Committee

- Matt Bean
- Carolyn Lundberg
- Dustin Sweeten
- Jacob Hoyt

**12. Administrator’s Report**

*(10 minutes)*

**Adjourn**

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

**CERTIFICATE OF POSTING:**

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

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

Date: September 15, 2017

Time: 11:00 a.m.

Place: Lindon City Center, Lindon Police Dept., Lindon Community Center

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

Pledge of Allegiance: By Invitation

Invocation: Jeff Acerson

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

September 19, 2017 Lindon City Council meeting.

Jeff Acerson

Matt Bean

Van Broderick

Jake Hoyt

Carolyn Lundberg

Dustin Sweeten

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

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

- a) Comments / Announcements from Mayor and Council members.
- b) Oath of Office / Swearing-in of new City Engineer, Noah Gordon. State Code requires that the City Engineer be sworn-in at the beginning of his/her service in a municipality.

### **Item 3 – Approval of Minutes**

- Review and approval of City Council minutes: **Sept. 5, 2017**

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, September 5,**  
4 **2017, beginning at 7:00 p.m.** in the Lindon City Center, City Council Chambers, 100  
North State Street, Lindon, Utah.

6 **REGULAR SESSION** – 7:00 P.M.

8 Conducting: Jeff Acerson, Mayor  
Pledge of Allegiance: Hugh Van Wagenen  
10 Invocation: Jeff Acerson

12 **PRESENT**

**EXCUSED**

12 Jeff Acerson, Mayor  
14 Matt Bean, Councilmember  
Carolyn Lundberg, Councilmember  
16 Van Broderick, Councilmember  
Jacob Hoyt, Councilmember  
18 Dustin Sweeten, Councilmember  
Adam Cowie, City Administrator  
20 Kathryn Moosman, City Recorder

- 22 1. **Call to Order/Roll Call**– The meeting was called to order at 7:00 p.m.
- 24 2. **Presentations/Announcements** –
  - 26 a) **Mayor/Council Comments** – There were no announcements at this time.
  - 28 b) **Presentation** – Kelly Johnson, Lead Drill Down for Safety Volunteer,  
30 gave an update on the upcoming Drill Down for Safety to be held on  
32 September 11, 2017 at 6 pm. Ms. Johnson presented a vision for this year  
34 and also reported on what has been done in past drills. She pointed out  
36 this will be the ninth annual drill noting that it has ebbed and flowed over  
38 past years as the city should be prepared for any disasters. She then went  
40 over the vital training points with the City Council and mentioned Jan  
42 Rogers will be doing the actual City Council specific training the night of  
44 the drill. She stressed the point that the protocol for city leadership is vital.  
46 She also stated there are also some specific things that need to happen in  
the event of an emergency with the operations center training. She  
clarified that a disaster is an emergency that is so big we don't have the  
resources that we need. Ms. Johnson noted this will also be a good  
opportunity to work with the police and fire department with training and  
cross training which is one piece of the contingency planning process.  
How we contact the county and radio personnel is one part of the order of  
operations and to also have as many people as possible know the pieces of  
the puzzle so they can fill in. These emergency drills help to bring the  
community together and no matter what happens the first person you will  
get help from is your neighbor. Ms. Johnson stated they are hopeful that  
everyone in the city is included with this contingency planning so we can

2 make a plan and follow it through with the communication plan and other  
 4 elements as well. Ms. Johnson pointed out that any plan is better than no  
 6 plan but practicing and getting into the habit is the best plan and to have  
 8 the partnerships created if something does happen and it also help other  
 10 communities that may need help as well. She explained on the night of  
 12 the drill she expects the City Council to check in with their Block Captain  
 14 and then go to the city. While there they will sit and observe the EOC at  
 16 the beginning and then go into the specific training where they will be  
 18 coordinating any messages to get out to the public. In conclusion, Ms.  
 Johnson stated, in terms of the future of the Drill Down for Safety she  
 would like to see the City Council consider having an emergency  
 management position in place. She noted the drill runs from 6:00 pm to  
 8:30 pm and the entire community is encouraged to participate. The drill  
 will be held at the Lindon City Public Safety building with the debrief  
 being in the city council chambers. The Mayor and Council thanked Ms.  
 Johnson for the presentation and valuable information.

- 3. **Approval of Minutes** – The minutes of the regular meeting of the City Council meeting of August 1, 2017 and the Joint Work Session minutes of July 11, 2017 and August 1, 2017 were reviewed.

COUNCILMEMBER BRODERICK MOVED TO APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF AUGUST 1, 2017 AND THE JOINT WORK SESSION MINUTES OF JULY 11, 2017 AND AUGUST 1, 2017 AS PRESENTED. COUNCILMEMBER SWEETEN SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BEAN	AYE
COUNCILMEMBER LUNDBERG	AYE
COUNCILMEMBER HOYT	AYE
COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER SWEETEN	AYE

THE MOTION CARRIED UNANIMOUSLY.

- 4. **Consent Agenda** – No items.
- 5. **Open Session for Public Comment**– Mayor Acerson called for any public comment not listed as an agenda item. There were no public comments.

**CURRENT BUSINESS**

- 6. **Public Hearing — Ordinance Amendment, Lindon City Code (LCC) 17.04.400.** Marc Udall, Dry Canyon Ranch, requests an amendment to LCC 17.04.400 regulation Home Occupation requirements, to allow for Summer Physical Education lessons to have more vehicular traffic than what is currently allowed by ordinance. The Planning Commission recommended denial of the

2 request.

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

8 Hugh Van Wagenen, Planning Director, led this discussion by stating the Udall  
family has been operating a successful swim lesson business from their home located at  
10 44 South 400 East for many years during the summer months. Business license records  
indicate the business first acquired a home occupation license in August 2012. In 2014,  
12 Lindon City has received complaints that the business has become too big for the  
residential setting in which it operates. Staff confirmed that the Home Occupation was  
14 not complying with the maximum number of parked vehicles allowed (6) nor the  
maximum amount of vehicular traffic being generated to the residence (5 per hour) based  
16 on LCC 17.04.400. He noted in February 2015, the Planning Commission reviewed the  
home occupation permit based on the business not complying with existing regulations.  
18 Upon review, the Commission approved the continuation of the home occupation permit  
with two conditions: (1) conduct no more than 1 class per hour with no more than 5  
20 vehicles of traffic per hour; (2) park no more than 14 vehicles total at the residence at any  
time (either on the property or on the street frontage associated with the property.)

22 Mr. Van Wagenen further explained that in 2017 staff received additional  
complaints that the business was again operating out of compliance with the conditions  
24 imposed by the Planning Commission. Staff verified that the business was generating  
more than 5 vehicles to the residence per hour and patrons were parking on the far side of  
26 400 East. Staff notified the business of the violation and asked that the business come  
into compliance with the conditions. Upon receiving notification of the violation, the  
28 business indicated that they are unable to operate under the current conditions and home  
occupation ordinance in a way that works for their business model. Therefore, the  
30 business has applied for an amendment to LCC 17.04.400 Home Occupations. He noted  
the applicant feels that the proposed code amendment would allow the business to  
32 continue to operate in a manner in which it has operated for many years but would no  
longer be in violation of City ordinances.

34 Mr. Van Wagenen further explained that although this is an ordinance that would  
be applicable to other properties in the City it is important to understand the context of  
36 the business currently making the request. The property has street frontage along 400  
East and Center Street. Both streets are considered Major Collector Roads within the  
38 Lindon City Street Master Plan Map. A 2013 UDOT traffic count of 400 East averaged  
4,085 vehicles per day between 400 North and 200 South. The same UDOT count  
40 measured an average of 3,285 vehicles per day on Center Street between State Street and  
400 East. He stated that Mr. Udall has provided a parking diagram showing where  
42 vehicles have traditionally parked in front of the home along 400 East and along Center  
Street adjacent to the owners' property. The 400 East parking is unique in that it is  
44 perpendicular parking rather than parallel parking. It has been suggested that a parking lot  
be created in the large field off Center Street for the patrons of the lessons. Mr. Udall has  
46 expressed that he is unable to create a parking lot for patrons at this time.



2 Mr. Van Wagenen stated this request was discussed during the August 22, 2017  
 4 Planning Commission Meeting. Many people were in attendance for the item and spoke  
 6 of the benefit that the business provides its customers. Issues of pedestrian and traffic  
 8 safety and perpendicular parking on 400 East and parking generally were discussed along  
 10 with the number of vehicles coming and going during the beginning and end of lessons.  
 12 After an hour long discussion, the Commission voted 6-1 to deny the applicant's request  
 citing that the request does not meet the intent of the home occupation ordinance in  
 maintaining the residential feel of a neighborhood. Commissioner Johnson was the  
 dissenting vote on the motion. Mr. Van Wagenen then referenced the proposed changes  
 including the following bullet points (redlined items) of the draft ordinance and asked for  
 any items that generate concerns as follows:

- 14 a. Shall only operate on a seasonal basis between June 1 and August 30
- 16 b. May have up to fourteen (14) individuals on site for a lesson inclusive of staff  
 and students (e.g. one (1) employee and thirteen (13) students)
- 18 c. Shall only conduct one lesson per hour
- 20 d. Shall not begin before 7:30 am nor terminate after 6:00 pm
- 22 e. May generate up to thirteen (13) vehicles of traffic to the resident per lesson (a  
 vehicles dropping off and picking up the same student counts as one vehicle)
- 24 f. May have up to fourteen (14) motorized non-farm vehicles parked at the  
 resident provided that additional vehicles can be parked legally, either in  
 normal parking places on the lot occupied by the residence containing the  
 home occupation or by the curb directly in front of the residence without  
 parking in front of any other property.
- 26 g. If lessons are conducted outside the seasonal dates outlined in paragraph 6(a)  
 the business must comply with paragraph 5(e) with regards to parking and  
 vehicles of traffic per hour.

28 Mr. Van Wagenen made it clear the last report and violation the city has  
 30 documented is the number of vehicles coming and going being generated to the property  
 32 is more than five (5) per hour. He also pointed out with the location of this current  
 34 residence the ordinance could be applicable city wide if a person were to come in and  
 meet these changes to the code, however the context is important to the request as well.  
 He then presented for discussion an aerial photo of the site, the parking diagram,  
 photographs of the site and Ordinance 2017-12-O Home Occupation Requirements. Mr.  
 36 Van Wagenen then turned the time over to Mr. Udall for comment.

38 Mr. Udall then read his presentation. Mr. Udall stated they have been conducting  
 40 swimming lessons for almost 30 years and they are pleased to provide instruction to  
 42 young people. He noted his wife has had the opportunity to work with his daughter Sarah  
 and he has provided the venue for the lessons. He brought up the issue of installing a  
 parking lot in his pasture noting they do have the property that they could build a parking  
 44 lot but the pool has leaked and the past year they had to put in a new pool, so they are  
 strapped financially right now. He pointed out they have enough legal parking right now  
 and that is where they are at and hope to continue with the lessons.

46 Mr. Udall commented the first time the complaints came in they were on an LDS  
 Mission and out of the state and now they are here to address these compliance

2 complaints. Mr. Udall pointed out when they had a complaint and didn't have lessons for  
 4 one year in order to address the issues and come into compliance, they weren't trying to  
 6 circumvent the rules; they changed things and thought they were in compliance. Mr.  
 8 Udall explained the issue of congestion is that the road has gotten busier and the stop sign  
 10 provides a fair amount of protection. The amount of congestion and traffic they add to the  
 12 street is negligible and there is just a small amount that is spread out over the whole year.  
 14 They also encourage people who are willing to park on Center Street. There is no other  
 16 way to do it as they have permission of 14 cars already. They are asking that this change  
 18 as to have it a little more consistent with the way people pick up and drop off. He  
 20 concluded by stating they would like to continue providing lessons but they are not sure  
 22 how many more years they will be able to do it.

24 Mr. Udall pointed out they did craft a policy statement and included the parking  
 26 diagram to give to the patrons to show them where the parking is and they do direct them  
 28 to park in these allotted areas. He also pointed out if these cannot be mitigated they will  
 30 be forced to close.

32 Mayor Acerson called for any public comment at this time. There were several  
 34 attendees who addressed the Council at this time as follows:

36 **Amanda Saunders:** Ms. Saunders asked if there been any accidents or safety issues  
 38 imposed by the business. Mr. Van Wagenen stated there have been no documented  
 40 accidents that he is aware of. She questioned if we are holding the Udall's to this standard  
 42 don't we have to hold everyone to the same standard. These home occupations make  
 44 Lindon unique and she doesn't feel these small business should be punished. We need to  
 consider fixing the ordinance so people like the Udall's can keep their small businesses so  
 Lindon residents don't have to go to other cities for services.

36 **Boyd Walker:** Mr. Walker stated this has been an ongoing issue with the amount of cars  
 38 coming and going. He noted they have had letters from the postal service that they can't  
 40 deliver the mail because it is blocked. There are cars parked in their driveway and this  
 42 poses a safety hazard in a residential area. He would suggest that Mr. Udall have their  
 44 client's park in their vacant property and to open the gate and let them park in his pasture.

36 **Kathleen Gunderson:** Ms. Gunderson feels it the parking is an issue, she pointed out on  
 38 center street there is parallel parking. There is also a sharing shack where Lindon  
 40 residents in the neighborhood leave produce and brings additional traffic not associated  
 42 with the Udall's. She also questioned if these swim lessons are terminated does Lindon  
 44 have a backup plan for high quality swim lessons and if this is closed this will affect  
 hundreds of Lindon citizens with a lot of kids swimming at a state level. The amount of  
 traffic they generate is inconsequential compared to the traffic on this busy road. She  
 pointed out they have four parking stalls that the Udall's can use. She also questioned if  
 the parking allowance can be changed depending on how much property you have; she  
 feels these issues can and should be mitigated to allow the Udall's to continue teaching.

2 Mayor Acerson made it clear it is not the intent of the Council to close down the  
4 swimming lessons, however the Council does have the responsibility to legislate the  
safety and welfare of the citizens.

6 **Emily Molnar:** Ms. Molnar stated they have taken lessons at the Udall's for the past 13  
8 years and they walk to lessons and they walk in front of the cars and noted there is no  
10 issue with the vertical parking and everyone is very careful and there have been no  
12 documented accidents. She hopes this can be worked out as to continue with the lessons  
because the Udall's have been a great benefit to the community. She pointed out her  
son's preschool in town has the same issues with traffic and parking and everyone just  
deals with it.

14 **Josh Udall:** Mr. Udall stated he understands there is a congestion/parking issue here but  
16 there have never been any traffic accidents or safety evidence or pedestrian factors  
18 documented over this period of time; there is so much traffic on the street in general so  
drivers are careful. He pointed out the safest option is to keep the kids on their side of the  
street for pick up.

20 **Allison Pallet:** Ms. Pallet stated there is plenty of room to pull out and back up on to the  
22 shoulder of the road and there are no problems associated with the parallel parking.

24 **Don Harvey:** Mr. Harvey stated this issue is unique because the lessons are held when  
26 school is out. He pointed out the Oak Canyon Jr. High drop off by the church is much  
28 worse and poses more safety issues. The impact of the summer swim lessons in  
comparison is very small and they provide a real benefit to the community. He asked if  
the amount of acreage can play into the factor of one size fits all. Mr. Van Wagenen  
clarified it currently does not.

30 **Jody Scott:** Ms. Scott stated she comes from Highland to take lessons from the Udall's.  
32 It is her hope that the Udall's aren't being targeted individually. There may be other  
34 home occupations that are not targeted and who do not follow the rules just because they  
haven't had complaints. She hopes this can be worked out as they provide a great service.

36 **Edith Schlacky:** Ms. Schlacky stated she has been coming for 7 years from Lehi for  
38 lessons and has had a wonderful experience. She told Mr. Walker she is sorry he has been  
inconvenienced at his home. She mentioned the goats by the fence across the street that  
40 draws people to park there to see the goats. She also mentioned the seasonal Christmas  
Train business around the corner and the traffic it imposes and if there are complaints.  
Mr. Cowie pointed out it is not a business and difficult to enforce any complaints.

42 **Beverly Udall:** Ms. Udall asked if they can put up signage to make sure that no one parks  
44 on the other side of the street and take better measures to make people aware of where to  
46 park. She added for the most part, maybe once in the whole season, someone would park  
at Mr. Walkers place; it may be a one-time deal when someone didn't know where not to  
park.

2 Mayor Acerson asked Mr. Walker if there is there anything they can do  
collectively that would make him feel comfortable in considering the business going on.  
4 Mr. Walker stated to mitigate the driveway and mailbox issues would help alleviate the  
issues. He clarified that he wants to see that the Udall's continue their lessons and isn't  
6 trying to shut them down. Mr. Walker re-iterated that he feels by making a parking lot in  
Mr. Udall's pasture would solve the problems. He just wants people to stay clear of his  
8 mailbox and driveway.

10 **Elizabeth Christensen:** Ms. Christensen commented that it is her understanding that the  
issue tonight is just for the seasonal physical education lessons. Mr. Van Wagenen  
12 confirmed that statement.

14 **Josh Udall:** Mr. Udall stated one way to look at this change in regards that it may affect  
many businesses in Lindon, is that there may be many businesses that are out of  
16 compliance and enforcement should be the same for all home businesses. This may be a  
stepping stone that will work for summer traffic and may help and work for those who  
18 have year round businesses; others may be out of compliance and just may not have a  
neighbor who is complaining.

20  
Mr. Udall pointed out that this is just a seasonal issue and he realizes this could go  
22 city wide but if someone would want to use this they would have to have the 500 ft. of  
frontage and there are very few who have that so it could be narrowly interpreted. With  
24 the traffic they are asking for 1 to 7 more cars an hour, the ordinance already gives them  
five. They have tried to cut back and they have tried to work extensively with Mr. Walker  
26 and they have cut back students and lesson times and have gone as far as they can go to  
make this work. The issue is the coming and going of cars not the parking. They have  
28 reviewed the problems with Mr. Walker. Mr. Udall pointed out they had one terrible day  
in question (a Saturday make up lesson on the 4<sup>th</sup> of July weekend) when a police officer  
30 came who suggested talking to the council and to present their case. He noted there was a  
garage sale the same day across the street and they had hay delivered, so this was a  
32 particularly bad day for traffic and a lot of that they didn't have control over. Mr. Udall  
stated they learned from that day. He also spoke on the pasture issue noting city code  
34 says it needs to be at least be gravel and have a sidewalk and that is not financially  
feasible for them right now. Mrs. Udall stated they didn't have a problem but only on that  
36 one particular makeup day. She pointed out that sometimes there is only 3 to 5 cars and  
most people park on Center Street (12 parking places) and they are also done by 2 or 3 in  
38 the afternoon.

Mr. Udall stated they have addressed the issues as they have come up but they do  
40 have permission for 14 cars. Mrs. Udall stated she feels they should be grandfathered in  
as it is licensed under Dry Canyon Ranch LLC and is where their insurance is for 30  
42 years. Mr. Udall stated they will try to police it more and educate their patrons more. Mr.  
Van Wagenen spoke on grandfathering in and what would distinguish between a major  
44 and minor home occupation.

2 **Don Harvey:** Mr. Harvey suggested amending the ordinance based on the size of the  
 4 property and the frontage so it is not a threat to other situations.

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

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

12 Councilmember Lundberg stated she appreciates the home grown services here in  
 Lindon and that is what makes our community great and there is no doubt of what the  
 14 Udall's are doing is a tremendous public service. She commented on what the spirit or  
 intent of codifying ordinance rules stating it's not to micro manage our citizens but to allow  
 16 something that is a good public service but to ensure it does not infringe on others health,  
 safety or welfare; that is what the council has to consider. She hasn't heard any  
 18 commentary on any dangerous incidents, there may be some nuisance from time to time  
 but no indication of any adverse affects on health or welfare. She is also hearing a  
 20 tremendous amount of support that the Udall's provide a tremendous service to the  
 community and beyond; the Council wants to try to find a way to mitigate the issues but to  
 22 still maintain the integrity of the neighborhood.

24 There was then some general discussion on ways to mitigate the problems that are  
 occurring with the parking and a walkway etc. Mr. Udall stated the business is in its  
 waning years so they don't want to put in a lot of money that would be significant; they feel  
 26 they are providing this service to the community and they won't be able to do it too many  
 more years anyway. He also pointed out that the parking is not the main issue.

28 Councilmember Sweeten pointed out the Planning Commission recommended  
 denial. Chairperson Call was in attendance and gave a perspective from the Planning  
 30 Commission's decision noting they struggled with the issue and concerns too but it came  
 down the issue that they didn't know how to create or change the ordinance to fit this  
 32 particular property that would not be applied and cause concerns city wide. They agreed  
 the Udall's provide a great service to the community and like the Council they would like  
 34 to find a way to mitigate these issues to make it work.

36 Councilmember Lundberg stated she would like to explore an example that has  
 been done elsewhere that use a tier three major home occupation option with specific  
 guidelines wrapped around to fit but would still mitigate the integrity of the  
 38 neighborhood. She noted she can also think of five home occupations that are out of  
 compliance, pointing out we can't turn a blind eye to some and target others; it is a  
 40 legitimate point until someone complains; we shouldn't be arbitrary. She also compared  
 this to the issue with non compliant accessory apartments.

42 At this time Mayor Acerson asked the Council if they are ready to take action  
 tonight or continue the item as to allow the time to look at other options and explore ways  
 44 to mitigate these issues.

46 Councilmember Sweeten agreed we have time to continue this to look at other  
 options before they start up next season. He did state he still has a problem with the

2 perpendicular parking in front of the home as he feels it poses safety concerns. Mr. Udall  
4 explained the vertical parking is patterned after the elementary school parking and they  
feel it is better than the haphazard parking that was there before.

6 Councilmember Bean commented on what basis we make decisions on the  
number of vehicles per hour and/or parking spaces noting it may be difficult so he would  
8 suggest maybe looking at a different standard as the number may be subjective. He also  
has concerns with the perpendicular parking and in considering this he would want to  
look into this issue further.

10 Councilmember Hoyt expressed that they are supportive of what the Udall's do  
and the support garnered from Lindon residents and others. It appears the Planning  
12 Commission feels the same way as the City Council does to find a way to make this work  
and look outside of the box as to maintain this community asset; he would suggest  
14 working together to find a way to mitigate the issue with traffic flow etc. but to also  
ensure safety.

16 Councilmember Broderick agrees this is a wonderful business and what they do is  
exemplary, but we are always concerned with safety and he also understands the impact  
18 on the neighbors, but he feels there is a solution that can be worked out and to continue  
educating the patrons. Councilmember Lundberg pointed out that regardless whether the  
20 Udall's continue do this it may come up again as an issue, so it may be good this has  
come forward now as to have discussion on ways to address the issue.

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

24  
26 COUNCILMEMBER LUNDBERG MOVED TO CONTINUE THE  
APPLICANTS REQUEST FOR ORDINANCE 2017-12-O WITH THE FOLLOWING  
RECOMMENDATION TO STAFF: 1. TO EXPLORE POTENTIAL SEPARATE  
28 TIERED FOR A MAJOR HOME OCCUPATION APPLICATION DESIGNATION OR  
2. WHETHER TO EXPAND THE EXISTING CODE TO UMBRELLA IN THE  
30 PROCESS TO DETERMINE THE NUMBER OF PATRONS PER HOUR AND 3.  
TAKE INTO ACCOUNT THE ABILITY TO PROVIDE FRONTAGE AND ACREAGE  
32 OF THE SITE AND 4. TAKE INTO ACCOUNT THE AMOUNT OF OFFSITE  
PARKING PROVIDED AS WELL AS TRAFFIC FLOW AND ANY OTHER AREAS  
34 THAT CAN BE MITIGATED TO ENSURE NEIHBORHOOD QUALITY.

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

38 COUNCILMEMBER BEAN AYE  
COUNCILMEMBER LUNDBERG AYE  
COUNCILMEMBER HOYT AYE  
40 COUNCILMEMBER BRODERICK AYE  
COUNCILMEMBER SWEETEN AYE

42 THE MOTION CARRIED UNANIMOUSLY.

44 7. **Discussion Item — Overview of Tax Revenue.** The City Council will review  
and discuss tax revenue sources in the City and be presented a general overview  
46 of the various types of tax revenue producing businesses and developments within

2 Lindon City.

4 Mr. Cowie led this discussion by referencing the State of the City Report for  
 6 August 2017. He noted the report highlights several budget and tax revenue items. He  
 8 explained in past discussions a few Council members mentioned it would be helpful to  
 10 review issues about tax revenues and types of businesses that generate significant tax  
 12 revenues for the City. He also referenced for discussion additional graphs and charts on  
 14 property and sales taxes. He also referenced excerpts from a document prepared by the  
 16 Utah State Tax Commission regarding property taxes and how the certified property tax  
 18 rate is established and can fluctuate year-to-year that may be beneficial.

20 Mr. Cowie then read excerpts from the Historic Overview of Utah's Property Tax  
 (Utah State Tax Commission) including the following bullet items for discussion:

- 14 • Real Property
- 16 • Truth in Taxation
- 18 • Revenue-Driven System
- 20 • Certified Tax Rate
- 22 • An Effective Tool
- 24 • Tax Shifting and Windfall Revenue

26 Mr. Cowie also presented the property and sales tax comparisons, and the  
 28 monthly property tax revenue (by fiscal year) and the State of the City Report followed  
 30 by some additional general discussion.

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

36 **8. Discussion Item — Topics for Meet the Candidates Night.** The City Council  
 38 will review and provide feedback on format and topics of interest to be considered  
 40 for the Meet the Candidates night scheduled for Thursday, October 12, 2017 at  
 42 the Lindon Community Center.

44 Mr. Cowie opened this discussion item by referencing the draft format and topics  
 46 of interest/questions to be considered for the Meet the Candidates night to be held in  
 October. He noted this list was previously sent to Council members for feedback with  
 only one Councilmember replying and indicating a feeling of potential conflict of interest  
 since the replying Councilmember is a candidate for office.

Mr. Cowie noted as this is a discussion in a publicly open and advertised meeting  
 he feels it is acceptable to receive general feedback from the collective Council as a  
 whole. He also mentioned the questions are provided to all candidates ahead of the  
 meeting as it gives all an equal opportunity to be prepared to address the topics. He noted  
 this discussion is for feedback only with no motions made or required. Following a brief  
 discussion the Council was in agreement the draft format and questions look great and  
 did not recommend any changes.

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

2           **7. COUNCIL REPORTS:**

4           **Councilmember Hoyt** – Councilmember Hoyt mentioned that a Lindon Stake President  
6           contacted him and made a request that they get more warning out for the drill down for  
8           safety meeting. He also reported that the Pleasant Grove/Lindon Chamber of Commerce  
            golf challenge is this Friday from 8 to noon. He also invited Chief Adams and the police  
            department to attend if they can make it.

10          **Councilmember Broderick** – Councilmember Broderick reported he attended the water  
12          meeting and shares are going up three dollars now and three dollars more next year. He  
14          noted the committee members commented they are happy with the coating on the north  
            union canal. He also suggested putting in a few benches at the pickle ball courts that  
            would be great for patrons. Mr. Cowie stated he will let Heath Bateman know.

16          **Councilmember Bean** – Councilmember Bean mentioned it was a great discussion with  
18          the Udall’s earlier noting the Planning Commission did a great job reviewing the issue  
            and were diligent in trying to figure out a way to mitigate the issues.

20          **Councilmember Lundberg** – Councilmember Lundberg reported she was asked about  
22          the tank on 835 East that the lawn needs to be mowed and is dying. Mr. Cowie explained  
24          improvements are in the works and it is on the radar. He mentioned that using a  
26          Xeroscape will not be accessible in the future. He added there is more work to do but it is  
28          in process with a 6 ft. chain link fence. Councilmember Lundberg stated they may want  
30          to have them mow the upper part. She also reported she met last week with a scout troop  
            at the public safety building with Officer Campbell. She expressed her appreciation of the  
            Police Department and their community outreach. She also suggested having an annual or  
            bi-annual event at the police department as they provide such a great interactive  
            component with the community that is very inspiring.

32          **Councilmember Sweeten** – Councilmember Sweeten reported the landfill meeting was  
34          changed to a future date. He also reported that they are working on the Lindon Days and  
            will bring to the City Council. He also gave a detailed update on the Lindon Days events  
            and recommendations for next year.

36          **Mayor Acerson** – Mayor Acerson reported he will be attending a MAG meeting  
38          tomorrow. He noted that Mr. Cowie already spoke on UIA about future bonding. He also  
40          mentioned the assessments for the Utah Lake Commission. He pointed out the ULCT  
            meetings are next week in SLC. He also reported the North Utah County Animal Shelter  
            is doing fine with no issues or complaints there.

42          **Administrator’s Report:** Mr. Cowie reported on the following items followed by  
44          discussion.

46          **Misc Updates:**

- September newsletter



- 2 • October newsletter article: Mayor Acerson - Article due to Kathy Moosman last week in September.
- 4 • Primary Elections – 24.8% turnout in first vote-by-mail in Lindon
- 6 • General Election Meet the Candidates night: October 12th @ 7pm at Community Center.
- 8 • FYI 2020 U.S. Census – early planning and prep is beginning. Contact w/City has begun.
- 10 • Claims Update
- 12 • White fence in front of City Center on State Street: a few posts need to be replaced. Install/upkeep the fence or remove entirely?
- 14 • North Union Canal piping grant – City was selected for funding! (grant award is \$258,922 + \$300,000 from City + \$15,000 from North Union Canal Co.). There’s lots of hurdles to finish the grant approval process, then design will begin this spring with construction occurring after the 2018 watering season.
- 16 • Republic Services – recycling / transfer station tour (2.5hrs). Interest in tour? (Dustin & Matt replied yes; Van maybe)
- 18 • Possible PG/Lindon boundary adjustment along 2000 West: align city boundary w/ road/property lines
- 20 • Misc. Items

**Upcoming Meetings & Events:**

- 22 • September 4th – City offices closed
- 24 • September 6th at Noon – Joint Lindon/Orem council meeting at Public Safety Bldg
- 26 • October 12th at 7pm – Meet the Candidates night, Lindon Community Center
- 28 • November 7th – General Election Day (No Council meeting)

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

**Adjourn –**

32 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING  
34 AT 10:25 PM. COUNCILMEMBER SWEETEN SECONDED THE MOTION. ALL  
36 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

38 Approved – September 19, 2017

40 \_\_\_\_\_  
Kathryn Moosman, City Recorder

42 \_\_\_\_\_  
44 Jeff Acerson, Mayor

**Item 4 – Consent Agenda** – *(Consent agenda items are only those which have been discussed beforehand and do not require further discussion)*

- No Items.

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

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**6. Continued Public Hearing — Ordinance Amendment, Lindon City Code (LCC) 17.04.400; Ordinance #2017-12-O** (30 minutes)

This item was continued from the September 5, 2017 City Council meeting. Marc Udall, Dry Canyon Ranch, requests an amendment to LCC 17.04.400, regulating Home Occupation requirements, to allow for Summer Physical Education lessons to have more vehicular traffic than what is currently allowed by ordinance. *The Planning Commission recommended denial of the request.*

See attached materials from the Planning Department.

After publishing the agenda Mr. Udall informed the City that he is unavailable to attend this meeting and asked for this item not to be discussed and continued to the October 3, 2017 Council meeting.

**Motion:** I move to CONTINUE this item to the October 3, 2017 Council meeting.

## Ordinance Amendment — 17.04.400 Home Occupation Summer Swim Lessons 44 South 400 East

<p><b>Applicant:</b> Marc Udall  <b>Presenting Staff:</b> Hugh Van Wagenen</p> <p><b>Zone:</b> Single Family Residential (R1-20)</p> <p><b>Property Owner:</b> Marc &amp; Ruth Udall  <b>Parcel ID:</b> 14:070:0080  <b>Parcel Address:</b> 44 South 400 East</p> <p><b>Type of Decision:</b> Legislative  <b>Planning Commission Recommendation:</b> Denial in a 6-1 vote.</p>	<p><b><u>SUMMARY OF KEY ISSUES</u></b></p> <p>1. Whether to allow increased parking and vehicular traffic allowances for home occupations that provide summer physical education lessons.</p> <p><b><u>MOTION</u></b></p> <p>I move to <b>(approve, deny, continue)</b> the applicant's request for ordinance 2017-12-O with the following conditions (if any):</p> <ol style="list-style-type: none"> <li>1.</li> <li>2.</li> <li>3.</li> </ol>
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This item was continued from the September 5, 2017 Council meeting. Staff was given direction to research possibilities for major and minor home occupations which would allow additional traffic and customers beyond what LCC 17.04.400 allows. Season physical education lessons, as proposed by the applicant, was not considered an appropriate solution to the issue of a home occupation operating beyond its legal scope of activities. For background and additional information regarding the **applicant's original proposed ordinance amendment, please refer to the September 5, 2017 City Council Meeting Staff Report.**

### KEY ISSUES

- Parking—off-street versus on-street
- Traffic flow—pick up and drop off
- Number of customers/trips per hour
- Does location matter, i.e. local road versus collector road?
- Should child instruction have different parameters than other home occupations?

### COMPARISONS

Lindon was compared to 14 other local cities' **home occupation requirements in the following areas:**

- minor and major home occupation options
  - 3 of 14 had major home occupation option
- number of vehicle trips/customers allowed per hour
  - maximum allowed was 12 per day
- number of parked vehicles allowed on lot
  - no other city regulated this
- off-street parking required
  - 8 of 14 required this
- number of off-site employees allowed
  - maximum allowed was 3 under certain conditions

Some cities had specific regulations for child instruction that allowed additional patrons beyond typical allowances. For instance, Lehi allows swim lessons at a rate of 6 students per session with a maximum of 4 sessions per day. Please see attachment 1 for all the comparison details.

### **OPTIONS**

- 1. Adopt applicant's proposed language** for seasonal physical education lessons as presented in ordinance 2017-12-o.
- 2. Maintain current code:**
  - allowing 5 vehicles of traffic to be generated per hour
  - no more than 6 vehicles parked at residence at any time unless otherwise approved
  - allow on-street parking in front of residence, but not in front of other property
- 3. Allow patrons based on road designation** where home has primary frontage; e.g. more patrons allowed on a collector road because the overall traffic impact would be less.
- 4. Allow patrons based on ability to provide off-street parking.**

### **ATTACHMENTS**

1. Home Occupation Comparison with other cities
2. Ordinance 2017-12-O Home Occupation Requirements (LCC 17.04.400)

## Home Occupation Comparison

City	minor/major	# trips per hour (minor/major)	# parked vehicles (minor/major)	off-street parking required	# ft employees
Column1	Column2	Column3	Column4	Column5	Column6
Lindon	No	5	6	no	1
Orem	No	2	n/a	no	1
Highland	No	ambiguous	n/a	no	0
Alpine	No	ambiguous	n/a	no	1
Draper	No	0	n/a	no	1
Herriman	No	n/a	n/a	yes	0
Bluffdale	No	ambiguous	n/a	no	1
Spanish Fork	No	2	n/a	yes	0
Payson	No	depends	n/a	yes	1
Lehi*	No	2	n/a	yes	1
American Fork	No	n/a	n/a	no	0
Springville	No	ambiguous	n/a	yes	up to 3
Provo	Yes	1 minor, 6 major	n/a	yes for major	1 to 3
Sandy*	Yes	2 minor (max 8 per day), 12 per day major	n/a	yes	1
Pleasant Grove	Yes	2 minor, 8 major	n/a	yes	1 to 2

\*Lehi: swim lessons are allowed at 6 patrons per session with a maximum of 4 sessions per day.

\*Sandy: swim lessons are allowed as major home occupation with approved traffic plan, max 12 students per session and 24 students per day or max 4 sessions per day, all session combined not producing more than 24 vehicular stops per day.

Ambiguous refers to: Visitors, customers or vehicular traffic shall not exceed that normally and reasonably occurring for a residence in the neighborhood where the home occupation is located and shall be conducted so that the average neighbor will not be significantly impacted by its existence.

## ORDINANCE NO. 2017-12-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING CHAPTER 17.04.400 OF THE LINDON CITY CODE TO REFLECT HOME OCCUPATION ALLOWANCES FOR SEASONAL PHYSICAL EDUCATION LESSONS AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the proposed amendment will allow Lindon residents to maximize the use of their property in relation to creating income while providing needed and appreciated services to youth and adults; and

ALTHOUGH, the Lindon City Planning Commission has recommended denial of the proposed amendment; and

WHEREAS, a public hearing were held on September 22 of 2017, to receive public input and comment regarding the proposed amendment; and

ALTHOUGH, some adverse comments were received as well as positive comments during the hearing; and

WHEREAS, the Council held a public hearing on September 19, 2017 to consider the recommendation and no adverse comments were received.

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

**SECTION I:** LCC section 17.04.400 of the Lindon City Code is hereby adopted to read as follows:

### 17.04.400 Home occupation requirements.

- 2 | 1. The purpose and intent of this section of the Lindon City Code is to allow gainful occupations, professions, activities, or uses that are clearly customary, incidental, and secondary to the residential use of the property and which do not alter the exterior of the property or affect the residential character of the neighborhood.
- 4
- 6 2. No home occupation shall be conducted without first obtaining a home occupation permit pursuant to this chapter and a business license pursuant to this chapter and the Lindon City Code chapter regulating businesses.
- 8
- 10 3. The Planning Director may grant a home occupation permit in the residential zones, provided the use applied for meets all of the standards set forth in this Section.
- 12 4. A home occupation permit shall be obtained from the Planning Director before such home occupation is established. The permit shall have a fee as established per the Lindon City Fee Schedule.
- 14 5. As a matter of public policy, the City believes that commercial and industrial activities should be conducted in zones where such activities are specifically permitted. However, limited business activities may be conducted within residences located in any zone in the City if the business activity strictly complies with all of the following requirements:
- 16
  - 18 a. Be clearly incidental to and secondary to the residential use of the dwelling unit and not occupy more than five hundred (500) square feet or twenty- five percent (25%) of the total floor space of such dwelling unit, whichever is less. This requirement does not apply to accessory buildings approved as part of a home occupation.
  - 20
  - 22 b. Be carried on entirely within the dwelling unit or accessory structure solely by one (1) or more of the residents of the immediate family who reside in the dwelling unit or employees as permitted in 5(c). For the purposes of this section, a carport, patio, or breeze way is not considered to be part of the dwelling unit. (This provision shall not prohibit the Utah State requirement for outside use by licensed day care/preschool facilities.)
  - 24
  - 26 c. Home occupations may have up to one (1) employee or part time equivalent to one (1) employee who does not live in the dwelling unit work at the home. Only one (1) non- resident employee shall work from the home at any given time. Such employee working at the home or coming to the home and moving to another job site associated with the home occupation shall be provided an off street parking stall on the home occupation owner’s property. This employee shall be provided and required to use such parking on the business owner’s property and off of a public street.
  - 28
  - 30
  - 32
  - 34 d. Not have any external evidence of the home occupation, (except as may be required by State law or City ordinance) nor any exterior displays, displays of goods, nor advertising signs (except as allowed by this section) visible from outside of the dwelling unit. It shall not be permitted to conduct any activity outside the dwelling unit or to store materials or products outside the dwelling unit unless it is within an accessory structure approved as part of the home occupation.
  - 36
  - 38
  - 40 | e. For any home occupation that is not summer physical education lessons as described in paragraph 6 below, ~~Not have no~~ more than six (6) motorized non-farm vehicles shall be parked at the residence at any time, provided all of the vehicles can be parked legally, either in normal parking places on the lot occupied by the residence without parking in front of any other property. The six (6) vehicles specified above shall include the vehicles owned or operated by the residents, visitors or any other person using or visiting the home. Exceptions to this requirement may be granted by the Planning Director provided the applicant can clearly demonstrate that additional vehicles can be parked legally, either in normal parking places on the lot occupied by the residence containing the home occupation or by the curb directly in front
  - 42
  - 44
  - 46



of the residence without parking in front of any other property. In addition to the foregoing, the home occupation must not generate more than five (5) vehicles of traffic to the residence during any hour. The home occupation shall not generate any traffic before 7:30 a.m. or after 6:00 p.m. nor shall any vehicle weighing in excess of twenty four thousand (24,000) pounds, gross weight, travel to the residence for the purpose of servicing the home occupation.

~~e.~~

f. Not emit noise, odor, dust, fumes, vibration, smoke, electrical interference or other interference with the residential use of adjacent properties.

g. Comply with all City building and fire codes.

h. Obtain a home occupation permit and a business license from the City.

i. Shall have no more than one (1) sign, not larger than two and one-half (2.5) square feet, attached to the main dwelling unit. The sign shall be aesthetically pleasing and made of similar materials and colors as the building to which it is attached. The sign shall not be directly lit.

j. Home occupation owners shall be good neighbors and mindful of possible impacts their activities have on the residential character of the neighborhood. All Home Occupation permits are reviewable upon written complaint to the Planning Commission. The Planning Commission, in reviewing such complaints, shall have the authority to attach conditions to a home occupation to make it compatible with the surrounding neighborhood. If the Planning Commission makes a finding that the home occupation is not compatible with the surrounding neighborhood they shall have the authority to revoke such permit. (Ord. 2002-23, amended, 2002; Ord. 99-23, adopted, 2000)

6. Summer physical education lessons

a. shall only operate on a seasonal basis between June 1 and August 30 and;

b. may have up to fourteen (14) individuals on-site for a lesson inclusive of staff and students (e.g. one (1) employee and thirteen (13) students) and;

c. shall only conduct one lesson per hour and;

d. shall not begin before 7:30 am nor terminate after 6:00 pm and;

e. may generate up to thirteen (13) vehicles of traffic to the residence per lesson (a vehicle dropping off at the beginning of a lesson and picking up at the end of a lesson counts as one vehicle) and;

f. may have up to fourteen (14) motorized non-farm vehicles parked at the residence provided that additional vehicles can be parked legally, either in normal parking places on the lot occupied by the residence containing the home occupation or by the curb directly in front of the residence without parking in front of any other property.

g. If lessons are conducted outside the seasonal dates outlined in paragraph 6(a), the business must comply with paragraph 5(e) with regards to parking and vehicles of traffic per hour.

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

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

8  
 10    **SECTION IV:** This ordinance shall take effect immediately upon its passage and posting as provide by  
 law.

12    PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this \_\_\_\_\_ day  
 of \_\_\_\_\_, 2017.

14  
 16    \_\_\_\_\_

Jeff Acerson, Mayor

18  
 20    ATTEST:  
 22    \_\_\_\_\_

Kathryn A. Moosman,

Lindon City Recorder

SEAL

**7. Presentation — Overview of Water Rates & Water Utility Systems** (45 mins)

Mark Christensen, with JUB Engineers, will provide a general overview of Lindon’s culinary and secondary water systems and review basis for new tiered water rate increases implemented in July 2017. Lindon’s Public Works Director, Finance Director, and City Engineer will also be available for questions.

In the 2016 General Session, the Utah State Legislature passed the “[Water System Conservation Pricing](#)” bill which requires all retail water providers, including Lindon City, to establish an increasing rate structure for culinary water.

In June 2017 the City Council adopted a new tiered water rate structure in conformance with updated State requirements. The fees went into effect for the July utility billing. The intent of the State’s required tiered structure is to financially incentivize water conservation by having larger volumes of water usage charged at higher rates. The City adopted a tiered rate schedule designed to keep the total annual water revenue at a constant (not increasing nor decreasing). During summer months when customers use more water the revenues will increase, and during winters months when customers use less water the revenues will decrease.

An additional base rate change was also incorporated into the City’s new rate schedule per previously evaluated annual increases recommended to help build water fund revenues to adequately cover costs of operations, maintenance, and replacement of water system infrastructure. Staff will review with the Council the rates that were approved.

A copy of the water rate adjustments as adopted by the City Council in June is attached. Some questions have arisen regarding the rate changes, why they were recommended, and how they vary based on different locations within Lindon. Mark Christensen will present an overview of the functionality of Lindon’s water system and explain how the fee structure has been established.

After careful evaluation of the last several months of water revenues collected by the City, the current rates as adopted are projected to adequately cover the City’s costs and water project needs. No adjustments to water rates are being recommended at this time so as to allow a longer period of time to evaluate if current rates are providing sufficient revenues to cover costs of operations, maintenance, and replacement needs.

No motion is necessary.

JUB Engineers conducted an infrastructure assessment and maintenance evaluation as well as a utility rate study to determine and recommend utility rate increases for water, sewer, and storm water utilities. The recommendation was to implement an annual increase over five years of 9% for water rates, 4% for sewer rates, and 13% for storm water rates. The annual rate increases began July 1, 2014. Additional information can be found in the engineer’s rate study report.

The recommended rate changes are listed below along with the 2016-2017 rates.

Culinary Water Utility Fees

ZONES		METER SIZE						
		1"	1 ½"	2"	3"	4"	6"	8"
Below North Union Canal	base	\$19.22 \$20.95	\$34.60 \$37.71	\$55.74 \$60.76	\$211.42 \$230.45	\$384.40 \$419.00	\$713.06 \$777.25	\$1,230.08 \$1,340.80
	ea. 1000 gal.	\$1.58	\$1.58	\$1.45	\$1.45	\$1.45	\$1.45	\$1.45
	Usage Block 1	\$1.24	\$1.24	\$1.24	\$1.24	\$1.24	\$1.24	\$1.24
	Usage Block 2	\$1.49	\$1.49	\$1.49	\$1.49	\$1.49	\$1.49	\$1.49
	Usage Block 3	\$1.98	\$1.98	\$1.98	\$1.98	\$1.98	\$1.98	\$1.98
	Usage Block 4	\$2.73	\$2.73	\$2.73	\$2.73	\$2.73	\$2.73	\$2.73
Above North Union Canal	base	\$20.62 \$22.48	\$37.24 \$40.46	\$59.94 \$65.19	\$227.37 \$247.28	\$413.40 \$449.60	\$766.86 \$834.01	\$1,319.68 \$1,438.72
	ea. 1000 gal.	\$1.67	\$1.67	\$1.67	\$1.67	\$1.67	\$1.67	\$1.67
	Usage Block 1	\$1.68	\$1.68	\$1.68	\$1.68	\$1.68	\$1.68	\$1.68
	Usage Block 2	\$2.01	\$2.01	\$2.01	\$2.01	\$2.01	\$2.01	\$2.01
	Usage Block 3	\$2.68	\$2.68	\$2.68	\$2.68	\$2.68	\$2.68	\$2.68
	Usage Block 4	\$3.69	\$3.69	\$3.69	\$3.69	\$3.69	\$3.69	\$3.69
Upper Foothills	base	\$31.74 \$34.60	\$57.13 \$62.28	\$92.05 \$100.34	\$349.14 \$380.60	\$634.80 \$692.00	\$1,177.55 \$1,283.66	\$2,031.36 \$2,214.40
	ea. 1000 gal.	\$1.88	\$1.88	\$1.88	\$1.88	\$1.88	\$1.88	\$1.88
	Usage Block 1	\$1.68	\$1.68	\$1.68	\$1.68	\$1.68	\$1.68	\$1.68
	Usage Block 2	\$2.01	\$2.01	\$2.01	\$2.01	\$2.01	\$2.01	\$2.01
	Usage Block 3	\$2.68	\$2.68	\$2.68	\$2.68	\$2.68	\$2.68	\$2.68
	Usage Block 4	\$3.69	\$3.69	\$3.69	\$3.69	\$3.69	\$3.69	\$3.69

Thousands of Gallons of Water Included in Each Block of Water

Meter Size	Block of Water			
	1	2	3	4
1"	6	12	24	more than 24
1½"	8	15	31	more than 31
2"	12	25	50	more than 50
3"	47	94	189	more than 189
4"	60	120	240	more than 240
6"	90	180	360	more than 360
8"	124	249	497	more than 497

Utility	2016-2017 Rates	Recommended 2017-2018 Rates
<b>Sewer</b>		
Base	\$18.69	\$19.44
Usage	\$3.30 / kgal	\$3.43 / kgal
<b>Storm Water (per ESU)</b>	\$6.98	\$7.89

(kgal = 1000 gallons; ESU = Equivalent Service Unit, i.e. a single family home)

**8. Public Hearing — Zone Map Amendment, Request: Commercial Farm Zone Walker Farms of Lindon ~55 South 400-500 East. Ordinance #2017-14-O** (45 mins)

Mike Jorgensen requests approval of a Zone Map Amendment to reclassify multiple parcels from Residential Single Family (R1-20) to the Commercial Farm (CF) zone on the following parcels: 47:184:0002 (Michael B & Jill Jorgensen 55 South 400 East), 14:073:0201 (Michael & Jill Jorgensen 85 South 400 East), 47:184:0003 (Michael B & Jill Jorgensen 53 South 500 East), and 14:073:0028 (Michael B Jorgensen on behalf of MJ Real Estate Holdings LLC 484 East Center Street). Total land area of ~5.19 acres. *The Planning Commission recommended denial of the request.*

See attached materials from the Planning Department.

## Public Hearing — Zone Map Amendment Walker Farms of Lindon, ~55 South 400-500 East

**Applicant:** Mike Jorgensen  
**Presenting Staff:** Hugh Van Wagenen

**General Plan:** Residential Very Low Density

**Current Zone:** Residential Single Family (R1-20)

**Property Owner(s):** Michael B & Jill Jorgensen, MJ Real Estate Holdings LLC

**Address:** ~55 South 400-500 East

**Parcel IDs:** 47:184:0002, 14:073:0201, 47:184:0003, 14:073:0028

**Area Size:** ~5 acres

**Type of Decision:** Legislative

**Planning Commission:** Due to lack of a successful motion from the Commission, the item comes to the Council as a recommendation of *denial*.

### SUMMARY OF KEY ITEMS

- Whether to approve a request to change the zoning map of the subject property from R1-20 to Commercial Farm.

### MOTION

I move to (approve, deny, continue) the applicant's request for approval of Ordinance 2017-14-O with the following conditions (if any):

- All parcels be under the same ownership as reflected on the deeds.



### OVERVIEW

The Commercial Farm (CF) zone was created in 2011 to “provide encouragement of agricultural production and associated commercial activities that are compatible with and/or promote

**agricultural uses within the city...Although the intent of the zone is to promote agricultural uses within the city, the zone may be utilized as ‘holding zone’ to allow reasonable options for income from agricultural and/or commercial uses for a period of time before developing the land in conformance with the General Plan Land Use Map.”**

The applicant is requesting a rezone of the subject properties in order to build a reception/event center while raising and breeding alpacas and selling alpaca wool.

### **FINDINGS OF FACT**

The applicant has provided a brief business plan and concept site plan for the property (see attached).

- Business Plan for the Commercial Farm
  - **“We will have 14 alpacas. Our intent is to sell the offspring as breeding pairs, or what’s called a starter pack. This will consist of a pregnant female and an unrelated male. We can also sell the wool which can be quite expensive and highly sought after.”**
  - The reception/event center will be an additional revenue source for the alpaca operation. This is a conditionally permitted use in the CF zone.

One of the main requirements for CF zone consideration is listed in LCC 17.51.015 and states:

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

The application does meet the requirements for lot area, lot width, lot depth, and lot frontage. However, the parcels presented are not currently under identical ownership as required in LCC 17.51.020. This should be a requirement if an approval is granted.

The concept site plan does show the existing single family home in addition to a caretaker dwelling that is currently being restored (Center and 500 East). The caretaker dwelling being restored has nonconforming setbacks due to the age of the original construction.

### **ANALYSIS & CONCLUSIONS**

*Although the application appears to meet the requirements for the properties in question to be rezoned, this is a legislative action. Therefore, the City Council is not obligated to approve if the Council decides the request is not in the best interest of the public and Lindon City.*

In looking to the future, the home on this site will have to be associated with the proposed reception/event center because of the minimum size requirements of the Commercial Farm

zone. As we have recently seen with other properties, this can be problematic when the current owner moves on and the property is sold to future operators.

**If the applicant's request is granted, a separate site plan application will need to be submitted to ensure all site requirements are met regarding parking, landscaping, fencing, building height, etc.**

### **PLANNING COMMISSION MEETING**

The Commission heard this request on September 12, 2017. Several citizens came to the public hearing and opposed the applicant's request. **There were concerns about traffic and noise from the proposed event/reception center.** The Commission considered the item for an hour, discussing the positives and negatives of the request. One motion to approve the request, with the consideration that a future reception center would be a conditional use permit where conditions could be placed on the property to mitigate negative effects on the neighborhood, was defeated. No member of the Commission offered an alternative motion. Lack of an approved motion automatically becomes a recommended denial of the request to the City Council.

### **ATTACHMENTS**

1. Draft ordinance 2017-14-O
2. Aerial photo of the proposed area to be rezoned
3. Current Zoning Map
4. Conceptual Site Plan
5. Applicant provided information on alpaca farming
6. LCC 17.51 Commercial Farm Zone



ORDINANCE NO. 2017-14-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING THE ZONING MAP ON PROPERTIES IDENTIFIED BELOW FROM RESIDENTIAL SINGLE FAMILY (R1-20) TO COMMERCIAL FARM (CF) AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the proposed amendment is consistent with the General Plan goal to recognize and promote Lindon as a dynamic Utah County community with a distinctive rural environment; and

WHEREAS, the proposed amendment is consistent with the General Plan goal to preserve, protect and enhance the cultural resources of the community; and

WHEREAS, the proposed amendment promotes and preserves agricultural production within the community, promotes open space, and allows additional revenue sources to help sustain agricultural industry within Lindon; and

ALTHOUGH, the Lindon City Planning Commission failed to recommended approval of the proposed zone map change; and

WHEREAS, a public hearing was held on September 12, 2017, to receive public input and comment regarding the proposed amendment; and

ALTHOUGH, adverse comments were received during the hearing; and

WHEREAS, the Council held a public hearing on September 19, 2017 to consider the recommendation and **no adverse comments were received.**

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

**SECTION I:** The Lindon City Zoning Map is hereby amended as follows:

The following properties are now designated as Commercial Farm as shown on the map below:

Parcel ID	Owner	Address
47:184:0002	Michael B & Jill Jorgensen	55 South 400 East
14:073:0201	Michael & Jill Jorgensen	85 South 400 East
47:184:0003	Michael B & Jill Jorgensen	53 South 500 East
14:073:0028	MJ Real Estate Holdings LLC	484 East Center Street



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

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

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

PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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

ATTEST:

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

SEAL



40 NORTH

CENTER

400 EAST

70 SOUTH

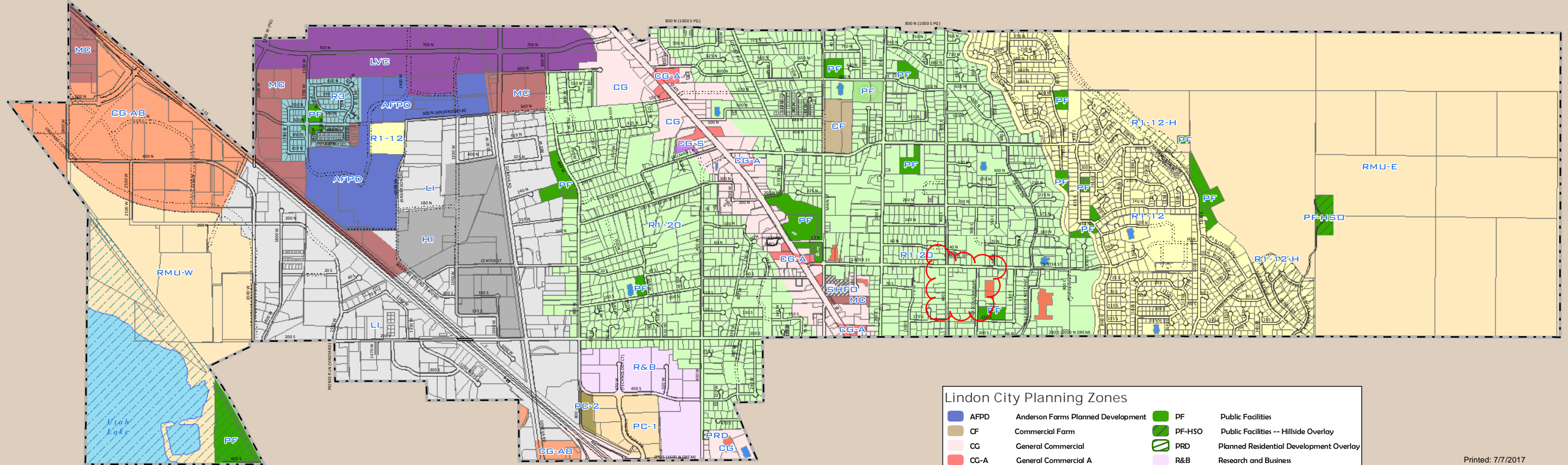
Zone change request from Residential Single Family to Commercial Farm.

500 EAST

600 EAST

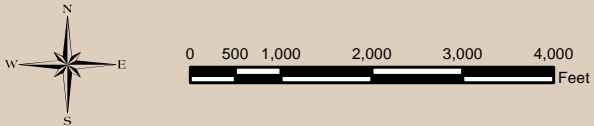
725 EAST

# Lindon City Zoning Map



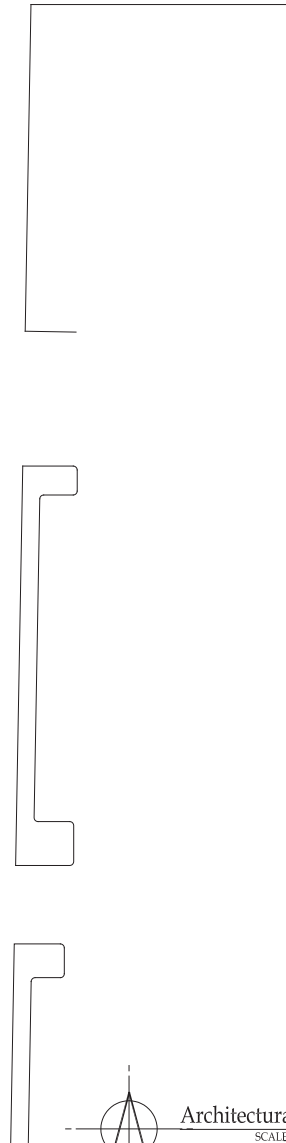
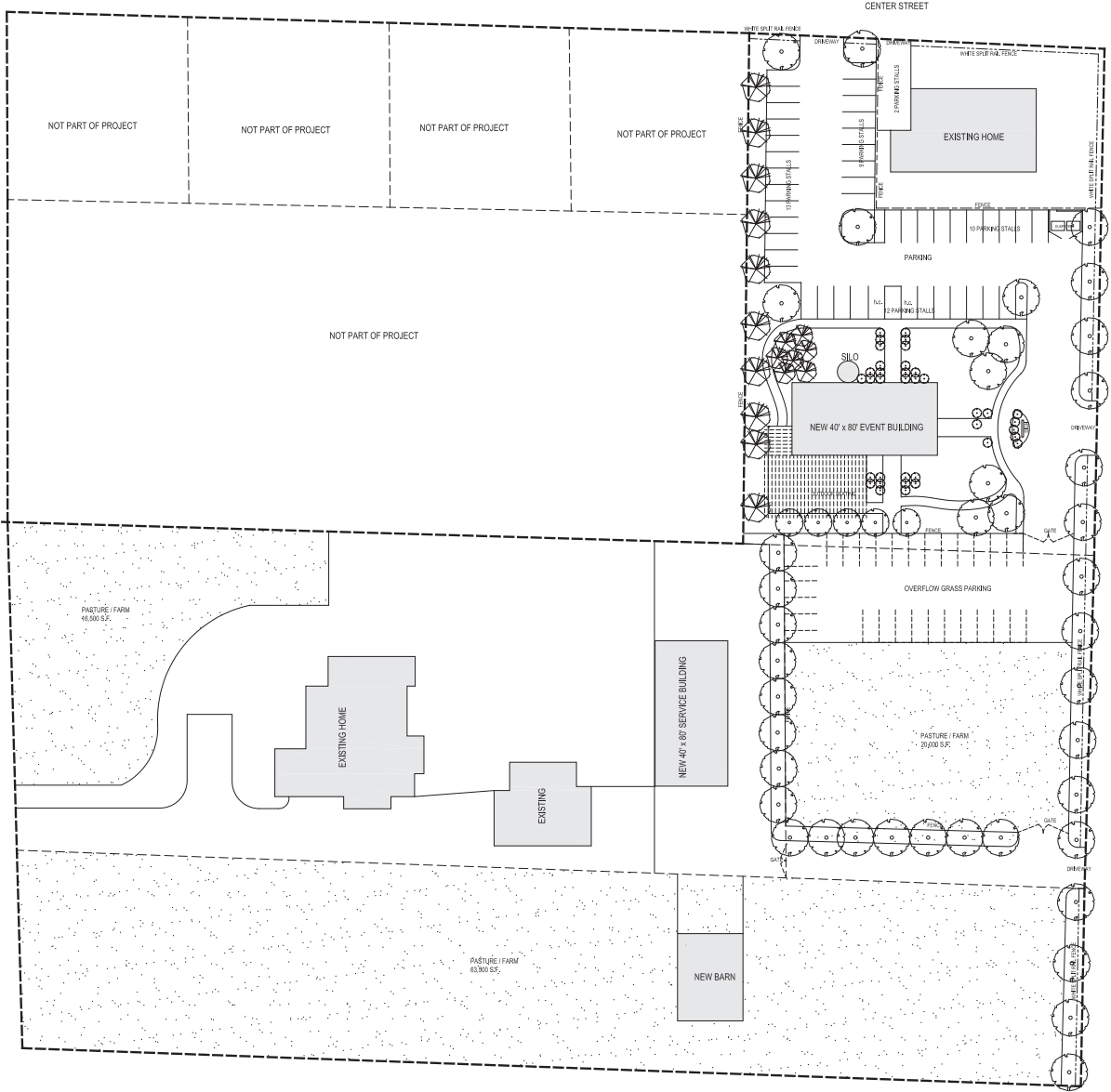
**Lindon City Planning Zones**

AFPD	Anderson Farms Planned Development	PF	Public Facilities
CF	Commercial Farm	PF-HSO	Public Facilities -- Hillside Overlay
CG	General Commercial	PRD	Planned Residential Development Overlay
CG-A	General Commercial A	R&B	Research and Business
CG-A8	General Commercial A8	R1-12	Residential Low Density
CG-S	General Commercial Storage	R1-12-H	Residential Low Density -- Hillside Overlay
HI	Heavy Industrial	R1-20	Residential Very Low Density
LI	Light Industrial	R3	Residential High Density
LVC	Lindon Village Commercial	RMU-E	Recreational Mixed Use -- East
MC	Mixed Commercial	RMU-W	Recreational Mixed Use -- West
PC-1	Planned Commercial - 1	SHFO	Senior Housing Facility Overlay
PC-2	Planned Commercial - 2	SPOD	Utah Lake SPOD



Printed: 7/7/2017





Architectural Site Plan opt #1  
SCALE 1/16" = 1'-0"

PROJECT NOTES  
**Site Plan Information (total project)**  
 Total Site Approximately 226,197 s.f.  
 40% Min. to remain as pasture / farming  
 100,000 or 44% has been shown to remain as pasture / farming  
 A white split rail fence has been shown around the property along all roads fence must meet Lindon City requirements

Event Building (estimated)  
 Event Building Size 5,000 s.f.  
 Occupancy A2  
 Occupant Load 302  
 3,000 s.f. @ 1 per 15 = 200  
 2,000 s.f. @ 1 per 100 = 20

Parking Requirements  
 1 parking space per every 3.5 occupants  
 Total Occupants = 220  
 Parking Space required 220 / 3.5 = 63

Parking Stalls Provided  
 Parking Stalls 46 Permanent  
 Parking Stalls 26 Overflow  
 72 total stalls provided

PROJECT TITLE

**DAIN & ASSOCIATES**  
 ARCHITECTURE DESIGN PROJECT MANAGEMENT  
1000 S. GATE AVENUE SUITE 1000 LINDON, UT 84042  
 (801) 733-1100

Architectural Site Plan	
DATE: November 2016	<b>A1.0</b>
REVISIONS:	

# About Alpacas

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 [www.alpacainfo.com/academy/about-alpacas](http://www.alpacainfo.com/academy/about-alpacas)

The Alpaca (vicugna pacos) is a domesticated species of South American camelid.

## What is an alpaca?

Alpacas are members of the camelid family. The camels that most people are familiar with are the ones with humps; the dromedary of Northern Africa, the Middle East, and Southern Asia, and the Bactrian camel of China and Tibet. However, there are four other camelids (without humps) that are indigenous to South America: two of them, llamas and alpacas, have been domesticated for thousands of years; whereas the other two varieties, guanacos and vicunas, continue to roam in wild herds today.

The alpaca comes in two breed-types: huacaya (pronounced wah-KI-ah) and suri (SOO-ree). Huacayas, the more common type, account for about 90% of all alpacas, and have fluffy, crimped fleece that gives the animals a teddy bear-like appearance. Suris, on the other hand, grow silky, lustrous fleece that drapes gracefully in beautiful pencil-locks

## How long do alpacas live?

Generally, around 15 to 20 years. The longest documented lifespan of an alpaca is 27 years.

## How are alpacas different from llamas?

People often confuse alpacas with llamas. While closely related, llamas and alpacas are distinctly different animals. First, llamas are much larger, about twice the size of an alpaca, with an average weight of about 250 to 450 pounds, compared to an alpaca whose weight averages 100 to 200 pounds. Llamas are primarily used for packing or for guarding herds of sheep or alpacas, whereas alpacas are primarily raised for their soft and luxurious fleece.

## Are alpacas an "exotic species," or are they considered simply "livestock?"

Alpacas have been raised as domestic livestock for thousands of years and since the end-product of alpacas is their fleece, like sheep, they are classified as livestock by both the United States and Canadian federal governments.

## Do alpacas spit?

All members of the camel family use spitting as a means of negative communication. They do get possessive around food, and thus may express annoyance by spitting at other alpacas that they perceive are encroaching on "their" food. Also, they often spit at one another during squabbles within the herd (usually involving two or more males). From time to time alpacas do spit at people on purpose, but it is more common that humans get caught in the cross-fire between alpacas, so it's best to study their behavior and learn to avoid the most vulnerable situations.

## Do alpacas make noise?

Alpacas are very quiet, docile animals that generally make a minimal amount of sound. They generally make only a pleasant humming sound as a means of communication or to express concern or stress. Occasionally you will hear a shrill sound, called an "alarm call," which usually means they are frightened or angry with another alpaca. Male alpacas also "serenade" females during breeding with a guttural, throaty sound called "orgling."

## Are alpacas dangerous?

No — they are safe and pleasant to be around. They do not bite or butt and do not have sharp teeth, horns, hooves, or claws as other types of livestock do. They move gracefully and adroitly about the field and are therefore unlikely to run into or over anyone, even small children. Occasionally, an alpaca will reflexively kick with its hind legs, especially if touched from the rear, but the soft padded feet usually do little more than just "get your attention."

## Is it OK to have just one alpaca?

As a general rule, the answer is no. Alpacas have very strong herding instincts and need the companionship of other alpacas to thrive. Gender-appropriate (or neutered) llamas sometimes will successfully bond with an alpaca. Otherwise, it is best to provide each alpaca with a companion alpaca of the same gender.

## Are alpacas easy to care for?

They are a small and relatively easy livestock to maintain. They stand about 36' high at the withers (where the neck and spine come together); weigh between 100 to 200 pounds; and establish easy-to-manage, communal dung piles. The alpacas need basic shelter and protection from heat and foul weather, just like other types of livestock, and they also require certain vaccinations and anti-parasitic medicines. Their fleece is sheared once a year to keep them cool in summer. Additionally, their toenails need to be trimmed on an as-needed basis to ensure proper foot alignment and comfort. Interestingly, alpacas do not have hooves — instead, they have two toes, with hard toenails on top and a soft pad on the bottom of their feet, which minimizes their effect on pastures and makes them an "environmentally friendly" animal.

## How much space does it take to raise an alpaca?

Because these animals are environmentally friendly and require so little pasture and food, you can usually raise from two to eight alpacas on an acre of land, depending on terrain, rain/snowfall amounts, availability of pasture, access to fresh water, etc. They can also be raised on a dry lot and fed grass hay. Consult with your local USDA office for specific local recommendations.

## Are alpacas clean animals?

Yes, they are much cleaner than most livestock. Alpacas have minimal aroma and tend to attract less flies in the summertime than other forms of livestock. Furthermore, alpacas often defecate in communal dung piles. There may be three or four of these areas in a pasture, spread throughout about 10% to 20% of the pasture. This makes for easy clean-up, reduced opportunity for parasites, and better overall hygiene in the herd.

What do I need by way of shelter and fencing?

While the shelter requirements vary depending on weather and predators, as a general rule alpacas need at least a three-sided, open shelter, where they can escape from the heat of the sun in summer and from icy wind and snow in winter. If predators (dogs, coyotes, bears, etc.) are present in your neighborhood, then a minimum of five-foot-high, 2' x 4' no-climb fencing is strongly recommended. Traditional horse fencing with 6' x 6' openings is not recommended, as curious alpacas have been harmed by putting their heads or legs through the openings.

## **What do alpacas eat?**

Alpacas mainly eat grass or hay, and not much—approximately two pounds per 125 pounds of body weight per day. The general rule of thumb is 1.5% of the animal's body weight daily in hay or fresh pasture. A single, 60 pound bale of hay can generally feed a group of about 20 alpacas for one day. Grass hay is recommended, while alfalfa should be fed sparingly, due to its overly rich protein content. Alpacas are pseudo-ruminants, with a single stomach divided into three compartments. They produce rumen and chew cud, thus they are able to process this modest amount of food very efficiently. Many alpacas (especially pregnant and lactating females) will benefit from nutritional and mineral supplements, depending on local conditions. There are several manufactured alpaca and llama feeds and mineral mixes readily available; consult with your local veterinarian to ensure you are feeding the appropriate diet for your area. Alpacas also require access to plenty of fresh water to drink.

Alpacas have two sets of teeth for processing food. They have molars in the back of the jaw for chewing cud. But in the front, the alpaca has teeth only on the bottom and a hard gum (known as a dental pad) on the top for crushing grain, grass, or hay. Unlike goats and sheep that have long tongues which they sometimes use to rip plants out of the ground, alpacas have short tongues and nibble only the tops of grasses and other plants, resulting in less disturbance of the vegetation. However, alpacas are also browsers and will often eat shrubs or the leaves from trees if given the opportunity. This requires monitoring to ensure they do not consume harmful products.

## **Can alpacas thrive in locations with very hot or very cold climates?**

Generally, yes. Alpacas are amazingly resilient animals and have adapted successfully to the extremes of both very hot and very cold climates. In hot, humid climates, alpaca owners need to take extra precautions to make sure that the alpacas do not suffer from heat stress. These include: shearing fleeces early in the year, providing fans and ventilation in the barn, offering cool fresh water for drinking, and hosing off their bellies (where heat is dissipated) on very hot days.

## **Does the birthing require human assistance?**

In most cases, cria are born without intervention, and usually during daylight hours. A cria normally weighs between 15 and 19 pounds and is usually standing and nursing within 90 minutes of birth. The cria continues to nurse for about six months until it is weaned.

## **Are alpacas easy to train?**

Alpacas are very smart animals and are fairly easy to train. It is best to start training them when they are young so that they will accept a halter and learn to follow on a lead. Many owners also enjoy training them to walk through obstacles; some even compete with their alpacas at shows where they walk over, through, and around objects and also jump over small hurdles. Also, it is helpful to train alpacas to ride in a trailer or van if they ever need to be



transported to a show or another farm. Alpacas are easy to transport, as they normally crouch (lay down with their legs folded under them) when traveling.

## **So what do you DO with these animals?**

Alpacas are raised for their soft and luxurious fleece (sometimes called fiber). Each shearing produces roughly five to ten pounds of fleece per animal, per year. This fleece, often compared to cashmere, can be turned into a wide array of products from yarn and apparel to tapestries and blankets. The fleece itself is recognized globally for its fineness, softness, light-weight, durability, excellent thermal qualities, and luster.

In addition to selling the fleece and the animals, many alpaca owners operate a retail store selling alpaca end-products—either on or off their farms. Products are sold directly to consumers at their store or over the Internet. Many also sell alpaca products through craft fairs, farmers markets, and retail sites. Sales of these end-products can provide considerable supplemental income to alpaca owners.

## **What about the fleece?**

Let's start by comparing alpaca fleece with wool from most breeds of sheep. In general, alpaca fleece is stronger, lighter, warmer, and more resilient. Finer grades of alpaca fleece (known commercially as "Baby Alpaca") are believed to be hypo-allergenic, meaning it does not irritate your skin as sheep's wool sometimes does. Unlike sheep's wool, alpaca fleece contains no lanolin and is therefore ready to spin after only nominal cleaning. Prized for its unique silky feel and superb "handle," alpaca fleece is highly sought-after by both cottage-industry artists (hand spinners, knitters, weavers, etc.) as well as the commercial fashion industry.

Alpaca fleece has a great variety of natural colors, making it very much in vogue: 16 official colors (white; beige; and shades of fawn, brown, black, and grey) with many other subtle shades and hues. White, light fawn, and light grey can be readily dyed, thus offering a rainbow of colors for the fiber artist. Alpaca fleece can also be combined with other fine fibers such as merino wool, cashmere, mohair, silk, and angora to attain incredibly interesting blends.

## **Do I need to purchase a registered alpaca?**

Simple answer—yes. Anytime you are investing money, you need to take all the necessary steps to help assure that your investment maintains its value and registered alpacas do just that.

Alpaca Owners Association, Inc. (AOA) is the largest alpaca pedigree registry in the world. While AOA provides services to alpaca owners all over the world, they primarily provide pedigree registration and member services to the United States and Canada. AOA is one of the few livestock registries of any kind that requires that every animal be DNA tested back to its parents before being registered. As a result, AOA registered alpacas are highly desired.

## **Are there organized exhibitions and competitions for alpacas?**

Yes, there are many alpaca shows (both show ring and fleece judging competitions) held throughout North America where owners can showcase their animals and fleeces. Alpaca Owners Association, Inc. (AOA) certifies regional shows and fairs all over the United States. AOA administers the show rules, trains the judges, and offers other assistance to these certified shows. AOA also hosts the National Alpaca Show & Auction and National Fleece Show each year.

## South American Alpacas

Alpacas are kept in herds that graze on the level heights of the Andes of Ecuador, southern Peru, northern Bolivia, and northern Chile. Alpacas are considerably smaller than llamas, and unlike llamas, alpacas are not used as beasts of burden but are valued only for their fiber. Alpaca fiber is used for making knitted and woven items, much as sheep's wool is. These items include blankets, sweaters, hats, gloves, scarves, a wide variety of textiles and ponchos in South America, and sweaters, socks, coats and bedding in other parts of the world. The fiber comes in more than 52 natural colors as classified in Peru, 12 as classified in Australia and 16 as classified in the United States. Alpacas and llamas differ in that alpacas have straight ears and llamas have banana-shaped ears. Aside from these differences, llamas are on average 1–2 feet taller and proportionally bigger than alpacas.

Alpacas have been domesticated for thousands of years. In fact, the Moche people of Northern Peru often used Alpaca images in their art. There are no wild alpacas. The closest living species are the wild Vicuña, also native to South America. Along with Camels and Llamas, the Alpaca are classified as camelids. The Alpaca is larger than the Vicuña but smaller than the other camelid species.

Of the various camelid species, the Alpaca and Vicuña are the most valuable fiber-bearing animals: the alpaca because of the quality and quantity of its fiber, and the vicuña because of the softness, fineness and quality of its coat. Alpacas are too small to be used as pack animals. Instead, they were bred exclusively for their fiber and meat.

Alpacas are social herd animals that live in family groups consisting of a territorial alpha male, females and their young. They are gentle, elegant, inquisitive, intelligent and observant. As they are a prey animal, they are cautious and nervous if they feel threatened. They like having their own space and may not like an unfamiliar alpaca or human getting close, especially from behind. They warn the herd about intruders by making sharp, noisy inhalations that sound like a high pitch burro bray. The herd may attack smaller predators with their front feet, and can spit and kick. Due to the soft pads on their feet, the impact of a kick is not as dangerous as that of a hoofed animal, yet it still can give quite a bruise, and the pointed nails can inflict cuts.

In the United State and Canada alpaca herds range in size from just a few alpacas all the way up to a few thousand.



magical farms alpacas

# Livestock Investment

## Alpacas are the World's Finest Livestock Investment



*Looking to add some fiber to your investment diet?*

Alpacas produce a premium fiber in 22 vibrant colors, the demand for which is ever increasing. Annual fiber yields vary from about five pounds from a single female to a reported thirteen pounds from a larger male. Breeding and selling in this ever increasingly popular industry is another easy way to add to your investment dollars!

Not to be overlooked as a very important aspect of raising alpacas are the great tax benefits provided to both farms and any small business. An alpaca can typically be depreciated over a five-year span or 20% per year. In addition, Section 179 of the tax code allows for the deduction of a capital asset.

Here are the new and substantial positive impacts on Section 179 for the 2013 Tax Year (and 2012 retroactive) - below is quoted from "section179.org":

- **2013 Deduction Limit - \$500,000**
- **2013 Limit on Capital Purchases - \$2,000,000**
- **2013 Bonus Depreciation - extended the 50% bonus**



Capital gains can be available on the sale of breeding animals and their offspring. Current expenses are deductible.

Consult a tax advisor for specifics as they relate to you.

Add to all of this that alpacas are 100% insurable. Can stocks do all of this?

**All You Need Is Love** Alpacas are easy to raise- they eat very little and therefore require only a small amount of acreage per animal. Veterinary costs are minimal. Besides their endearing qualities of warmth, friendliness, and trainability, they have an enduring quality of strength and toughness. That means you'll have a friend for a long time to come. Coming from the rugged Andes makes life on the farm a piece of cake... for your alpaca and for you!

**The Many Benefits Of Breeding** As your alpaca herd breeds and grows, the

return on your initial investment multiplies at a strong and steady rate. Along the way, you'll receive numerous tax benefits and incentives that make your investment even more attractive! Deductible expenses, capital gains benefits, and insurable, depreciable investments are just a few of the many ways you can save money while also taking part in one of the most exciting industries in the world.



**Litchfield, Ohio, USA | (330) 667-3233**  
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## Chapter 17.51 COMMERCIAL FARM ZONE

### Sections:

- [17.51.010 Purpose and Objectives.](#)
- [17.51.012 Permitted Uses.](#)
- [17.51.015 Agricultural Production Required.](#)
- [17.51.020 Lot Area.](#)
- [17.51.030 Lot Width.](#)
- [17.51.040 Lot Depth.](#)
- [17.51.050 Lot Frontage.](#)
- [17.51.070 Number of Dwellings per Lot.](#)
- [17.51.080 Yard Setback Requirements.](#)
- [17.51.090 Projections into Yards.](#)
- [17.51.100 Building Height.](#)
- [17.51.110 Distance Between Buildings.](#)
- [17.51.120 Permissible Lot Coverage.](#)
- [17.51.125 Screening and Fencing.](#)
- [17.51.130 Parking.](#)
- [17.51.140 Residential and Agricultural Accessory Buildings.](#)
- [17.51.150 Other Requirements.](#)

### **17.51.010 Purpose and Objectives.**

Commercial Farm [Zones](#) (CF) are established to provide encouragement of agricultural production and associated commercial activities that are compatible with and/or promote agricultural uses within the city. Objectives of the [zone](#) include promoting and preserving agricultural production, promoting agricultural [open space](#) throughout the city, and allowing associated commercial activities which could be used as additional revenue sources to help sustain and support [agricultural industry](#) within Lindon. Although the intent of the [zone](#) is to promote agricultural uses within the city, the [zone](#) may be utilized as a 'holding [zone](#)' to allow reasonable options for income from agricultural and/or commercial uses for a period of time before developing the land in conformance with the [General Plan](#) Land Use Map.

### **17.51.012 Permitted Uses.**

The following is a list of permitted, conditional, and non-[permitted uses](#) in the CF [zone](#):

1. *Permitted Uses.* Single-[family](#) residence; accessory [buildings](#) to a [single-family dwelling](#); agricultural production and related accessory [buildings](#); other [permitted uses](#) in the R1 residential [zones](#).
2. *Conditional Uses.* Caretakers or farm-help accessory [dwelling unit](#); commercial horse stables; farmers market; greenhouses; plant or garden nursery; garden center; bed and breakfast facility; educational programs and associated facilities; amphitheater; reception center; conference center; boutique; café; restaurant; veterinary clinic; and

food manufacturing (not to exceed 2,000 sq/ft of processing and production area).

**17.51.015 Agricultural Production Required.**

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

**17.51.020 Lot Area.**

The minimum area of any [lot](#) or [parcel](#) of land in the CF [zone](#) shall be five (5) acres. Multiple [parcels](#) that total five acres or more may qualify as meeting the minimum [lot area](#) without combining the [parcels](#) only when they are under identical legal ownership and are contiguous. A deed restriction prohibiting the separation of [parcels](#) may be required in order to maintain the minimum five contiguous acres.

**17.51.030 Lot Width.**

Each [lot](#) or [parcel](#) of land in the CF [zone](#), or conglomeration of [parcels](#) as defined in Section [17.51.020](#) above, shall have a width of not less one hundred (100) feet (measured at [front yard](#) setback).

**17.51.040 Lot Depth.**

Each [lot](#) or [parcel](#) of land in the CF [zone](#), or conglomeration of [parcels](#) as defined in Section [17.51.020](#) above, shall have a minimum [lot depth](#) of one hundred (100) feet.

**17.51.050 Lot Frontage.**

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

**17.51.070 Number of Dwellings per Lot.**

Not more than one (1) [single-family dwelling](#) with an accessory apartment, and one (1) caretakers or farm-help [dwelling](#) may be placed on a [lot](#) or [parcel](#) of land in the CF [zone](#) (or conglomeration of [parcels](#) necessary to meet minimum acreage requirements). In no case may the care takers or farm-help [dwelling](#) be sold as a separate, subdivided [lot](#) unless it meets all requirements of the underlying [zone](#). Owner occupancy of a primary residence on the property is required to maintain a caretakers or farm-help [dwelling unit](#).

**17.51.080 Yard Setback Requirements.**

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

[Front yard](#) setback: thirty (30) Feet

[Rear yard](#) setback: thirty (30) Feet

[Side yard](#) setback: ten (10) Feet

2. *Street Side yard - Corner Lots.* On [corner lots](#), the [side yard](#) contiguous to the [street](#) shall not be less than thirty (30) feet and shall not be used for vehicle parking, except such portion as is devoted to [driveway](#) use. Of the remaining rear and [side yards](#) on a [corner lot](#), one [rear yard](#) setback of thirty (30) feet and one [side yard](#) setback of ten (10) feet shall be required on the remaining non-[street](#) facing sides of the [lot](#).

**17.51.090 Projections into Yards.**

1. The following [structures](#) may be erected on or project into any required [yard](#) setback:

- a. Fences and retaining walls in conformance with the Lindon City Code and other City codes or ordinances;
- b. Necessary appurtenances for utility service.

2. The [structures](#) listed below may project into a minimum front, side, or [rear yard](#) not more than the following distances:

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

**17.51.100 Building Height.**

No [lot](#) or [parcel](#) of land in the CF [zone](#) shall have a [building](#) or [structure](#) which exceeds a maximum average height of thirty-five (35) feet, measuring the four (4) corners of the [structure](#) from [finished grade](#) to the highest point of the roof [structure](#). In all [zones](#), the Planning Director and Chief [Building Official](#) shall be responsible for designating and identifying the four corners of a [structure](#). Non-habitable architectural features or

[structures](#) not wider than ten (10) feet such as silos, steeples, cupolas, or other similar [structures](#) may exceed the [building](#) height up to forty-five (45) feet. No [dwelling](#) shall be erected to a height less than one (1) story above [grade](#).

#### **17.51.110 Distance Between Buildings.**

The separation distance between any accessory [buildings](#) and a [dwelling](#), or the distance between multiple detached accessory [buildings](#), shall not be less than ten (10) feet.

#### **17.51.120 Permissible Lot Coverage.**

1. In a CF [zone](#), all [buildings](#), including accessory [buildings](#) and [structures](#), shall not cover more than forty (40) percent of the area of the [lot](#) or [parcel](#) of land, or the conglomeration of [parcels](#) as defined in Section [17.51.020](#).
2. At least forty (40) percent of the [front yard](#) setback area of any [lot](#) shall be landscaped. On any [lot](#), concrete, asphaltic, gravel, or other [driveway](#) surfaces shall not cover more than fifty (50) percent of a [front yard](#).

#### **17.51.125 Screening and Fencing.**

1. The following screening and fencing requirements are required in the CF [zone](#):
  - a. A six (6) foot high [site](#) obscuring fence shall be constructed and maintained along any property line between a residential use or residential [zone](#) and a commercial [building](#) in the CF [zone](#) when the commercial [building](#) is closer than 30' from the property line. The fence shall be placed along the property line at an area parallel to the commercial [building](#) and shall extend a minimum of 50' along the property line from both directions from the ends of the [building](#).
  - b. Any commercial [structure](#) closer than 30' to a residential use or residential [zone](#) shall provide a minimum 10' wide tree-lined buffer from the commercial [building](#) to the adjacent residential use or [zone](#). Trees shall be planted at least every 10' along the buffer area adjacent to the residential use or residential [zone](#). Trees must be a minimum of 2" caliper measured one foot off the ground and at least 6' tall when planted. In addition to any required fencing, trees shall be of a variety that will mature to a height of at least 20' tall in order to provide an increased visual barrier between the commercial use and the residential use.
2. For purposes of this chapter, residential [dwelling units](#) and agricultural accessory [buildings](#) in the CF [zone](#) are not considered commercial [structures](#).
3. The [Planning Commission](#) may waive or modify the fencing and/or landscape screening requirement upon findings that the fence and/or landscaping is not needed to protect adjacent residential uses from adverse impacts, or that such impacts can be mitigated in another appropriate manner.

#### **17.51.130 Parking.**

1. Each use in the CF [zone](#) shall have, on the same [lot](#) or conglomeration of [parcels](#) as defined in Section [17.51.020](#) above, off-[street](#) parking sufficient to comply with the number of spaces required by Chapter [17.18](#) of the Lindon City Code.



2. Parking spaces in a CF [zone](#) are exempted from the surfacing, striping, and interior landscaping requirements as found in Chapter [17.18](#), but shall be provided with a dustless, hard surface material such as compacted gravel, asphalt, or concrete and shall be provided with a similar hard surfaced access from a public [street](#).
3. No required parking spaces shall be within thirty (30) feet of a front property line.
4. All required ADA parking stalls shall be provided with smooth, hard surface asphalt or concrete paving with a similar surface provided as an ADA accessible pedestrian route between the parking spaces and any public [buildings](#) being accessed from the spaces.

#### **17.51.140 Residential and Agricultural Accessory Buildings.**

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

#### **17.51.150 Other Requirements.**

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

banner signs, flags, directional signs, and temporary display signs (balloons, banners, and pennant flags) as more fully described in Title [18](#) of Lindon City Code. (Ord. 2011-6, amended, 2011)

**9. Public Hearing — Zone Map Amendment & Ordinance Adoption ~400 North 2800 West, LCC 17.54 Regional Commercial (RC) Zone. Ordinance #2017-11-O** (30 mins)

Lindon City requests review and approval of a Zone Map Amendment from General Commercial Auto (CG-A8) to Regional Commercial (RC), on multiple parcels located at approximately ~400 North 2800 West. Lindon City also requests approval of an amendment to Lindon City Code by way of adopting 17.54 Regional Commercial Zoning Ordinance, to address development regulations, activities and uses in the RC zone. These items may be continued for further review. *The Planning Commission recommended approval.*

See attached materials from the Planning Department.

**Public Hearing — Zone Map Amendment & Ordinance Adoption  
~400 North 2800 West, LCC 17.54 Regional Commercial (RC) Zone**

**Applicant:** Lindon City  
**Presenting Staff:** Hugh Van Wagenen

**General Plan:** Commercial  
**Current Zone:** General Commercial CG-A8

**Property Owner:** multiple  
**Address:** ~400 North 2800 West  
**Parcel ID:** multiple  
**Area Size:** ~175+ acres

**Type of Decision:** Legislative  
**Planning Commission:** Recommended approval in a 6-0 vote.

**SUMMARY OF KEY ITEMS**

1. Whether to approve a request to change the zoning map of the subject parcels and adopt associated land use ordinances and regulations.

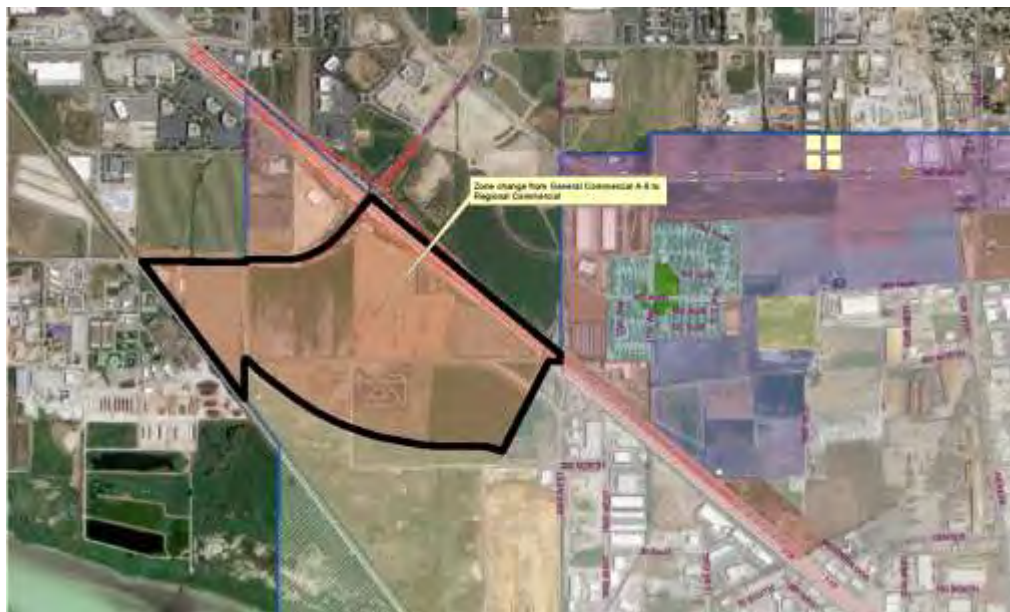
**MOTION**

I move to (approve, deny, continue) Ordinance 2017-11-O with the following conditions (if any):

- 1.

Lindon City requests review and approval of a Zone Map Amendment from General Commercial Auto (CG-A8) to Regional Commercial (RC), on multiple parcels located at approximately ~400 North 2800 West. Lindon City also requests approval of an amendment to Lindon City Code by way of adopting 17.54 Regional Commercial Zoning Ordinance, to address development regulations, activities and uses in the RC zone. (Pending Ordinance 2017-11-O).

The Regional Commercial zone will have design standards similar to commercial zones, but may also allow warehouse and distribution uses.



Lindon City requests approval of a **Zone Map amendment** to reclassify the following parcels from General Commercial-Auto (CG-A8) to Regional Commercial:

<b>Parcel ID</b>	<b>Owner</b>	<b>Address</b>
140590050	UTAH COUNTY SOLID WASTE SPECIAL SERVICES DISTRICT	84042
140600073	UTAH COUNTY SOLID WASTE SPECIAL SERVICES DISTRICT	84042
140600067	UTAH COUNTY SOLID WASTE SPECIAL SERVICES DISTRICT	84042
140590051	UTAH COUNTY SOLID WASTE SPECIAL SERVICES DISTRICT	84042
140600075	UTAH DEPARTMENT OF TRANSPORTATION	84042
140590049	UTAH COUNTY SOLID WASTE SPECIAL SERVICES DISTRICT	84042
140600064	UTAH DEPARTMENT OF TRANSPORTATION	84042
661350001	UTAH DEPARTMENT OF TRANSPORTATION	2995 W 600 NORTH, LINDON, UT
140590048	VALLEY PROPERTIES LLC	84042
140600012	PROPERTY RESERVE INC	4600 W 7200 NORTH, LINDON, UT 84042
140590001	UTAH COUNTY SOLID WASTE SPECIAL SERVICES DISTRICT	6000 N 4250 WEST, LINDON, UT
140590035	PROPERTY RESERVE INC	84042
140590026	JEPPSON, VELOY (ET AL)	84042
140590040	HAMMONS, JOHN Q	84042
140590036	BIG IRON PROPERTIES LLC	84042
140590042	LINDON CITY	84042
140600014	PROPERTY RESERVE INC	4600 W 7200 NORTH, LINDON, UT
130790035	PROPERTY RESERVE INC	
140590053	UTAH COUNTY SOLID WASTE SPECIAL SERVICES DISTRICT	
140600082	UTAH COUNTY SOLID WASTE SPECIAL SERVICES DISTRICT	
130790016	PROPERTY RESERVE INC	5600 W 6400 NORTH, LINDON, UT
130790016	PROPERTY RESERVE INC	5600 W 6400 NORTH, LINDON, UT
140590058	STARLINE PROPERTIES LLC	

### **BACKGROUND**

A recent concept proposal for a large fulfillment center prompted the City to consider a new zoning classification for the southwest quadrant of the Lindon/Pleasant Grove I-15 interchange. The goal of the new zone was to accommodate fulfillment center/warehouse type uses with a business park environment with a heavy emphasis on architecture and landscaping, similar to requirements found in commercial zones.

### **PLANNING COMMISSION RECOMMENDATION**

After three meetings of review and comments from the public, including land owners, the Commission recommended approval of the draft of the zoning ordinance and map presented to them on September 12, 2017. The draft presented here has some minor modifications for topic organization and clarity; those changes are presented in red.

### **HIGHLIGHTS**

- 17.054.020: Please review the **Uses** section of the code, especially manufacturing and wholesale trade, for a list of permitted land uses

- 17.054.030(1): All activity and storage must occur inside buildings with the exception of minimal promotional displays.
- 17.054.030(4): Loading operations and dock doors must be visually screened from public roadways.
- 17.054.040(2): Building setbacks are 30 feet from property lines and 50 feet from UDOT rights of way.
- 17.054.040(6): Street cross section has a meandering sidewalk with 8-12 foot parkstrips (landscaping between curb and sidewalk) and 16-20 foot landscaped planters (landscaping behind sidewalk).
- 17.054.050: Architectural design has been adapted from the existing *Commercial Design Standards*.
- 17.054.060: Parking must be set back at least 27 feet from property lines along public streets per the proposed cross section. Also, double loaded parking aisles with 28 stalls or more require specific landscape treatments. The existing standard of 40 square feet of interior parking lot landscaping per parking stall continues to apply as well.
- 17.054.070:
  - Overall landscaping requirement is 25% (CG zone is 20%, MC is 15%, and no requirement in LI).
  - Landscape strips and Parkstrips do not require turf grass, but do require 70% living vegetation.
  - Trees are required in both landscape strips and parkstrips every 30 feet with evergreens required for 30% of trees in landscape strip.

#### **ATTACHMENTS**

1. LCC 17.54 Regional Commercial Zone draft and map
2. doTERRA concept
3. Weldon concept

LINDON CITY CODE

ORDINANCE NO. 2017-11-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, ADOPTING CHAPTER 17.54 OF THE LINDON CITY CODE TO CREATE THE REGIONAL COMMERCIAL ZONE AND AMENDING THE LINDON CITY ZONING MAP TO REFLECT SAID ZONE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the proposed amendment is consistent with the goal of the General Plan to ensure that new development is of high quality and to promote Lindon as a regional center for technology and commercial facilities; and

WHEREAS, the proposed amendment is consistent with the goal of the General Plan to organize and develop land use areas to take full advantage of Lindon’s strategic location in regard to major highway amenities; and

WHEREAS, the Lindon City Planning Commission has recommended approval to adopt section 17.54 of the Lindon City Code and its associated zoning map; and

WHEREAS, public hearings were held on July 25, August 22 and September 12 of 2017, to receive public input and comment regarding the proposed amendment; and

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

WHEREAS, the Council held a public hearing on September 19, 2017 to consider the recommendation and no adverse comments were received.

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

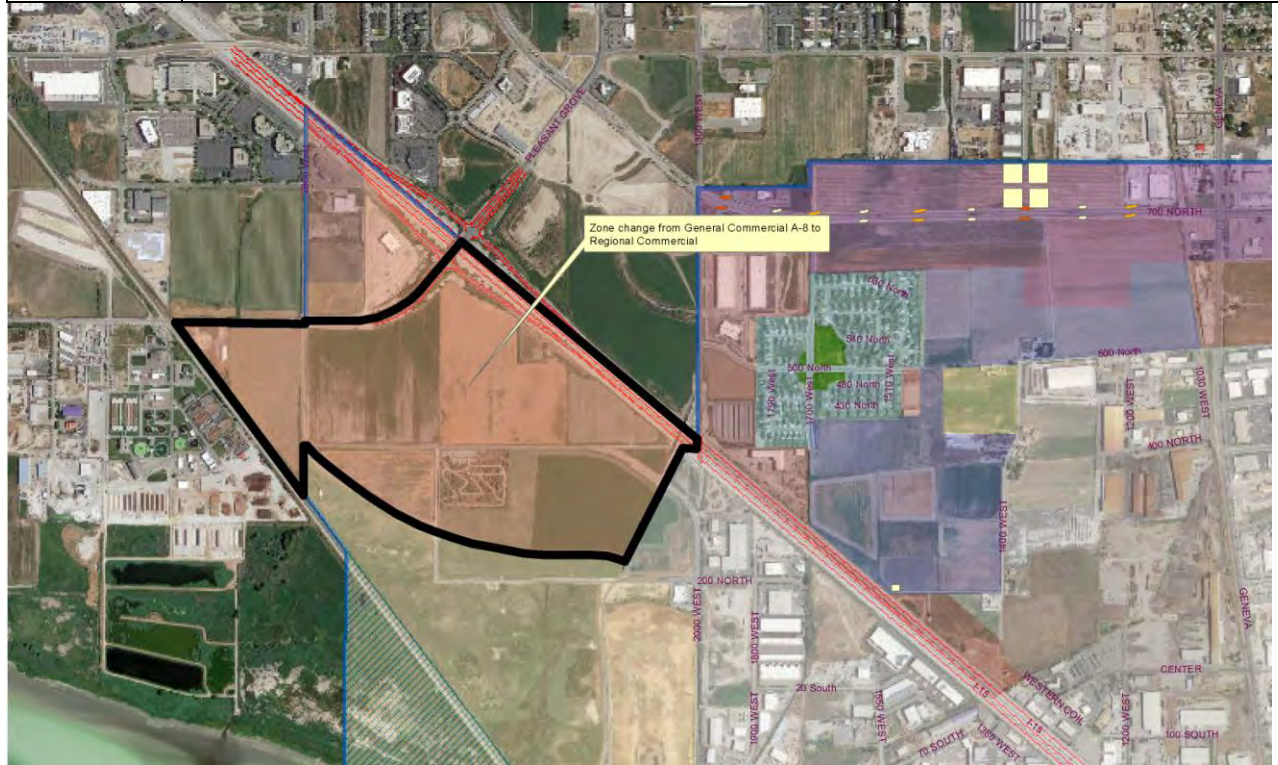
**SECTION I:** LCC section 17.54 of the Lindon City Code is hereby adopted to read as follows along with the accompanying amendment of the Lindon City Zoning Map to identify the location of the Regional Commercial zone:

2 The following parcels shall be designated as Regional Commercial as shown on the accompanying map:

<b>Parcel ID</b>	<b>Owner</b>	<b>Address</b>
140590050	UTAH COUNTY SOLID WASTE SPECIAL SERVICES DISTRICT	84042
140600073	UTAH COUNTY SOLID WASTE SPECIAL SERVICES DISTRICT	84042
140600067	UTAH COUNTY SOLID WASTE SPECIAL SERVICES DISTRICT	84042
140590051	UTAH COUNTY SOLID WASTE SPECIAL SERVICES DISTRICT	84042

LINDON CITY CODE

140600075	UTAH DEPARTMENT OF TRANSPORTATION	84042
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140590058	STARLINE PROPERTIES LLC	





## Chapter 17.54 Regional Commercial (RC) Zone

### Sections:

**17.54.010 Purpose.**

**17.54.020 Uses.**

**17.54.030 Site design and maintenance.**

**17.54.040 Development standards.**

**17.054.050 Architectural design.**

**17.054.060 Parking requirements.**

**17.054.070 Landscaping and screening**

**17.055.080 Special Provisions**

### **17.54.010 Purpose.**

1. The objective in establishing the Regional Commercial (RC) Zone is to promote opportunities and areas for commercial, service, professional and business uses.
2. The purpose of the Regional Commercial (RC) Zone is to provide areas along the interstate freeway for uses that are both compatible with and dependent on freeway visibility and access.
3. Developments should be generally upscale with attention given to landscaping, architecture, coordination of traffic circulation and building placement. Developments should provide a pleasing and functional environment that represents the quality of life in the city and also enhances employment opportunities and the retail tax base of the city.
4. The zone is to be characterized by attractively designed buildings and off-street parking lots situated among lawns, shrubs, trees, and plantings, which give a more pleasing appearance than other commercial and business zones.
5. Refer to the following Chapters and subsections for additional regulations:
  - a. a. 17.04 General and Supplemental Provisions
  - b. b. 17.18 Off-Street Parking
  - c. c. Title 18, Lindon City Sign Ordinance
6. In case of conflict between provisions of this chapter and other provisions of the Lindon City Code, this chapter shall apply.

### **17.54.020 Uses.**

The Standard Land Use Table shall not be used to establish permitted, conditional, and non-permitted uses in the RC zone. Rather, the following primary uses, and no others, shall be permitted in the RC zone:

### **Residential**

- Hotels, Motels
- Caretaker Facilities – accessory to main uses only

### **Manufacturing**

- General Food Mfg. – under 20,000 s.f.
- Candy & Other Confectionary Products
- Brewery (Liquor & Spirits) max. 1,000 s.f. and must be in conjunction with a restaurant
- All General Apparel
- Publishing, Printing, & Misc. Related Work
- Professional, Scientific, Photographic, Optical Instruments, Etc.
- Motion Picture production (permanent studios)
- High-Tech manufacturing; indoor production and storage only; may not produce objectionable noises, odors, or other externalities to the detriment of surrounding properties

### **Transportation & Utilities**

- Auto Parking Facilities – private (does not include storage of vehicles)
- Telephone Utility Lines – underground
- Television Broadcasting Studios
- Television Transmitting Stations & Relay Tower (height of tower may not exceed maximum height of zone)
- Electric Utility Lines – above ground 35 kV or greater
- Electric Utility Lines – underground
- Gas Utilities – underground
- Water Storage
- Water Pressure Control Stations
- Sewage Pressure Control Stations
- Freight Forwarding Services (no outdoor transloading or transfer of truck trailers)
- Packing & Crating Services

### **Wholesale Trade — indoor storage only**

- Drugs, Chemicals, & Allied Products Drugs, Drug Proprietaries & Druggists' Sundries Dry Goods, Piece Goods, & Notions Apparel & Accessories
- Groceries & Food Stuffs

- Electrical Apparatus & Equipment, Wiring Supplies & Construction Material
- Hardware
- Plumbing & Heating Supplies
- Professional Equipment & Supplies
- Air Conditioning, Refrigeration Equipment & Supplies
- Paper & Paper Products
- Furniture & Home Furnishings

### **Retail Trade**

- Building Material, Equipment Supplies & Hardware – indoor storage only
- Home Improvement Centers
- Direct Selling Organizations – Call Centers
- Arts, Crafts, & Hobbies
- Musical Instruments/Supplies
- Groceries &/or Food
- Candy & Other Confectionery Products
- Motorcycles, Personal ATV, Personal Water Craft, & Snowmobile Sales & Service
- Motor Vehicles/Trucks/Marine – New Vehicle Dealership only (must meet site requirements found in LCC 17.48.200)
- Gasoline Service Station with Convenience Store
- Marine Craft & Accessories
- Clothing, Apparel, & Accessories
- Furniture & Home Furnishings – indoor storage only
- Restaurants/Fast Food
- Pharmacy
- Books/Newspaper/Magazines
- Office Supplies
- Cameras & Photographic Supplies
- Gifts, Toys, Novelties, Souvenirs, & Antiques
- Florists
- Sporting Goods & Equipment
- Computer Goods & Services
- Optical Goods

### **Services**

- Professional Office Uses
- Chartered Banks, Credit Unions, and other similar financial institutions
- Security & Commodity Brokers, Dealers, & Exchanges
- Laundering and Dry Cleaning Services
- Custom Tailoring

- Commercial Janitorial
- Photographic Services
- Beauty & Barber Shops
- Massage Therapy/Personal Care Health Spa
- Child Day Care – 5 to 16 children
- Commercial Preschool
- Catering Services
- Blueprinting & Photocopying
- Research, Development, & Testing Services
- Photo-Finishing
- Motion Picture Distribution & Services
- Watch, Clock, & Jewelry Repair
- Medical, Dental, & Health Clinic Services/small outpatient type services
- Hospital Services
- Medical & Dental Laboratories
- Veterinarian Services, Animal Hospitals – small animals only
- Private Primary & Secondary Schools
- Universities & Colleges
- Professional & Vocational Schools
- Art, Music, Dancing, Tumbling, Martial Arts, & Gymnastics Schools
- Driving Schools
- Civic, Social, & Fraternal Associations

#### **Public Assemblies**

- Museums/Art Galleries
- Motion Picture and Stage Theaters
- Dance Club/Music Venue
- Exhibit Halls
- Convention Centers
- Amusement Parks
- Arcades & Miniature Golf
- Golf Driving Range
- Recreation Center/Bowling Lanes/Roller Skating Rink
- Water Slides

Secondary or ancillary uses to the primary uses listed above may be allowed when such use does not detract from the primary use and does not occupy more than 20% of the site or constitute more than 20% of the business revenue.

It is recognized that new types of land uses will develop and various forms of land uses not anticipated may seek to locate in the RC zone. The ~~Planning Commission~~Land Use Authority and City Council shall

review unlisted land uses based on specific criteria established in the Compatibility Standard in Appendix A Standard Land Use Table of the City Code after a complete application is received by the City.

**17.54.030 Site design and maintenance.**

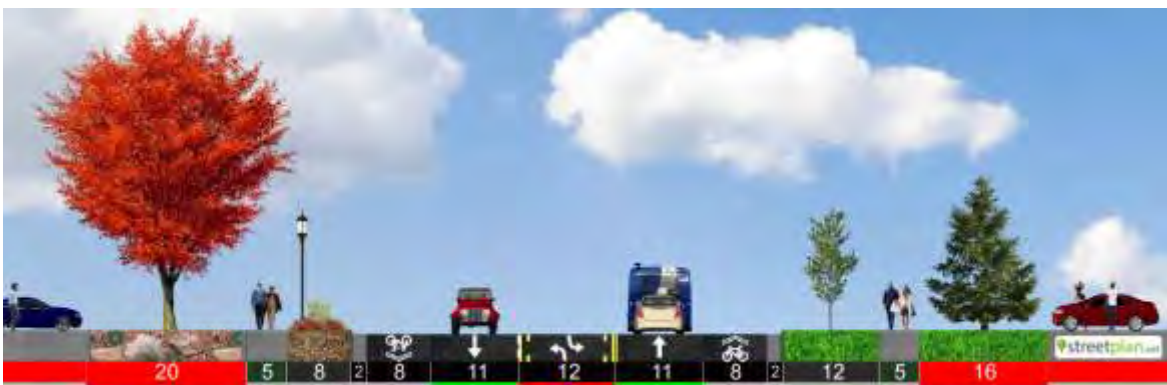
1. External Storage and Activities. With the exception of the following paragraph below, all uses except surface parking shall be conducted within a completely enclosed building. All storage of product and material used shall be in a completely enclosed building constructed with the same exterior finish as the main building.
  - a. Promotional displays may be displayed outside of an approved building or enclosed area so long as they are placed appurtenant to a building wherein the business displays the bulk of its goods for sale. Vehicles sales lots may display vehicles for sale outside of a building in accordance with the requirements found in 17.48.200.
    - i. This subsection shall not apply to temporary site plans under 17.17.
    - ii. Landscaped areas and parking lots shall not be used for the displaying of merchandise.
    - iii. Stacking of merchandise or materials of any kind shall not be allowed to protrude above required walls or fence lines unless approved by a temporary use permit.
2. Solid waste. Any solid waste receptacle shall be placed in an entirely sight-obscuring enclosure that is at least one (1) foot higher than the receptacle with a minimum height of six (6) feet and constructed on three (3) sides of masonry with a similar exterior finish as the main building, and gated on the fourth side with a minimum access width of fifteen (15) feet. Solid waste receptacles shall be located to the rear.
3. Mechanical Equipment. All mechanical equipment incidental to any building, including roof mounted mechanical equipment, shall be screened so as to be an integral part of the architectural design of the building to which it is attached or related.
4. Loading. Loading operations shall either be conducted within the building or be screened so as to not be totally visible from a public street, and conducted in such a way that in the process of loading or unloading, no vehicle will block the passage of other vehicles on the service drive or extend into any other public or private drive or street used for traffic circulation. Dock doors shall be screened from public streets through the use of screen walls, hedges, evergreen trees, berms, other landscaping or a combination of screening mediums as approved by the Land Use Authority.
5. Lighting. On-site lighting shall be designed to discourage the occurrence of graffiti and enhance a crime prevention environment and shall not glare into adjacent residential areas.
6. Maintenance of Premises.
  - a. No excessive or offensive noises, dust, odor, smoke or light shall be emitted which is discernible beyond the site or parcel boundary lines in question, except that which emanates from the movement of motor vehicles. Premises shall be maintained in such a

manner so as to avoid unreasonable interference with adjacent uses and to avoid public nuisances.

- b. No person shall store junk, unlicensed and/or inoperable vehicles, partially dismantled vehicles, or salvaged materials outside a building.
- c. No trash, rubbish, or weeds shall be allowed to accumulate on any lot in the RC zone. The space around buildings and structures shall be kept free from refuse, debris, and weeds. All waste shall be concealed from view from adjacent property.
- d. The architecture, appearance, and aesthetics of all buildings, structures and edifices in all commercial zones shall be maintained to reasonable upkeep and maintenance standards.

#### 17.054.040 Development standards.

1. Lot area. The minimum size of any lot shall be 20,000 sq. ft.
2. Building setbacks. All buildings and structures shall be set back a minimum of thirty (30') feet from all property lines and fifty (50) feet if located along or adjacent to a UDOT right of way.
3. Building height. No building shall be constructed to a height exceeding eighty (80') feet. (See LCC Section 17.02.010(26)).
4. Frontage. ~~The minimum frontage along a public street shall be one hundred (100') feet. Every lot or parcel in the RC zone shall have a minimum frontage of one-hundred (100) feet upon a public street or upon a private street or right of way.~~
5. Landscaping; see LCC 17.054.070.
6. Street Cross Section.
  - a. The city right of way is 66 feet.
  - b. The street cross section for public roads in the RC zone shall consist of:
    - i. 50 feet of asphalt; and
    - ii. 2 foot curb and gutter on each side of the street; and
    - iii. 8-12 foot meandering parkstrips on each side of the street; and
    - iv. 5 foot arrhythmically meandering sidewalks on each side of the street; and
    - v. a 16-20 foot planter strip behind the sidewalk on each side of the street.
  - c. Property lines begin six (6) feet back of curb.
  - d. A public sidewalk and street light easement of 11 feet is required on private property per the cross section.
  - e. For additional landscaping requirements see LCC 17.54.070 below.



7. Street Lights.
  - a. City street lights shall be placed at 100 foot intervals two (2) feet in front of sidewalk along public roads; and
  - b. shall be Washington Postlite LED street lights along street frontage and Esplanade LED street lights at intersections per the specifications in the Lindon City Land Development, Policies, Standard Specifications and Drawings manual.
  - c. Street light installation occurs when land is subdivided or when sites are improved (in the absence of a subdivision) which contain frontage where lights would be placed if the land were being subdivided.
8. Site Plan applications must meet requirements found in LCC 17.17 and in the Lindon City Land Development, Policies, Standard Specifications and Drawings manual.

#### **17.054.050 Architectural design**

The RC zone has specific design standards as outlined below, and, unless otherwise referenced, *does not* fall under requirements of the Lindon City Commercial Standards.

##### **1. Massing and Orientation**

- a. Breaking up large buildings (over 20,000 square feet) with multiple bays is required, and each façade should provide a meaningful purpose such as individual entrances to the larger building. On large buildings the façade should be broken up every 50 feet with color, change of building materials, depth, height, or other architectural characteristics. On smaller buildings, the break in façade should be every 30 feet. Appropriate detailing, scale, and proportion area elements that can be addressed through facade design.
- b. Orient buildings to the main street. If a building is on a corner lot, it may have a corner orientation.
- c. All building elevations shall be architecturally detailed, including non-street facing elevations.
- d. Differentiate between the ground floor and upper floors by providing for depth and variation in a façade through the use of different colors, materials, and other details.
- e. Building articulation is important to visually engage the populace. This can be accomplished through façade modulation, use of engaged columns or other expressions of the structural system, horizontal and vertical divisions through differing textures and materials.
- f. Variation in rooflines is appropriate through the use of dormer windows, overhangs, arches, stepped roofs, gables or similar devices.
- g. Avoid flat looking walls/facades and large, boxy buildings. Break up the flat front effect by introducing projecting elements such as wings, porticos, bay windows, trellises, pergolas, port-cocheres, awnings, recessed balconies and/or alcoves, cornices, or other offsets, changes in plane, and changes in height. Staggered bays will also contribute to a greater definition of a façade.

## 2. Exterior Walls and Surfaces: Building Materials

- a. Masonry building materials, such as brick, stone, and colored decorative concrete block, are highly preferred for use as the primary building material (60% or greater) of commercial development. Fenestration can also be used to count toward the 60% of the recommended building materials. Many varieties and colors of brick or stone are available and acceptable for use. Other materials may be considered for use as a primary building material, based on review by the [Planning Commission Land Use Authority](#).
- b. Secondary building materials may include brick, stone, colored decorative concrete block, stucco, wood/cement fiber siding & timbers and other materials as approved by the [Planning Commission Land Use Authority](#).
- c. Concrete tilt up construction is permitted when stamped, stained, or textured panels are used to add character and appeal to the building; wainscot is also recommended to break up the façade; use change of color or change of material to break up large walls of cement; plain cement panels without decorative features are not permitted; windows can also be used to add character and break up the wall area.
- d. No buildings shall have blank, flat walls.
- e. Use primary building materials for facades that front onto public ways. Secondary building materials may be used as accents on these facades or on less visible facades.
- f. All roof drains, conduit and piping for any mechanical system shall be located in the interior of the building.

## 3. Texture, Colors, Finishes

- a. Avoid large areas of the same color and/or materials with no relief. Conversely, avoid the use of too many materials and/or colors, which may create busy or incongruous facades.
- b. Earth tones are generally preferred over harsh or loud colors, except where more vibrant colors are used as accents to the primary colors. *A color palette of Utah earth tones as found in the Lindon City Commercial Design Standards is to be used as a reference guide to color selections in developments.*
- c. Simplicity is encouraged regarding color. Excessive amounts of different colors should not be used. Brighter colors are recommended for use as accents only.
- d. Vary colors and materials to break up the monotony in larger developments.

## 4. Windows and Doors/Fenestration

- a. Building entries shall have one or more of the following treatments: canopy, overhang, awning or arch; recesses or projections in the building façade including display windows surrounding the entrance; peaked roof or raised parapet structures over the door.
- b. Windows at the ground level should generally be of clear glass, and placed at a height that relates visual connection of indoor and outdoor environments.
- c. Avoid blank facades with no fenestration.



- d. Avoid the use of dark-tinted or reflective glass windows. Where possible, awnings, balconies, eaves, arbors, landscaping, and other shading devices are effective, and can be far more visually interesting.
- e. Materials for framing windows shall be compatible to the primary exterior material. Aluminum or similar framing materials that do not match are discouraged.
- f. Consider the use of canopies or awnings on windows that directly abut pedestrian walkways to provide protection from the elements.
- g. The ground floor of the primary façade shall be 60% fenestration at the pedestrian level.
- h. A significant amount of the primary ground story façade facing public streets, easements and other right-of-way corridors should be transparent glazing, to enhance the pedestrian environment, to connect the building interior to the outside, and to provide ambient lighting at night.
- i. Dark and obscure glazing should not be used at the ground level, except where harsh solar conditions cannot be controlled with other devices.

#### 5. Architectural Styles: Exterior Trim and Decorative Detailing

- a. Materials for trim and details shall be compatible with the primary exterior material. Detailing should be authentic with the characteristics and capabilities of the materials.
- b. Excessive ornamentation is not recommended.
- c. Avoid use of pasted on details that do not reflect internal pattern of building or are not proper use of materials.
- d. Exterior materials, massing, modulation, etc., should relate to the indoor function and use of the structure.
- e. Some form of detailing or fenestration should be used every 15 to 25 feet along each side of small building (every 30' to 40' for large buildings). Windows, doors, art or architectural detailing at the first floor level are all options for a blank wall.
- f. Enhance buildings with usable details and accents, such as a covered porch or walkway.
- g. Utilize colors, textures, and changes in building material to give definition to the façade.

#### 6. Roofing

- a. Use no more than two roof types in a single structure i.e. a primary and secondary roof type.
- b. Variations in rooflines through dormer windows, overhangs, arches, stepped roofs, gables or other similar devices promote visual interest.
- c. Parapets require cornice treatments.
- d. Roof materials visible from the street (i.e. sloped roofs), should be harmonious in texture, color, and material with other building materials.
  - Sloped roofs should be carefully designed to shed snow away from all pedestrian ways.

## 7. Mechanical and Service Areas

- a. Mechanical, electrical, and communications equipment such as heating and cooling units, transformers, control boxes, and antennas should not be located on primary facades.
- b. Rooftop mechanical units are desirable where possible, and should be screened from view with integrated architectural elements (walls, parapets, etc.).
- c. Ground mechanical units must be screened from view with wing wall, landscaping, or a combination of both.
- d. Appropriate vegetative buffers shall be placed to screen and buffer all utility boxes and pedestals.
- e. Meters, stacks, and service pipes should be located conveniently for service and use, but not on primary façades.
- f. Loading docks should be located near parking facilities, in alley ways or private drive aisles, and designed or screened in a way that minimizes their visual impact.

### **17.054.060 Parking requirements.**

1. All parking spaces, parking areas and driveways shall be constructed in accordance with standards established in LCC 17.18 - Off-Street Parking and the Lindon City Development Manual, titled "Land Development Policies, Standard Specifications, and Drawings." Off street parking shall also be subject to the following standards in the Regional Commercial (RC) Zone:
2. Parking setbacks. All parking areas shall be set back a minimum of twenty-seven (27) feet from all dedicated public streets, as measured from property lines and ten (10) feet from exterior boundaries of the zone.
3. Structured parking. Any parking structure above the finished ground elevation shall have the same setback requirements as outlined for buildings, and shall be architecturally integrated through use of the same or similar materials, colors, rhythm, landscaping, etc.
4. Parking structure height. Freestanding parking structures shall not be taller than four stories.
5. For parking areas with 28 or more total parking spaces in a double-loaded aisle, landscaping shall include at least a five feet by thirty-six feet (5' x 36') landscape area with two trees at each end of the aisle and incorporate one of the three options below:
  - a. a 5' x 36' landscape area with two trees placed 10 parking spaces apart;
  - b. a 5' landscaped median with trees planted 40' apart; or
  - c. other similar designs that disperse landscaping throughout the parking area and are acceptable to City staff.
6. Where a parking area on a site is more than 120,000 square feet, the parking area must contain the following elements (parking areas in structures are not included):
  - a. Internal access ways shall divide the parking area into smaller areas that are no greater than 60,000 square feet;

- b. These access ways are intended to direct business traffic to and from the adjacent street or between individual sections of the parking lot and provide safe pedestrian routes from parking areas to the building or use; and
  - c. Each internal access way shall have at least one auto travel lane, curbs, landscaping, and unobstructed sidewalks on both sides that provide pedestrian access to the building on the site, and shall be designed in the following method:
  - d. The sidewalks must be at least 6 feet wide. There must be a planting strip at least 4 feet wide adjacent to the access way. The planting strip must be between the curb and the sidewalk, and be landscaped and irrigated with grass or other living vegetation with 2" caliper trees at least 6' tall planted every 20' and centered within the planting strip.
  - e. The internal access ways and associated landscaping are excluded from the portion of the parking and loading area used to calculate required interior landscaping.
7. Interior access roads require a minimum landscape strip of 5 feet on both sides of the roadway.

#### **17.054.070 Landscaping and screening**

1. Landscaping objectives. Landscaping plans shall be prepared with a view toward accomplishing the following design objectives (plans will be approved or denied based on how well these objectives are satisfied):
  - a. Enhance the visual environment by:
    - i. Adding visual interest through texture, color, size, shape, etc., and
    - ii. Enhancing perspective by framing views complimenting architecture, screening and creating points of interest and activity.
  - b. Ensure public safety by:
    - i. Guiding the circulation of cars and people,
    - ii. Controlling access to parking lots,
    - iii. Making traffic diverters prominent, and
    - iv. Creating street identification by varying the species, height, and location of landscaping.
  - c. Minimize noise and glare.
  - d. Conserve energy and water.
  - e. Complement architecture by landscaping around buildings.
  - f. Screen areas of low visual interest.
2. Overall landscaping plan. With the application for site plan approval, an overall landscaping plan shall be submitted. Landscaping plans shall show details on specific types and locations of trees and shall also identify areas to be sod or other types of vegetation or ground cover. Additional 'interior parking lot landscaping' may be required per LCC 17.18 [and LCC 17.054.060](#).
3. Open space. A minimum of twenty-five percent (25%) of each lot shall be maintained in permanent landscaped open space. Any areas of the site plan not covered by building, parking, etc. shall be landscaped. Developments approved in phases are required to install landscaping for each respective phase at the time of development.

4. Landscaping Strip (landscaping behind sidewalk). Unless otherwise approved by the Land Use Authority, a landscaped strip sixteen (16) to twenty (20) feet in width (based on meandering location of sidewalk) shall be planted with living plant material and maintained in a living, growing condition along all public street frontages.
  - a. The measurement of the sixteen (16) to twenty (20) feet in landscaping will be measured from the back of the meandering sidewalk.
  - b. Thirty (30%) percent of the landscaping strip may consist of decorative rock, bark, mulch, and/or other ground covers other than live plant material. A planting/landscaping plan detailing types of ground covers, weed barriers, sprinklers, etc., i.e. the non-grass areas shall be submitted and approved by the Planning Director.
  - c. Gravel, Rocks, And Boulders: Because rock, gravel and other hard surface materials as a ground cover retain and emit heat during the summer months when water is scarce, they may not be used within a thirty six inch (36") radius (72 inch diameter) of any landscape strip tree. Otherwise, gravel, rocks, and boulders, may be used on portions of the landscape strip. Rocks used as groundcover must be between one and one-half inches (1.5") and four inches (4") in size or over one foot (1') in size. Rocks of over one foot (1') in size must be located at least one and one-half feet (1.5') from the back of curb and the edge of the sidewalk.
  - d. Trees shall be planted thirty (30) feet on center, centered from the edges of the strip in all required landscaped and bermed areas. Where street trees are required for park strips and street frontage landscape strips, trees may be alternated every thirty (30') feet on center between the park strip and street frontage landscape strip. At least 30% of the landscape strip trees shall be evergreens.
  - e. Landscaped Berms. Where possible, landscaped berms shall be constructed within required landscaped strips along public street frontages according to the following standards:
    - i. Berms shall vary in height and shall be sculptured with enclaves, protrusion, etc. Berms shall be at least from one and one-half (1½') to three (3') feet in height with an average height of two (2') feet.
    - ii. The maximum allowable cut or fill slope is three feet (3') horizontal distance for one foot (1') of rise. Slopes steeper than (3:1) will require retaining walls or other types of approved slope stabilization methods on the interior-facing side of the lot. The slope of the berm shall be such as to be mowable with a standard rider mower.
    - iii. Berms are not required where slopes within the required landscaped strip are excessive and would not reasonably accommodate berms, as determined by [Planning Commission Land Use Authority](#).
5. Park Strip (the landscaping between the curb and the sidewalk).
  - a. The property owners shall be responsible for the installation and maintenance of landscaping and fencing on private property and in the abutting public right-of-way, unless otherwise determined by Lindon City. The installation and maintenance of park strip improvements shall be the responsibility of the abutting property owner in all

areas of the City, unless otherwise determined by the City. Park strips shall be a minimum of eight (8) feet and maximum of twelve (12) feet with 70% landscaped with living plant material and City-approved shade trees, located every thirty feet (30') on center.

- b. Gravel, Rocks, And Boulders: Because rock, gravel and other hard surface materials as a ground cover retain and emit heat during the summer months when water is scarce, they may not be used within a thirty six inch (36") radius (72 inch diameter) of any landscape strip tree. Otherwise, gravel, rocks, and boulders, may be used on portions of the landscape strip. Rocks used as groundcover must be between one and one-half inches (1.5") and four inches (4") in size or over one foot (1') in size. Rocks of over one foot (1') in size must be located at least one and one-half feet (1.5') from the back of curb and the edge of the sidewalk.
6. Trees. Recommended trees may be found in the list of tree species located in the Lindon City Tree Planting Guide and, unless otherwise specified, shall be at least 2 inch caliper, measured one (1) foot above the ground and shall be at least six (6) feet in height when planted.
7. Sprinkling and irrigation. All plantings shall be serviced by an acceptable underground automatic irrigation or sprinkler system, and maintained in a healthful living condition. Dead plant materials shall be replaced as necessary within the first year of planting.
8. Landscaping around buildings. A perimeter landscape strip at least ten (10') feet wide shall be placed around all buildings with the exception of loading/dock areas.
9. Concrete curbing shall be provided between landscaped areas and off-street parking areas that is as at least six inches (6") higher than the parking areas. Landscaped areas on the site must be delineated with raised curbing to protect plant materials from vehicular damage.
10. Paving materials, water features and sculpture may be included as landscape design materials, provided such create useful open space, add color and texture to the design and create visual interest. Such materials may not cover more than ten percent (10%) of the required landscaped area.
11. Landscaping requirements concerning berming, trees, and landscape materials can be changed and/or altered (with regard to location and design) upon approval of the [Planning Commission](#)~~Land Use Authority~~ at the site plan review stage of an application. No net loss of landscaping should occur with any approved alterations.

#### **17.054.080 Special Provisions**

1. The requirements of this section shall run with the land and be binding on successors, owners and tenants so long as the buildings are occupied or the use exists.
2. The owners of a commercial development which contains more than one (1) parcel of record or which has more than one (1) owner may be required by the approving authority to submit documents to the city for approval which assure unified control of the development.
3. Any person who desires to occupy vacant floor space, or to change the use of the floor space shall be required to first obtain a certificate of occupancy from the city. Any person constructing or altering a building in the RC zone shall first obtain a building permit from the city for such

construction or alteration and then shall obtain a certificate of occupancy from the city before the building being constructed or altered is occupied.

4. If the city determines that the developer, tenant, manager, owner or any other interested person, firm or corporation has failed to maintain the premises consistent with all applicable zoning, health, safety, and building codes and ordinances, the city shall so notify said persons, firms or corporation by written notice specifying the deficiency complained of, and unless such failure is corrected to the satisfaction of the city within thirty (30) days, such failure or deficiency shall be deemed to constitute a "public nuisance" which may be abated in any lawful manner including but not limited to the manner set forth in Title 10, Chapter 8, Utah Code Annotated 1953, as amended.

LINDON CITY CODE

4 **SECTION II:** The provisions of this ordinance and the provisions adopted or incorporated by  
6 reference are severable. If any provision of this ordinance is found to be invalid, unlawful, or  
8 nevertheless be unaffected and continue in full force and effect.

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

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

18 PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this  
20 \_\_\_\_\_ day of \_\_\_\_\_, 2017.

22 \_\_\_\_\_  
24 Jeff Acerson, Mayor

26 ATTEST:

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

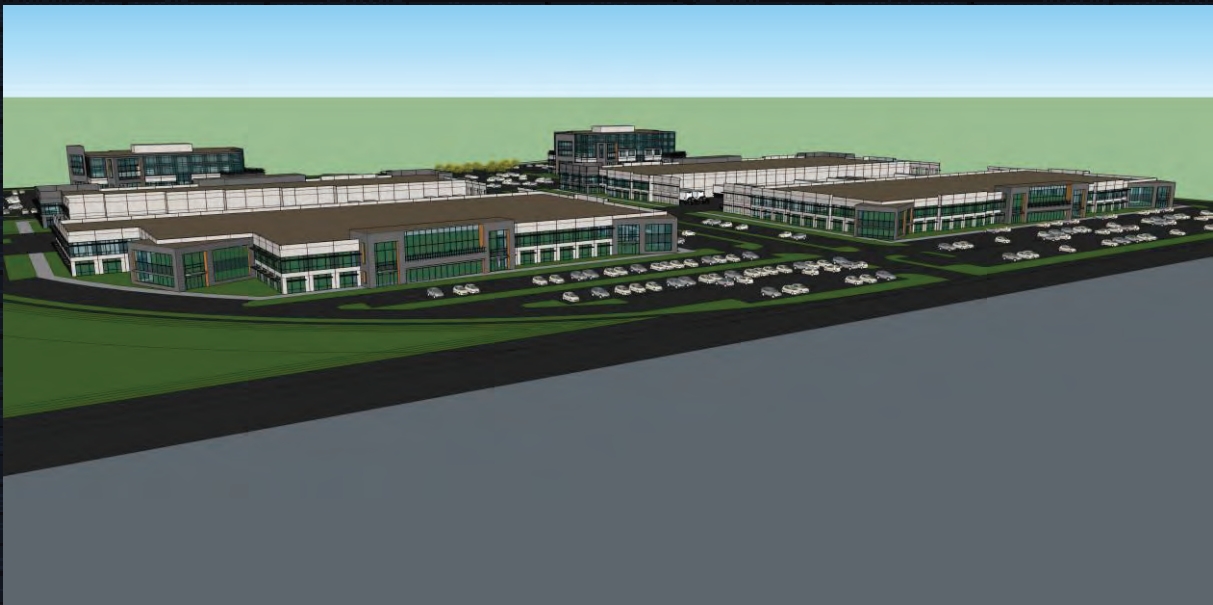


VIEW FROM 400 NORTH WITH SCREENING  
doTERRA Distribution Center





AERIAL VIEW  
doTERRA Distribution Center



**10. Review & Action — Bureau of Reclamation Contract for North Union Piping Grant** (5 minutes)

The City Council will review and consider an agreement / contract between Lindon City and the Bureau of Reclamation for terms and conditions associated with a grant award to assist in piping sections of the North Union Canal. The awarded grant is for up to \$258,922 and requires previously committed \$300,000 match from Lindon City plus \$15,000 match from North Union Canal Company. Design will begin this fall with bidding through this winter and actual construction in the fall/winter of 2018-19. The majority of city matching funds will be appropriated in FY2018-19.

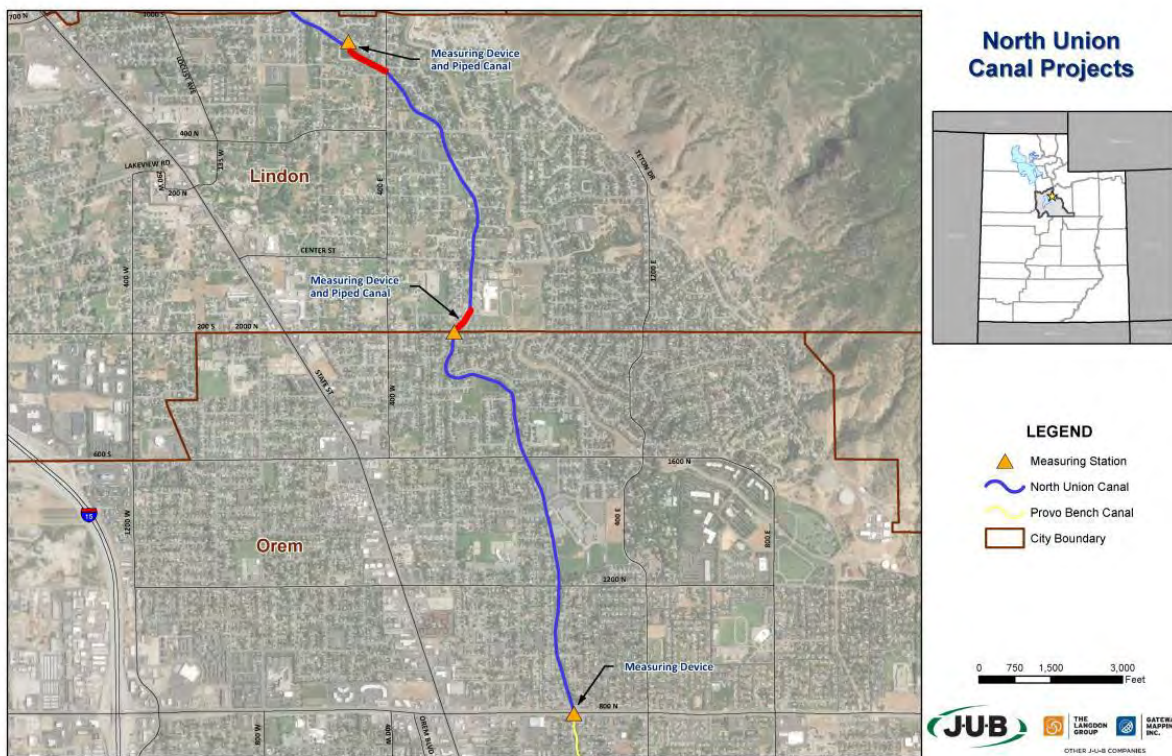
See attached application that was submitted to the Bureau of Reclamation (BOR) for grant funding to assist in piping portions of the North Union Canal. The application was for a WaterSMART Grants for Water and Energy Efficiency projects for federal fiscal year 2017. The City was selected for grant funding for up to \$258,922. This project will pipe certain portions of the canal, but will not be sufficient to pipe the entire canal. Rough estimates for piping of the entire canal through Lindon City exceeds \$1.25 Million (not including water use measuring devices or engineering).

The BOR time schedule has been extremely rushed after we received notice of this grant award. They are working on the Agreement of Terms to be approved by Tuesday **but are behind schedule and have not yet sent it to the City. Their staff hopes to have it to us ASAP. We will forward it to the Council as soon as we receive the draft.** If we have not received it by Tuesday with sufficient time for review, we ask that the Council authorize the Mayor to sign the agreement after it has been reviewed and agreed upon by our City Attorney and Engineering staff.

**Sample Motion:** I move to (approve, continue, deny) authorize the Mayor to review and sign the Agreement with the BOR for the awarded WaterSmart Grant to pipe portions of the North Union Canal.

## 5. SCOPE OF WORK AND MILESTONES

Under this Agreement, Recipient will construct approximately 1,325 lineal feet of 48-inch Class III reinforced concrete pipe in two sections of deteriorating concrete-lined canal in Lindon City, UT. Recipient will also install access points every 300 feet, and will install measuring devices and telemetry in three locations, two of which will be solar-powered. The project is estimated to conserve approximately 635 acre-feet of water annually.



The milestones for completing the scope of work are:

Milestone / Task / Activity	Planned Start Date	Planned Completion Date
Complete Environmental Compliance Review	Oct 2017	March 2018
Advertise Construction Contract for bid and award contract	March 2018	April 2018
Contractor orders equipment and supplies, mobilizes to site	Oct 2018	Nov 2018
Construction of the pipeline (substantial completion)	Oct 2018	March 2019
Inspection and testing of the pipeline	March 2019	June 2019

## Executive Summary

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Date: January 18, 2017

Applicant Name: Lindon City, Utah

City, County, State: Lindon, Utah, Utah

Project Funding Request: \$258,922.00

### Project Summary

The North Union Canal Piping Project will pipe 1,325 linear feet in two sections of deteriorating concrete-lined canal running through developed neighborhoods and commercial areas in Lindon City. According to a water loss study performed by NRCS, nearly 23.16% of water, or 602.7 acre-feet annually is lost in the canal in the failing section from 400 East to the Zone III Reservoir; 1.4%, or 33 acre-feet, is lost in a 475-foot section at 200 South. These improvements will solve several existing and future system deficiencies including water loss and risk to residents. Water seepage and overflow from the under-sized canal leaks into yards and basements of nearby houses. Water saved by this project will contribute to energy generation along the Provo River as Lindon City will divert less water from the river above a hydropower generation plant.

**This project will conserve a total of 635.7 acre-feet annually in conveyance losses.** This amount constitutes about 32% of 2,000 acre feet the City receives from the canal annually.

**By contributing more water to hydropower generation, this project will produce 95,355 kWh of energy and save \$34,964 in power loss charges each year.**

### Estimated Schedule

Environmental work and design of the North Union Canal Piping will begin upon agreement with USBR in October 2017. The design will be completed and project bidding will occur July to August 2018 for construction beginning after the water is out of the canal in October 2018. Construction will be substantially complete by April 2019 and the new pipe will be in service by late April 2019.

## Executive Summary & Project Description

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Final completion of incidental project work and final reports will be completed in May of 2019.

### **Federal Facility**

Lindon City receives water through the North Union Canal which delivers water from Jordanelle and Deer Creek Reservoirs, both Reclamation projects. The City has 924 acre-feet of contract water from the Jordanelle Project, part of Reclamation's Central Utah Project. The City also owns a share in the Central Utah Project. Deer Creek Dam and Reservoir are part of Reclamation's Provo River Project.

### **Background Data**

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Lindon City, a suburban community located 37 miles south of Salt Lake City, is home to 10,810 residents. The City extends east to the Wasatch Mountains and west to Utah Lake. Being located near major employment and education centers, Lindon has seen steady growth and changing land uses over the last decade.

The City and its leaders have worked diligently to ensure adequate water for current and future residents, businesses and institutions. To meet demands, the City constructed a pressure irrigation system which began service in 1993. The North Union Canal (NUC), fed with a diversion from the Provo River, is the primary delivery system of water into the City's pressure irrigation system. Lindon is a majority shareholder in the NUC and has worked in partnership with the irrigation company to improve water supply sustainability, conservation and management.

## Executive Summary & Project Description

### Need

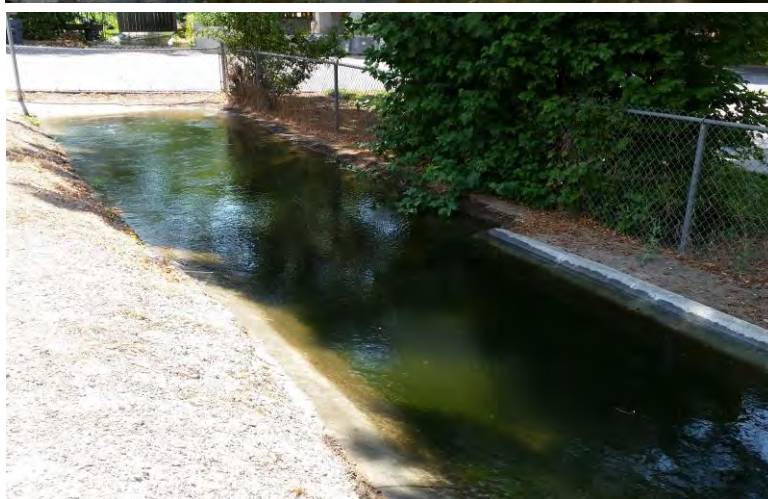
The NUIC system is mainly comprised of a crumbling open canal running through developed suburban communities. The open canal creates many problems for water supply, delivery, maintenance, and nuisance water in adjacent properties.

### System Deterioration

The North Union Canal was originally constructed between 1852 and 1864. Concrete liner was added in the 1940s and 1950s. The concrete liner in many areas is deteriorating and cracking causing water losses through seepage. In the most urgent section to be addressed by the proposed project, the liner has collapsed, creating cavities behind the liner wherein significant water losses are occurring.

### Water Losses

An NRCS study conducted in September 2016 (See Attachment A) determined that the loss rate over the length of the canal in Lindon was 31% or 905.5 acre-feet annually. In the two sections that will be piped as part of this project, the annual losses total 635.7 acre-feet. The major section to be piped creates 602.7 acre-feet



*The canal does not have the capacity to carry the full water right and water is lost as it spills over the bank.*

## Executive Summary & Project Description

of the total 905.5 acre-feet in losses; about 66% of the canal losses are realized in this urgent section.

### Limited Capacity

The current capacity of the NUC is insufficient to carry the City's full flow right from the river. At only 8 feet wide, during peak flow times the canal spills over the edge in some areas. Due to slope, the current maximum capacity ranges from 13.6 cfs to 22.3 cfs depending on the section. Once the canal is piped, the capacity will increase.

### Risk to Residents

The canal winds through neighborhoods and along backyards. The failing liner causes seepage into adjacent yards. Because of this nuisance water, homeowners in some parts of the City must operate small pump systems to prevent their basements from flooding.



*Cracking in the concrete liner causes water to seep into adjacent yards and properties.*

### Maintenance Concerns

The open canals create continual maintenance issues for the City and the irrigation company. The canal runs through private yards with limited space on either side. There is no access road for irrigation company personnel. The canal is too narrow to accommodate large equipment so repairs and cleaning must be done with smaller, less efficient equipment or manual tools. The water master and his crew must walk the ditch with rakes and shovels to remove debris and weeds. Weeds, moss and debris build up and impede water flow and cause spillage. Large trees have grown on the edge of the canal lifting and pushing the concrete liner.



*Debris must be removed manually because of the limited space available to access the canal.*



## Executive Summary & Project Description

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### *Lack of Information*

Lindon City and the North Union Irrigation Company have concerns about the best management of the water in their system. The measurement devices that do exist have not been functional for many years. Without this data, City officials and NUIC personnel do not have sound data as to water usage and availability.

### *Solutions*

Replacing the open canal with an enclosed piped system would resolve the issues from an aging, open canal. There would no longer be massive delivery and evaporative water losses. Nearby properties would no longer be at risk of seepage and nuisance water. The irrigation company would not need to manually maintain miles of canal.

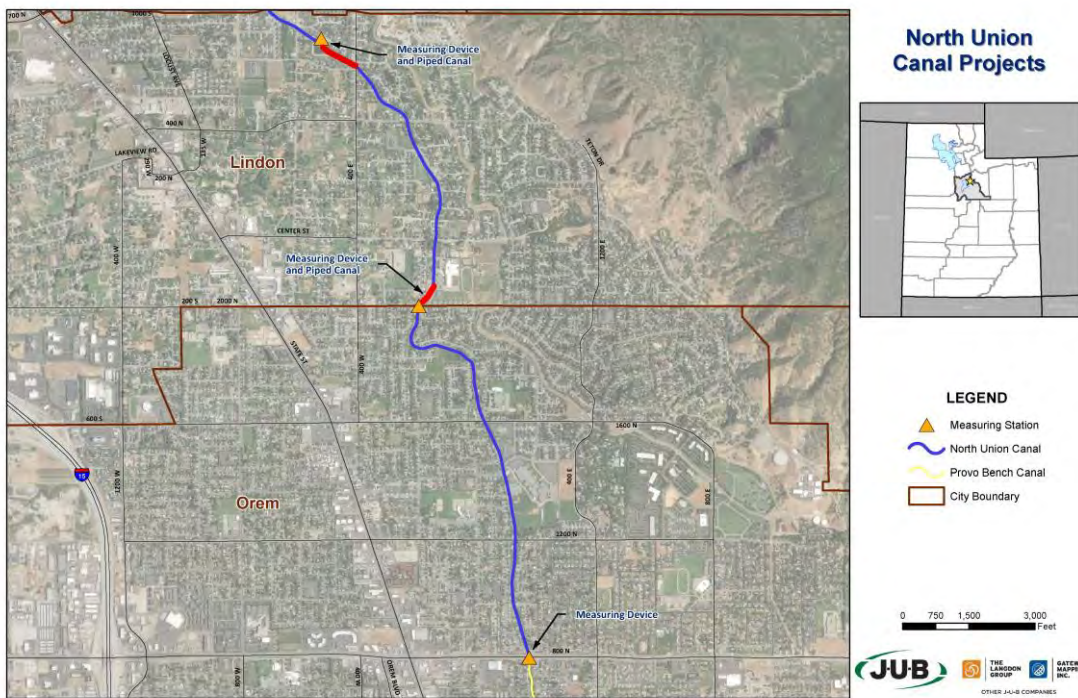
Measuring devices will give the City and Irrigation Company the ability to more efficiently manage their water to meet real-time needs.

The proposed WaterSMART project is an important step in moving toward an efficient, effective irrigation system in Lindon.

## Executive Summary & Project Description

### Map

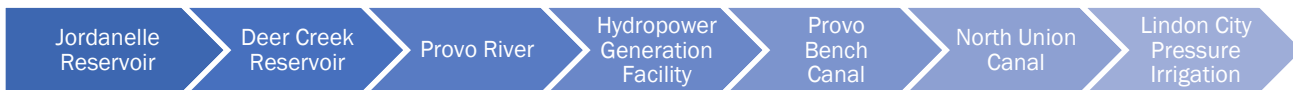
Please see Attachment B for a larger map.



### Sources of Water Supply

#### Reservoirs and Provo River

The NUC provides primary delivery of water to Lindon City’s pressure irrigation system. The NUC is fed by the Provo Bench Canal which receives a diversion from the Provo River at the mouth of Provo Canyon.



## Executive Summary & Project Description

### Alpine Aqueduct

Due to insufficient water supply from their river diversion, Lindon City must often take water from the Alpine Aqueduct which also receives water from the Provo River. However, the aqueduct water is diverted before a power generation plant so when the City uses aqueduct water they must pay a power loss charge.

The 21-mile long Alpine Aqueduct is also used for drinking water. It tunnels through a nearby ridge then continues in a concrete pipeline to the Utah Valley Water Treatment Plant in Orem. Treated water is then delivered from the plant to north Utah County communities by a continuation of the Alpine Aqueduct, branching reaches, and various other distribution systems.



### Water Rights Involved

Lindon City and other North Union Canal shareholders have a flow right of the Provo River by decree, but the flow right can be reduced depending on how much water is actually available in the river.

#### Flow Right by Decree

Period	No. Days	North Union (cfs/share)	Provo Bench (cfs/share)
April 15 to May 10	26	0.02156	0.04074
May 11 to June 20	41	0.02647	0.05000
June 21 to July 20	30	0.02395	0.04525
July 21 to October 15	87	0.02156	0.04074

## Executive Summary & Project Description

<b>LINDON CITY-OWNED WATER SHARES</b>	
Source	# of Shares
North Union Canal (NUC) shares	618.832
Trade with Orem City for additional NUC shares	141.985
Rent shares in NUC	11
<b>Total NUC shares owned by Lindon City</b>	<b>771.817</b> (57.6% of total NUC shares (1,340.37))
Provo Bench Canal (PBC) shares	92.18
Rent PBC shares from Alpine School District	26.050
<b>Total PBC shares owned by Lindon City</b>	<b>118.23</b> (6% of total PBC shares (1,997))

### Current Water Uses

Lindon City's water is used primarily to water lawns and gardens. The City and its residents value green space and open space. There are some small agricultural users with orchards, fields and pastures.

### Number of Water Users Served

The table to the right identifies the number of service connections to Lindon's pressure irrigation system.

Service Connections	
Service Size	Number
1 – inch	2,268
1 1/2 – inch	82
2 – inch	74
4 - inch	1
Total	2,425

### Current and Projected Water Demand

In 2014, City irrigation water use totaled approximately 3,821.3 ac-ft per year, or 622 gallons of water per capita per day during the 192-day irrigation season.

The City has seen steady population growth at a rate of 7.3% between 2010 and 2015. The build-out population projection is approximately 14,000 residents by the year 2040.

## Executive Summary & Project Description

If water usage continues at current levels, the City will use 8,708,000 gallons of water or 26.72 acre feet per day; 5,130.24 acre-feet during the irrigation season.

### Potential Shortfalls in Water Supply

Utah is continually subject to drought; it is the second driest state in the nation. This region of the State has been specifically impacted by drought. In 2016 Utah Lake water level was around 49% of normal. The Provo River, which supplies water to the North Union Canal, accounts for 36% of the inflow into Utah Lake.

If river flows are low, then Lindon City's flow right is reduced. For example, in 1992, a particularly low river flow year, the NUC could only take 30-50% of its right during the hottest, driest part of the irrigation season.

TIME PERIOD	PERCENT RIVER	DAYS
1992 Water Year River Flows		
April 15 to April 27	100%	13
April 28 to April 30	60%	3
May 1 to May 4	60%	4
May 5 to May 10	100%	6
May 11 to June 2	100%	23
June 3 to June 20	70%	18
June 21 to June 22	70%	2
June 23 to July 20	50%	28
July 21 to August 26	50%	37
August 27 to Sept. 18	30%	23
Sept. 19 to Sept. 30	40%	12
October 1 to October 15	100%	15

If Lindon City and the North Union Irrigation Company do not make improvements to conserve water, the system will not be able to meet future demands.

## Executive Summary & Project Description

### Delivery System Description

	Full North Union Canal (Orem and Lindon)	North Union Canal (in Lindon City)
Miles of Canals	19,085 feet	9,800 feet
Turnouts and Diversions to Municipalities	7 (6 turnouts and 1 diversion to Lindon's Reservoir 3)	3 (2 turnouts and 1 diversion to Lindon's Reservoir 3)
Municipal Connections		2,425

### Current Energy Sources and Uses

Each acre-foot of water that is delivered through the North Union Canal passes through the hydropower generation plant on the Provo River and generates about 300 kWh per acre foot. Some of the water must then be pumped to build pressure which uses about 150 kWh per acre foot at a net gain of 150 kWh.

When water demand is greater than Lindon City's flow right or the amount that the NUC can deliver, the City takes water from the Alpine Aqueduct. Because the aqueduct diversion is above the power plant, the water cannot be used to generate power. Lindon City must then pay a power loss charge for using aqueduct water. The cost to deliver water via the Alpine Aqueduct is \$55 per acre-foot and a loss of a potential 150 kWh per acre-foot.

**By more efficiently using the City's flow right, this project will save the City \$34,964 and create 95,355 kWh of energy.**

### Relationship with Reclamation

The North Union Canal (NUC) receives water from Jordanelle and Deer Creek Reservoirs, both part of Reclamation's Provo River Project.

### Project Description

The proposed project will pipe 1,325 linear feet of deteriorating concrete-lined canal and with 48-inch concrete pipe (see Attachment B for a map of the project location). Any conflicting existing utilities in the proposed pipe alignment will be relocated. Access points for cleaning and general

## Executive Summary & Project Description

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maintenance will be located every 300 feet. The piped alignment will be reseeded after installation to beautify the area and create an aesthetically pleasing finished product. Measuring devices and telemetry will be installed at three locations to provide information to better manage the water in the system. Two of these units will be solar-powered.

This project will solve several existing and future system deficiencies including water loss and risk to downgrade residents. According to a water loss study performed by NRCS approximately 23.16% of water is lost in this section of the canal to be piped. This water flows through cracks in the concrete lining and later appears downhill in power boxes, utility boxes, residents' basements, and streets. Piping the canal would lower risk in areas like these and those where the lining has deteriorated to a point where a collapse occurred. The risk of similar collapses is high and the damage could be much more significant.

Piped sections would also increase flow capacity by up to four times the canal's current capacity. The canal is undersized to accept the full flow right during higher flows. It would also eliminate maintenance problems such as vegetation growth, significant silting, or the chance of large debris entering the flow. This significant increase in the canal's delivery capacity, reliability, and flexibility will help mitigate the variability of the canal's supply.

### Project Milestones

1. **Environmental Assessment.** An environmental document will be prepared in compliance with NEPA.
2. **Engineering Design.** Lindon City will contract with a professional engineer to provide piping design and design of turnouts and access points.
3. **Permitting.**
4. **Bidding.** The City will seek bids from qualified bidders in a competitive bidding process.
5. **Construction.** A Contractor will complete the removal and disposal of the concrete canal; install the new pipe, turnouts, and access points. The area will then be reseeded.
6. **Operation.** When construction is complete the new pipe will be put into operation for the irrigation season.

## Funding Plan and Budget Proposal

### Funding Plan

Lindon City commits \$300,000.00 from its general fund as a cost-share to the Reclamation funding. North Union Irrigation Company has committed \$15,000.

FUNDING SOURCES	% of Project Cost	Total Cost by Source
Recipient Funding	55%	\$315,000
Reclamation Funding	45%	\$258,922
<b>TOTAL</b>	<b>100%</b>	<b>\$573,922</b>

FUNDING SOURCES	FUNDING AMOUNT
<b>Non-Federal Entities</b>	
1. Lindon City	\$300,000
2. North Union Irrigation Company	\$15,000
<b>Non-Federal Subtotal</b>	<b>\$315,000</b>
<b>Requested Reclamation Funding</b>	<b>\$258,922</b>
<b>Total Project Funding</b>	<b>\$573,922</b>



## Funding Plan and Budget Proposal

### Budget Proposal

Budget Item Description	Computation		Quantity Type	TOTAL COST
	\$/Unit	Quantity		
<b>CONSTRUCTION</b>				
Mobilization (5%)	\$21,023	1	LS	\$21,023.00
Furnish, place and compact imported pipe foundation material	\$13.00	150	TON	\$1,950.00
Furnish, place and compact imported pipe bedding and initial backfill material	\$14.00	2170	TON	\$30,380.00
Remove and dispose of concrete canal	\$25.00	1325	LF	\$33,125.00
Excavate for, furnish, install, backfill, and compact 48-inch Class III RCP pipe	\$150.00	1325	LF	\$198,750.00
Turnout structure	\$15,000.00	1	LS	\$15,000.00
Manholes/boxes	\$5,000.00	6	EA	\$30,000.00
Measuring devices and telemetry	\$15,000.00	3	EA	\$45,000.00
Restoration (construction easements, landscaping, fencing, private improvements, etc.)	\$50.00	1325	LF	\$66,250.00
<b>Construction Subtotal</b>				<b>\$441,478.00</b>
Environmental (5%)				\$22,074.00
Engineering Design (10%)				\$44,148.00
Construction Engineering (10%)				\$44,148.00
Project Administration & Legal (5%)				\$22,074.00
<b>TOTAL ESTIMATED PROJECT COSTS</b>				<b>\$573,922.00</b>

**II. Council Reports:**

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

**(20 minutes)**

- Jeff Acerson
- Van Broderick
- Matt Bean
- Carolyn Lundberg
- Dustin Sweeten
- Jacob Hoyt

## 12. Administrator's Report

(5 minutes)

### Misc Updates:

- September newsletter: <https://siterepository.s3.amazonaws.com/442/september17final.pdf>
- October newsletter article: **Mayor Acerson** - Article due to Kathy last week in September.
- Drill Down for Safety – overview & results
- Misc. Items:

### Upcoming Meetings & Events:

- October 12<sup>th</sup> @ 7pm – Meet the Candidates night, Lindon Community Center
- November 7<sup>th</sup> – General Election Day (No Council meeting)

# Adjourn