

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

6 **REGULAR SESSION – 5:15 P.M.**

8 Conducting: Jeff Acerson, Mayor
Invocation: Jeff Acerson
10 Pledge of Allegiance: Jordan Rowley, Boy Scout

12 **PRESENT** **EXCUSED**

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

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

26 2. **Approval of Minutes** – The minutes of the regular City Council meeting of
28 September 21, 2020 and the joint meeting minutes from August 11, 2020 were
reviewed.

30 COUNCILMEMBER HOYT MOVED TO APPROVE THE MINUTES OF THE
32 REGULAR CITY COUNCIL MEETING OF SEPTEMBER 21, 2020 AND THE JOINT
MEETING MINUTES FROM AUGUST 11, 2020 AS PRESENTED.

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

COUNCILMEMBER LUNDBERG AYE
36 COUNCILMEMBER HOYT AYE
COUNCILMEMBER BRODERICK AYE
38 COUNCILMEMBER POWELL AYE
COUNCILMEMBER VANCHIERE AYE

40 THE MOTION CARRIED UNANIMOUSLY.

42 **3. COUNCIL REPORTS:**

44 **Councilmember Broderick** – Councilmember Broderick reported he attended the Provo
Irrigation Bench Canal Board of Directors meeting noting the assessments went from \$86
46 to \$125 a share which is very needed. He noted they will walk the canal at the end of the
season to determine operation of maintenance and upkeep on the canal. He also attended

2 the North Union Irrigation Company Board meeting noting assessments went from \$132
to \$170 per share. He stated that overall, the comment heard was that these canals were
4 created when the pioneer's came to Utah and many don't hold the water as well. The
concern is to get these taken care of a little better than in the past. He indicated we will
6 see increases in our assessments to maintain the water. He also mentioned the grants that
have been done in the past and questioned if there are there any other grants available.
8 Mr. Cowie stated he will check into this issue. He also mentioned that Juan Garrido,
Public Works Director was elected to the Board. He also complimented the public works
10 department with their work on a water line break near his home on Saturday. They were
so professional and efficient and worked very well with the citizens and did a great job.

12 **Councilmember Vanchiere** – Councilmember Vanchiere reported the North Utah
County Solid Waste District Board officially offered the Director position who will start
14 on October 15th. It was a unanimous decision and the candidate is very qualified. He
also mentioned he and Mayor Acerson met with the Board and had discussion on a 15-
16 acre piece of property on the north side of the transfer station where they presented
18 designs for a new facility.

20 **Mayor Acerson** – Mayor Acerson reported he stopped by Ross Wright's residence
noting they had a good conversation and it appears Mr. Wright is happy with the
22 improvements made on his property however, he does have some concerns where there
are some dry spots that the sprinklers aren't hitting.

24 **Councilmember Hoyt** – Councilmember Hoyt reported on updates from discussions
with Parks & Recreation Director Heath Bateman; Creekside Park is now open with two
26 additional pickle ball courts. He noted there will be Parks & Recreation budget
amendments presented for approval at the next meeting. He also reported he spoke with
28 the new Fire Chief Marc Sanderson and he was very impressed and feels he will do a
great job and this will be a good relationship.

30 **Councilmember Lundberg** – Councilmember Lundberg reported the Holy Cow
Boutique was recently held at the Community Center and was a great success and a great
32 entity to have come to the city. She was informed by the owner that City Staff is very
welcoming and accommodating. She also spoke with the Pool Manager, Alan Walker
34 who indicated they had the final clean out and will be closing the pool. She noted they
will offer an incentive to guards next year to encourage them to stay until the end of the
36 season.

38 **Councilmember Powell** – Councilmember Powell expressed her appreciation to the
Public Works Department on the street maintenance projects being done and how well it
40 is going and how beautiful it looks. She noted one resident reached out to her about 600
North where it connects to Locust that is very bumpy. She stated they recognize that
42 noting she will speak with the Public Works Director about adding it on the maintenance
list for next year. She noted this same resident was also concerned about a traffic
44 accident that happened coming out of the Walmart parking lot by the Dollar Tree. There
have been a lot of accidents in that location and he is very concerned about it. She

informed the resident that is a UDOT intersection but indicated she will bring it up to the city council for discussion. She also suggested with the announcement of the new temple in Lindon putting together a media package on Lindon for the website.

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

Misc. Updates:

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

5. **Presentations and Announcements:**

- a) Comments/Announcements from Mayor and Council members.
- b) **Presentation:** Rob Smith, with the Alpine School District was in attendance to update the council on issues related to the ASD. Mr. Smith thanked the council and expressed appreciation for Lindon City. He mentioned that Sam Jarman, ASD Superintendent has announced his retirement. He also stated he is grateful for the Board and for the extra meetings they have recently held to lead the District. He then introduced Shane Farnsworth, Operations Administrator. Mr. Farnsworth referenced the boundary map and the "Return to Learn Plan". He noted they are dealing with a lot of issues this year due to the pandemic. Mr. Farnsworth also spoke on enrollment, capital projects in Lindon and resources spent.
- c) **Presentation:** Eric Rasband and Mary DeLaMare-Schaefer were in attendance representing the Central Corridor Transit Study Team to present the preferred BRT alignment to the City Council and explain the next steps in the process.
- d) **Presentation:** Adam Cowie, City Administrator, presented the State of the City Report, September 2020. The Mayor and Council thanked Mr. Cowie for the good information always presented in the annual report.

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

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

CURRENT BUSINESS

8. **Review & Action — Major Subdivision; Country Garden Estates –**

2 **approximately 75 North 500 East.** Wayne Ercanbrack requests Major
3 Subdivision approval for an eight-lot single family home subdivision in the
4 Residential R1-20 zone. The planning commission recommended approval to the
5 city council.

6
7 Mike Florence, Planning Director led this item by explaining the applicant, Mr.
8 Mr. Ercanbrack is seeking preliminary major subdivision approval for an 8-lot single
9 family home development. He noted the planning commission unanimous recommended
10 approval to the city council. The proposed 8-lot subdivision meets the minimum lot size
11 and infrastructure requirements for the R1-20 zone. The development will be connecting
12 75 North and 500 East and the road alignment follows the Lindon City Street Master Plan
13 map. Public utilities are already in the ground where the new road alignment/connection
14 is proposed and the subdivision will include one existing home which is owned by Mr.
15 Ercanbrack.

16 Mr. Florence further explained the Subdivision and Lot Requirements are met
17 with the right angles added in condition #2 and are in compliance. He noted the City
18 Engineer is working through any technical issues related to the plat and civil engineering
19 plans and will ensure all engineering related issues are resolved before final approval is
20 granted. He then presented an Aerial photo, Vicinity map, Lindon City Street Master Plan
21 Map section and Plat followed by discussion.

22 Following some additional discussion, the Council was in agreement to approve
23 this major subdivision request as presented.

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

26
27 COUNCILMEMBER POWELL MOVED TO APPROVE THE APPLICANT'S
28 REQUEST FOR PRELIMINARY APPROVAL OF THE COUNTRY GARDEN
29 ESTATES PLAT WITH THE FOLLOWING CONDITIONS: 1. THE APPLICANT
30 WILL CONTINUE TO WORK WITH THE CITY STAFF TO MAKE ALL FINAL
31 CORRECTIONS TO THE ENGINEERING DOCUMENTS AND PLAT; 2. THE PLAT
32 WITH LOT LAYOUTS IS APPROVED AS PROVIDED IN THE STAFF REPORT; 3.
33 PRIOR TO PLAT RECORDING, THE APPLICANT WILL PROVIDE STAFF WITH A
34 FINAL PLAT MYLAR TO INCLUDE NOTARIZED SIGNATURES OF OWNER'S
35 CONSENT TO DEDICATION, AND OBTAIN SIGNATURE OF ALL ENTITIES
36 INDICATED ON THE ATTACHED SUBDIVISION PLAT; 4. COMPLETE (OR POST
37 AN ADEQUATE IMPROVEMENT COMPLETION ASSURANCE), WARRANT AND
38 POST REQUIRED WARRANTY ASSURANCE FOR ALL REQUIRED PUBLIC
39 INFRASTRUCTURE IMPROVEMENTS; 5. THE PLANS AND PLAT WILL MEET
40 AND BE CONSTRUCTED AS PER APPLICABLE SPECIFICATIONS AS FOUND IN
41 THE LINDON CITY DEVELOPMENT MANUAL; 6. PRIOR TO FINAL
42 DEVELOPMENT APPROVAL THE APPLICANT SHALL PLACE PERMANENT
43 SURVEY MONUMENTS IN THE SUBDIVISION; 7. ALL ITEMS OF THE STAFF
44 REPORT. COUNCILMEMBER HOYT SECONDED THE MOTION. THE VOTE
45 WAS RECORDED AS FOLLOWS:

46 COUNCILMEMBER LUNDBERG AYE
47 COUNCILMEMBER HOYT AYE

2 COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER POWELL AYE
4 COUNCILMEMBER VANCHIERE AYE
THE MOTION CARRIED UNANIMOUSLY.

6
9. Public Hearing — R2 Overlay and Accessory Apartment Ordinance

8 **Amendment** – Lindon City. The Planning Commission recommends approval to
the City Council to amend Lindon City Code Title 17.46 pertaining to the R2
10 Overlay and Accessory Apartments.

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

16 Mr. Florence led this item by stating at a joint planning commission and city
council meeting held on August 11, 2020 staff presented proposed changes to the R2
18 Overlay and accessory apartment ordinance. He explained under the current ordinance,
an accessory apartment is identified under the R2 Overlay Zone. Mr. Florence said staff
20 is proposing to divide the ordinance into two sections which will be the R2 Overlay and
the Accessory Apartment sections. He explained that under the R2 Overlay zone, the city
22 is divided into 18 districts. Each district, is allowed a specific number of R2 units
depending on acreage and calculation per district. He then referenced the district map.

24 He noted the R2 Overlay Zone also counts accessory apartments towards the
overall total unit count for each district. However, the number of accessory apartments
26 can exceed the district unit count with no limits to the number of accessory apartments.
Currently, all but five districts are full and don't allow additional R2 Overlay
28 developments. For the most part, the districts are full due to the number of accessory
apartments rather than R2 Overlay developments.

30 Mr. Florence then reviewed the Proposed R2 Overlay Changes as follows:

- 32 • Under sections 17.46.010 and 17.46.050 the ordinance calls out R2 Overlay
projects as conditional use. Staff is proposing to change 17.46.030 from permitted
34 to conditional to be consistent with other sections of this code.
- 36 • Staff and the Planning Commission propose removing section 17.46.010 which
states “Neighborhood organizations, home owners’ associations, and/or private
38 citizens shall not be permitted to restrict the placement and construction of R2
Overlay projects in specific neighborhoods and subdivisions through the use and
implementation of Conditions, Covenants, and Restrictions and/or other types of
40 restrictive legal documents. Such practices undermine Lindon City’s ability to
provide for the housing needs of its citizens and prohibit attainment of established
42 zoning requirements and General Plan Goals.” The purpose in removing this
section is that the City feels that CC&R’s are the governing documents of some
44 neighborhoods and their HOA organizations which can be stricter than city codes.
The commission felt that there could be some legal issues with the City trying to
46 override CC&R’s and their HOA organizations.
- Staff is proposing to remove accessory apartments from the overall district

- 2 calculation since there is no limit and accessory apartments can exceed the district
limit.
- 4 • Staff is proposing to change how the number of units are calculated for each
district. Staff evaluated the number of R2 Overlay developments in each district,
6 the 750' required buffer between R2 Overlay units, and available parcels. The
proposal is to set a number of allowed R2 Overlay unit per district. There are a
8 few districts that staff are proposing to remain closed due to the number of
existing R2 Overlay developments. The proposed amendment would now allow
10 11 of the 18 districts to be open to additional units in the R2 Overlay.

12 Mr. Florence then explained the way the below calculations works, for example,
is District 1 currently has two units and the City would allow two additional units for a
14 total of 4 in that district; Staff will continue to track new developments and update the R2
Overlay map as districts fill up. He then referenced the proposed districts as follows:

16

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

24 Mr. Florence then presented the Proposed Accessory Apartment Changes as follows:

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

36 Mr. Florence indicated staff has tried to simplify both the R2 Overlay
38 requirements for the district calculations as well as requirements for accessory
apartments. Particularly, since the City does not have a limit on the number of accessory
40 apartments, staff finds it better to clearly state how many R2 Overlay units are allowed
per district. He noted this will allow some additional units in districts that were otherwise
42 closed due to accessory apartments. Mr. Florence then presented the Draft 17.46
Ordinance amendment, the Current R2 Overlay Map, the Proposed R2 Overlay Map and
44 the map showing vacant properties followed by discussion.

46 Following some additional discussion, the Council was in agreement to approve the
R2 overlay and accessory apartment ordinance amendment agreeing this is the preferred

2 method and will spread the need throughout the community; it will also make it easier to
expand the R2 overlay.

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

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

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

14 COUNCILMEMBER HOYT MOVED TO APPROVE ORDINANCE #2020-14-
O THE R2 OVERLAY AND ACCESSORY APARTMENT ORDINANCE
16 AMENDMENT TO LINDON CITY CODE AS PRESENTED. COUNCILMEMBER
LUNDBERG SECONDED THE MOTION. THE VOTE WAS RECORDED AS
18 FOLLOWS:

COUNCILMEMBER LUNDBERG	AYE
20 COUNCILMEMBER HOYT	AYE
COUNCILMEMBER BRODERICK	AYE
22 COUNCILMEMBER POWELL	AYE
COUNCILMEMBER VANCHIERE	AYE
24 THE MOTION CARRIED UNANIMOUSLY.	

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

30 Mr. Florence explained this discussion item is to discuss options for regulating
Short Term Rentals within the City. He pointed out that Utah State law regarding short-
32 term rentals was based off the argument that advertising a short-term rental is a free
speech right and that cities cannot use short-term rental websites to enforce short-rental
34 regulations. He pointed out that cities should base their enforcement off of complaints
and investigations rather than using these short-term rental websites as a proactive tool.

36 Mr. Florence then reviewed with the Council the types of Short-Term Rentals as
follows:

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

44 Mr. Florence then reviewed with the Council the 4 Types of Regulatory
46 Approaches as follows:

1. Quantitative Restrictions – limiting the amount of STR accommodations, the

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

8

Mr. Florence confirmed that cities can prohibit or regulate short-term rentals
10 within their community however, cities need to adopt appropriate ordinances in order to
regulate. Cities can also require a business license for short-term rentals and the City
12 would need to do a fee study to determine the appropriate fee to charge.

Mr. Florence stated cities can require that the short-term rental be owner
14 occupied. He noted cities such as Sandy and Riverton set minimum requirements for how
often the home must be owner occupied vs. rented during the year. Hurricane, Utah
16 requires that a home owner may only own one short-term rental in the city.

Mr. Florence indicated cities can also set limits on how many individuals can rent
18 a short-term rental. He noted cities like Lehi, Sandy, and Riverton set limits on how many
renters can stay at the rental.

Mr. Florence pointed out that cities can receive taxes for short-term rentals. He
20 added short-term rental companies remit transient room taxes to the State of Utah and
then appropriate taxes are passed on to local jurisdictions (FY 2019-2020 – \$2,500, FY
22 2018-2019 - \$800). He made mention one concern is if the short-term rental is not
24 registered with a STR company then the State of Utah is not collecting taxes.

Mr. Florence also spoke about short-term rentals and if they limit affordable
26 housing options. He noted some research shows that owners earn more money off of
nightly short-term rentals than long-term rentals (greater than 30 days). Of the 12 short-
28 term rentals in Lindon that are advertised on Air BnB’s website, 9 of those appear to be
using separate accessory apartments. These units would typically have been used for
30 long-term affordable housing. He noted in comparing short-term rental sites there are
between 12-25 short-term rentals listed on the web in Lindon.

Mr. Florence explained that a number of cities require proof of insurance prior to
32 issuing a rental permit or business license. He noted Airbnb has a host protection
insurance program that provides liability coverage for up to \$1 million per listing location
34 and hosts need to pay extra for this coverage. Homeowners insurance policies typically
36 provide little to no protection when renting a home for short-term rentals and for long-
term renting, an insurance company can add a write-on to an existing policy. Most
38 insurance companies require a separate policy for short-term renters due to the number of
different people coming and going from the rental.

There was then some general discussion, including implementing a baseline,
40 complaint-based issues, licensing/registration fees, ensuring sufficient parking, no
commercial uses, and putting facility parameters in place. At this time Mr. Florence
42 asked the Council if there is a desire to craft an ordinance.

Following some additional discussion, the Council was in agreement to start with
44 a “bare bones regulation” approach with mechanisms and oversight in place for those that
become a nuisance (to protect the residents) and see how it goes from there.
46

2 Mr. Cowie mentioned with the announcement of the new LDS Temple he and Mr.
4 Florence feels there should be further discussion on event centers and how close they can
be to residential areas as there have been some complaints and it is becoming a growing
problem.

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

8
10 **Adjourn –**

12 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING
AT 8:00 PM. COUNCILMEMBER VANCHIERE SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

14
16 Approved – October 19, 2020

18
20 _____
Kathryn Moosman, City Recorder

22

Jeff Acerson, Mayor