

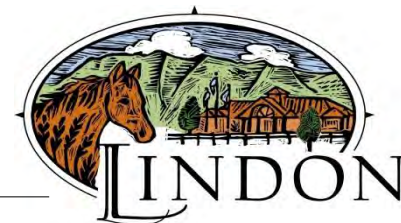
# Lindon City Council Staff Report



Prepared by Lindon City  
Administration

June 19, 2023

# Notice of Meeting of the Lindon City Council



The Lindon City Council will hold a meeting at **5:15 pm on Monday, June 19, 2023** in the Lindon City Center Council Chambers, 100 North State Street, Lindon, Utah. Meetings are typically broadcast live at [www.youtube.com/user/LindonCity](http://www.youtube.com/user/LindonCity). The agenda will consist of the following:

Scan or click here for link to download agenda & staff report materials:



**REGULAR SESSION – 5:15 P.M.** - Conducting: Carolyn Lundberg, Mayor  
Invocation: Van Broderick  
Pledge of Allegiance: By invitation

*(Review times are estimates only)*

1. **Call to Order / Roll Call** *(2 minutes)*
2. **Presentations and Announcements** *(5 minutes)*
  - a) Comments / Announcements from Mayor and Council members.
3. **Open Session for Public Comment** *(For items not listed on the agenda)* *(10 minutes)*
4. **Council Reports** *(20 minutes)*
5. **Administrator's Report** *(5 minutes)*
6. **Approval of Minutes** — The minutes of the regular City Council meeting of June 5, 2023 will be reviewed. *(5 minutes)*
7. **Consent Agenda** — *(Items do not require public comment or discussion and can all be approved by a single motion.* There were no consent agenda items presented for approval. *(5 minutes)*
8. **Continued Item: Review & Action** — Adding roadway name to 900 East, segment of 140 N., and 835 East. This item was continued from the June 5, 2023 Council meeting. Per a request by Mayor Lundberg and residents of the City, the Council will consider adding a supplemental name to 900 East, a segment of 140 North, and 835 East street signs and maps in recognition of the temple being constructed nearby. *(20 minutes)*
9. **Public Hearing — Ordinance Amendment; Commercial Farm 17.51, Definitions 17.02 and Standard Land Use Table.** Application is made by Lindon City; Ordinance #2023-05-O. Updates to the ordinance are proposed regarding number of dwelling units allowed in the CF zone, defining Bed & Breakfast uses, and updates to standards & regulations for Bed & Breakfast uses. The Planning Commission recommended approval of the application to the City Council. *(15 minutes)*
10. **Review & Action — Conditional Use Permit; Three Bed and Breakfast Units in the Commercial Farm Zone – Wadley Farms 35 W. 400 N.** The applicant is requesting conditional use permit approval for three bed and breakfast units. (Parcel #'s 14:071:0160 & 14:071:0362). The Planning Commission recommended approval of the application to the City Council. *(15 minutes)*
11. **Review & Action — Amended Site Plan and Conditional Use Permit Approval to Convert a Previously Approved Agricultural Accessory Building to a Commercial Building – Wadley Farms 35 W. 400 N.** The applicant is requesting amended site plan and conditional use permit approval for a commercial building in the Commercial Farm Zone. (Parcel ID # 14:071:0160). The Planning Commission recommended approval of the application to the City Council. *(15 minutes)*

**12. Review & Action — Amend Site Plan and Conditional Use Permit Approval to Convert an On-site Structure, “Red Barn,” for a Commercial Retail Building. Wadley Farms 35 W. 400 N.** The applicant is requesting amended site plan and conditional use permit approval to convert an existing onsite structure to a commercial retail building in the Commercial Farm zone. (Parcel #14:071:0131 & 14:071:0362). The Planning Commission recommended approval of the application to the City Council. *(15 minutes)*

**13. Public Hearing — Rezone of Two Parcels from Single-Family (R1-20) to Commercial Farm (CF).** Ordinance #2023-06-O. Alan Colledge with Wadley Farms has made application to rezone two R1-20 zoned properties and expand the Commercial Farm zone boundaries at approximately 35 W. 400 N. (Parcel ID #'s 14:071:0345 & 14:071:0359). The Planning Commission recommended approval of the application to the City Council. *(15 minutes)*

**14. Discussion item — Moderate Income Housing Plan, Impact Fee Reduction.** The City Council will receive information for discussion on possible waiver of certain impacts fees as part of the Moderate-Income Housing Plan Strategies. *(15 minutes)*

**15. Review & Action — Historic Preservation Commission Appointments.** The Council will review and consider recommended appointments to the Lindon City Historic Preservation Commission. *(15 minutes)*

## Adjourn

All or a portion of this meeting may be held electronically to allow a council member to participate by video conference or teleconference. Staff Reports and application materials for the agenda items above are available for review at the Lindon City Offices, located at 100 N. State Street, Lindon, UT. For specific questions on agenda items our staff may be contacted directly at (801)785-5043. City Codes and ordinances are available on the City web site found at [www.lindoncity.org](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 Kathryn Moosman, City Recorder at 801-300-8437, giving at least 24 hours-notice.

### CERTIFICATE OF POSTING:

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

Posted by: /s/ Kathryn Moosman, City Recorder

Date: June 14, 2023; Time: 5:00 p.m.; Place: Lindon City Center, Lindon Police Dept., Lindon Community Development, Lindon Public Works, Lindon Community Center, Lindon Justice Court

Meetings are typically broadcast live at [www.youtube.com/user/LindonCity](http://www.youtube.com/user/LindonCity)

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

Invocation: Van Broderick

Pledge: By invitation

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

#### **June 19, 2023 Lindon City Council meeting.**

Carolyn Lundberg

Jake Hoyt

Van Broderick

Mike Vanchiere

Randi Powell

Daril Magleby

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

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

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

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

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

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

- Next regular council meetings: July 3<sup>rd</sup> & July 17<sup>th</sup>
- July 2023 newsletter assignment (due last week of June): Daril Magleby
- Elections - Candidates that filed for office: Cole Hooley, Greg Lupus, Bret Frampton, Steve Stewart, and Lincoln Jacobs. No primary election is needed. State is moving General Election date to Tuesday, November 21<sup>st</sup>.
- Misc. Items.

## **Item 6 – Approval of Minutes**

- Review and approval of City Council minutes: **June 5, 2023 Regular City Council Minutes will be reviewed.**

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

6 **REGULAR SESSION – 5:15 P.M.**

8 Conducting: Carolyn Lundberg, Mayor  
Invocation: Van Broderick, Councilmember  
10 Pledge of Allegiance: Stephanie Williams

12 **PRESENT** **EXCUSED**

Carolyn Lundberg, Mayor  
14 Van Broderick, Councilmember  
Jake Hoyt, Councilmember  
16 Randi Powell, Councilmember  
Mike Vanchiere, Councilmember  
18 Daril Magleby, Councilmember  
Adam Cowie, City Administrator  
20 Brian Haws, City Attorney  
Kathryn Moosman, City Recorder

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

26 2. **Presentations and Announcements:**

- 28 a) Presentation: Fire Chief Marc Sanderson was in attendance to present letters of commendation to members of the Orem Fire Department for their actions and service on a significant incident that occurred in Lindon. The Mayor and Council expressed appreciation to the Fire Department members for their service and dedication to the residents of Lindon City.
- 30 b) Presentation: The new 2023 Lindon Jr. Rodeo Royalty was introduced to the City Council as follows: 1<sup>st</sup> Attendant Cecily Williams, Queen Alexis Walker, 2<sup>nd</sup> Attendant Aydree Weight. The Royalty then presented the council with a gift to show their appreciation. The Mayor and Council congratulated the Royalty and thanked them for the gift and for their willingness to serve to the city.
- 32 c) Comments / Announcements from Mayor and Council members.

34  
36  
38  
40 3. **Open Session for Public Comment** – Mayor Lundberg called for any public comments. There were several in attendance to address the council as follows:

42  
44 **Larry Walker:** Mr. Walker expressed some of his concerns in regards to the Lindon Rodeo Royalty. He noted he wants Lindon to stay as it is and it is very important to him that Lindon can last as long as possible as a little bit of country. He also expressed his



2 appreciation to the council for the upgrades to the arena and thanked the council for their  
support of the Lindon Jr. Rodeo Royalty.

4

**Jay Sylvester:** Mr. Sylvester stated he lives on 900 East Center Street. He stated things  
6 changed a few years ago when the road was moved to the north. He questioned who  
owns a piece of property near that location. Mr. Cowie stated the LDS Church purchased  
8 the property and will be doing some landscaping there. Mr. Sylvester stated he feels  
there should be a parking lot there for people who use the trail and also for the sporting  
10 events held at Oak Canyon Jr. High School. He also mentioned an issue of a transformer  
box on the corner of his property where he has had a shrub growing to hide it. He stated  
12 Utah Power and Light came and ripped his shrub out saying they had the right to do that  
and then they left a mess. He feels that is very invasive of his property with no thought  
14 as to what they were doing and he thinks they should have kept it nice. Mr. Cowie  
pointed out that most subdivision lots have easements for utilities. He added he will  
16 reach out to his contact at Utah Power & Light with this issue and get back to him.

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

20

**4. COUNCIL REPORTS:**

22

**Councilmember Hoyt** – Councilmember Hoyt reported Heath Bateman and the Parks &  
24 Recreation Dept. are in their busy time of year. The summer programs started this week  
with a lot offered. There have been 601 signed up for baseball between t-ball coach pitch  
26 and machine pitch etc. He also spoke on the Police Department community interaction  
programs including the recent bike rodeo in conjunction with Walmart that was a great  
28 event; they had the state safety trailer and bike safety there which is great for our city.  
He also reported Chief Brower received a mental health grant which is awesome; he  
30 appreciates the Police Department good works. He also reported he attended the ICSB  
convention along with the Mayor that was very successful; he feels very positive about  
32 700 North. He appreciates Mr. Florence with setting up really great appointments and he  
feels very optimistic; he appreciated that opportunity.

34

**Councilmember Vanchiere** – Councilmember Vanchiere reported on his normal  
36 meetings and events noting everything is going well.

38 **Councilmember Magleby** – Councilmember Magleby reported they are working on all  
the Lindon Days events. He noted the Austins have accepted to be the grand marshals.  
40 The Lindon Days booklet will be out 2 weeks prior to Lindon Days. They have raised  
\$34,000 for Lindon days. They will be having the sheep and steer riding at the rodeo this  
42 year. There are currently 53 parade entries this year which is higher than any other year  
so far. They are looking to do a new logo for the Centennial celebration. He will be  
44 checking with some contacts he has. We also need to consider swag items, and asked the  
council for any ideas to let him know. He reported the Historical Preservation

2 Commission has 6 or 7 names and we need to move forward in consideration of those  
 4 who have applied. He also mentioned a new QR code created to capture the trees and  
 shrubs planted in Lindon City. We are trying to plant 1,000 trees/shrubs. This will be  
 made available on social media and we encourage residents to use it.

6  
 8 **Councilmember Powell**– Councilmember Powell reported Memorial Day was a  
 fabulous day with great speakers etc. She noted the incoming and outgoing Youth  
 10 Council were in attendance as well. The Police Department did an excellent program and  
 did a great job. She noted there will be information on CERT at the next meeting. She  
 12 also reported the Senior Center served over 600 meals last month and welcomed 12 new  
 members. The seniors also went to Thanksgiving point on a field trip. The seniors will be  
 14 having a BBQ on June 21<sup>st</sup> from 5-7 at Pioneer Park. Little Miss Lindon will be helping  
 with games and activities. She also mentioned the road on center street is cut up way too  
 long and asked when the contractor will make sure the road is sealed back up as it gets  
 16 deeper and deeper (375 East Center). She noted she is excited for the candidates that are  
 filing for the election.

18  
 20 **Councilmember Broderick** – Councilmember Broderick reported the cemetery building  
 is beginning and moving along. He also mentioned that the Memorial Day service was  
 outstanding and well attended. He also thanked Chief Brower for his hard work.

22  
 24 **Mayor Lundberg** – Mayor Lundberg expressed her thanks to the council for their  
 dedicated service. She reported she attended the ICSB retailer show in Las Vegas that  
 was very informative. She also attended the graduations at PG High School. Work is  
 26 going on at the interchange with a lot going on with population growth and traffic issues.  
 She also met with Congressman Owens and mentioned that we may need federal support  
 28 as our county is one of the fastest growing. She also reported on the Utah Lake Authority  
 and cleanup projects happening at Utah Lake. There will be a party tomorrow at Fryer  
 30 Park from 1-3 with the foam bubble machines, snow cones, face painting etc. put on by  
 Parks & Recreation. Little Miss Lindon Royalty will be there to help with the party. She  
 32 expressed her thanks to Parks and Recreation for their amazing work.

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

36 **Misc. Updates:**

- 38 • Next regular council meetings: June 5<sup>th</sup> & June 19<sup>th</sup>
- July 2023 newsletter assignment (due last week of June): Daril Magleby
- 40 • Secondary Water updates (water metering project; water use; PG soon starting to  
 install meters)
- 42 • Police Department Annual Recognition dinner; Community Center, May 17<sup>th</sup> @  
 6pm
- Elections: Candidate filing period - June 1<sup>st</sup> through June 7<sup>th</sup>
- 44 • Misc. Items.

2       **6. Approval of Minutes** – The minutes of the regular City Council meeting of May  
4       15, 2023 will be reviewed and the joint meeting minutes from March 29, 2023  
and April 11, 2023.

6               COUNCILMEMBER HOYT TO APPROVE THE MINUTES OF THE  
REGULAR CITY COUNCIL MEETING OF MAY 15, 2023 AND THE JOINT  
8       MEETING MINUTES FROM MARCH 29, 2023 AND APRIL 11, 2023 AS  
PRESENTED. COUNCILMEMBER MAGLEBY SECONDED THE MOTION. THE  
10       VOTE WAS RECORDED AS FOLLOWS:

- 11       COUNCILMEMBER HOYT                        AYE
- 12       COUNCILMEMBER BRODERICK                AYE
- 13       COUNCILMEMBER POWELL                    AYE
- 14       COUNCILMEMBER VANCHIERE                AYE
- 15       COUNCILMEMBER MAGLEBY                 AYE

16       THE MOTION CARRIED UNANIMOUSLY.

18       **7. Consent Agenda Items** – There were no Consent Agenda items presented for  
20       approval.

**CURRENT BUSINESS**

22               **8. Review & Action** — Adding Roadway Name to 900 East and 835 East. Per a request  
24       by Mayor Lundberg and residents of the City, the Council will consider adding a  
supplemental name to 900 East and 835 East Street signs and maps in recognition of  
26       the temple being constructed nearby.

28               Adam Cowie, City Administrator led this discussion item by stating Stephen  
Ephat will be addressing the Council for this item. Mr. Ephat is proposing adding a name  
30       to 835 east, with the idea of naming it Temple View Lane. Mr. Ephat then gave his  
presentation showing renderings of what the 835 East Road view will look like when the  
32       Temple is completed. He stated he is hoping there can be an added name of Temple  
View. He then presented some potential signage views, with the name above the street  
34       number, versus the street number with the name below. He then presented some concerns  
that could arise due to the name change that residents would have with deliveries and  
36       other circumstances.

38               Mr. Ephat proceeded to present instances in other states where naming roads  
involving Cathedrals, Temples, monuments and so forth that are done for the length of  
the street. He also presented places around the world where there have been names added.

40               The council thanked Mr. Ephat for all the work he put into the presentation.  
Mayor Lundberg pointed out there was input from residents regarding the road regarding  
42       if they were in favor or not. The document shows an overall agreement for the name  
change. Mr. Cowie let the council know there would be 15 new signs needed with this  
44       name change, so there would be an added cost to make these changes.

2 Following some additional discussion, the Council was in agreement to continue  
4 the renaming of 900 East and 835 East in order to hear additional resident feedback on  
this issue.

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

8 COUNCILMEMBER HOYT MOVED TO CONTINUE THE RENAMING 835  
EAST IN ORDER TO GET ADDITIONAL RESIDENT FEEDBACK.

10 COUNCILMEMBER MAGLEBY SECONDED THE MOTION. THE VOTE WAS  
RECORDED AS FOLLOWS:

- 12 COUNCILMEMBER HOYT AYE
- COUNCILMEMBER BRODERICK AYE
- 14 COUNCILMEMBER POWELL AYE
- COUNCILMEMBER VANCHIERE AYE
- 16 COUNCILMEMBER MAGLEBY AYE

THE MOTION CARRIED UNANIMOUSLY

18

**9. Public Hearing: FY 2024 Transfer of Enterprise Funds to the General Fund.** The

20 City Council will accept public comment as it reviews and considers proposed  
transfer of enterprise funds to the general fund as part of the fiscal year (FY) 2024  
22 budget. The proposed transfers are as follows: Solid Waste Collection Fund \$28,400  
(3.9% of fund expenditures); Storm Water Drainage Fund \$105,672 (4.1% of fund  
24 expenditures); and Telecommunications Fund \$2,000 (5.0% of fund expenditures).  
These transfers are primarily intended to cover administrative costs and overhead of  
26 operating the enterprise funds but will also be used in supplementing such city  
services as fire, police, street maintenance, parks & recreation, and other city  
28 functions. Similar transfers have been made annually from the enterprise funds to the  
General Fund in order to help maintain low property taxes in Lindon. These transfers  
30 are of funds which are not classified as an allocation of costs between funds. These  
amounts will not be repaid. No motions will be made as this hearing is to only receive  
32 and consider public comment on the proposed enterprise fund transfers.

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

38 Mr. Cowie led this agenda item by stating State Code only requires that a public  
hearing be held to accept public comment on these proposed transfers. The decision to  
40 approve, deny, or modify the transfers will be made as part of the FY2024 budget  
adoption agenda item later on. He noted no motion is required for this item. He pointed  
42 out these transfers are primarily intended to cover administrative costs and overhead of  
operating the enterprise funds, but will also be used in supplementing such city services  
44 as fire, police, street maintenance, parks & recreation, and other city functions.

2 He stated this year they are not proposing transfers from the water and sewer  
 4 funds, due to previous discussions and upcoming projects. However, they are proposing  
 6 the transferring of funds to the general fund: \$28,400 from Solid Waste Collection Fund,  
 \$105, 672 from the Storm Water Drainage Fund, and \$2,000 from the  
 telecommunications fund.

8 Mr. Cowie indicated these are enterprise funds that are supported and stand on  
 their own and the city collects revenue from fees for these various funds. These funds are  
 tracked and accounted for and these entities contract with the city for services. He noted  
 10 these are administrative and overhead fees that are paid for.

12 Mayor Lundberg called for any public comments. Previous Mayor Jeff Acerson  
 addressed the council at this time. He asked for clarification on these other funds, asking  
 14 if they are sufficient or is it just a matter of transferring these funds due to it being  
 deemed for those services? Mr. Cowie stated that most years they are sufficient and there  
 is money available for those transfers. He noted that this year they are not transferring  
 16 from the water and sewer fund due to the previously stated projects.

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

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

24 Mayor Lundberg called for any further discussion or comments from the Council.  
 Hearing none she moved on to the next agenda item.

26  
 28 **10. Public Hearing — Fiscal Year 2024 (FY2024) Final Budget Adoption; Amend  
 FY2023 Budget; Ordinance #2023-8-O.** Kristen Aaron, Lindon City Finance  
 Director, will present the final Lindon City Budget documents for fiscal year 2023-  
 30 2024 (FY2024) beginning July 1, 2023. The tentative budget for FY2024 was  
 approved in a public hearing on March 20, 2023. The City Council also held a public  
 32 hearing on May 15, 2023 where the proposed budget was adopted and budget issues  
 were discussed in detail. The City Council will review and adopt the amended budget  
 34 for FY2023, will review and adopt the final budget for FY2024, will review and  
 adopt the agreement for services between the City and the Lindon City RDA, will set  
 36 the Certified Tax Rate, and review and adopt the city-wide fee schedule and  
 compensation programs. The Council will also review the Fraud Risk Assessment as  
 38 required by the State Auditor.

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

44 Kristen Colson Aaron, Finance Director addressed the council for this agenda  
 item. She began by going over the budget amendments. She then presented the Final

2 Budget. She noted the fund balance is ending at 3.7 million which is 28.2% of revenues.  
 Ms. Aaron then referenced the estimated revenues noting the total city revenues are \$27,  
 4 586,612 which is the net of fund balances and transfers.

6 Ms. Aaron then went over the Fee Schedule Changes as follows:

<b>Utility Rate Increases</b>	<u><b>2022-23</b></u>	<u><b>2023-24</b></u>
8 • Water 3% on base and usage	Water Base \$28.80	\$29.66
• Sewer 7% on base and usage	Water Usage \$14.80	\$15.24
10 • Storm Water 2%	Sewer Base \$23.18	\$24.80
• Garbage 4.5%	Sewer Usage \$24.48	\$26.16
12 • Recycling 2%	Secondary Water \$10.00	\$10.00
	Garbage \$11.55	\$12.07
14	Recycling \$5.00	\$5.10
	Storm Water \$11.01	\$11.23
16	Franchise Tax <u>\$7.73</u>	<u>\$8.06</u>
	Total \$136.55	\$142.32
18	<b>Increase</b>	<b>\$5.77</b>

20 Ms. Aaron noted the billing example is based on single family home between  
 Geneva Road and North Union Canal Road, using 8,000 gallons of culinary water on a 1”  
 22 meter, has pressurized irrigation, 1 garbage can, and 1 recycling can.

24 Ms. Aaron then referenced the Culinary Water including base rates and usage  
 rates based on zones below or above the North Union Canal and upper foothills and by  
 26 meter size and block.

28 **Garbage (Residential Only)**

• First garbage can	<del>\$11.55</del>	\$12.07
30 • Each additional garbage can	<del>-\$9.90</del>	\$10.35

32 **Recycling, per can** ~~-\$5.00~~ \$5.10

34 **Sewer Utility Fee**

• Base Rate	<del>\$23.18</del>	\$24.80
36 • Usage Rate	<del>\$3.06</del>	\$3.27
• Storm Water	<del>\$11.01</del>	\$11.23

38 **Certified Tax Rate** TBD by Utah County  
 40 (Lindon City’s portion of property tax)

42 Ms. Aaron then referenced the Citywide Expenditures by object noting total  
 expenditures are \$34,406,443 which is net of fund balances and transfers.  
 44

2 Ms. Aaron then referenced the Budgeted Expenditures for Personnel as follows:  
She noted Lindon City uses the average annual change in the Consumer Price Index  
4 (CPI) from the previous March to the most recent February each year to evaluate Cost of  
Living Allowance (COLA) as one factor for projecting employee wages for the  
6 next fiscal year.

8 Ms. Aaron then referenced the Annual Change 2022/23 chart by month.  
She noted the Proposed Cost of living allowance (COLA) increase, effective July 8, 2023  
10 is as follows:

- 12 • 4.0% wage increases
- 2.0% one-time payout

14 **Merit increase of 1 step on the pay scale (2.6%)**

- Conditioned upon employee evaluation score
- 16 • Effective January 6, 2024
- Staff can bring this back to City Council in December 2023 for final approval

18 **Cost of COLA and Merit increases (salary and benefits) = \$512,150**

- General Fund = \$425,570
- 20 • Water Fund = \$26,505
- Sewer Fund = \$14,840
- 22 • Storm Water Fund = \$14,495
- Recreation Fund = \$30,740

24 **Insurance Premiums**

- Medical insurance premiums will increase 5.5%
- 26 • Dental insurance premiums will increase 0%
- Overall, employee benefit allowance will increase \$49,625 for 2024FY

28 **New Positions**

- Police Officer
- 30 • Water System Operator I
- Storm Water Operator I
- 32 • HR Generalist **\*\*Changed from full-time to part-time since our last meeting\*\***

**Position Change**

- 34 • Change Emergency Management Coordinator from part-time to full-time

36 At this time Ms. Aaron and Mr. Cowie called for a straw poll vote from the  
council on the new positions listed above. The straw poll vote was recorded as follows:

38

**Police Officer:**

- 40 Councilmember Vanchiere: Yes
- Councilmember Broderick: Yes
- 42 Councilmember Magleby: Yes
- Councilmember Hoyt: Yes
- 44 Councilmember Powell: Yes

**Water System Operator I:**

2 Councilmember Vanchiere: Yes  
 Councilmember Broderick: Yes  
 4 Councilmember Magleby: Yes  
 Councilmember Hoyt: Yes  
 6 Councilmember Powell: Yes

**Storm Water Operator I:**

8 Councilmember Vanchiere: Yes  
 Councilmember Broderick: Yes  
 10 Councilmember Magleby: Yes  
 Councilmember Hoyt: Yes  
 12 Councilmember Powell: Yes

**HR Generalist 19:**

14 Councilmember Vanchiere: Yes  
 Councilmember Broderick: Yes  
 16 Councilmember Magleby: Yes  
 Councilmember Hoyt: Yes  
 18 Councilmember Powell: Yes

**Emergency Management Coordinator:**

20 Councilmember Vanchiere: Yes: Retain at 30 Hrs. Plus Benefits  
 Councilmember Broderick: No: Stay Under 30 Hrs. Part Time  
 22 Councilmember Magleby: Yes: Retain at 30 Hrs. Plus Benefits  
 Councilmember Hoyt: No: Stay Under 30 Hrs. Part Time  
 24 Councilmember Powell: Yes: Retain at 30 Hrs. Plus Benefits

26 Ms. Aaron then went over the Salary Study as follows:

- Mayor increase: \$4,000 per year
- 28 • Move Parks and Recreation Director from Range 25 to Range 26
  - New proposal for this meeting
  - Not in budget yet
- 30 • 20 additional positions proposed to be moved to higher pay ranges
  - 32 • Affects 30 employees
  - Most employees will move back steps as they move up ranges
  - 34 • Giving employees more “head room” before maxing out on pay ranges
  - Decreasing the potential impact on the budget
- 36 • Fiscal impact will be \$60,710 (wages and benefits)
- Included in this budget
- 38 • Effective July 8, 2023 (except 1 position which was already approved to be effective in April)

40

Ms. Aaron indicated the operational portion of the budget is fairly stable from year to year. Many division or department operating budgets have remained relatively unchanged although a few divisions will have operational changes as described below.

- 44 • The Police Department has a significant decrease due to paying off a lease for 15 fleet vehicles in the 2023FY.



- 2 • There is an increase in contracted fire, EMS, and dispatch services with Orem  
City in order to increase the staffing level at Lindon's fire station to match Orem's
- 4 other stations.
- 6 • Orem City will hire 3 additional firefighters (1 per shift) to change coverage from  
3 to 4 firefighters per shift
- 8 • Orem City is passing through about 5% inflationary costs as well
- The increased cost for the contract year will be \$316,888 or 17.7%

10 Ms. Aaron stated the Parks Department expenses are increasing in order to install  
security cameras in all of the parks.

- 12 • The Coronavirus Relief Fund transferred all of the American Relief Plan Act  
(ARPA) funds to the Water Fund to install secondary water meters throughout the
- 14 City in the 2023FY. The Coronavirus Relief Fund is expected to be inactive from  
the 2024FY and on.
- 16 • The Water Fund's operations budget will decrease significantly in the 2024FY  
now that the secondary water meter project is almost complete.
- 18 • The City has an annual debt service obligation of approximately \$1.2 million.  
This budget does not include the issuance of additional bonds.

20

Ms. Aaron then went over the Capital Budgeted Expenditures as follows:

22

#### **General Fund capital expenditures**

- 24 • \$100,000 for Public Safety Building (carport and solid walls instead of glass)
- \$20,000 for police evidence storage shed
- 26 • \$415,000 for PW equipment and vehicles
  - \$240,000 for used dump truck
  - 28 • \$110,000 for truck and hoist
  - \$65,000 for flatbed truck
- 30 • \$158,000 for park improvements
  - \$102,000 for Pheasant Brook Park shade and parking lot
  - 32 • \$15,000 for Horse Transfer Station kiosks
  - \$41,000 for Vet Hall retaining wall
- 34 • \$103,000 for Parks tractor, pickup, and salter bed

36

#### **Dedicated / restricted funds**

- Road Fund - \$2.4M for Road Capital Improvements
- 38 • PARC Tax expenditures - \$263,000 to replace playground at Pioneer Park
- Park Impact fee expenditures - \$60,000 for shade over spectator areas at
- 40 Pheasant Brook Park

#### **Water Fund**

- 42 • \$1,050,000 for improvements to wells
- \$845,000 for improvements to secondary water system
- 44 • \$3,860,000 for improvements to culinary water system

#### **Sewer Fund**

- 2 • \$132,000 for sewer equipment
- \$460,000 for Gillman Lane pipe upsizing
- 4 • \$200,000 for Orem Plant Phosphorus project
- \$53,500 for other sewer system improvements
- 6 • \$80,000 for infiltration elimination

**Storm Water Fund**

- 8 • \$1,000,000 for main ditch piping (offset by grant)
- \$600,000 for other storm water projects

**Recreation Fund**

- 10 • \$215,000 for multiple Aquatics Center improvement projects
- 12 • \$40,000 for bridge over river in Aquatics Center
- \$105,000 for multiple Community Center improvement projects
- 14 • \$20,000 for “Rec on Wheels” cargo trailer

16 Following some general discussion, the Council was in agreement to approve  
Resolution #2023-8-O amending the FY2023 Budget and adopting the FY2024 final  
18 budget as presented by staff. The Council was also in agreement to approve the FY 2024  
Transfer of Enterprise Funds to the General Fund.

20 Mayor Lundberg called for any public comments at this time. There were several  
who spoke to the council as follows:

22  
**Steven Ephat:** Mr. Ephat commented that this is the best city he has ever lived in and  
24 admires the leadership and those recognized this evening congrats on running a very  
good ship.

26  
**Lincoln Jacobs:** Mr. Jacobs agreed Lindon is a very good city to live in. He also  
28 commended the council and as a resident he is proud of the work the council does.

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

32  
COUNCILMEMBER VANCHIERE MOVED TO CLOSE THE PUBLIC  
34 HEARING. COUNCILMEMBER MAGLEBY SECONDED THE MOTION. ALL  
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

36  
Mayor Lundberg called for any further discussion or comments from the Council.  
38 Hearing none she called for a motion.

40 COUNCILMEMBER POWELL MOVED TO APPROVE RESOLUTION #2023-  
8-O AMENDING THE FY2023 BUDGET AND ADOPTING THE FY2024 FINAL  
42 BUDGET AS PRESENTED. COUNCILMEMBER MAGLEBY SECONDED THE  
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

44 COUNCILMEMBER HOYT AYE  
COUNCILMEMBER BRODERICK AYE

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

6

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

8

COUNCILMEMBER POWELL MOVED TO RECESS THE LINDON CITY  
 10 COUNCIL MEETING AND CONVENE AS THE LINDON CITY RDA.  
 COUNCILMEMBER VANCHIERE SECONDED THE MOTION. THE VOTE WAS  
 12 RECORDED AS FOLLOWS:

COUNCILMEMBER VANCHIERE AYE  
 14 COUNCILMEMBER POWELL AYE  
 COUNCILMEMBER BRODERICK AYE  
 16 COUNCILMEMBER MAGLEBY AYE  
 COUNCILMEMBER HOYT AYE

18 THE MOTION CARRIED UNANIMOUSLY.

20 BOARDMEMBER MAGLEBY MOVED TO ADJOURN THE LINDON RDA  
 MEETING AND RECONVENE THE LINDON CITY COUNCIL MEETING.  
 22 BOARDMEMBER VANCHIERE SECONDED THE MOTION. THE VOTE WAS  
 RECORDED AS FOLLOWS:

24 BOARDMEMBER POWELL AYE  
 BOARDMEMBER VANCHIERE AYE  
 26 BOARDMEMBER BRODERICK AYE  
 BOARDMEMBER MAGLEBY AYE  
 28 BOARDMEMBER HOYT AYE

THE MOTION CARRIED UNANIMOUSLY.

30

**12. Review & Action — Re-appointment of Planning Commissioner.** The Council  
 32 will consider a recommendation by Mayor Lundberg to re-appoint Sharon Call to the  
 Planning Commission.

34

Mr. Cowie led this agenda item by stating the Council will consider for approval a  
 36 recommendation by Mayor Lundberg to re-appoint Sharon Call to the Planning Commission.

Following some general discussion, the Council was in agreement that Ms. Call  
 38 does a great job as Chairman of the Planning Commission and is very dedicated. They  
 were in agreement to approve the re-appointment of Sharon Call to the Planning  
 40 Commission.

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

44 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE  
 REAPPOINTMENT OF SHARON CALL TO THE PLANNING COMMISSION AS

2 PRESENTED BY STAFF. COUNCILMEMBER MAGLEBY SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

- 4 COUNCILMEMBER HOYT AYE
- COUNCILMEMBER BRODERICK AYE
- 6 COUNCILMEMBER POWELL AYE
- COUNCILMEMBER VANCHIERE AYE
- 8 COUNCILMEMBER MAGLEBY AYE

THE MOTION CARRIED UNANIMOUSLY.

10 **13. Public Hearing — Election Ordinance Updates; Ordinance #2023-7-O.** The

12 Council will review and consider recommended changes to LCC 2.44.140 ‘Campaign  
14 Finance Disclosures’ to bring this city code section into conformance with Utah  
Code.

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

20 Brian Haws, City Attorney addressed the council on this agenda item. He stated  
22 that this update is for codifying and would be amending our election code to match the  
State requirements. He noted what this will do is establish financial disclosure  
24 requirements for City Council candidacy. He noted the change states that if a candidate  
doesn’t file the financial disclosure by the due date, they are disqualified. State code now  
26 states that a letter would be sent out to other candidates letting them know of the  
disqualification due to the failure of submitting those documents.

28 Mr. Haws explained this change to our city code would clarify those changes in  
our code. He noted everything else in our code is pretty much up to State Code. He did  
30 point out that financial disclosure deadlines went from 7 days before the election to 28  
days, however, for primary elections that day stayed at 7 days. To keep our code uniform,  
32 we stated all dates for financial disclosers be set at the same 28 day before both primary  
and general election.

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

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

40 Following some general discussion, the Council was in agreement to approve  
Ordinance #2023-7-O adopting the Election Ordinance Updates as presented by staff.

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

2 COUNCILMEMBER VANCHIERE MOVED TO APPROVE ORDINANCE  
#2023-7-O ADOPTING THE CHANGES TO LCC 2.44.140 ‘CAMPAIGN FINANCE  
4 DISCLOSURES’ AS PRESENTED BY STAFF. COUNCILMEMBER BRODERICK  
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

- 6 COUNCILMEMBER HOYT AYE
  - COUNCILMEMBER BRODERICK AYE
  - 8 COUNCILMEMBER POWELL AYE
  - COUNCILMEMBER VANCHIERE AYE
  - 10 COUNCILMEMBER MAGLEBY AYE
- THE MOTION CARRIED UNANIMOUSLY.

12  
14 Mayor Lundberg called for any further discussion or comments from the Council.  
Hearing none she called for a motion to adjourn.

16 **Adjourn** –

18 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING  
AT 7:55 PM. COUNCILMEMBER POWELL SECONDED THE MOTION. ALL  
20 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

22 Approved – June 19, 2023

24  
26 \_\_\_\_\_  
Kathryn A. Moosman, City Recorder

28  
30 \_\_\_\_\_  
Carolyn O. Lundberg, Mayor

**Item 7 – Consent Agenda** – Consent agenda may contain items which have been discussed beforehand and/or do not require significant discussion, or are administrative in nature, or do not require public comment. The Council may approve all Consent Agenda items in one motion, or may discuss individual items as needed and act on them separately.

There were no consent agenda items presented for approval.

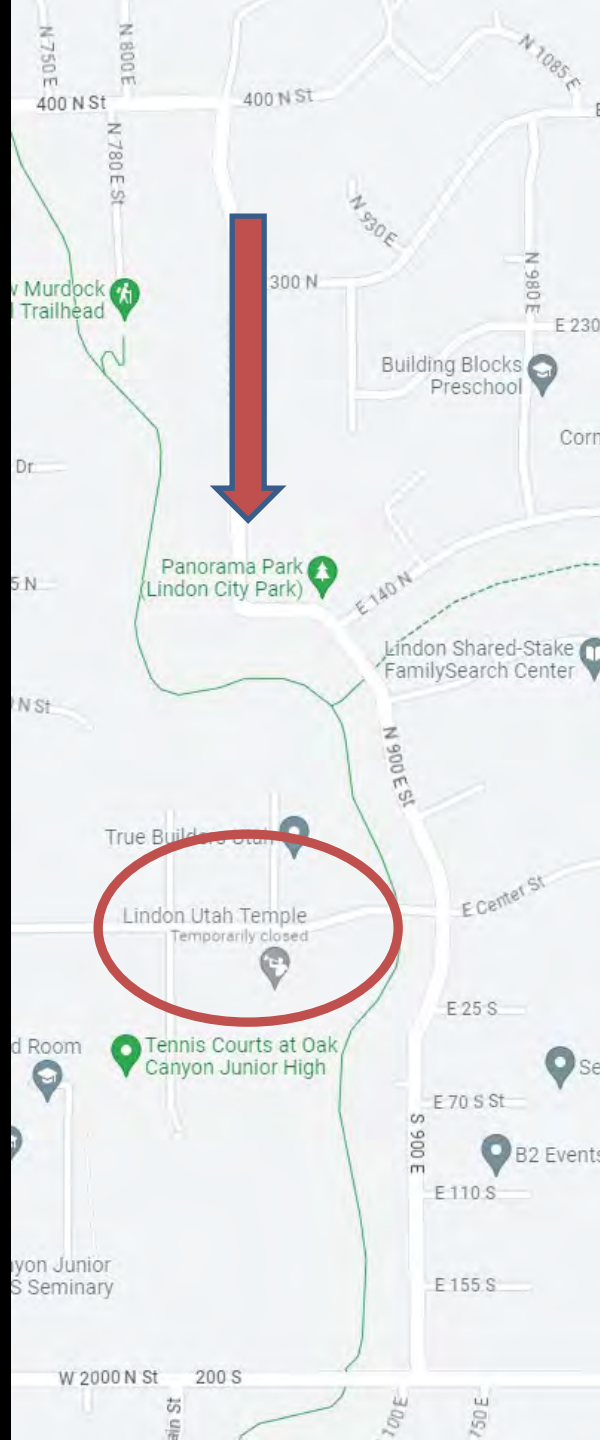
- 8. Continued Item: Review & Action** — Adding roadway name to 900 East, segment of 140 N., and 835 East. This item was continued from the June 5, 2023 Council meeting. Per a request by Mayor Lundberg and residents of the City, the Council will consider adding a supplemental name to 900 East, a segment of 140 North, and 835 East street signs and maps in recognition of the temple being constructed nearby. *(20 minutes)*

At the June 5, 2023 meeting, the City Council was shown a presentation and request that was prepared and submitted by Mr. Stephen Ehat of Lindon to add a supplemental name to 900 East, a small portion of 140 North, and 835 East. Names such as Temple View Lane, Temple View Drive, Temple View Way, and others were suggested. The Council was in support of adding a name in addition to the numbered streets and requested that Mr Ehat and Councilmember Broderick, who lives near some of these residents, contact property owners about this proposal to see how it is received.

If the Council chooses, a name may be selected to be installed on city street signs and maps in conjunction with the numbered street. The addresses of properties along the 900 E, 140 N., and/or 835 E roadways will not change. The named street will be secondary and supplemental to the existing numbered streets.

The estimated cost to the City of creating and replacing 13 new streets signs on both 900 East, 140 N., and 835 East is approximately \$1,055.00. A few additional hours of time by our engineers will also be required to update GIS files and city street maps.

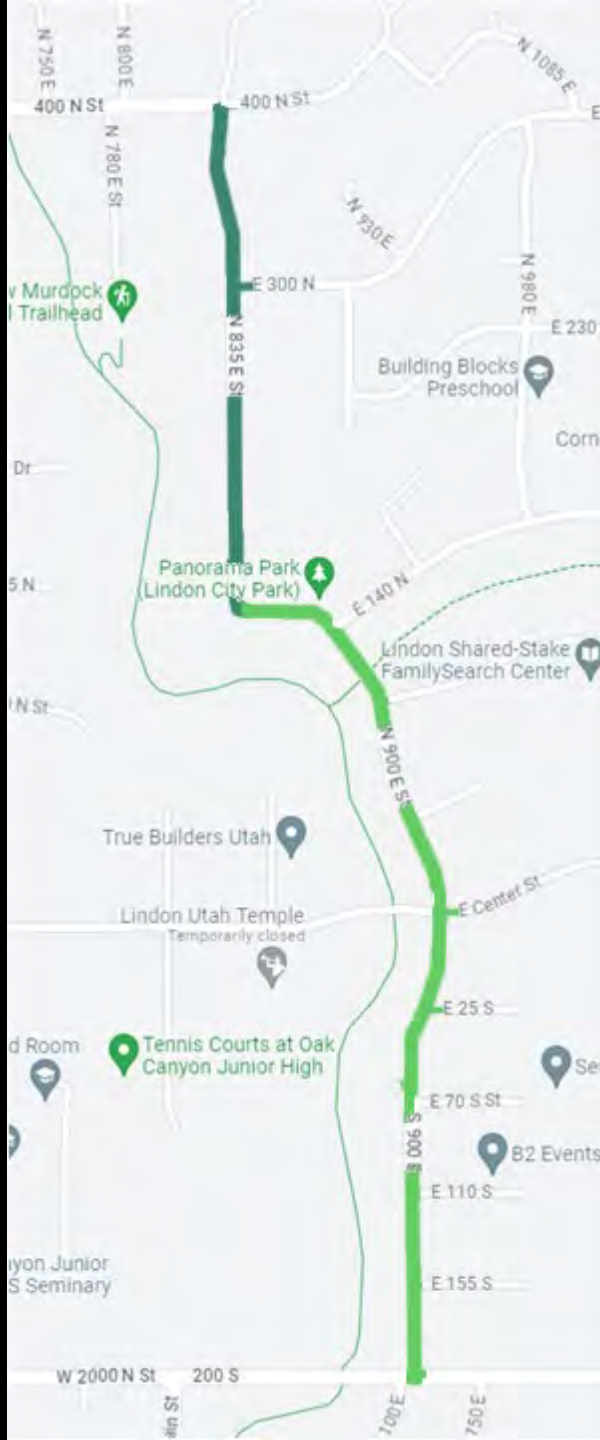
**Sample Motion:** I move to (approve, reject) adding a supplemental roadway name, “\_\_\_\_\_”, to 900 East, a portion of 140 North, and 835 East Street signs and maps in recognition of the temple being constructed nearby (as presented or amended).













400 NORTH

835 EAST  
TEMPLE VIEW LANE

400 NORTH

835 EAST  
TEMPLE VIEW

400 NORTH

TEMPLE VIEW LANE  
835 EAST

400 NORTH

TEMPLE VIEW  
835 EAST



- 9. Review & Action — Ordinance Amendment; Commercial Farm 17.51, Definitions 17.02 and Standard Land Use Table.** Application is made by Lindon City; Ordinance #2023-05-O. Updates to the ordinance are proposed regarding number of dwelling units allowed in the CF zone, defining Bed & Breakfast uses, and updates to standards & regulations for Bed & Breakfast uses. The Planning Commission recommended approval of the application to the City Council. *(15 minutes)*

**Sample Motion:** I move to (approve, reject) Ordinance #2023-05-O updating the Lindon City Code Commercial Farm ordinance and definitions, and the Standard Land Use Table (as presented or amended).

## Wadley Farms Applications

Date: June 19, 2023

Applicant: Alan Colledge  
Presenting Staff: Michael Florence

General Plan: Residential  
Current Zone: Commercial Farm (CF)

Property Owner: Colledge Properties LLC, Kristine Miller Colledge

Parcel ID: 14:071:0362,  
14:071:0131, 14:071:0160,  
14:071:0358, 14:071:0359,  
14:071:0345

Type of Decision: Legislative and Administrative  
Council Action Required: Yes, the planning commission unanimously approved each application with a positive recommendation.



### SUMMARY OF KEY ISSUES

1. The items associated with the applications found in this report have arisen to address code violations associated with a notice sent by the city, general plan compliance, and additional development proposed by the property owner.
2. The following applications have been made by Lindon City and Wadley Farms. Each application will have a separate motion.
  - a. Ordinance amendment for Bed and Breakfast uses citywide and the Commercial Farm zone. (City application)
  - b. Conditional Use Permit for Bed and Breakfast Uses (Wadley Farms application)
  - c. Amended Site plan and conditional use permit approval to convert a previously approved agricultural accessory building to a commercial use building. (Wadley Farms application)
  - d. Amended site plan and conditional use permit approval to convert an onsite structure, **“Red Barn,” to a commercial retail business.** (Wadley Farms application)
  - e. To rezone two parcels (14:071:0359 & 14:071:0345) from Residential R1-20 to Commercial Farm. (Wadley Farms application)
3. The planning commission recommended approval of each application with conditions. See the motion section of the report for the recommended conditions of approval. The city council will make the final land use decisions for each application.
4. The courtesy notice that the city sent to Wadley Farms addressed the following main items:
  - a. The rear portion of the lot at 441 N. 150 E. was deeded to Colledge Properties LLC in 2018. It is a residential parcel being used as a construction and equipment storage yard.
  - b. **A 2017 amended site plan for the “castle” conditioned the approval on installing landscaping behind the building to screen the property.**

- c. Discussion and timing of Main Street improvements.
  - d. Use and number of short-term rentals at Wadley Farms
  - e. Construction yard in an R1-20 single-family zone
5. Key issues that the planning commission and city council need to address with these applications are as follows:
- a. As more commercial uses are proposed in the Commercial Farm zone, do the application proposals meet the intent and purpose of the zone?
  - b. Consideration of the Lindon City Street Master Plan Map and the construction of the future Main Street connection.
  - c. Ensuring that each proposed use meets the requirements of the Commercial Farm zone.
  - d. The installation of public improvements that are required for all commercial zones.
  - e. The number of existing dwellings on the property and how this relates to the proposal for bed and breakfast units.

### OVERVIEW

Purpose of the Commercial Farm Zone – 17.51.010:

“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”

The following history of the development is provided to give a sense of how the Wadley Farms property has progressed over the years:

- 2000 – The City Council approved an ordinance amendment to allow an admission charge for private recreational grounds of 10 acres or more to host receptions and other events at the historic buildings.
- 2001 – a conditional use permit was granted by the planning commission for a reception center in the R1-20 zone.
- 2011 – Creation of the Commercial Farm zone and zoning ordinance. Also, a conditional use permit for the **“castle building.”**
- 2017 – **amended site plan approval for an addition to the “castle building.”**
- 2022 – zone change to incorporate the new single-family home into the Commercial Farm zone.

\*The below highlighted items discuss each application that has been filed. Motions and conditions are included at the end of the report

## **Bed and Breakfast & Commercial Farm/Standard Land Use Table Ordinance Amendment Application**

\*Planning Commission Recommendation: Unanimously recommended approval to the city council

**Lindon City's current code does not set forth an express definition of the term, "bed and breakfast."** The Commercial Farm ordinance 17.51.070 lays out the number of permitted dwellings in this zone. Under the current Commercial Farm ordinance there are three dwelling types that are allowed: a single-family dwelling, an accessory dwelling unit apartment, and a caretaker or farm help dwelling. Lindon City Code 17.02.010 defines the term "dwelling". **This section states a dwelling is "any building or portion thereof designed or used as the principal residence or sleeping place of one (1) or more persons or families, not including a tent, recreational coach, hotel/motel, or nursing home.**

A bed and breakfast provides a sleeping place for one or more people, but is not a tent, RV, hotel, or motel. **As such, it would fall within the City's definition of a dwelling. This interpretation is further strengthened because while the city does not have an express definition of a bed and breakfast it does define a "lodging house" which is a close approximation to a bed and breakfast. A lodging house is defined as "a dwelling with not more than ten (10) guest room where, for compensation, lodging is provided for at least three (3) but not more than fifteen (15) person, but not including hotels/motels. This additional definition makes it clear that temporary lodging facilities that are not hotels or motels, such as a bed and breakfast, fall within the definition of a dwelling under Lindon City's code.**

Bed and breakfast uses are identified as conditional uses allowed in the Commercial Farm Zone, but based on the fact that it is a dwelling, under the current ordinance it must be housed within one of the three dwellings allowed in the zone. City staff believe the legislative history shows that in creating this Commercial Farm Zone the City Council only anticipated a single bed and breakfast would be established in each zone. This intent is also indicated in the fact that when the allowed conditional uses are listed in §17.51.012, some are referred to in the plural, such as "stables", "green houses" and "Educational Programs and associated facilities" whereas other uses are only referred to in the singular, such as the "garden nursery", "garden center", and the "bed and breakfast facility." The City Council made a deliberate choice to use the plural forms for some uses, but not for others. Had it been the intent of the Council to allow multiple bed and breakfast facilities, they would have used the plural form of the use as they did elsewhere in this same Section.

If a bed and breakfast facility was approved as a conditional use permit the maximum dwellings that could be in a Commercial Farm zone would be four (single-family dwelling, an accessory dwelling unit apartment, a caretaker or farm help dwelling, and bed and breakfast facility).

Over the years the residential dwelling uses have expanded at Wadley Farms. The property currently consists of six dwellings - 2 single-family homes, one accessory dwelling unit under construction above the garage at the new single-family home and 3 short-term rentals.

In 2014 a building permit was issued for a shop building in the northeast corner of the property. In 2016, the project was changed and approved as a shop on the first level and a care-taker or farm help dwelling residence above the shop. At some point after, the care-taker residence was then divided into two short-term rentals. The city does not have record or permit for the caretaker or farm help building being converted to two short-term rentals. There is also one short-term rental located above the main office.

The short-term rentals were one of the items discussed in the notice sent by the city. The applicant desires to convert the short-term rentals into bed and breakfast units **and in the future use the “farm house” as additional bed and breakfast unit**. The ordinance that the city drafted needs to be carefully evaluated by the city council to consider if the city is willing to increase the number of dwelling units on the site. This proposal would also affect the Walker Farms development. Walker Farms consists of 6.5 acres which under the proposed ordinance would have the ability to construct one bed and breakfast unit (1 per 4 acres). Under the existing code Walker Farms would have been allowed to have one facility anyways.

Summary

The proposed amendment outlines amendments as follows:

- Creates two separate definitions for Bed and Breakfast uses.
  - There is a general definition of Bed and Breakfast that will apply to areas outside of the Commercial Farm zone.
  - Bed and Breakfast Farm Retreat. This definition applies specifically to the two Commercial Farm zones (Wadley Farms and Walker Farms).
- Amends the Standard Land Use Table because of conflicting language.

Lindon City

**STANDARD LAND USE TABLE BY ZONE**

Appendix A

Parking Group	Permitted Primary Uses	Residential	Mixed Rec.		Commercial*						Industrial			R&B	
		(R1-12, R1-20, R3)	RMU-W	RMU-E	PC-1	PC-2	CG	CG-A	CG-AB	CG-S	MC	HI	LI	LI-W	
<b>RESIDENTIAL</b>															
1300	Hotels, Tourist Courts, Bed & Breakfast and Motels	N	N	N	P	P	P	P	P	P	P	N	N	N	P
<del>1300</del>	<del>Residential Bed &amp; Breakfast Facility - 3 rooms or less</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>

- Amends the Commercial Farm ordinance to make the following changes:
  - Creates standards for the bed and breakfast uses:
    - 1 guestroom per 4 acres
    - In the Commercial Farm zone guestrooms maybe located in one facility or separate units. Outside the Commercial Farm zone guestrooms may only be located in one facility.
    - Development standards (setbacks, frontage, etc.) of the CF zone shall be met.
    - Sanitation requirements as outlined in Utah Administrative Rules are met.
    - Guestrooms shall comply with all building and fire codes.
  - Caps the total number of residential dwellings at six but also dependent upon acreage for the bed and breakfast.
    - For Wadley Farms, this would currently include the 2 single-family homes, one ADU, and three bed and breakfast units. The applicant would like to convert the existing “farm house” into one bed and breakfast unit in the future and this would allow for that change by updating the conditional use permit at that time.
    - For Walker Farms this would allow 1 single-family home, one caretaker or farm help dwelling, one accessory dwelling unit apartment, and one bed and breakfast unit.
  - The ordinance prohibits the residential dwelling uses to be sold off or subdivided unless the property is rezoned to R1-20 and meets the zoning requirements of the zone. The proposed bed and breakfast units are not currently constructed in such a way that they could easily meet the zoning requirements of the R1-20 zone.

The following uses are currently allowed in the Commercial Farm zone:

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

The Commercial Farm zone was adopted in 2011 and amended in 2017. Looking at the ordinance over 10 years later and what has been constructed should the city evaluate the allowable uses? Because both Commercial Farm zones are located in residential neighborhoods the city has the responsibility to ensure that the uses allowed protect the surrounding neighborhood. Another approach would be to cap the number of allowable uses to ensure that the primary focus of the developments remains to promote agricultural open space throughout the city.

## Bed and Breakfast Conditional Use

\*Planning Commission Recommendation: Unanimously recommended approval to the city council

As more commercial uses are proposed for not only this site but also recently at the Walker Farms property the planning commission and city council need to carefully evaluate proposals to ensure that the surrounding residential properties are protected and the agricultural open space goals of the Commercial Farm zone are met. The short-term rentals have been operating for several years and are very popular as top places for overnight accommodation. Mr. Colledge would also like, at some future time, to convert the existing farm home into a bed and breakfast use. That would be a future amendment to this conditional use permit if passed by the city council.

For the two existing units being used as short-term rental units located above the shop in the northeast **section of the property there is a 10' setback from the adjoining residential** property to the east as well as an **8' pre-cast** wall. The proposed bed and breakfast above the office is in the middle of the property and is accessed from inside the building. Because the dwelling started out as a care-taker or farm help dwelling unit and then converted into two separate short-term rental units the applicant needs to apply for a building permit. This requirement is included in the motion.

Buildings where the existing short-term rentals are located and are proposed to be modified to be bed and breakfast uses:



**Amended Site Plan and Conditional Use Permit – Commercial Building**

\*Planning Commission Recommendation: Unanimously recommended approval to the city council

Lindon City approved this building as an agricultural accessory building on October 14, 2020. The building is still under construction and is a two-story building. Each floor is approximately 1,600 square feet. The original purpose of the building was to be a shop to support the ongoing maintenance of the farm and development. Partway through construction, Mr. Colledge met with city staff to understand what would need to be done to convert the building to a commercial building. Mr. Colledge proposes that the following uses could be operated out of the building as a boutique or gathering spaces:

- Office-Intimate business meetings- wedding breakfasts
- bottling of grape juice
- yoga health
- complementary boutique shop

**Commercial Farm Development Standards**

Required	Provided	Compliant
Setbacks: <ul style="list-style-type: none"> <li>• front: <b>50'</b></li> <li>• Rear: <b>20'</b></li> <li>• Side: <b>10'</b></li> </ul>	<b>50'+</b> <b>20'</b> <b>10'+</b>	Yes
<b>Height: 35'</b>	<b>34'</b>	Yes
<b>Distance between buildings: 10'</b>	<b>71'</b>	Yes
40% max building lot coverage	.04%	Yes
<b>6' high site obscuring fence</b> between a residential use and zone	<b>8'</b>	Yes
Parking: 64	There are over 280 identified places to park in addition to overflow parking in the field.	Yes. Wadley Farms does not typically hold more than one event at a time. The castle building would account for the highest parking calculation of the 280 which are provided.
Access	<b>20'</b> hard surface driveway from 400 N.	Yes.





**Amended Site Plan and Conditional Use Permit – “Red Barn”**

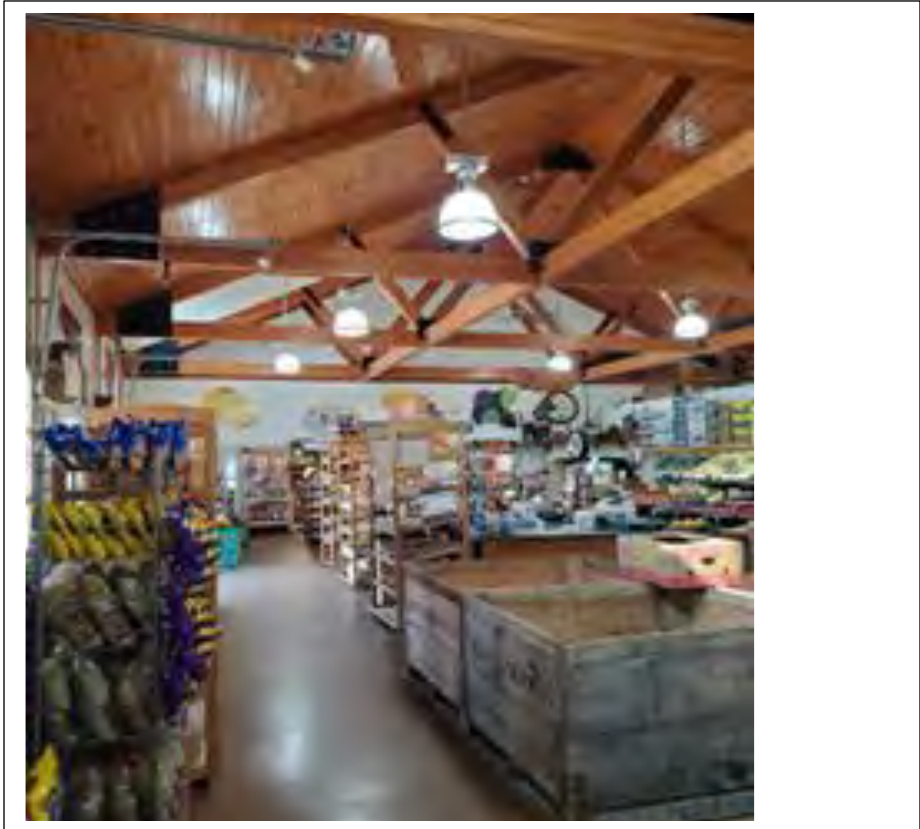
\*Planning Commission Recommendation: Unanimously recommended approval to the city council with the condition that a Main Street agreement be approved that will trigger Main Street to be dedicated and constructed by the property owner **when the Commercial Farm zoning is abandoned.**”

Mr. Colledge is proposing to **convert the existing “red barn” to a retail boutique use that would sell** produce grown on-site, sandwiches, ice cream, and other farm to table items. **The “red barn” was** moved to the **site in the 90’s and has been used for agricultural uses since that time. The applicant** proposes to develop the building into something similar to the Wall Brothers Barn in Spanish Fork or the Rowleys Barn in Santaquin. A central discussion point for this application is the construction of Main Street as noted on the Street Master Plan Map and discussed in the Application Analysis section of this report. **Of note on the site plan for the “red barn” (Exhibit 7)**, parking is proposed to be located in the future Main Street right-of-way. If the City decides that Main Street is not constructed as part of this conditional use permit then a condition of approval has been added that the owner will relocate the parking stalls required for the business to a location that meets city parking lot standards.

The planning commission recommended approval of this conditional use permit with the condition that the city and Wadley Farms enter into a development agreement that the parties also mutually agree that should the Property cease to be included in the Commercial Farm zone, that it would be appropriate and necessary for the Owners to design, develop and dedicate the road to the City as required by Title 17 of the Lindon City Code.

Commercial Farm Development Standards

Required	Provided	Compliant
Setbacks: <ul style="list-style-type: none"> <li>• <b>Front: 50’</b></li> <li>• <b>Rear: 20’</b></li> <li>• <b>Side: 10’</b></li> </ul>	<b>50’+</b> <b>20’+</b> <b>10’+</b>	Yes
<b>Height: 35’</b>	28’	Yes
<b>Distance between buildings: 10’</b>	112’	Yes
40% max building lot coverage	.04%	Yes
<b>6’ high site obscuring fence</b> between a residential use and zone	<b>8’</b>	Yes
Parking: 10 stalls. Staff used the general merchandise category to calculate the number of stalls, which is 1 stall per 200 square feet.	17	Yes.
Access	<b>20’ hard surface driveway from 400 N. There is a 26’ lane width</b> in the parking back out areas.	Yes.





### Application Analysis

As the city reviews site plan, zone change and conditional use permit approvals for the commercial buildings and change of uses, there are a few code and general plan items that need to be evaluated as part of the entitlement process.

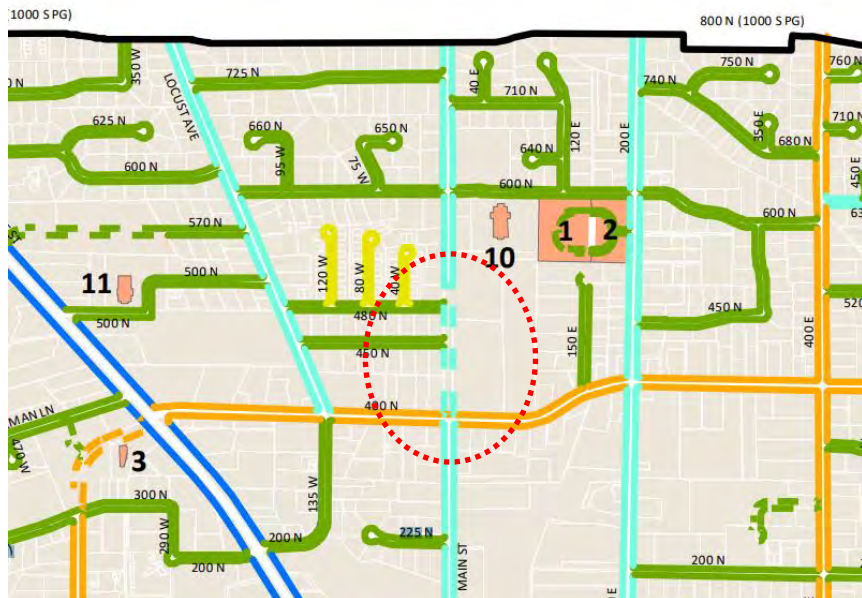
General Plan – The Lindon City general plan includes a Street Master Plan Map. This map identifies the future location of planned streets and road network in order provide transportation road connectivity throughout the community. Connecting Main Street between 400 N. and 600 N. was first identified on the general plan maps in 1995. A portion of Main Street between 400 N. and 600 N. was installed in 2021 with the Green Valley subdivision and in approximately 2008 for a single-family home. **Main Street is planned as a 66' minor collector. Up until the last three or so years Wadley Farms primarily used their east most entrance to access the property from 400 N.** Since that time, Wadley Farms is now primarily using the west entrance for access to the property. The east entrance now has a large gate which can be opened for emergency access.

Another item to consider is the dead-end streets at 450 N. and 480 N. These subdivisions were platted with temporary turn around cul-de-sacs with the expectation that the roads would one day connect to Main Street. 480 N. may have had a hard surfaced temporary cul-de-sac at some point, but it no longer exists. 40 W. is a private street that intersects with 480 N. which could be used as a hammerhead turnaround but is private. 450 N. still has a hard surfaced cul-de-sac. Lindon City Subdivision Code states the following:

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

The two dead-end streets range between 980-1,100 feet to the middle of where the temporary cul-de-sacs are located. Fire hydrants do exist on both streets to provide fire protection coverage.

### Street Master Plan Map



450 W.



480 W.



Lindon City has so far approved two conditional use permits for the Wadley Farms property. The first was granted in 2001 for the first reception center approvals. In 2011, the city adopted the Commercial Farm zone and a new conditional use permit was approved for the “castle building” and generally for receptions and event uses. The city is now considering two additional conditional use permits with the **conversion of the agricultural accessory building to a commercial event building and the “red barn” retail building.**

Lindon City Code 17.24 outlines the General Standards for Conditional Use Developments. Section 17.21.100 states the following:

*“In the event that the land contained within a development is traversed by a proposed major street shown on the master plan, such development shall be designed in accordance therewith and the right-of-way across the development for the major streets shall be dedicated to the public.”*

The above code section has appeared in the city code since 1985. Staff reviewed the past meeting minutes and staff reports when the previous conditional use permits were granted as well as site plan approvals and there was no mention in the minutes or report of Main Street being dedicated and constructed. It may have been because the east access to the property was the only access used at the time or it was discussed in Development Review Committee meetings or not captured in the written record. The city did recently come across a letter from 1995 to Mr. Colledge from the city that discussed the Main Street improvements (see attached).

Last summer, a twenty-foot-wide asphalt driveway was installed on the west entrance to access the property. This new access should have been reviewed as an amended site plan by the planning commission. Originally this was identified as a secondary access to the property but has now become the primary access to the development.



#### Considerations from the Lindon City General Plan Transportation Element

- Through implementation of the Lindon City Street Master Plan Map, the Alternative Transportation Master Plan Map and applicable capital facilities plans, the City can ensure comprehensive and coordinated transportation planning efforts.
- The primary purpose of the transportation plan is to balance future demands generated by the Land Use element with the future roadway improvements, thereby developing a long-range transportation system plan which would efficiently support future land development.
- Appropriate use of Lindon's long-range transportation plan should be to:
  - Secure rights-of-way prior to or concurrent with land development
- The street system should accommodate through and local traffic as designed in the Lindon City Street Master Plan Map.
- Planning shall minimize localized traffic congestion and operational problems and ensure adequate access to and circulation around commercial and industrial areas, public facilities, and other activity centers, Streets in developing areas should provide for the free flow of traffic when the construction is complete.
- Through streets are encouraged
- Private development participates in major street system improvements through street impact fees, dedication of land, and construction of facilities.

## Requirements of the Lindon City Development Manual

### Section 1.02 Responsibility for public improvements

In accordance with General Plan goals related to providing adequate infrastructure for various land uses within the city, the design and construction costs of public improvements within and required by land development are the responsibility of the Developer.

The Developer must construct full street and utility improvements. These normally include asphalt and base materials, curb & gutter, sidewalk, traffic and street signs, street lights, sewer, storm drainage, culinary water, and secondary water facilities, and telecommunications conduit. For new streets, the Developer is responsible for everything from the back of curb on one side of the road to the back of curb on the other side of the road, as well as sidewalk on the side(s) of the street being developed.

### Section 2.07 Amended Site Plans

Site plans to be brought into substantial compliance need to address the following requirements found in Section 2.05 of this manual

1. Vehicular access and circulation
2. Off street loading and unloading
3. Off-site curb, gutter, and sidewalk

The Commercial Farm zone has granted the ability of property owners to develop unique commercial venues in the community. Looking at the proposed developments, the city needs to also look at the long-term development of the community. This section of Main Street through the Wadley Farms development is the last remaining portion to be connected for both vehicles but also pedestrians and **trail users. Main Street is designed as a 66' right-of-way that includes a 10' trail. The road and trail** profile have recently been constructed for the Green Valley subdivision directly north of Wadley Farms and in the Hollow as part of the new Hollows subdivision. The planning commission and city council have a decision to make on how to apply the conditional use permit standards for road design and dedication but also provide emergency access to 450 N. & 480 N. developments. The city needs to decide what finally triggers when Main Street will be dedicated and constructed. The conditional use permit ordinance is clear that road dedication is part of a conditional use permit and needs to be considered with these applications.

## MOTIONS

### Commercial Farm, Definitions and Standard Land Use Table Ordinance Amendment Application

I move to recommend (*approval, denial, or a continuance*) ordinance 2023-05-O (as presented, or with changes).

#### Conditional Use – Bed and Breakfast

**I move to recommend (approval, denial, or a continuance) of the applicant’s request for a conditional use permit for a Bed and Breakfast Retreat located at 35 E. 400 N. with the following conditions:**

1. The proposed bed and breakfast retreat is approved for three bed and breakfast units.
2. Any outstanding building code requirements or change of use from a caretaker unit to bed and breakfast units will be addressed with the Lindon City Building official and building permits obtained.
3. All transient room taxes will be paid to the State of Utah for the bed and breakfast use.
4. All items of the staff report.

#### Amended Site Plan and Conditional Use Permit – Commercial Building

**I move to recommend (approval, denial, or a continuance) of the applicant’s request for a conditional use permit and site plan for an additional commercial use event building located at 35 E. 400 N. with the following conditions:**

1. Due to the change of use of the building from an agricultural accessory building to a commercial building any outstanding building code, permits, or engineering requirements will be addressed and approved by the Lindon City Building Official.
2. The occupancy of the building will be provided by the applicant architect and clearly posted.
3. For any food processing, all health department regulations will be followed, and any food processing permits be obtained. Work with Lindon City Engineering to determine if a grease trap will need to be installed.
4. All items of the staff report.

#### Amended Site Plan and Conditional Use Permit – “Red Barn” Retail Building

**I move to recommend (approval, denial, or a continuance) of the applicant’s request for a conditional use permit and site plan for a retail building located at 35 E. 400 N. with the following conditions:**

1. Due to the change of use of the building from an agricultural barn to a commercial retail building, all building permits requirements will be addressed and approved by the Lindon City Building Official.
2. The applicant will continue to work with the City Engineer and fire department to make all final corrections to the civil engineering documents.
3. Parking is proposed to be constructed within the future Main Street right-of-way. When Main Street is constructed the owner will relocate the parking stalls required for the business to a location that meets city parking lot standards.
4. A Main street agreement be approved that will trigger Main Street to be dedicated and constructed by the property owner when the Commercial Farm zoning is abandoned.
5. All items of the staff report

#### Rezone – two parcels from R1-20 to Commercial Farm

I move to recommend (approval, denial, or continuance) of ordinance 2023-06-O to amend the Lindon City zoning map from Single Family Residential (R1-20) to Commercial Farm (CF) for parcel numbers 14:071:0359 & 14:071:0345) with the following conditions:

1. The applicant will combine the two parcels with the overall acreage of the Wadley Farms development;
2. A seven-foot masonry or concrete fence be installed to screen the property parcel# 14:071:0359 from the adjoining single-family R1-20 zone properties.
3. All items of the staff report.



EXHIBITS

- 1. Aerial photo and location map
- 2. Ordinance Amendment
- 3. Zone Change Ordinance
- 4. Red Barn building elevations
- 5. Red Barn site plan
- 6. Red Barn floor plan
- 7. Draft Development Agreement
- 8. 1995 Letter from Andrew Jackson
- 9. Notice Letter from Lindon City to Wadley Farms

Exhibit 1



## ORDINANCE NO. 2023-05-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING TITLES 17.02, 17.51 AND APPENDIX A STANDARD LANDE USE TABLE AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

WHEREAS, on May 23, 2023, the Planning Commission held a properly noticed public hearing to hear testimony regarding the ordinance amendment; and

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

WHEREAS, the Council held a public hearing on June 19, 2023, to consider the recommendation and the Council received and considered all public comments that were made therein.

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

**SECTION I:** Amend Lindon City Code sections as follows:

17.02 Definitions

Bed and Breakfast Dwelling means a building of residential design, in which the property owner lives in the facility as their primary residence, where one or more guestrooms, but not more than three (3) rooms are rented out by the day, with a maximum building occupancy of ten (10) individuals and offers breakfast to overnight guests within an internally incorporated dining area.

Bed and Breakfast Farm Retreat Dwelling means the providing of limited commercial lodging accommodations within the Commercial Farm zone. Where one or more guestroom units, but not more than four (4) guestrooms units that meet the requirements of 17.51.075 and are rented out by the day. For such lodging accommodations, the property owner shall live on-site as their primary residence and provide breakfast to guests within a centrally incorporated dining area.

**17.51 Commercial Farm Zone**

**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. (Ord. 2017-16 §1, amended, 2017)

**17.51.012 Permitted uses.**

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

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

#### **17.51.014 Owner residency required.**

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

#### **17.51.015 Agricultural production required.**

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

#### **17.51.020 Lot area.**

The minimum area of any lot or parcel of land in the CF zone shall be five (5) acres. Multiple parcels that total five (5) acres or more may qualify as meeting the minimum lot area without combining the parcels only when they are under identical legal ownership and are contiguous. ~~A deed restriction prohibiting the separation of parcels may be required in order to maintain the minimum five (5) contiguous acres.~~ The minimum required development area shall be consolidated into one parcel or lot. (Ord. 2017-16 §1, amended, 2017)

#### **17.51.030 Lot width.**

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

#### **17.51.040 Lot depth.**

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

#### **17.51.050 Lot frontage.**

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

#### **17.51.070 Number of dwellings per ~~lot~~ Commercial Farm Development**

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

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

#### **17.51.075 Bed and Breakfast**

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

1. Contain a total maximum number of four (4) guestroom units based on the calculations below.
  - a. The number of guestroom units is based off acres within the Commercial Farm Zone. The property may have one (1) guestroom unit per four (4) acres of property.
  - b. Guestroom units may be located in one building facility or separate detached buildings but shall not exceed the number of allowed guestroom units.
  - c. The property owner shall live on-site as their primary residence.
  - d. Development standards, setbacks, and frontage of the Commercial Farm zone shall be met whether the bed and breakfast guestroom units are incorporated into one building facility or separate detached buildings.
  - e. The property owner shall be responsible to meet the sanitation requirements for public lodging facilities as described by Utah Administrative Rules 392-502 or as amended; and
  - f. Guestroom units shall comply with all building and fire code requirements.

#### **17.51.080 Noncommercial building yard setback requirements.**

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

1. Front yard setback: thirty feet (30').

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

#### **17.51.085 Commercial building yard setback requirements.**

The following minimum yard requirements shall apply to the following commercial buildings/structures in the CF zone: amphitheater, reception center, conference center, boutique, cafe, restaurant, veterinary clinic, and food manufacturing.

(Note: Unless otherwise noted, all setbacks are measured from the property line, or for property lines adjacent to a street the setback shall be measured from the street right-of-way line.)

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

#### **17.51.090 Projections into yards.**

1. The following structures may be erected on or project into any required yard setback:
  - a. Fences and retaining walls in conformance with the Lindon City Code and other city codes or ordinances.
  - b. Necessary appurtenances for utility service.
2. The structures listed below may project into a minimum front, side, or rear yard not more than the following distances:
  - a. The following may project into a minimum front, side or rear yard not more than twenty-four inches (24"): cornices, eaves, belt courses, sills, buttresses, or other similar architectural features; fireplace structures and bays (provided that they are not wider than eight feet (8'), measured generally parallel to the wall of which they are a part), awnings and planting boxes or masonry planters.
  - b. The structures listed below may project into a rear yard not more than twelve feet (12'): a shade structure or uncovered deck (which does not support a roof structure, including associated stairs and landings) extending from the main-floor level and/or ground level of a building, provided such structure is open on at least three (3) sides, except for necessary supporting columns and customary architectural features.

c. The following may project into a front, side or rear yard (above or below grade) not more than four feet (4') as long as they are uncovered (not supporting a roof structure): unenclosed stairways, balconies, landings, and fire escapes. (Ord. 2017-16 §1, amended, 2017)

#### **17.51.100 Building height.**

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

#### **17.51.110 Distance between buildings.**

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

#### **17.51.120 Permissible lot coverage.**

1. In a CF zone, all buildings, including accessory buildings and structures, shall not cover more than forty percent (40%) of the area of the lot or parcel of land, or the conglomeration of parcels as defined in Section 17.51.020.
2. At least forty percent (40%) of the front yard setback area of any lot shall be landscaped. On any lot, concrete, asphaltic, gravel, or other driveway surfaces shall not cover more than fifty percent (50%) of a front yard. (Ord. 2017-16 §1, amended, 2017)

#### **17.51.125 Screening and fencing.**

1. The following screening and fencing requirements are required in the CF zone:
  - a. A six-foot (6') high site obscuring fence shall be constructed and maintained along any property line between a residential use or residential zone and a commercial building in the CF zone when the commercial building is closer than thirty feet (30') from the property line. The fence shall be placed along the property line at an area parallel to the commercial building and shall extend a minimum of fifty feet (50') along the property line from both directions from the ends of the building.
  - b. Any commercial structure closer than thirty feet (30') to a residential use or residential zone shall provide a minimum ten-foot (10') wide tree-lined buffer from the commercial building to the adjacent residential use or zone. Trees shall be planted at least every ten feet (10') along the buffer area adjacent to the residential use or residential zone. Trees must be a minimum of two-inch (2") caliper measured one (1) foot off the ground and at least six feet (6') tall when planted. In addition to any required fencing, trees shall be of a variety that will mature to a height of at least twenty feet (20') tall in order to provide an increased visual barrier between the commercial use and the residential use.

2. For purposes of this chapter, residential dwelling units and agricultural accessory buildings in the CF zone are not considered commercial structures.

3. The planning commission may waive or modify the fencing and/or landscape screening requirement upon 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. (Ord. 2017-16 §1, amended, 2017)

#### **17.51.130 Parking.**

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

2. Parking spaces in a CF zone are exempted from the surfacing, striping, and interior landscaping requirements as found in Chapter 17.18, but shall be provided with a dustless, hard surface material such as compacted gravel, asphalt, or concrete and shall be provided with a similar hard surfaced access from a public street.

3. Notwithstanding subsection (2) of this section, any off-street parking lot adjacent to a residential use or residential zone shall provide a minimum ten-foot (10') landscaped buffer from the parking lot to the adjacent residential use or zone. Trees shall be planted at least every ten feet (10') along the landscaped strip. Trees must be a minimum of two-inch (2") caliper measured one (1) foot off the ground and at least six feet (6') tall when planted. Trees shall be of a variety that will mature to a height of at least twenty feet (20') tall in order to provide a visual barrier between the parking lot and the residential use/zone.

4. No required parking spaces shall be within thirty feet (30') of a front property line or street side property line unless approved by the land use authority. The land use authority may reduce this requirement where an alternative plan is proposed that meets the design intent of the commercial farm zone while also maintaining appropriate setbacks and buffers compatible with surrounding properties. There shall be no overall net loss of landscape percentage for the site.

5. All required ADA parking stalls shall be provided with smooth, hard surface asphalt or concrete paving with a similar surface provided as an ADA accessible pedestrian route between the parking spaces and any public buildings being accessed from the spaces. (Ord. 2019-9 §1, amended, 2019; Ord. 2017-16 §1, amended, 2017)

#### **17.51.140 Residential and agricultural accessory buildings.**

1. Accessory Building within the Buildable Area (Noncommercial). Accessory buildings meeting all setback requirements (within the buildable area) for the main dwelling are permitted when in compliance with the following requirements:

- a. Have a building height not taller than thirty-five feet (35'). Height to be calculated as per Section 17.51.100.
- b. Comply with all lot coverage requirements.

2. Accessory Building outside the Buildable Area (Noncommercial). Accessory buildings that do not meet the setback requirements (outside the buildable area) for the main dwelling shall comply with lot coverage requirements and meet the following:

- a. Be set back a minimum of thirty feet (30') from the front property line and five feet (5') from any other property line.

- b. Be set back a minimum of ten feet (10') from property line when located between the main dwelling and the side property line.
  - c. Not be located within a recorded public utility easement, unless a release can be secured from all public utilities.
  - d. Have an average building height of no more than twenty feet (20') in height measured at the four (4) corners of the structure from finished grade to the highest point of the roof structure.
  - e. Comply with distance between buildings requirements.
3. Accessory buildings larger than two hundred (200) square feet shall be required to obtain a building permit.
4. Construction of an accessory building may precede the construction of the primary residence. (Ord. 2017-16 §1, amended, 2017)

**17.51.145 Noise limits.**

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

**17.51.150 Other requirements.**

1. Except as otherwise stated within this chapter regarding animal uses in the CF zone, all applicable sections of Title 6 (Animal Regulations) pertain to the CF zone, including setbacks to agricultural buildings and corrals.
2. Signage. Signs allowed within the CF zone are limited to monument signs, wall signs, banner signs, flags, directional signs, and temporary display signs (balloons, banners, and pennant flags) as more fully described in Title 18. (Ord. 2017-16 §1, amended, 2017; Ord. 2011-6, amended, 2011)





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

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

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

PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Carolyn Lundberg, Mayor

ATTEST:

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

SEAL

## ORDINANCE NO. 2023-06-O

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

WHEREAS, the City Council is authorized by state law to amend the Lindon City zoning map; and

WHEREAS, on January 23, 2023, a land use application was submitted to Lindon City to rezone approximately two parcels 14:071:0359 and 14:071:0345 from Single Family Residential (R1-20) to Commercial Farm (CF); and

WHEREAS, on May 23, 2023, the Planning Commission held a properly noticed public hearing to hear testimony regarding the ordinance amendment; and

WHEREAS, after the public hearing, the Planning Commission further considered the proposed rezone, and recommended that the City Council adopt the zone map amendment of Commercial Farm (CF); and

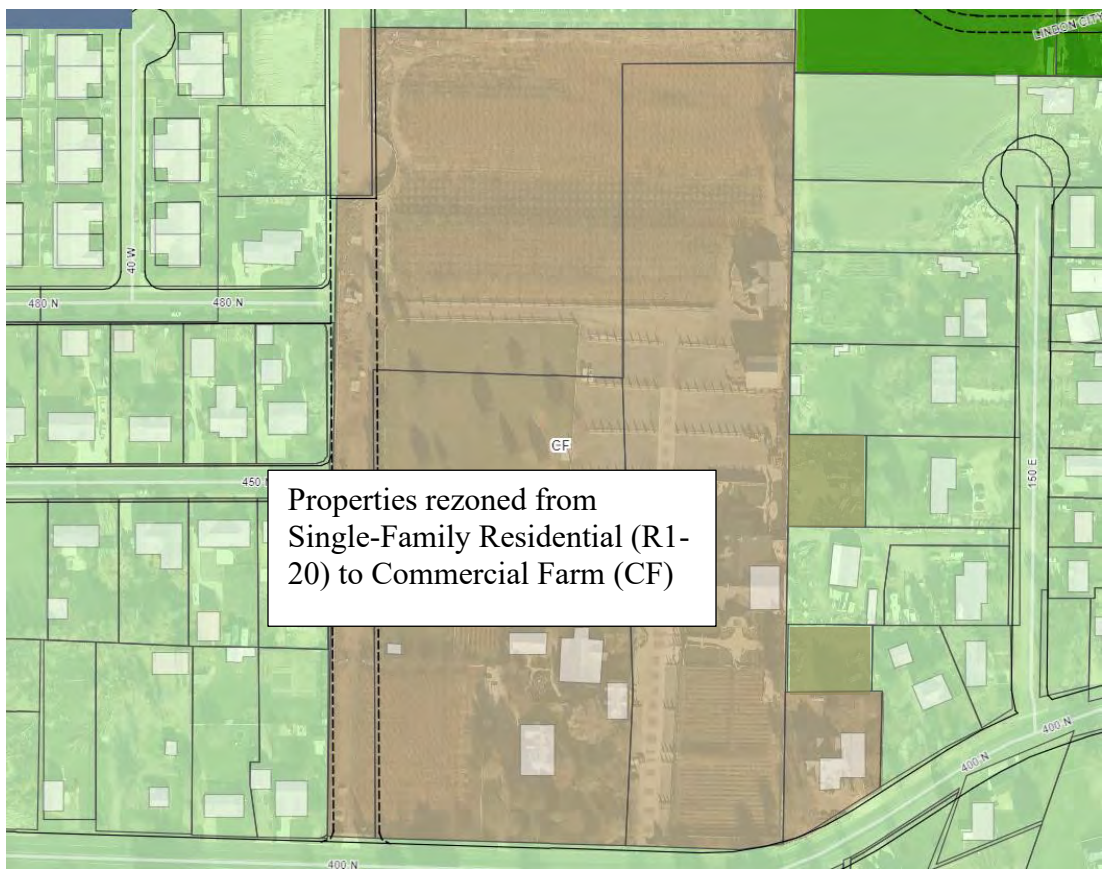
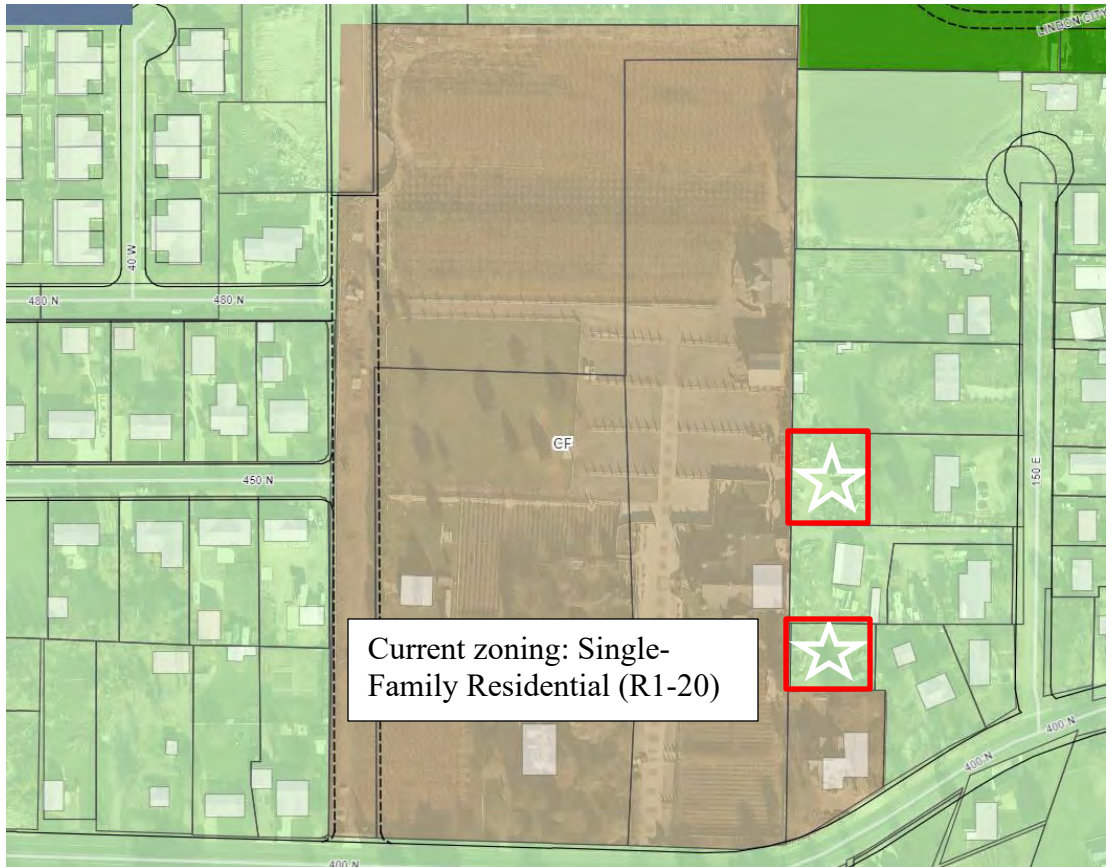
WHEREAS, the City Council finds that certain changes are desirous in order to implement the City's general plan goal of recognizing and promoting the city as a dynamic Utah County community with a distinctive rural environment; and

WHEREAS, the Council held a public hearing on June 19, 2023, to consider the recommendation and the Council received and considered all public comments that were made therein; and

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:

<b>Parcel ID</b>	<b>Property Owner</b>	<b>Address</b>
14:071:0359 and 14:071:0345	Colledge Properties LLC	35 E. 400 N.





Properties rezoned from  
Single-family Residential (R1-  
20) to Commercial Farm (CF)

**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 provided by law.

PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

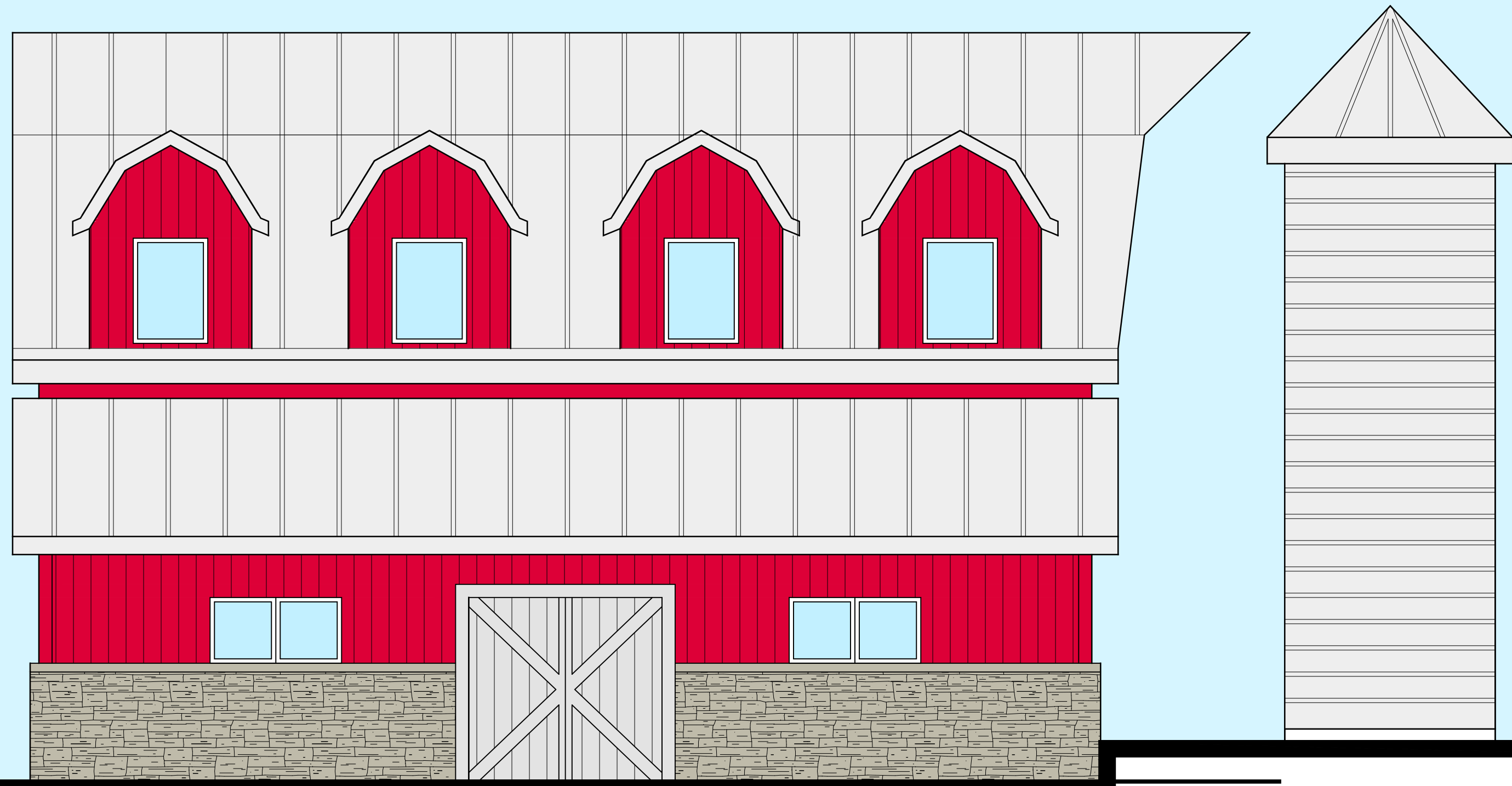
\_\_\_\_\_  
Carolyn Lundberg, Mayor

ATTEST:

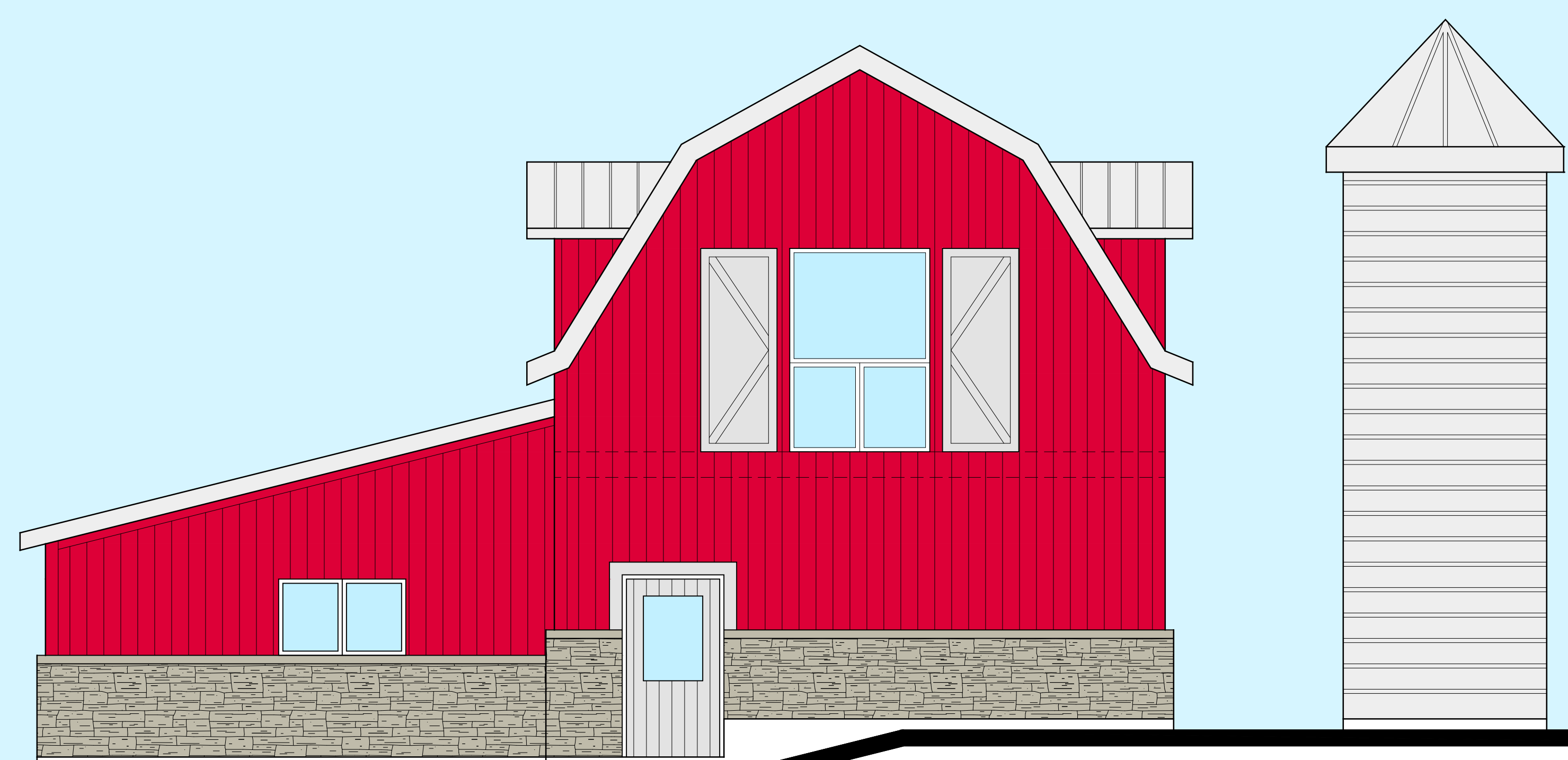
\_\_\_\_\_  
Kathryn A. Moosman,  
Lindon City Recorder

SEAL

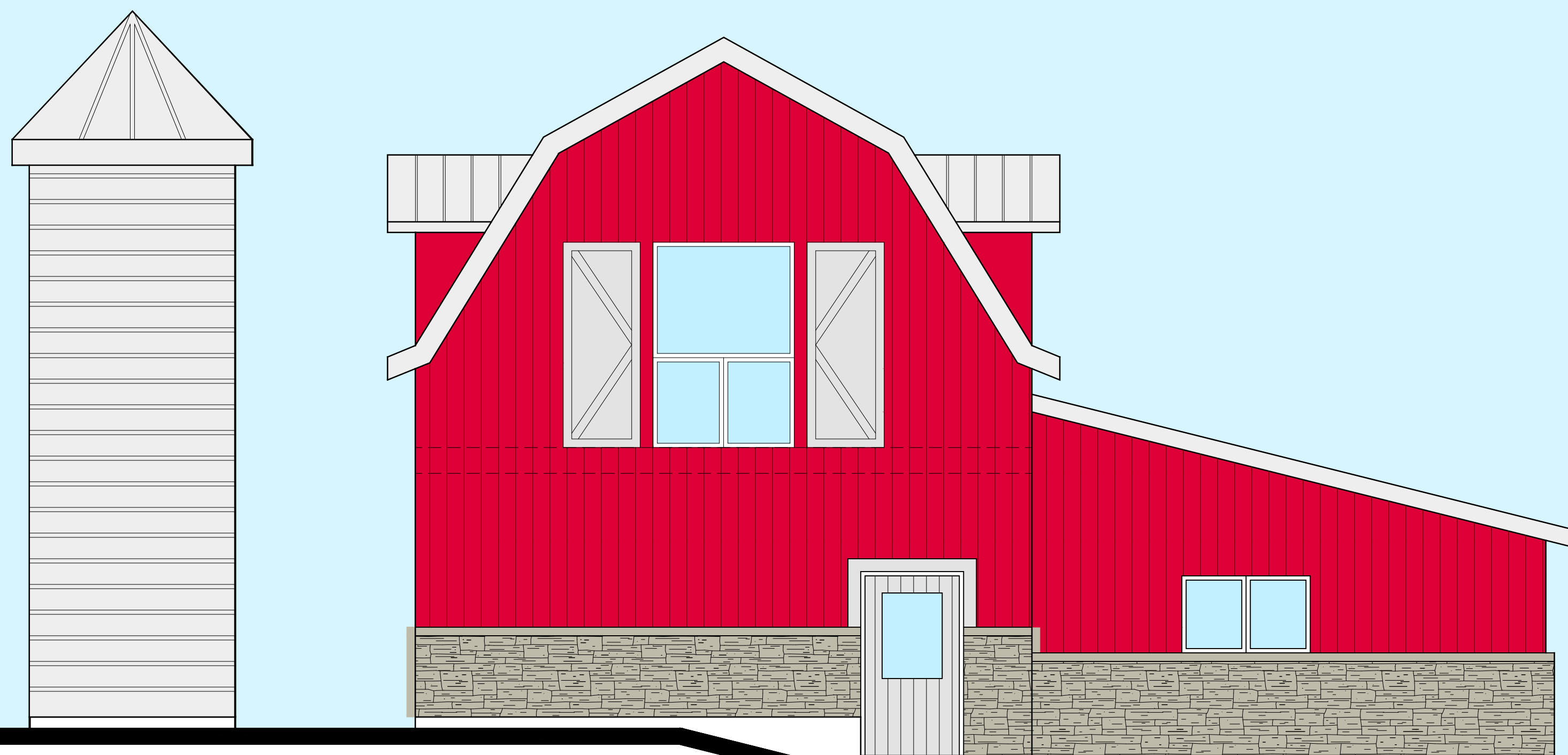
PROJECT NOTES



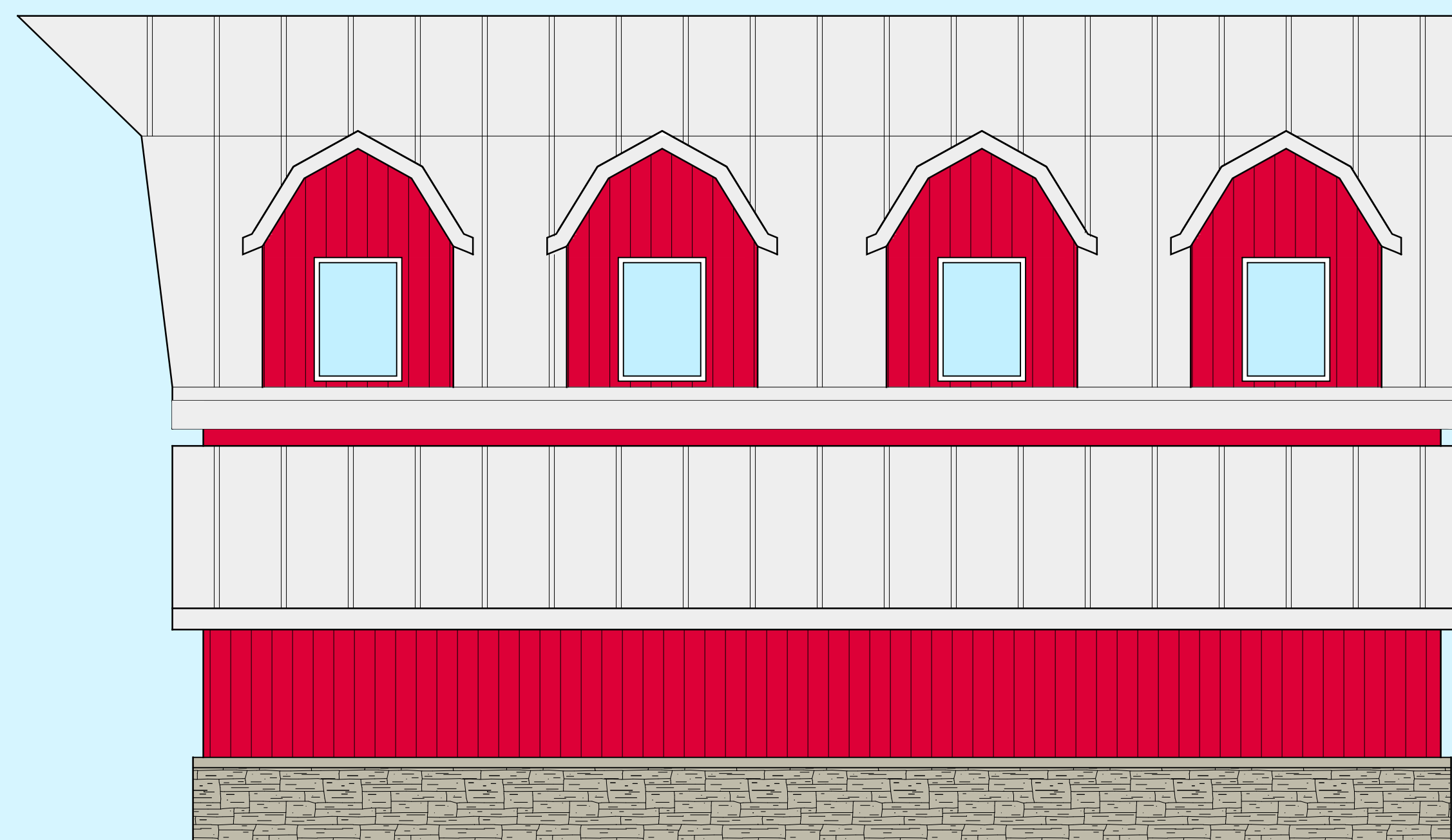
West Elevation  
SCALE 1/4" = 1'-0"



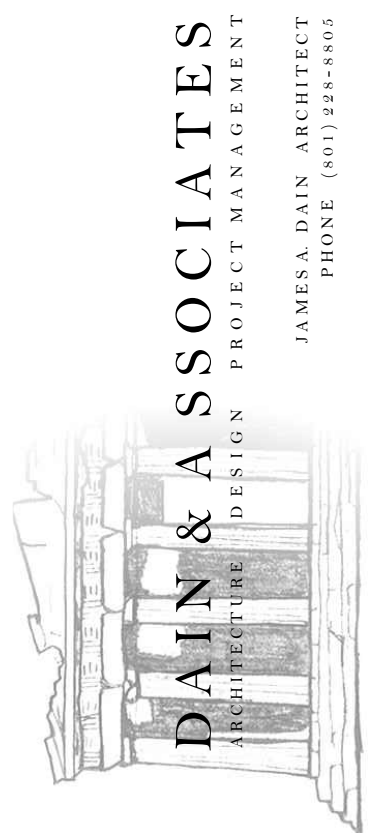
South Elevation  
SCALE 1/4" = 1'-0"



North Elevation  
SCALE 1/4" = 1'-0"



East Elevation  
SCALE 1/4" = 1'-0"



PROJECT TITLE  
Barn

DATE: February 2023

REVISIONS:

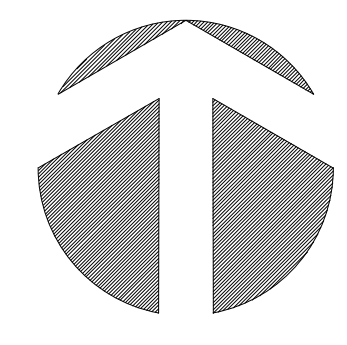
Elevations

A3.1

CONSTRUCTION DOCUMENTS

# Wadley Farms - Red Barn

Lindon Utah



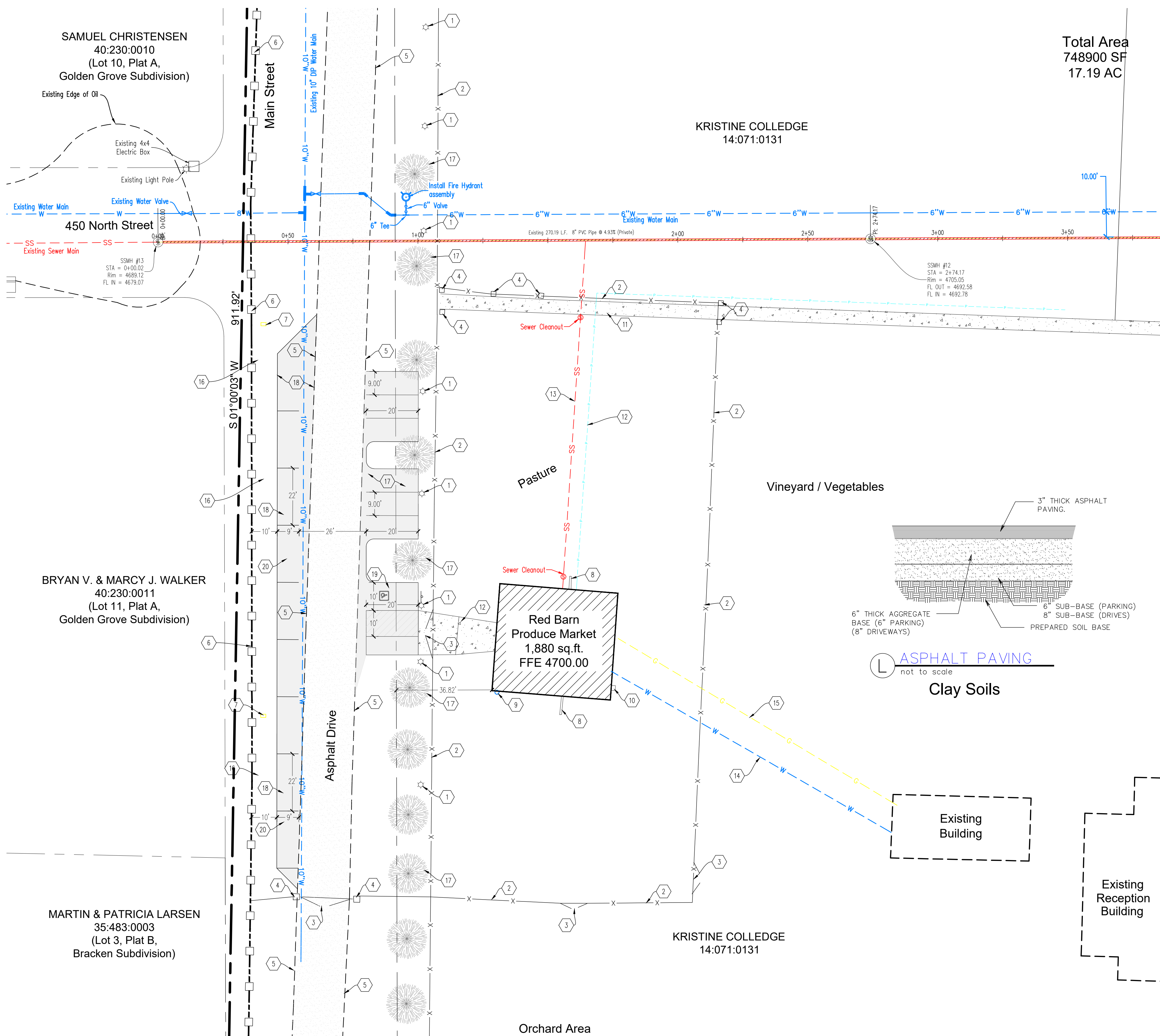
NORTH  
1" = 20'



Vicinity Map

**DUDLEY AND ASSOCIATES**  
ENGINEERS PLANNERS SURVEYORS  
353 EAST 1200 SOUTH, OREM, UTAH  
801-224-1252

Utah  
Lindon City  
**Wadley Farms - Red Barn**  
**Site Plan**



Total Area  
748900 SF  
17.19 AC

Developer:  
Dr Alan College  
35 East 400 North  
Lindon Utah 84042

Engineer:  
Dudley and Associates, Inc.  
353 East 1200 South  
Orem, Utah 84058  
801-224-1252

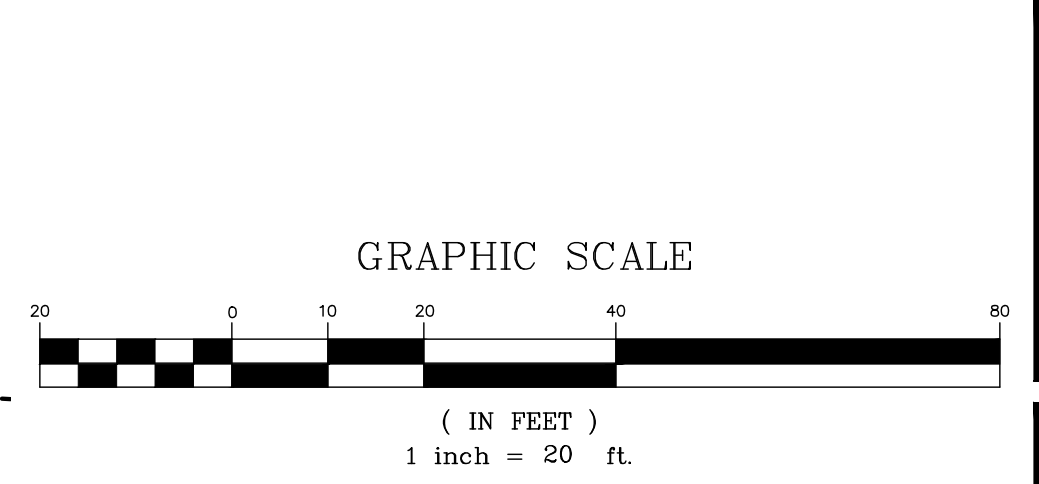
IBC Occupancy type = Group B  
IFC Construction Type = V

Barn will NOT be fire sprinkled

Parking Requirements:  
Parking Required = 10 spaces  
Parking Provided = 16 spaces  
(1 ADA (van) accessible space)

	Square Footage	Acreage	Percent of total
Total Area	75,680	1.74	100
Total Building / Pad Area	31,400	0.72	20
Total Hard Surface Area	62,100	1.43	40
Total Impervious Area	93,500	2.15	60
Total Landscaped Area	60,133	1.38	40

Tabulation Table



Revisions

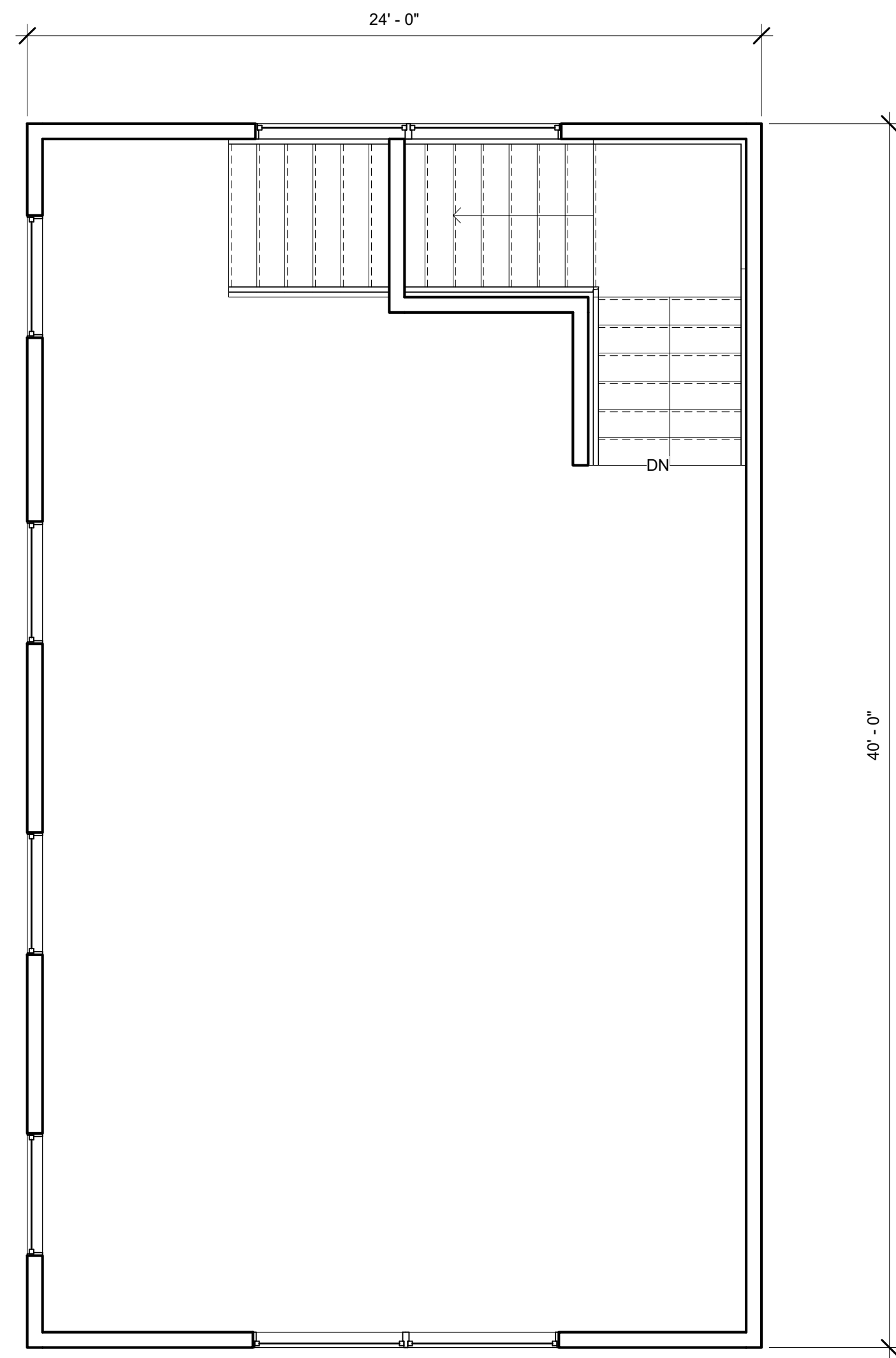

Date  
3-29-2023  
Scale  
1" = 20'  
By  
BHT  
Tracing No.  
L- 14801

Sheet No.  
**C - 1**

- KEYED NOTES
- 1 Existing Light Pole
  - 2 Existing Vinyl Fence
  - 3 Existing Gate
  - 4 Existing Pillar
  - 5 Existing Edge of Asphalt
  - 6 Existing 10' High Concrete Panel Wall
  - 7 Existing 2x1.25 Irrigation Box
  - 8 Existing Retaining Wall
  - 9 Existing Spigot
  - 10 Existing Power Box
  - 11 Existing Concrete Path.
  - 12 Install Electrical Connection
  - 13 Install 4" Sewer Lateral w/ Cleanout 5' from the building and a max of 100' spacing.
  - 14 Install 1" Water Service Connection
  - 15 Install Gas Connection
  - 16 Install 45' Parking
  - 17 Existing Trees
  - 18 New Asphalt paving
  - 19 ADA (van) parking stall with signage.
  - 20 Parallel parking spaces (22' x 9' typical).

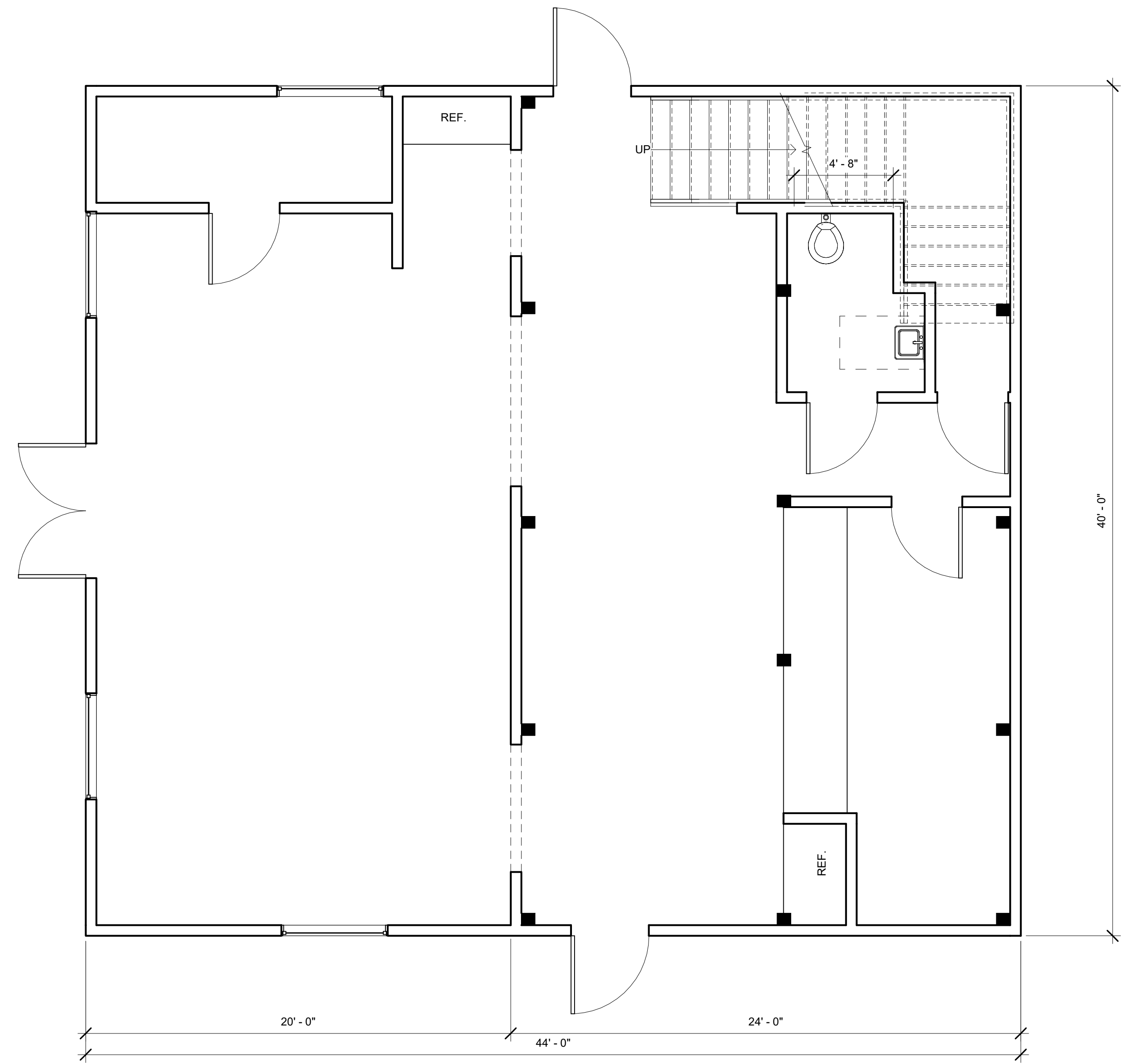
**CAUTION!!! Notice to contractors**  
The Contractor is specifically cautioned that the location and/or elevation of existing utilities as shown on these plans is based on records of the various utility companies and where possible from measurements taken in the field. The information is not to be considered exact or complete. The Contractor must notify the utility location center at least 48 hours prior to any excavation to request the exact location of the utilities in the field. It shall be the responsibility of the Contractor to relocate all existing utilities which conflict with the proposed improvements shown on the plan.





Second Floor Plan  
SCALE: 1/4" = 1'-0"

2



Main Floor Plan  
SCALE: 1/4" = 1'-0"

1

PROJECT TITLE  
WADLEY FARMS CREAMERY

DAIN & ASSOCIATES  
DESIGN & ARCHITECTURE  
PHONE: 801-228-8805

DATE: 02/14/2023

REVISIONS:

A2.0

**WHEN RECORDED, RETURN TO:**

Lindon City  
 100 North State Street  
 Lindon, Utah 84042

**DEVELOPMENT AGREEMENT**

This Development Agreement (“Agreement”) is made and entered into this \_\_\_\_ day of June, 2023, by and between Colledge Properties LLC, and Kristine Miller Colledge (“Owners”) and the City of Lindon (“City”) regarding development of real property located at approximately Main Street and 400 North, Lindon Utah. (“Property”). See Exhibit A.

This Agreement is made pursuant to the following facts and in light of good and valuable consideration, with which the parties hereby agree to and acknowledge:

- A. Owners own real property located at approximately Main Street and 400 North in Lindon City. The Property is known by the parties and the community as “Wadley Farms.”
- B. The Property is currently zoned as Commercial Farm zone. Section 17.51.010 sets for the intended purposes of the Commercial Farm zone as follows:

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.

- C. The Property consists of approximately 17 acres. While the Property is held in six distinct parcels (14:071:0131, 14:071:0362, 14:071:160,
- D. 14:071:0358, 14:071:0359, and 14:071:0345 as recorded in the Utah County Recorder’s office) the Property has been treated by the Owners and the City as one

single property for zoning purposes since it was placed in the Commercial Farm zone in 2011.

- E. In May of 2023, the Owners submitted applications for the development and commercial use of portions of the Property, specifically to convert an existing structure, referred to by the Owners and City as the “Red Barn”, into retail commercial business and to establish multiple bed and breakfast facilities on the Property.
- F. The Red Barn retail facility lies along a segment of the future roadway designated as Main Street on the Lindon City Street Master Plan. Attached as Exhibit “B”.
- G. Pursuant to § 17.21.100 of the Lindon City Code, development that is traversed by a roadway as designated on the master plan is required to design, develop, and dedicate the roadway in accordance with the master plan, along with the corresponding infrastructure.
- H. However, given the express purposes of the Commercial Farm zone, the parties mutually agree that development and dedication of this section of Main Street, at a time when the Property is still zoned within the Commercial Farm zone, does not further or promote the design and intent behind the establishment of such a zone.
- I. The parties also mutually agree that should the Property cease to be included in the Commercial Farm zone, that it would be appropriate and necessary for the Owners to design, develop and dedicate the road to the City as required by Title 17 of the Lindon City Code.

NOW THEREFORE, in consideration of the mutual covenants and promises of the parties contained herein, the parties agree as follows:

1. Reasonable Agricultural and Commercial Uses Pursuant to the Commercial Farm Zone.
  - a. The parties agree that the limited commercial uses as outlined in the Owners’ land use application filed on May 23, 2023, as well as those commercial uses previously approved by the City, constitute reasonable accessory commercial uses allowed under the Lindon City’s Commercial Farm zone and that said uses support and allow the continued agricultural uses for which the Property has been historically used.
  - b. The land use application and staff report submitted to the planning commission and the City Council are attached as Exhibit “C” and are incorporated by reference as if fully stated herein.

2. Future Roadway and Infrastructure Improvements.
  - a. In the event that the Commercial Farm zone is removed from the Property, either in whole or in part, by abandonment, or by application of the Owners, their successors, heirs, designees, agents or assigns, the parties agree that the Owners, their successors, heirs, designees, or assigns, will be required to design, develop and dedicate the roadway as designated on the Lindon City Street Master Plan, together with the associated infrastructure as required by Title 17 of the Lindon City Code.
  - b. In the event that the City changes the zoning on the Property, in whole or in part, without an application or without the consent from the Owners, their successors, heirs, designees, agents or assigns, the requirement to design, develop and dedicate the corresponding roadway shall not fall upon the Owners, their successors, heirs, designees, or assigns, but shall be the responsibility of the City.
3. Reserved Powers. The parties agree that the City reserves certain legislative powers to amend its Development Code to apply standards for development and construction generally applicable throughout the City. It is the intent of the parties to vest the Owners with specific land use rights specifically defined in this Agreement and to require compliance by the Owners, their successors, heirs, designees, or assigns, with all other generally applicable standards, conditions, and requirements enacted to protect the health, safety and welfare of the current and future residents of the City.
4. Binding Effect. This Agreement shall run with the land and be binding upon and inure to the benefit of the successors, heirs, designees, and assigns of the parties hereto, and to any entity resulting from reorganization, consolidation, or merger of any party hereto. All rights, responsibilities and obligations under this Agreement shall be assumed by any successors or assigns of the Owners as a condition to the sale or assignment of any portion of the Property.
5. Integration. This Agreement constitutes the entire agreement and understanding between the parties, and supersedes any previous agreement, representation, or understanding between the parties related to the subject matter hereof; provided however, that the Development Code of the City shall govern procedures and standards for approval of all improvements and development contemplated herein.
6. Modifications In Writing. This Agreement may not be modified except by an instrument in writing signed by the parties hereto.
7. Governing Law. This Agreement shall be interpreted, construed, and enforced according to the laws of the State of Utah.

8. Cost of Enforcement. In the event of default on the part of any party to this Agreement, the defaulting party shall be liable for all costs and expenses incurred by the non-defaulting party in enforcing the provisions of this Agreement, whether or not legal action is instituted.

**LINDON CITY**

**COLLEDGE PROPERTIES LLC,**

DATED \_\_\_\_\_, 2023

DATED \_\_\_\_\_, 2023

By: \_\_\_\_\_  
CAROLYN LUNDBERG  
Lindon City Mayor

By: \_\_\_\_\_  
ALAN COLLEDGE  
Its: \_\_\_\_\_

Attest:

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

**KRISTINE MILLER COLLEDGE**

DATED \_\_\_\_\_, 2023

\_\_\_\_\_  
KRISTINE MILLER COLLEDGE

STATE OF UTAH )

:ss.

COUNTY OF UTAH )

On the \_\_\_\_ day of \_\_\_\_\_, 2023, personally appeared before me **Kristine Miller Colledge**, in her individual capacity, and **Alan Colledge**, in his capacity as \_\_\_\_\_ of Colledge Properties LLC, being duly sworn by me, did say that he was duly authorized by the company to sign the foregoing instrument in behalf of said company.

\_\_\_\_\_  
NOTARY  
My Commission Expires \_\_\_\_\_



Exhibit A

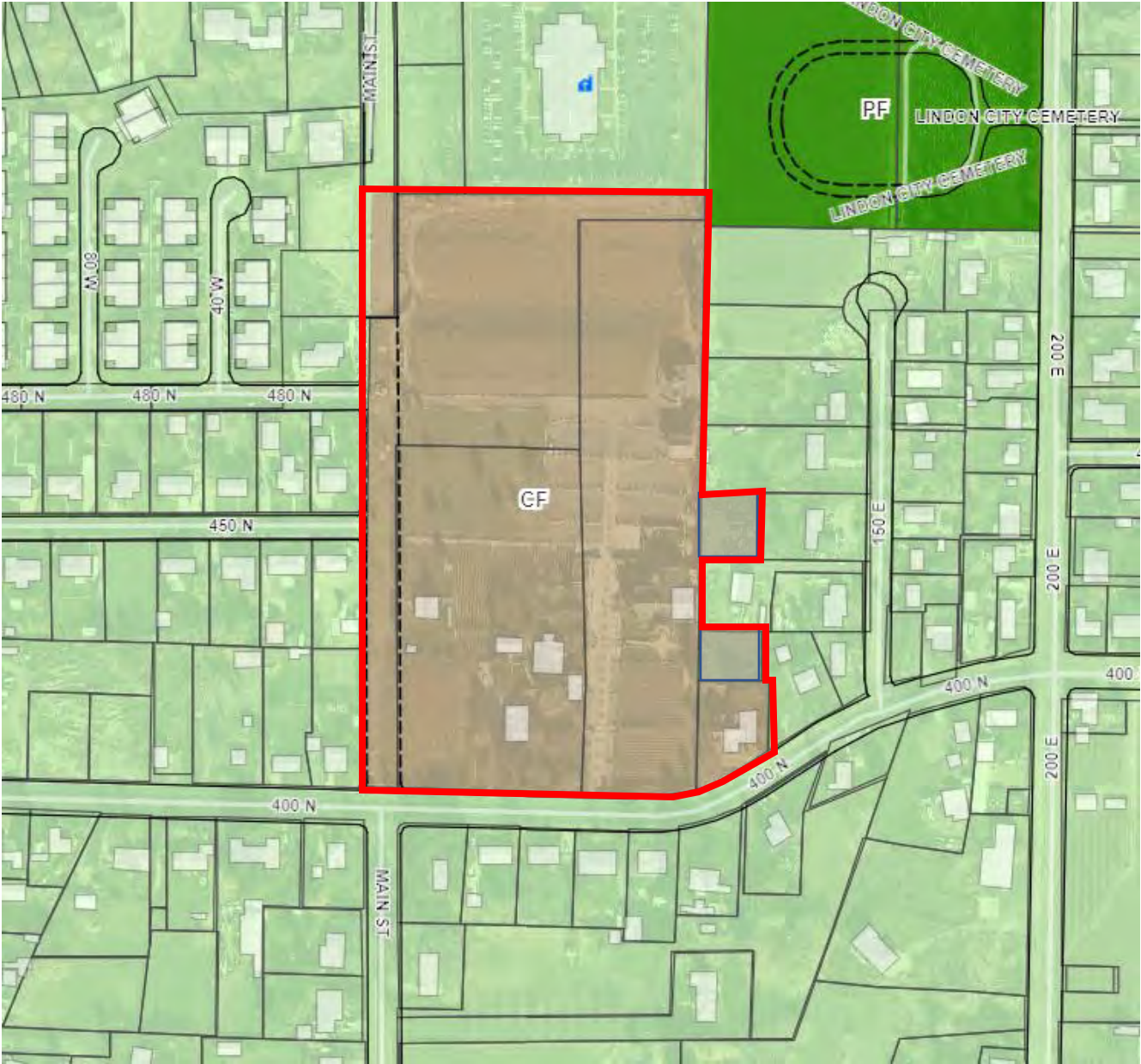
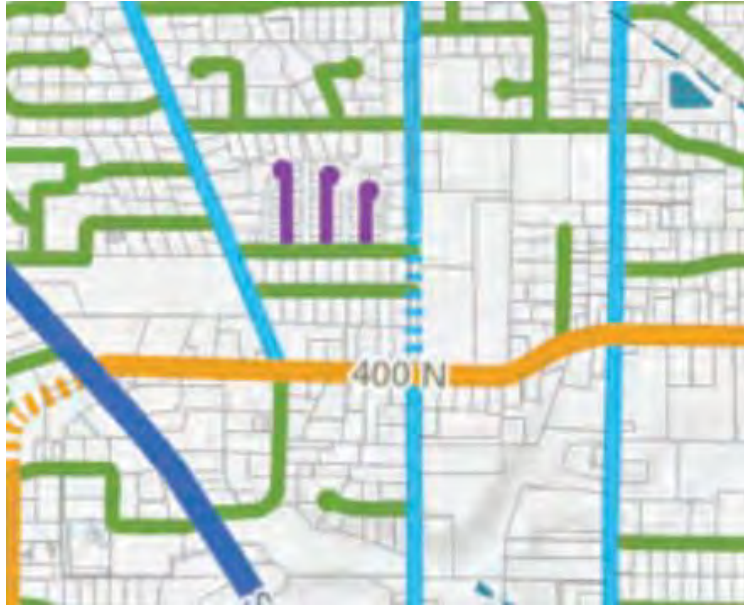


Exhibit B







Functional Classification

- Freeway
- Arterial
- - - - Future Arterial
- Major Collector
- - - - Future Major Collector

- Minor Collector
- - - - Future Minor Collector
- Local
- - - - Future Local
- Private

- Railroads
- Stream/River
- - - - Canal/Ditch
- Lakes/Waterbodies
- Lindon City Boundary

Exhibit C



# LINDON CITY CORPORATION

383 WEST LAKEVIEW ROAD - TELEPHONE (801) 785-5043

LINDON, UTAH 84042

Alan Colledge  
35 East 400 North  
Lindon, UT 84042

June 27, 1994

~~RE: Public Utility and Limited Access Easement~~

Dear Alan:

This letter is in response to your request for assurance from the City that the easement on your property will not be construed to be a dedication of Right-of-Way. The City appreciates your willingness to allow a public utility easement on your property for culinary and secondary water lines and a limited access easement for the placement and maintenance of the above mentioned water lines.

The City does not consider the above mentioned easement as a dedication of Right-of-Way. However, please be aware that upon development of your land along Main Street the City will require dedication of Right-of-Way.

The City will hold a bond for the cost of the improvements plus a 10% guarantee for the water lines that will be placed on your property by Panda Homes. The bond is not released until the improvements are inspected and approved by the City. The 10% guarantee is not released until a two year warranty period has expired and the improvements still meet City standards.

I hope this letter meets your needs. You will need to contact Panda Homes about the exact legal description of the easement. Don Peterson and I marked the locations of the lines and they should fit easily within the gaps of the trees of your orchard. If you have any questions or concerns please feel free to contact me at the City @ 785-5043.

Sincerely,



Andrew K. Jackson

Planning Director

Lindon City  
100 North State Street  
Lindon, UT 84042



TEL: (801) 785-7687  
[www.lindoncity.org](http://www.lindoncity.org)

December 16, 2022

Wadley Farms  
C/O Alan Colledge  
35 E. 400 N.  
Lindon, UT 84042

RE: Wadley Farms

Dear Mr. Colledge:

Thank you for taking the time in meeting with city staff recently for both tours and meetings. We discussed two ordinance items that Wadley Farms desires to see amended in the current Commercial Farm zoning ordinance as well as changing the use of the existing agricultural garage that currently has a building permit. These items you presented were:

- Amend the ordinance to require five acres of greenbelt instead of five acres of property in agricultural production.
- Amend the ordinance to allow two short-term rentals for every two acres of greenbelt property. This would allow Wadley Farms to have 6 total short-term rentals.
- Modifying the agricultural accessory building currently under construction to a multi-purpose building for commercial uses.

The below information is only providing a process of how to move forward with the above-mentioned items. The Lindon City Council and planning commission must ultimately approve the ordinance modification and site plan approvals.

- The greenbelt and short-term rental amendments will require an ordinance amendment to be approved by city council with a recommendation from the planning commission. The Commercial Farm zone currently allows for a care-taker or farm help accessory dwelling unit. The previously approved care-take accessory dwelling unit has been converted into two short-term rentals and there also is one additional short-term rental above the office. The short-term rentals currently are not permitted in the Commercial Farm zone and need to be addressed with the planning commission and city council to decide if they are to be allowed and whether they want to allow additional short-term rentals. Since the short-term rentals are not in compliance with the Commercial Farm zone the city is giving you notice that Wadley Farms has ninety (90) days to make application to amend the ordinance with the planning commission and city council. After ninety (90) days, the short-term rentals will need to cease operation unless the planning commission and city council approves an ordinance amendment allowing the rentals to continue as well as any additional short-term rentals.
- Modifying the agricultural building to a commercial building will require amended site plan approval from the planning commission. It is important to ensure that all setbacks can be met for the potential change in use of the building. This building is currently under construction and needs to be addressed as soon as possible.

One additional item that was recently brought to my attention is regarding the existing single-family home (Former home of Alan Colledge). This past October, the city council approved the zone change for the new single-family home in order to comply with the owner occupancy requirement of the Commercial Farm zone. One oversight is that the Commercial Farm zone ordinance requires that the single-family residence be owner occupied. Wadley Farms now has two owner occupied single-family homes on the property. It has been mentioned that the previous single-family residence is currently occupied by a family member who is on the trust. If the single-family home remains owner occupied with someone on the trust, there will not be any concerns. If an owner does not occupy the home, then Wadley Farms will need to comply with the allowable residential uses for the Commercial Farm zone. This home may not be rented, used a short-term rental, bed and breakfast or other residential use unless approved by the appropriate land use authority.

Wadley Farms can apply for the previously outlined ordinance amendments and amended site plan approval at the following [Land Use Application Link](https://www.lindoncity.org/community-development.htm):  
<https://www.lindoncity.org/community-development.htm>.

As the city has reviewed Wadley Farms previous approval and future plans, the follow has been identified:

- The rear portion of the residential property located at 441 N. 150 E. was deeded in 2018 to Colledge Properties LLC and is being used as a construction equipment and material storage yard. This property is currently zoned as Residential R1-20. The 2018 deed created an illegal parcel because it is landlocked, does not meet the minimum 20,000 square foot size requirements and does not have proper frontage. The city appreciates that Wadley Farms has fenced around the property but the use of the property as a construction yard under the current R1-20 zoning is out of compliance. Within 90 days Wadley Farms will need to apply for a zone change to amend the zoning from R1-20 to the Commercial Farm zone or Wadley Farms will need to discontinue this use of the property. Wadley Farms can apply for the zone change using the above provided application link. The zoning change is not guaranteed. It must receive a recommendation from the planning commission and final approval from the city council.
- The City also reviewed the previous site plan approvals to make sure that all development conditions have been implemented. In 2017, the planning commission granted amended site plan approval and conditioned the approval on either installing landscaping between the castle building and the east property line or recording a landscape easement on the property to the east and installing landscaping on that residential property. It appears from the county records that an easement has not been granted and the landscaping has not been installed the full length of the property. It appears that a “lean to roof” covers a portion of this area. Trees will need to be installed by June 1, 2023. If the “lean to roof” is to remain then the Lindon City Building Official and city planner will need to be consulted to ensure that building and zoning requirements are met. Please update the Lindon City Community Development Department whether the trees will be installed behind the castle or in a landscape easement on the residential property.
- Finally, one of the issues that needs to be discussed between Wadley Farms and Lindon City is the timing of Main Street improvements. The city has had this street connection identified on its Streets Master Plan Map since the mid 1990’s. One of the concerns from

the city perspective is that while Wadley Farms has continued to grow and expand, public street infrastructure such as Main Street and public improvements (curb, gutter, sidewalk) to 400 North have not been constructed. City staff feel these public improvements need to be addressed before the city issues any further permits or expansion of The Wadley Farms business. Wadley Farms has installed a new asphalt road in the location of the future Main Street to accommodate the ingress & egress of approximately 60,000 annual visitors. The city master planned roadway (Main Street) needs to be completed in conformance with the General Plan.

As a summary for the above-mentioned compliance dates. Approval of these items are subject to final review and consent by the Lidon City Planning Commission and/or City Council, depending on the item:

- Discontinue the unpermitted residential uses, or make application to amend the Commercial Farm ordinance for the planning commission and city council to consider allowing the existing short-term rentals within 90 days of receipt of this notice. Wadley Farms application may also include a proposal for additional units to be considered by the planning commission and city council.
- Discontinue the unpermitted construction yard use in the residential zone, or make application to amend the zoning of the residential R1-20 property for the construction yard and correct property boundaries of the non-conforming parcel that was created in 2018 withing 90 days of receipt of this notice.
- Install the required trees behind the castle or in the landscape easement on the residential property and resolve zoning and building code requirements with the “lean-to” by June 1, 2023.
- The City cannot approve any additional building permits or approvals until the above items are addressed.
- As part of any ordinance, zoning, site plan or building permit applications present a timeline to the City Council for design, construction, and completion of Main Street, meeting all public road improvement standards.

The city appreciates the fantastic facility which you and your family have created by your own investment in the community. The city wants to see this premier facility continue to grow and succeed. I would be glad to answer any questions that you may have regarding the above listed items, compliance dates, and help you through the application process. Please feel free to reach out to me with any questions.

Sincerely,



Michael Florence  
Community & Economic Development Director  
Lindon City  
[mflorence@lindoncity.org](mailto:mflorence@lindoncity.org)

**10. Review & Action — Conditional Use Permit; Three Bed and Breakfast Units in the Commercial Farm Zone – Wadley Farms 35 W. 400 N.** The applicant is requesting conditional use permit approval for three bed and breakfast units. (Parcel #'s 14:071:0160 & 14:071:0362). The Planning Commission recommended approval of the application to the City Council. *(15 minutes)*

**Sample Motion:**

I move to recommend (approval, denial, or a continuance) of the applicant's request for a Conditional use permit for a Bed and Breakfast Retreat located at 35 E. 400 N. with the following conditions:

1. The proposed bed and breakfast retreat is approved for three bed and breakfast units.
2. Any outstanding building code requirements or change of use from a caretaker unit to bed and breakfast units will be addressed with the Lindon City Building official and building permits obtained.
3. All transient room taxes will be paid to the State of Utah for the bed and breakfast use.
4. All items of the staff report.

**11. Review & Action — Amended Site Plan and Conditional Use Permit Approval to Convert a Previously Approved Agricultural Accessory Building to a Commercial Building – Wadley Farms 35 W. 400 N.** The applicant is requesting amended site plan and conditional use permit approval for a commercial building in the Commercial Farm Zone. (Parcel ID # 14:071:0160). The Planning Commission recommended approval of the application to the City Council.

*(15 minutes)*

**Sample Motion:**

I move to recommend (approval, denial, or a continuance) of the applicant’s request for a conditional use permit and site plan for an additional commercial use event building located at 35 E. 400 N. with the following conditions:

1. Due to the change of use of the building from an agricultural accessory building to a commercial building any outstanding building code, permits, or engineering requirements will be addressed and approved by the Lindon City Building Official.
2. The occupancy of the building will be provided by the applicant architect and clearly posted.
3. For any food processing, all health department regulations will be followed, and any food processing permits be obtained. Work with Lindon City Engineering to determine if a grease trap will need to be installed.
4. All items of the staff report.



- 12. Review & Action — Amend Site Plan and Conditional Use Permit Approval to Convert an On-site Structure, “Red Barn,” for a Commercial Retail Building. Wadley Farms 35 W. 400 N.** The applicant is requesting amended site plan and conditional use permit approval to convert an existing onsite structure to a commercial retail building in the Commercial Farm zone. (Parcel #14:071:0131 & 14:071:0362). The Planning Commission recommended approval of the application to the City Council. *(15 minutes)*

**Sample Motion:**

I move to recommend (approval, denial, or a continuance) of the applicant’s request for a Conditional use permit and site plan for a retail building located at 35 E. 400 N. with the following conditions:

1. Due to the change of use of the building from an agricultural barn to a commercial retail building, all building permits requirements will be addressed and approved by the Lindon City Building Official.
2. The applicant will continue to work with the City Engineer and fire department to make all final corrections to the civil engineering documents.
3. Parking is proposed to be constructed within the future Main Street right-of-way. When Main Street is constructed the owner will relocate the parking stalls required for the business to a location that meets city parking lot standards.
4. A Main street agreement be approved that will trigger Main Street to be dedicated and constructed by the property owner when the Commercial Farm zoning is changed or abandoned.
5. All items of the staff report.

- 13. Review & Action — Rezone of Two Parcels from Single-Family (R1-20) to Commercial Farm (CF).** Ordinance #2023-06-O. Alan Colledge with Wadley Farms has made application to rezone two R1-20 zoned properties and expand the Commercial Farm zone boundaries at approximately 35 W. 400 N. (Parcel ID #'s 14:071:0345 & 14:071:0359). The Planning Commission recommended approval of the application to the City Council. *(15 minutes)*

**Sample Motion:**

I move to recommend (approval, denial, or continuance) of ordinance #2023-06-O to amend the Lindon City zoning map from Single Family Residential (R1-20) to Commercial Farm (CF) for parcel numbers 14:071:0359 & 14:071:0345 with the following conditions:

1. The applicant will combine the two parcels with the overall acreage of the Wadley Farms development;
2. A seven-foot masonry or concrete fence be installed to screen the property parcel #14:071:0359 from the adjoining single-family R1-20 zone properties.
3. All items of the staff report.

- 14. Discussion item — Moderate Income Housing Plan, Impact Fee Reduction.** The City Council will receive information for discussion on possible waiver of certain impacts fees as part of the Moderate-Income Housing Plan Strategies. *(15 minutes)*

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

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### **Moderate Income Housing Discussion**

During the 2022 legislative session, the legislature passed HB 462 which updated the state housing strategies and mandated implementation requirements. Subsequently in 2022, Lindon City adopted five of the 24 strategies. The legislature this past year also moved the annual moderate-income reporting date from October 1<sup>st</sup> to August 1<sup>st</sup>. Lindon City adopted the following State strategies:

**Strategy 1:** Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones.

**Strategy 2:** Eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530.

**Strategy 3:** Demonstrate utilization of a moderate-income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency to create or subsidize moderate income housing.

**Strategy 4:** Reduce, waive, or eliminate impact fees related to moderate income housing.

**Strategy 5:** Implement zoning incentives for moderate-income units in new developments.

**Link:** [Lindon City Moderate-Income Housing Plan](#)

To this point, Lindon City Council has adopted provisions to meet the requirements for Strategies 1 and 2. Earlier this year the city council eliminated impact fees for any accessory dwelling unit.

As part of the implementation plan the next strategy that city staff would like to discuss is strategy 4 - "reduce, waive, or eliminate impact fees related to moderate-income housing." Later this year city staff will discuss with the city council how we can implement Strategies 3 and 4.

For the implementation of Strategy 4, staff reached out to the Community Development Division at the Department of Workforce Services to inquire how other municipalities are meeting the requirements of this strategy. Because many municipalities are still working on their implementation for the August 1<sup>st</sup> report the community development division staff only had two examples so far. The examples their staff gave were:

- One municipality is allowing an across-the-board percent fee reduction of impact fees.
- The second municipality is using development agreements with the local housing authority and reducing impact fees per unit.

For housing developments, Lindon City applies the following impact fees:

Impact Fee	Amount
Fire	\$152.00 per residential unit
Parks	\$4,500 single-family detached \$1,500 all other residential
Police	\$162.00 per residential unit
Road (applies to a specific area on westside of Lindon)	\$309.41 per unit
Sewer	\$1,086.00 per equivalent residential unit
Storm Water	\$799.00 per equivalent residential unit
Water	Depends on meter size: <ul style="list-style-type: none"> <li>• 1" meter: \$1,557.00</li> <li>• 1/5" meter: \$2,001.00</li> <li>• 2" meter: \$3,225.00</li> <li>• 3" meter: \$12,232.00</li> <li>• 4" meter: \$15,569.00</li> <li>• Larger meter: as per engineering study</li> </ul>

Typical impact fee cost for different dwelling types:

- Anderson Farms Townhome or Single-Family Home: \$8,565.41
- Avalon Apartments Building 1: \$140,438
- Detached Single Family (Not Anderson Farms): \$8,256

As the community development staff has evaluated options regarding impact fees, we don't believe that the city should waive or eliminate impact fees. However, to help meet the State strategy that was adopted by the city, community development staff recommends the city evaluate a percentage reduction in impact fees that would apply to just those units identified as moderate-income units in a development. For example, if a development was approved to come into the city and a percentage of units were designated as moderate-income then the city would reduce the impact fees by an adopted percentage for the moderate-income units. A good starting point for discussion would probably be to reduce impact fees for moderate-income units by 25%. However, the city could also just have a policy it will reduce impact fees for moderate-income units and negotiate that in a future development agreement. This is a less certain route but also allows for future negotiation. Following the city council discussion, community development department staff will prepare a resolution for city council consideration at an upcoming meeting.

**15. Review & Action — Historic Preservation Commission Appointments.** The Council will review and consider recommended appointments to the Lindon City Historic Preservation Commission. *(15 minutes)*

The [city ordinance](#) outlining the Historic Preservation Commission purposes and duties requires “a minimum of five members with a demonstrated interest, competence, or knowledge in historic preservation, appointed by the city council for terms of not less than two years”.

The following names have been recommended for consideration of appointment to the Historic Preservation Commission for two-year terms:

Bret & Jenn Swalberg  
Sherrie Atkinson  
Dave & Jennifer Eaves  
Chelsea & Brian Beutler  
Deborah Reed Bagley  
Sheron Drake

**Sample Motion:** I move to (approve, reject) the recommended individuals to be appointed to the Lindon City Historic Preservation Commission for a term of two years, or until their respective successors have been appointed.

# ADJOURN