

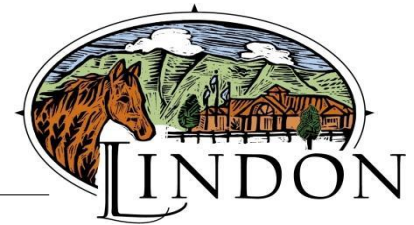
Lindon City Council Staff Report



Prepared by Lindon City
Administration

July 3, 2023

Notice of Meeting of the Lindon City Council



The Lindon City Council will hold a meeting at **5:15 pm on Monday, July 3, 2023** in the Lindon City Center Council Chambers, 100 North State Street, Lindon, Utah. Meetings are typically broadcast live at www.youtube.com/user/LindonCity. The agenda will consist of the following:

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



REGULAR SESSION – 5:15 P.M. - Conducting: Carolyn Lundberg, Mayor
Invocation: Daril Magleby
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) Mike Stagg, with the Utah Local Governments Trust will be in attendance to recognize the Lindon City Aquatics Center.
 - b) 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 19, 2023 will be reviewed. *(5 minutes)*
- 7. Consent Agenda** — *(Items do not require public comment or discussion and can all be approved by a single motion.* The following consent agenda item was presented for approval. *(5 minutes)*
 - a) **Surplus Equipment; Resolution #2023-11-R.** The Council will review and consider Resolution #2023-11-R regarding disposal of surplus equipment.
- 8. Public Hearing – Resolution #2023-12-R; Impact Fee Reduction to Foster Moderate Income Housing.** The City Council will review and consider Resolution #2023-12-R approving and authorizing a waiver of Police and Fire Impact Fees for new moderate-income housing units. This waiver is in compliance with goals established in the Lindon City Moderate Income Housing element in the Lindon City General Plan. *(10 minutes)*
- 9. Public Hearing — Ordinance #2023-10-O; Criminal Code Updates.** The City Council will review and consider amending Chapter 9.04 of the Lindon City Code, so as to amend and re-codify the Lindon City Criminal Code to be in conformance with Utah Code. *(5 minutes)*
- 10. Public Hearing — Ordinance #2023-9-O; 2023 Lindon City General Plan Comprehensive Update.** The City Council will review and consider adoption of a comprehensive update to the Lindon City General Plan. The General Plan was last comprehensively updated in 2011. The General Plan sets goals and guidelines for the present and future needs of the municipality. The Planning Commission recommends approval of the General Plan updates. *(60 minutes)*

Adjourn

All or a portion of this meeting may be held electronically to allow a council member to participate by video conference or teleconference. Staff Reports and application materials for the agenda items above are available for review at the Lindon City Offices, located at 100 N. State Street, Lindon, UT. For specific questions on agenda items our staff may be contacted directly at (801)785-5043. City Codes and ordinances are available on the City web site found at www.lindoncity.org. The City of Lindon, in compliance with the Americans with Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these accommodations for city-sponsored public meetings, services programs or events should call Kathryn Moosman, City Recorder at 801-300-8437, giving at least 24 hours-notice.

CERTIFICATE OF POSTING:

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

Posted by: /s/ Kathryn Moosman, City Recorder

Date: June 22, 2023; Time: 5:00 p.m.; Place: Lindon City Center, Lindon Police Dept., Lindon Community Development, Lindon Public Works, Lindon Community Center, Lindon Justice Court

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

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

Invocation: Daril Magleby

Pledge: By invitation

Item 1 – Call to Order / Roll Call

July 3, 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.
- b) Mike Stagg, with the Utah Local Governments Trust will be in attendance to recognize the Lindon City Aquatics Center.

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 17th & August 21st
- August 2023 newsletter assignment (due last week of July): Carolyn Lundberg
- Misc. Items.

Item 6 – Approval of Minutes

- Review and approval of City Council minutes: **June 19, 2023 Regular City Council Minutes will be reviewed.**

2 The Lindon City Council regularly scheduled meeting on **Monday, June 19, 2023, at**
3 **5:15 pm** in the Lindon City Center, City Council Chambers, 100 North State Street,
4 Lindon, Utah.

6 **REGULAR SESSION – 5:15 P.M.**

8 Conducting: Carolyn Lundberg, Mayor
9 Invocation: Van Broderick, Councilmember
10 Pledge of Allegiance: Jim Dain, Former Mayor

12 **PRESENT**

EXCUSED

13 Carolyn Lundberg, Mayor
14 Van Broderick, Councilmember
15 Jake Hoyt, Councilmember
16 Randi Powell, Councilmember
17 Mike Vanchiere, Councilmember
18 Daril Magleby, Councilmember
19 Adam Cowie, City Administrator
20 Brian Haws, City Attorney
21 Mike Florence, Community Dev. Director
22 Kathryn Moosman, City Recorder

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

26 2. **Presentations and Announcements:**

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

30 3. **Open Session for Public Comment** – Mayor Lundberg called for any public
31 comments. There were no public comments.

32 4. **COUNCIL REPORTS:**

34 **Councilmember Hoyt** – Councilmember Hoyt reported he attended the summer kickoff
35 party put on by the Parks & Recreation Department that was a fun event. He also spoke
36 with Heath Bateman on some recent discussion items noting Mr. Bateman is very
37 appreciative to be here at Lindon City. He also spoke with Chief Brower and things are
38 going great at the Police Department.

40 **Councilmember Vanchiere** – Councilmember Vanchiere reported on Tuesday he
41 attended the Mountainland Association of Governments Economic Development Summit
42 along with Mike Florence that was a very productive meeting and worthwhile to attend.
43 He also reported today he took a tour of the South Valley Transfer station that is under
44 construction noting it will be a state-of-the-art facility. He also spoke with Commissioner

2 Gordon who is appreciative of what we do. They also received the RFPs back with the
4 next phase being the bonding to improve and modernized the existing facility.

6 **Councilmember Magleby** – Councilmember Magleby reported he will be talking about
8 Lindon Days in his upcoming newsletter article. He also reported this will be the largest
10 parade we have had in many years. He also mentioned an opportunity for citizens to
12 record trees and shrubs that have been planted at homes and businesses. The goal is to
have 1,000 planted for the centennial marking 100 years of Lindon City. He will also be
presenting some sample logos for the centennial for the council to consider. The Historic
Preservation Commission applicants are on the agenda later and he is looking forward to
that discussion. He commented that citizens of Lindon like to be involved.

14 **Councilmember Powell**– Councilmember Powell welcomed former Mayor Jim Dain
16 and Former Councilmember Bret Frampton to the meeting with whom she previously
18 served on the council. She also expressed she is excited about the 5 candidates that have
20 filed for office. She reported the Senior Center BBQ is coming on June 28th at Pioneer
22 Park. The cost is \$3 per person and the public is invited to attend with a senior. The new
24 Youth Council group will be coming to the event and they will be doing a lot of great
attended.

26 **Councilmember Broderick** – Councilmember Broderick reported he received an email
28 about the Aquatrax tracking system on the secondary water that uses a QR code; Public
30 Works is hoping for feedback and encourages everyone to participate. He also reported
the cemetery building is under construction and will be a great addition to the city.

32 **Mayor Lundberg** – Mayor Lundberg reported the Huntsman Cancer Center is opening a
34 new facility in Vineyard with the groundbreaking to be held this Wednesday. She
36 reported that she and Mr. Cowie attended the special services district meeting noting they
38 are doing a conservation park in association with the Utah Lake Authority with
40 engineered wetlands plans in coordination with the Army Corp. of Engineers. This will
42 have really great public interaction with trails, boardwalks, etc. She also attended the
Utopia Board meeting noting Lindon is one of the original 11 cities and they are doing
well financially and the city will be getting payment from them. There are new cities
pledging to come in noting we have been number one for many years, but we have been
slightly bumped by Morgan and Woodland Hills, but Lindon City is still strong in the
network.

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

2 **Misc. Updates:**

- 4 • Next regular council meetings: July 3rd & July 17th
- 4 • July 2023 newsletter assignment (due last week of June): Daril Magleby
- 6 • 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 21st.
- 8 • Misc. Items.

10 **6. Approval of Minutes** – The minutes of the regular City Council meeting of June 5, 2023 will be reviewed.

12
14 COUNCILMEMBER HOYT TO APPROVE THE MINUTES OF THE
14 REGULAR CITY COUNCIL MEETING OF JUNE 5, 2023 AS AMENDED.
14 COUNCILMEMBER MAGLEBY SECONDED THE MOTION. THE VOTE WAS
16 RECORDED AS FOLLOWS:

16 COUNCILMEMBER HOYT	AYE
18 COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER POWELL	AYE
20 COUNCILMEMBER VANCHIERE	AYE
COUNCILMEMBER MAGLEBY	AYE

22 THE MOTION CARRIED UNANIMOUSLY.

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

26

CURRENT BUSINESS

28

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.

36 Adam Cowie, City Administrator led this discussion item by stating this item is a continued agenda item from the June 5th meeting. He noted Mr. Ehat is in attendance to further discuss this item. He then turned the time over to Mr. Ehat for discussion.

38 Following Mr. Ehat’s comments, the council had some general discussion on their preference on the signage names. Following some additional discussion, the Council was in agreement to approve the renaming of 900 East and segment of 140 N. and 835 East to Temple View Drive with the street numbers on the top and the name below as presented by staff.

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

2 COUNCILMEMBER HOYT MOVED TO APPROVE ADDING A
 4 SUPPLEMENTAL ROADWAY NAME, “TEMPLE VIEW DRIVE”, TO 900 EAST, A
 PORTION OF 140 NORTH, AND 835 EAST STREET SIGNS AND MAPS IN
 6 RECOGNITION OF THE TEMPLE BEING CONSTRUCTED NEARBY WITH
 NUMBERS ON THE TOP AND THE NAME BELOW AS PRESENTED.

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

COUNCILMEMBER HOYT AYE

10 COUNCILMEMBER BRODERICK AYE

COUNCILMEMBER POWELL AYE

12 COUNCILMEMBER VANCHIERE AYE

COUNCILMEMBER MAGLEBY AYE

14 THE MOTION CARRIED UNANIMOUSLY

16 **9. Public Hearing — Ordinance Amendment 2023-5-O; Commercial Farm**

17.51, Definitions 17.02 and Standard Land Use Table. Application is made by
 18 Lindon City; Ordinance #2023-5-O. Updates to the ordinance are proposed
 regarding number of dwelling units allowed in the CF zone, defining Bed & Breakfast
 20 uses, and updates to standards & regulations for Bed & Breakfast uses. The Planning
 Commission recommended approval of the application to the City Council.
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24 COUNCILMEMBER VANCHIERE MOVED TO OPEN THE PUBLIC
 HEARING. COUNCILMEMBER POWELL SECONDED THE MOTION. ALL
 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.
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28 Mike Florence, Community Development Director led this agenda item by stating
 he will present all information on items 9-13 and then asked that the council make
 motions at the end of the presentation; there are 5 different applications. He noted staff
 30 has been working with Alan Colledge in regards to the improvements on the property and
 clarification of our ordinances.

32 He noted 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
 34 compliance, and additional development proposed by the property owner.

36 Mr. Florence re-iterated the following applications have been made by Lindon
 City and Wadley Farms and each application will have a separate motion.

- 38 a. Ordinance amendment for Bed and Breakfast uses citywide and the Commercial
 Farm zone. (City application)
- 40 b. Conditional Use Permit for Bed and Breakfast Uses (Wadley Farms application)
- 42 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)
- 44 d. Amended site plan and conditional use permit approval to convert an onsite
 structure, “Red Barn,” to a commercial retail business. (Wadley Farms
 application)

- 2 e. To rezone two parcels (14:071:0359 & 14:071:0345) from Residential R1-20 to
4 Commercial Farm. (Wadley Farms application)

6 Mr. Florence stated the planning commission recommended approval of each
8 application with the conditions. He stated the motion for the recommended conditions of
10 approval are included in the report. He pointed out that the city council will make the
12 final land use decisions for each application.

14 Mr. Florence then referenced the courtesy notice that the city sent to Wadley
16 Farms that addressed the following main items:

- 18 a. The rear portion of the lot at 441 N. 150 E. was deeded to Colledge Properties
20 LLC in 2018. It is a residential parcel being used as a construction and equipment
22 storage yard.
24 b. A 2017 amended site plan for the “castle” conditioned the approval on installing
26 landscaping behind the building to screen the property.
28 c. Discussion and timing of Main Street improvements.
30 d. Use and number of short-term rentals at Wadley Farms
32 e. Construction yard in an R1-20 single-family zone

34 Mr. Florence then referenced some of the key issues that the planning commission
36 and city council need to address with these applications as follows:

- 38 a. As more commercial uses are proposed in the Commercial Farm zone, do the
40 application proposals meet the intent and purpose of the zone?
42 b. Consideration of the Lindon City Street Master Plan Map and the construction of
44 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.

Mr. Florence then referenced the Purpose of the Commercial Farm Zone –
17.51.010 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”*

2 Mr. Florence then gave a brief history of the development to give a sense of how
the Wadley Farms property has progressed over the years:

- 4 • 2000 – The City Council approved an ordinance amendment to allow an
admission charge for private recreational grounds of 10 acres or more to host
6 receptions and other events at the historic buildings.
- 8 • 2001 – a conditional use permit was granted by the planning commission for a
reception center in the R1-20 zone.
- 10 • 2011 – Creation of the Commercial Farm zone and zoning ordinance. Also, a
conditional use permit for the “castle building.”
- 12 • 2017 – amended site plan approval for an addition to the “castle building.”
- 14 • 2022 – zone change to incorporate the new single-family home into the
Commercial Farm zone.

16 Mr. Florence then referenced the highlighted items that discuss each application that
has been filed. Motions and conditions are included at the end of the report.

- 18 • Bed and Breakfast& Commercial Farm/Standard Land Use Table Ordinance
Amendment Application
- 20 • Bed and Breakfast Conditional Use
- 22 • Amended Site Plan and Conditional Use Permit – Commercial Building
- Amended Site Plan and Conditional Use Permit – “Red Barn”
- Rezone of Two Parcels from R1-20 to Commercial Farm

24 Alan Colledge addressed the council at this time. Mr. Colledge stated that all of
the entities being discussed this evening are really about preserving 2 acres of farmland
26 where the other acres can be dedicated to other buildings. He went on to say, the purpose
of the commercial farm zone was to facilitate preservation of farms by these other
28 entities, and not the other way around. One suggestion Mr. Colledge stated, in keeping
this vision down the road, was instead of saying 5 acres, you could say 5 greenbelt acres,
30 and have them convert their property back to the greenbelt. He then explained this
process to the council. He pointed out that this would make it so it would not allow
32 someone to take the commercial farm property without the intent to ever actually farm on
it. He also asked that the council consider how these buildings and ordinances presented
34 tonight will complement the master plan of the city. Mr. Colledge then gave his
presentation giving a broad overview of where they are planning to go with these
36 proposals.

38 Councilmember Powell expressed her appreciation to the Colledges and Wadley
Farms for all they have done for the city. She stated it is the council’s responsibility that
40 this is a continuation of Lindon City across the board, so that all citizens and businesses
can and should be heard. Our duty as a council is to make sure we are not only listening
to you, as the applicant, but to all citizens.

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

2 **Russell Rodgers:** Mr. Rodgers stated he built an accessory apartment at his home and they
 4 had to provide all off-street parking. He questioned if this requirement is not included with
 a restaurant if the parking is a problem in the neighborhood? Mr. Florence confirmed that
 off street parking would be required.

6

8 **Mayor Jim Dain:** Mr. Dain stated he lives on 4th east and 4th north. He commented that
 he is here because he was Mayor when there was a vision for Wadley Farms. He had been
 watching development take chunks of Lindon and wanted an alternative. They wanted to
 10 make a farm zone and make it useful and to add some uses to allow it to look like a farm.
 Mayor Dain expressed his personal view stating his two favorite spots in Lindon are
 12 Wadley Farms and Walker Farms. This whole commercial farm zone did exactly what
 they wanted it to do. So, with these 2 and if we had 2 or 4 more would make it viable and
 14 can only be good for the city. To have a minimum 5 acres and in order to be able to make
 revenue have and Airbnb etc.; it is doable. These things have been just what they hoped
 16 they would be.

18 **Bret Frampton:** Mr. Frampton stated he sent a letter to Mr. Florence in regards to this
 issue. He is a neighbor the Colledges and has loved living next to Wadley Farms as it has
 20 brought so much joy to our community. They have built a beautiful fence and they are
 wonderful as neighbors. Keeping all this open space is not easy and hard to keep it going.
 22 He loves the Colleges and he loves the farm.

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

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

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32 Mayor Lundberg asked for any comments on the bed and breakfast definitions
 from the council:

34 Councilmember Powell stated she would like to limit it slightly and perhaps to go
 back to the original emphasis on the property of agricultural production. She loves the
 36 ideas Mayor Dain presented with the subsidizing methods. She just doesn't want it to get
 out of hand. She voiced her concerns that there needs to be more restrictions in terms of
 38 keeping short term rentals of a bed and breakfast from becoming long term rentals in the
 future. Councilmember Powell also asked what proof the city receives that shows that the
 40 two acres are being used agriculturally to make sure there isn't somebody that comes in
 and abuses the Commercial Farm Zone by saying they will farm it but don't follow
 42 through. Mr. Florence stated that before they file, they have to show proof of the 40%,
 and stated there isn't any method currently to track this. Mr. Haws added there is a
 44 standard set by the state in the greenbelt that covers this, and the city could use this if it
 became an issue.

2 Councilmember Broderick let the audience know the council has received and
4 reviewed all the letters submitted and appreciates all the input. He added that even if the
vote doesn't go as they wish, it isn't due to the council not hearing the concerns or praises
received in those letters.

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8 Councilmember Hoyt gave credit to the success of this Commercial Farm Zone to
past council's and the city. He expressed that he would like to see as many of these
Commercial Farm Zones in Lindon City as possible.

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12 Councilmember Vanchiere stated he doesn't see that a lot of these types of things
will come to the city in this aspect. The parking situation was discussed and
14 Councilmember Vanchiere asked Mr. Colledge about parking and if the location had ever
had the parking lot full. Mr. Colledge stated that it has happened one time in the past.

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18 Mr. Cowie stated he recalls that this Commercial Farm Zone was made because
farming isn't profitable and these zones and uses are in place to help supplement and
20 offset the cost of farming. This allows the city to still have farming areas that are
cherished in the city. Past discussions have happened about profit and he pointed out that
there isn't a notable profit that is made from farming.

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24 Mr. College added that it may be good for the city to come up with exact limits to
keep from discrimination coming up in the future when the definition of farming is
blurred where what defines farming in the number of livestock or agricultural aspects.
26 Councilmember Powell agreed with that statement. Mr. Cowie pointed out that this item
could be continued and brought back to the council regarding uses being discussed and
notifying Walker Farms.

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30 Councilmember Powell asked Mr. Florence if these actions are needed just to
make sure things are done correctly in an effort of transparency. Mr. Florence replied that
32 it is a combination of things in an effort to have some various issues brought into
compliance including some conditions that will be completed. We are just crossing our
34 t's and dotting the I's.

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

38 COUNCILMEMBER POWELL MOVED TO APPROVE ORDINANCE #2023-
05-O UPDATING THE LINDON CITY CODE COMMERCIAL FARM ORDINANCE
40 AND DEFINITIONS AND THE STANDARD LAND USE TABLE WITH THE
CHANGE OF STRIKING OUT THE AMPHITHEATER. COUNCILMEMBER
42 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.

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At this time Mayor Lundberg called for motions on the 4 agenda items (9-12) following a 3-minute recess. She added item number 13 will be done as a separate motion.

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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.

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Mr. Florence also addressed the council for this agenda item. He began by stating the Planning Commission made a recommendation to unanimously recommend approval to the city council on this item. He noted 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.

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Mr. Florence stated 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

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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.

Mr. Florence indicated 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). He pointed out that 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.

Mr. Florence explained that 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.

Mr. Florence emphasized that 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. He noted 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.

Mr. Florence stated in 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.
- 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.

- 2 ○ Caps the total number of residential dwellings at six but also dependent upon
acreage for the bed and breakfast.
- 4 ▪ 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
6 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.
- 8 ▪ 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
10 unit.
- 12 ○ 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
14 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.

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

18 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.

20 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
22 breakfast facility; educational programs and associated facilities; amphitheater; reception
center; conference center; boutique; cafe; restaurant; veterinary clinic; and food
24 manufacturing (not to exceed two thousand (2,000) square feet of processing and
production area).

26 Mr. Florence stated the Commercial Farm zone was adopted in 2011 and
amended in 2017. Looking at the ordinance over 10 years later and what has been
28 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
30 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
32 remains to promote agricultural open space throughout the city.

34 Following some general discussion, the Council was in agreement to approve the
Conditional Use Permit; Three Bed and Breakfast Units in the Commercial Farm Zone –
Wadley Farms 35 W. 400 N. as presented by staff.

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

38
40 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE
APPLICANT’S REQUEST FOR A CONDITIONAL USE PERMIT FOR A BED AND
BREAKFAST RETREAT LOCATED AT 35 E. 400 N. WITH THE FOLLOWING
42 CONDITIONS: 1. THE PROPOSED BED AND BREAKFAST RETREAT IS
APPROVED FOR THREE BED AND BREAKFAST UNITS. 2. ANY OUTSTANDING
44 BUILDING CODE REQUIREMENTS OR CHANGE OF USE FROM A CARETAKER
UNIT TO BED AND BREAKFAST UNITS WILL BE ADDRESSED WITH THE

2 LINDON CITY BUILDING OFFICIAL AND BUILDING PERMITS OBTAINED. 3.
4 ALL TRANSIENT ROOM TAXES WILL BE PAID TO THE STATE OF UTAH FOR
5 THE BED AND BREAKFAST USE. 4. ALL ITEMS OF THE STAFF REPORT AS
6 PRESENTED. COUNCILMEMBER HOYT SECONDED THE MOTION. THE VOTE
7 WAS RECORDED AS FOLLOWS:

8 COUNCILMEMBER HOYT AYE
9 COUNCILMEMBER BRODERICK AYE
10 COUNCILMEMBER POWELL AYE
11 COUNCILMEMBER VANCHIERE AYE
12 COUNCILMEMBER MAGLEBY AYE

13 THE MOTION CARRIED UNANIMOUSLY.

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

21 Mr. Florence also led this agenda item by stating the Planning Commission made
22 a unanimous recommendation for approval to the city council on this item. He noted
23 Lindon City approved this building as an agricultural accessory building on October 14,
24 2020. The building is still under construction and is a two-story building. Each floor is
25 approximately 1,600 square feet. The original purpose of the building was to be a shop to
26 support the ongoing maintenance of the farm and development. Partway through
27 construction, Mr. Colledge met with city staff to understand what would need to be done
28 to convert the building to a commercial building. Mr. Colledge proposes that the
29 following uses could be operated out of the building as a boutique or gathering spaces:

- 30 • Office-Intimate business meetings, wedding breakfasts
- 31 • Bottling of grape juice
- 32 • Yoga health
- 33 • Complementary boutique shop
- 34

35 Mr. Florence then referenced the Commercial Farm Development Standards
36 noting all requirements are met.

37 Following some general discussion, the Council was in agreement to approve the
38 amended site plan and conditional use permit to convert a previously approved
39 agricultural accessory building to a commercial building located at Wadley Farms 35 W.
40 400 N. as presented by staff.

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

43

2 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE
 4 APPLICANT’S REQUEST FOR A CONDITIONAL USE PERMIT AND SITE PLAN
 6 FOR AN ADDITIONAL COMMERCIAL USE EVENT BUILDING LOCATED AT 35
 8 E. 400 N. WITH THE FOLLOWING CONDITIONS: 1. DUE TO THE CHANGE OF
 10 USE OF THE BUILDING FROM AN AGRICULTURAL ACCESSORY BUILDING
 12 TO A COMMERCIAL BUILDING ANY OUTSTANDING BUILDING CODE,
 14 PERMITS, OR ENGINEERING REQUIREMENTS WILL BE ADDRESSED
 16 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 AS PRESENTED.

COUNCILMEMBER VANCHIERE SECONDED THE MOTION. THE VOTE WAS
 RECORDED AS FOLLOWS:

- 18 COUNCILMEMBER HOYT AYE
- COUNCILMEMBER BRODERICK AYE
- 20 COUNCILMEMBER POWELL AYE
- COUNCILMEMBER VANCHIERE AYE
- 22 COUNCILMEMBER MAGLEBY AYE

THE MOTION CARRIED UNANIMOUSLY.

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.

Mr. Florence presented this item to the council. He noted the Planning Commission 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 Rowley’s 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.

2 Mr. Florence made note on the site plan for the “red barn”, parking is proposed to
 4 be located in the future Main Street right-of-way. If the City decides that Main Street is
 6 not constructed as part of this conditional use permit then a condition of approval has
 8 been added that the owner will relocate the parking stalls required for the business to a
 10 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.

12 Mr. Florence then referenced the Commercial Farm Development Standards
 14 noting all requirements are met.

16 Councilmember Powell asked when main street will come into play, and what if it
 18 is sooner than the street abandonment issue in the commercial farm zone with the 2
 streets perpendicular to main. Mr. Colledge stated the city can do that anytime and the
 development agreement states that the burden is on the Colledges when they put that in.

20 Mayor Lundberg asked for clarification from staff if another Conditional Use
 22 Permit comes forward to create another commercial use along main street is this
 something that could be reviewed again potentially. Mr. Florence pointed out that all
 commercial uses are a conditional use, but you are limited with the development
 agreement to require main street unless main street is abandoned.

24 Mr. Haws stated Mr. Colledge has to have the 40” so, if he brings in another
 26 commercial use he will be limited in the space and will still meet our ordinance. If there
 is a new commercial use application submitted then it could not require main street to go
 in, and if it was something big that may significantly impact traffic, it may require a zone
 28 change. A provision could be added into the agreement with provisions for significant
 impacts on traffic.

30 Mr. Colledge commented that right now he feels comfortable with the 40% and
 32 feels the agreement is acceptable and equally protected. Mr. Haws agreed he also feels
 comfortable with the agreement as it stands.

34 Mr. Cowie pointed out the way the way this development agreement is currently
 written is what the council is approving tonight. If you suggest any changes then staff
 will need to rewrite it.

36 Following some general discussion, the Council was in agreement to approve
 38 amended site plan and conditional use permit approval to convert an on-site structure,
 “Red Barn,” for a commercial retail building located at Wadley Farms 35 W. 400 N. as
 presented by staff.

40 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
 APPLICANT’S REQUEST FOR A CONDITIONAL USE PERMIT AND SITE PLAN
 FOR A RETAIL BUILDING LOCATED AT 35 E. 400 N. WITH THE FOLLOWING**

2 CONDITIONS: 1. DUE TO THE CHANGE OF USE OF THE BUILDING FROM AN
 4 AGRICULTURAL BARN TO A COMMERCIAL RETAIL BUILDING, ALL
 6 BUILDING PERMITS REQUIREMENTS WILL BE ADDRESSED AND APPROVED
 8 BY THE LINDON CITY BUILDING OFFICIAL. 2. THE APPLICANT WILL
 10 CONTINUE TO WORK WITH THE CITY ENGINEER AND FIRE DEPARTMENT
 12 TO MAKE ALL FINAL CORRECTIONS TO THE CIVIL ENGINEERING
 14 DOCUMENTS. 3. PARKING IS PROPOSED TO BE CONSTRUCTED WITHIN THE
 16 FUTURE MAIN STREET RIGHT-OF-WAY. WHEN MAIN STREET IS
 18 CONSTRUCTED, THE OWNER WILL RELOCATE THE PARKING STALLS
 20 REQUIRED FOR THE BUSINESS TO A LOCATION THAT MEETS CITY
 22 PARKING LOT STANDARDS. 4. A MAIN STREET AGREEMENT BE APPROVED
 24 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 AS PRESENTED.
 COUNCILMEMBER MAGLEBY SECONDED THE MOTION. THE VOTE WAS
 RECORDED AS FOLLOWS:

18 COUNCILMEMBER HOYT AYE
 COUNCILMEMBER BRODERICK AYE
 20 COUNCILMEMBER POWELL AYE
 COUNCILMEMBER VANCHIERE AYE
 22 COUNCILMEMBER MAGLEBY AYE
 THE MOTION CARRIED UNANIMOUSLY.

24
 26 **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
 28 Commercial Farm zone boundaries at approximately 35 W. 400 N. (Parcel ID #'s
 14:071:0345 & 14:071:0359). The Planning Commission recommended approval
 30 of the application to the City Council.

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

36 Mr. Florence led this agenda item by referencing the map identifying the two
 38 parcels that have been divided since 2018 from the residential properties and are being
 used or desired to be used as part of the Wadley Farms development. He noted the
 40 residential parcels that these properties were divided from still meet the minimum lot
 size. An issue with the parcel divisions is that these parcels are now landlocked without
 proper frontage and don't meet the minimum lot size requirements.

42 Mr. Colledge is proposing to rezone the two parcels from R1-20 to Commercial
 Farm. The parcels legal descriptions will also need to be consolidated into the existing
 44 Wadley Farms property to remove the dividing property line if they haven't been by now.

2 The most northern parcel is being used as a construction and equipment storage yard to
service the Wadley Farms development.

4 Mr. Colledge has constructed an 8’ wall around the perimeter of this property
(construction yard) to screen it from the neighboring single-family home. However, this
6 construction yard is adjoining three single-family residential properties. The southern
8 parcel was divided off from the property where Mr. Colledge has recently constructed his
new home. There has been discussion with Mr. Colledge that this parcel will be used for
agricultural uses. A fence will need to be installed dividing the Commercial Farm
10 property from the R1-20. Staff has included the requirement that a 7’ masonry or
concrete fence be constructed.

12 Following some general discussion, the Council was in agreement to approve the
Ordinance #2023-06-O approving the rezone of two parcels from single-family (R1-20)
14 to commercial farm (CF) as presented by staff.

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

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

22 Councilmember Powell asked for clarification on potential nuisance issues if they
were to arise. Mr. Florence stated city ordinance requires a 7 ft wall and if the city were
24 to receive a complaint regarding a nuisance issue, staff would determine if there is a
nuisance and file a violation. He noted this construction yard is unique to this property.

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

30 COUNCILMEMBER BRODERICK MOVED TO APPROVE ORDINANCE
2023-06-O TO AMEND THE LINDON CITY ZONING MAP FROM SINGLE
32 FAMILY RESIDENTIAL (R1-20) TO COMMERCIAL FARM (CF) FOR PARCEL
NUMBERS 14:071:0359 & 14:071:0345) WITH THE FOLLOWING CONDITIONS: 1.
34 THE APPLICANT WILL COMBINE THE TWO PARCELS WITH THE OVERALL
ACREAGE OF THE WADLEY FARMS DEVELOPMENT; 2. A SEVEN-FOOT
36 MASONRY OR CONCRETE FENCE BE INSTALLED TO SCREEN THE
PROPERTY PARCEL# 14:071:0359 FROM THE ADJOINING SINGLE-FAMILY R1-
38 20 ZONE PROPERTIES. 3. ALL ITEMS OF THE STAFF REPORT.

COUNCILMEMBER VANCHIERE SECONDED THE MOTION. THE VOTE WAS
40 RECORDED AS FOLLOWS:

42	COUNCILMEMBER HOYT	AYE
42	COUNCILMEMBER BRODERICK	AYE
42	COUNCILMEMBER POWELL	AYE
44	COUNCILMEMBER VANCHIERE	AYE
44	COUNCILMEMBER MAGLEBY	AYE

2 THE MOTION CARRIED UNANIMOUSLY.

4 **14. Discussion item — Moderate Income Housing Plan, Impact Fee Reduction.**

6 The City Council will receive information for discussion on possible waiver of certain impacts fees as part of the Moderate-Income Housing Plan Strategies.

8 Mr. Florence also led this discussion item by giving a brief history stating 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 1st to August 1st. Lindon City adopted the following State strategies:

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

16 **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.

18 **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.

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

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

24
26 Mr. Florence also referenced the link to the Lindon City Moderate-Income Housing Plan. He stated to this point, Lindon City Council has adopted provisions to meet the requirements for Strategies 1 and 2. He indicated that 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."

30
32 Mr. Florence stated 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 1st report the community development division staff only had two examples so far. The examples their staff gave were as follows:

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

40
42
44 Mr. Florence then went over the table showing the housing development impact fees. He noted the typical impact fee cost for different dwelling types as follows:

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

6 Mr. Florence indicated as the community development staff has evaluated options
 8 regarding impact fees, we don't believe that the city should waive or eliminate impact
 10 fees. However, to help meet the State strategy that was adopted by the city, community
 12 development staff recommends the city evaluate a percentage reduction in impact fees
 14 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%.

16 Mr. Florence pointed out that the city could also just have a policy that it will
 18 reduce impact fees for moderate-income units and negotiate that in a future development
 agreement. He noted this is a less certain route but also allows for future negotiation.

20 Following some general discussion regarding this topic, Mr. Florence stated he
 will take the feedback from the city council discussion and the community development
 department staff will prepare a resolution for city consideration at an upcoming meeting.

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

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

28 Mr. Cowie led this discussion item by stating the city ordinance outlining the
 Historic Preservation Commission purposes and duties requires the following:
 30 *“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”.*

32 Mr. Cowie noted the following names have been recommended for consideration
 34 of appointment to the Historic Preservation Commission for two-year terms:

- 36 • Bret Swalberg
- 37 • Dave & Jennifer Eaves
- 38 • Chelsea & Brian Beutler
- 39 • Deborah Reed Bagley
- 40 • Sheron Drake

42 Following some general discussion, the council was in agreement to approve the
 44 recommended individuals listed above to serve on the planning commission for a term of
 two years as presented by staff.

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

4

COUNCILMEMBER POWELL MOVED TO HE RECOMMENDED THE
6 INDIVIDUALS TO BE APPOINTED TO THE LINDON CITY HISTORIC
PRESERVATION COMMISSION FOR A TERM OF TWO YEARS, OR UNTIL
8 THEIR RESPECTIVE SUCCESSORS HAVE BEEN APPOINTED.

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

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

16 THE MOTION CARRIED UNANIMOUSLY

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

20

Adjourn –

22

COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING
24 AT 8:10 PM. COUNCILMEMBER VANCHIERE SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

26

Approved – July 3, 2023

28

30

Kathryn A. Moosman, City Recorder

32

34

36

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.

The following consent agenda item was presented for approval.

- a) **Surplus Equipment; Resolution #2023-11-R.** The Council will review and consider Resolution #2023-11-R regarding disposal of surplus equipment.

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

RESOLUTION NO. 2023-11-R

A RESOLUTION DECLARING CERTAIN PROPERTY AND EQUIPMENT OWNED BY LINDON CITY TO BE SURPLUS PROPERTY AND AUTHORIZING THE DISPOSAL OF THE LISTED ITEMS.

WHEREAS, the Municipal Council of Lindon City has adopted policies and procedures for the disposal of surplus property and equipment, with said policy found in Section 3 of the Lindon City Policies and Procedures Manual; and

WHEREAS, the policy requires that a public meeting be held concerning the declaration of any property deemed to be surplus by the City and which has an estimated valued over \$100; and

WHEREAS, the identified property is no longer needed and/or has exceeded its useful life and needs to be disposed of.

THEREFORE, BE IT RESOLVED by the Lindon City Council as follows:

- Section 1. That the items described on the attached listing be declared as surplus property of the City; and
- Section 2. That these items be offered for sale to the public through their listing on www.publicsurplus.com or other comparable on-line auction site. The items will be offered for minimum bids when appropriate. If the minimum bid is not realized, administrative staff may dispose of the items at their discretion including selling for less than the minimum bid; and
- Section 3. This resolution shall take effect immediately upon passage.

Adopted and approved this 3rd day of July 2023.

By _____
Carolyn Lundberg, Mayor

Attest:

By _____
Kathryn A. Moosman, City Recorder

SEAL:

Lindon City
100 North State Street
Lindon, UT 84042-1808



TEL 801-785-5043
FAX 801-785-4510
www.lindoncity.org

June 22, 2023

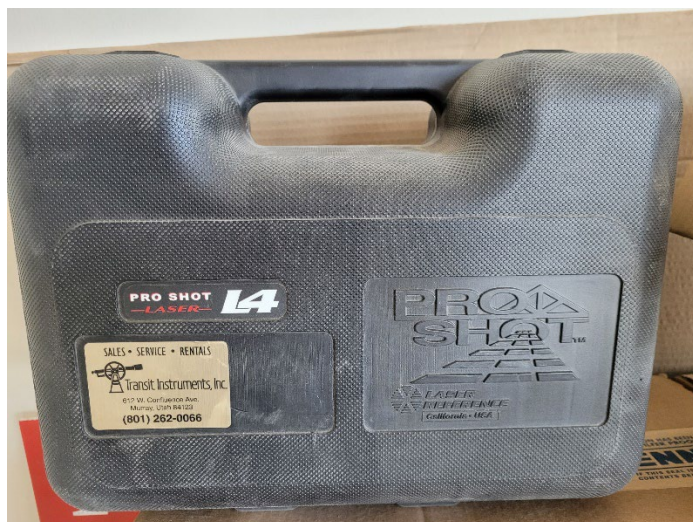
Proposed Item for Surplus

Item: Pro Shot L4 Laser

Reason for surplus:

- Have purchased new Laser
- Current unit is not calibrated
- Current unit is not dependable

Minimum suggested surplus price: \$200.00



Item: Snow Dog EX 85 Snow Plow

Reason for surplus:

- Have purchased replacement snow plow.
- Current equipment not outfitted to accept plow.

Minimum Suggested Price: \$500.00



Item: Salt Dogg 3.5-yard capacity Salt Spreader

Reason for surplus:

- Have purchased new salt spreader.
- Current equipment not outfitted for this spreader.

Minimum Suggested Price: \$500.00



Alex Roylance
Facilities and Fleet Manager

- 8. Public Hearing – Impact Fee Reduction to Foster Moderate Income Housing.** The City Council will review and consider Resolution #2023-12-R approving and authorizing a waiver of Police and Fire Impact Fees for new moderate-income housing units. This waiver is in compliance with goals established in the Lindon City Moderate Income Housing element in the Lindon City General Plan. *(10 minutes)*

Sample Motion: I move to (approve, reject) Resolution #2023-12-R, authorizing a waiver of Police and Fire Impact Fees for new moderate-income housing units (as presented or amended).

RESOLUTION NO. 2023-12-R

A RESOLUTION APPROVING AND AUTHORIZING THE WAIVING OF POLICE AND FIRE IMPACT FEES RELATED TO MODERATE-INCOME HOUSING UNITS IN NEW DEVELOPMENT, AND SETTING AN EFFECTIVE DATE.

WHEREAS, Moderate-income Housing under Utah State Code Annotated 10-9a-103 means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the city is located; and

WHEREAS, Lindon City amended its Moderate-Income Housing Element of the General Plan on August 15, 2022; and

WHEREAS, Lindon City adopted five moderate-income housing strategies in compliance with Utah Code 10-9a-403; and

WHEREAS, Lindon City adopted the moderate-income housing strategy to reduce, waive, or eliminate impact fees related to moderate-income units in new developments; and

WHEREAS, The Lindon City Council seeks to increase the number of moderate-income housing options in the city and therefore will waive police and fire impact fees related to moderate-income units in new developments.

NOW, THEREFORE, BE IT RESOLVED BY THE LINDON CITY COUNCIL, as follows:

Section 1. The Police and Fire impact fees are waived for moderate-income units in new developments. This amendment is not retroactive but will apply to any application pending as of the effective date of this resolution.

Section 2. The Lindon City Building Official, Finance Director, Utility Clerk, and Chief of Police are hereby notified of this change and are authorized to amend the City-Wide Fee Schedule.

Section 3. This resolution shall take effect immediately upon passage.

PASSED, and RESOLVED and made EFFECTIVE by the City Council of Lindon City, Utah, this 3rd day of July, 2023.

Carolyn O. Lundberg, Mayor

ATTEST:

Kathryn A. Moosman
Lindon City Recorder

SEAL

- 9. Public Hearing — Ordinance #2023-10-O; Criminal Code Updates.** The City Council will review and consider amending Chapter 9.04 of the Lindon City Code, so as to amend and re-codify the Lindon City Criminal Code to be in conformance with Utah Code. *(5 minutes)*

Sample Motion: I move to (approve, reject) Ordinance #2023-10-O, amending Chapter 9.04 of the Lindon City Code updating the Criminal Code to be in conformance with Utah Code (as presented or amended).

ORDINANCE #2023-10-O

AN ORDINANCE AMENDING CHAPTER 9.04 OF THE LINDON CITY CODE, SO AS TO AMEND AND RECODIFY THE LINDON CITY CRIMINAL CODE.

WHEREAS, the Lindon City Council, pursuant to the authority granted to it under Chapter 3 of Title 10 of the Utah State Code, has authorized the Lindon City Attorney to charge and prosecute infractions and misdemeanor crimes which occur within the boundaries of Lindon City; and

WHEREAS, the Lindon City Council previously adopted Titles 76 and 77 of the Utah Code as the City’s criminal code; and

WHEREAS, since the City’s original adoption of these two titles, the Utah Legislature has amended the Utah Code multiple times and has enacted many new laws and designated numerous new infractions and misdemeanor offenses, which can be found throughout the various titles and chapters of the Utah Code; and

WHEREAS, the Lindon City Council desires to ensure the Lindon City Criminal Code reflects these various changes and modification and to ensure that subsequent changes are appropriately incorporated into its Criminal Code.

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

PART ONE: AMENDMENT OF CHAPTER 9.04 OF THE LINDON CITY CODE.

Chapter 9.04 of the Lindon City Code is hereby amended and the Lindon City Criminal Code is recodified as follows:

9.04.010 Adoption of Lindon City Criminal Code

1. Section 10-3-928 of the Utah Criminal Code expressly authorizes the Lindon City Attorney to prosecute infractions and misdemeanors, occurring within the boundaries of Lindon City, which have been adopted and established under the laws of the State of Utah and which are contained within the Utah Code. As such, in additions to the infractions and misdemeanors contained in the Lindon City Code, the infractions and misdemeanors contained within the Utah Code, 1953, and as hereafter amended, are ~~as contained in Title 76 of Utah Code Annotated, 1953, as amended and constituted in 2004, is~~ hereby adopted as the Lindon City Criminal Code ~~for Lindon City~~ and are incorporated as part of the ordinances of Lindon City. Where a citation, information, or complaint is issued for offenses alleged to have occurred in violation of ~~under~~ the Utah ~~Criminal~~ Code, as adopted by this Section, it shall be sufficient to use the section number of the Utah Code to designate the alleged violation ~~section number of the City Code that has been violated~~. Those portions of the Utah Code, as adopted herein, referring to or dealing with felonies which are not subject to enforcement by Lindon City, are not part of the adopted Lindon City Code. Those portions of the Utah Code ~~provisions that are hereby adopted and incorporated as part of the Ordinances of Lindon City~~ referring to or dealing with Class “A” Misdemeanors, that are not eligible for prosecution by a city attorney ~~are not subject to enforcement by Lindon City, are~~ hereby specifically excepted, and are not part of the adopted Lindon City Code.

~~2. Title 77 of the Utah Code Annotated, 1953 as amended in 2004, titled the Utah Code of Criminal Procedure, and Sections 78-31-801, as amended and constituted in 2004, and 78-3a-802, as enacted and constituted in 2004, are hereby adopted and incorporated as part of the Lindon City Code. Where a citation, information, or complaint is issued under Title 77, Section 78-3a-801, or Section 78-3a-802 of the Utah Code Annotated, 1953, as amended, as adopted herein, it shall be sufficient to use the section number of the Utah Code to designate the section number of the City Code that has been violated. Those portions of the above-referenced Utah Code, as adopted herein, referring to or dealing with felonies which are not subject to enforcement by Lindon City, or punishments associated with felonies which are not subject to enforcement by Lindon City, are not part of the adopted Lindon City Code. Those portions of the Utah Code provisions that are hereby adopted and incorporated as part of the Ordinances of Lindon City referring to or dealing with Class "A" Misdemeanors, that are not subject to enforcement by Lindon City, are hereby specifically excepted, and are not part of the.~~

PART TWO: Severability.

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

PART THREE: Effective Date.

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

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

Utah, this ____ day of _____ 2023.

CAROLYN O. LUNDBERG
Lindon City Mayor

ATTEST:

Kathryn A. Moosman
City Recorder

10. Public Hearing — Ordinance #2023-9-O; 2023 Lindon City General Plan Comprehensive Update. The City Council will review and consider adoption of a comprehensive update to the Lindon City General Plan. The General Plan was last comprehensively updated in 2011. The General Plan sets goals and guidelines for the present and future needs of the municipality. The Planning Commission recommends approval of the General Plan updates. *(60 minutes)*

Sample Motion: I move to (approve, reject) Ordinance #2023-9-O approving the 2023 Lindon City General Plan Comprehensive Update (as presented or amended).

General Plan Update

<p>Date: July 3, 2023 Applicant: Lindon City Presenting Staff: Michael Florence</p> <p>Type of Decision: Legislative</p> <p>Council Action Required: Yes, the planning commission unanimously recommended approval.</p>	<p>Motion: I move to (approve, deny, or continue) ordinance 2023-9-O (as presented, or with changes).</p>
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General Plan Links

Due to the size of the documents the following links are provided to access the general plan. The same links are on the City home page under the category “News and Events.”

- [General Plan Draft](#)
- [General Plan Presentation](#)
- [Draft Future Land Use Map, Currently Adopted Map, Map Identifying Proposed Changes](#)
- [Appendix - Meeting Notes and Recorded Public Comments](#) (Public Comments start on page 25)

The Purpose of the General Plan

The general plan serves as an advisory document that helps guide future growth and land use decisions. It indicates the location and type of land uses and includes directions and guidelines for future development. Municipalities in Utah are required to adopt a general plan that addresses existing needs and future growth pressures. The general plan not only helps guide future development, it also indicates how to extend infrastructure, utilities, and public services in a cost-effective manner.

Overview

- Lindon City last comprehensively updated its general plan in 2011.
- 2022, the city contracted with Landmark Design as its consultant to help the city update its general plan.
- April 28, 2022 - the city held its general plan kick-off meeting with the mayor, city council, planning commission, general plan committee and city staff.
- The general plan committee consisted of 8 community members that represented different areas of the city, three planning commissioners, mayor, and two city council members.
- Public outreach efforts included the following:
 - Social media campaign
 - Project website
 - City website
 - Social Pinpoint – online community engagement and interactive mapping software
 - August 2022 - outreach and presentation at Mayors Public Safety breakfast during Lindon Days.
 - Public open house on April 20, 2023. Meeting advertised by social media, websites, email to past participants, and signs advertising the meeting. Approximately 100 members of the public attended the open house.
 - Two notices sent to each property owner where changes are proposed on the Future Land Use Map.

Summary of Key Issues

- Utah Code § 10-9a-402 requires that at a minimum the general plan contain the following elements:
 - Land Use
 - Transportation and Circulation
 - Moderate-Income Housing

- Water Use and Preservation (adoption prior to December 31, 2025)
- State code also outlines that a city may also adopt the following other elements: Environmental, Public Services and Facilities, Rehabilitation/Redevelopment/Conservation, Economic, Implementation, and any other element the municipality feels is appropriate.
- Lindon's Proposed General Plan contains the following elements:
 - Land Use and Community Character
 - Transportation and Circulation
 - Moderate-Income Housing
 - Economic Development
 - Parks, Recreation, Trails, and Open Space
 - Environment and Sustainability
 - Implementation

Future Land Use Map

The Future Land Use Map is found on page 25 of the draft general plan. The link on the previous page provides the draft future land use map, the currently adopted future land use map, and a map showing which properties are proposed to change.

Each property owner was provided with two notices. The first notice was regarding the proposed change and an invitation to meet with city staff and discuss the changes. The second notice was for the June 13th public hearing.

Remaining General Plan Modifications

Exhibit 3 includes a list of updates that need to go into the general plan. Landmark Design will make all final edits after review by the city council. For now, the attached list includes changes city staff have identified since the last published draft of the plan.

Public Comments

Public outreach was an important part of this general plan. The Appendix link on the previous page provides a summary of all public comments received by the city. See page 25 of the Appendix

Staff Analysis

City staff appreciates the response that we have received in updating the general plan. The city established a great general plan committee that were involved and met for nearly an entire year to review each chapter of the general plan and discuss future opportunities and needs. Elected and appointed officials were equally vital in helping to shape the vision of the plan. The city engaged in a strong outreach effort to hear feedback from residents and property owners but to also educate the public on the importance of the general plan and future planning.

Staff believes that this plan helps to maintain the strong identity of the community. This was an important aspect brought up not only in the committee meetings but also the general public. The plan helps to preserve existing neighborhoods, animal rights, and builds upon the existing economic base already established in the community. The plan encourages the further study of major corridors to enhance the character and beautification of the city. The general plan continues to support and encourage the development of parks, trails, and open space.

Exhibits

- Adopting Ordinance
- List of general plan updates – Landmark Design will make all final edits after review by the city council. For now, the attached list includes changes city staff have identified since the last published draft of the plan.

ORDINANCE NO. 2023-09-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, ADOPTING THE LINDON CITY GENERAL PLAN COMPREHENSIVE AMENDMENT AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Lindon City Council is required by Utah Code Annotated § 10-9a-401 to prepare and adopt a comprehensive, long-range general plan for present and future needs of the municipality and growth and development of all or any part of the land within the municipality; and

WHEREAS, Utah Code Annotated § 10-9a-404 provides in part that the City Council may make amendments to an adopted general plan, and

WHEREAS, the Lindon City General Plan was last updated in 2011 and the Lindon City Council contracted with Landmark Design to update the general plan; and

WHEREAS, the Lindon City General Plan update amends and adopts the required general plan elements as found in Utah State Code Annotated §10-9a-403; and

WHEREAS, the Lindon City General Plan update amends and adopts the Future Land Use Map as part of the comprehensive plan update; and

WHEREAS, Utah State Code Annotated § 10-9a-404 also provides that the City Council may not make any amendment to its general plan unless the amendment was first submitted to the planning commission for its recommendation; and

WHEREAS, on June 13, 2023, the Lindon City Planning Commission held a properly noticed public hearing to hear testimony regarding the comprehensive Lindon City General Plan amendment; and

WHEREAS, at its public hearing the Lindon City Planning Commission found that the General Plan amendments were in the public's interest and found it consistent with the intent and requirements from Utah State Code Annotated; and

WHEREAS, after the public hearing, the Lindon City Planning Commission further considered the general plan update and recommended that the Lindon City Council adopt the attached general plan; and

WHEREAS, the Lindon City Council held a public hearing on July 3, 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 General Plan as follows:

Lindon City
100 North State Street
Lindon, UT 84042-1808



TEL 801-785-7687
www.lindoncity.org

The following updates are meant to be made to the general plan. So that the consultant does not have to make these corrections and any others that the city council may have staff has listed the modifications below. Once all comments are made then the consultant will make all final corrections and provide the city with a final document.

Remaining General Plan Updates

Acknowledgements Page

- Add Karen Danielson as a Planning Commissioner

Background & Introduction

- Repetitive text

Land Use & Community Character Element

- Changing the name of the 700 N. Town Center on the Future Land Use Map and land use description to Lindon Commercial Center

Transportation Element

- Adding any missing streets that didn't carry over from the current Transportation Map to the New Transportation Map.
- Updating the mileage of existing streets.
- Minor paragraph and sentence restructuring and formatting
- Coordination between the Parks, Trails & Recreation Existing and Future Trails map and the Alternative Transportation Map

Parks, Recreation, Trails, and Open Space Element

- Correcting the percentage of the Parc Tax.

Environment and Sustainability Element

- Adding a goal to continue educating residents on the secondary water meter application for water conservation and leak detection

Water Use and Preservation

- Updating language that secondary water meters have now all been installed for secondary connections
- Formatting and sentence restructuring
- Updating water usage percentages
- Correcting information about water sources
- Updating population and water usage numbers

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

ADJOURN