

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

6 **REGULAR SESSION – 5:15 P.M.**

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

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
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
32 comments. There were no public comments.

34 4. **COUNCIL REPORTS:**

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

40 **Councilmember Vanchiere** – Councilmember Vanchiere reported on Tuesday he
42 attended the Mountainland Association of Governments Economic Development Summit
along with Mike Florence that was a very productive meeting and worthwhile to attend.
44 He also reported today he took a tour of the South Valley Transfer station that is under
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
6 Frampton, Steve Stewart, and Lincoln Jacobs. No primary election is needed.
6 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
12 5, 2023 will be reviewed.

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:

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

22 THE MOTION CARRIED UNANIMOUSLY.

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

28 **CURRENT BUSINESS**

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

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

40 Following Mr. Ehat's comments, the council had some general discussion on their
42 preference on the signage names. Following some additional discussion, the Council was
42 in agreement to approve the renaming of 900 East and segment of 140 N. and 835 East to
42 Temple View Drive with the street numbers on the top and the name below as presented
44 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
3 SUPPLEMENTAL ROADWAY NAME, “TEMPLE VIEW DRIVE”, TO 900 EAST, A
4 PORTION OF 140 NORTH, AND 835 EAST STREET SIGNS AND MAPS IN
5 RECOGNITION OF THE TEMPLE BEING CONSTRUCTED NEARBY WITH
6 NUMBERS ON THE TOP AND THE NAME BELOW AS PRESENTED.

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

9 COUNCILMEMBER HOYT AYE

10 COUNCILMEMBER BRODERICK AYE

11 COUNCILMEMBER POWELL AYE

12 COUNCILMEMBER VANCHIERE AYE

13 COUNCILMEMBER MAGLEBY AYE

14 THE MOTION CARRIED UNANIMOUSLY

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

17 **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
19 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
21 Commission recommended approval of the application to the City Council.

22
23 COUNCILMEMBER VANCHIERE MOVED TO OPEN THE PUBLIC
24 HEARING. COUNCILMEMBER POWELL SECONDED THE MOTION. ALL
25 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

26
27 Mike Florence, Community Development Director led this agenda item by stating
28 he will present all information on items 9-13 and then asked that the council make
29 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
31 clarification of our ordinances.

32 He noted the items associated with the applications found in this report have
33 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.

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

- 37 a. Ordinance amendment for Bed and Breakfast uses citywide and the Commercial
38 Farm zone. (City application)
- 39 b. Conditional Use Permit for Bed and Breakfast Uses (Wadley Farms application)
- 40 c. Amended Site plan and conditional use permit approval to convert a previously
41 approved agricultural accessory building to a commercial use building. (Wadley
42 Farms application)
- 43 d. Amended site plan and conditional use permit approval to convert an onsite
44 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
had to provide all off-street parking. He questioned if this requirement is not included with
4 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
10 watching development take chunks of Lindon and wanted an alternative. They wanted to
make a farm zone and make it useful and to add some uses to allow it to look like a farm.
12 Mayor Dain expressed his personal view stating his two favorite spots in Lindon are
Wadley Farms and Walker Farms. This whole commercial farm zone did exactly what
14 they wanted it to do. So, with these 2 and if we had 2 or 4 more would make it viable and
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.

26
28 COUNCILMEMBER BRODERICK MOVED TO CLOSE THE PUBLIC
HEARING. COUNCILMEMBER VANCHIERE SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

30
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
reviewed all the letters submitted and appreciates all the input. He added that even if the
4 vote doesn't go as they wish, it isn't due to the council not hearing the concerns or praises
received in those letters.

6
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.

10
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.

16
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.

22
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.

28
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
it is a combination of things in an effort to have some various issues brought into
32 compliance including some conditions that will be completed. We are just crossing our
t's and dotting the I's.

34
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.

6

8 *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.*

10

**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.
14 (Parcel #'s 14:071:0160 & 14:071:0362). The Planning Commission
recommended approval of the application to the City Council.

16

18 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
20 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
22 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
24 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
26 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
28 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
30 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
32 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)
34 person, but not including hotels/motels.

36

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
38 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
40 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
42 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
44 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

2 nursery”, “garden center”, and the “bed and breakfast facility.” The City Council made a
4 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.

6 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
8 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
10 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
12 construction above the garage at the new single-family home and 3 short-term rentals.

14 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
16 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
18 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
20 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
22 unit.

24 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
26 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).
28 Under the existing code Walker Farms would have been allowed to have one facility
anyways.

30 Mr. Florence stated in summary the proposed amendment outlines amendments as
follows:

- 32 • Creates two separate definitions for Bed and Breakfast uses.
 - 34 ○ There is a general definition of Bed and Breakfast that will apply to areas outside
of the Commercial Farm zone.
 - 36 ○ Bed and Breakfast Farm Retreat. This definition applies specifically to the two
Commercial Farm zones (Wadley Farms and Walker Farms).
- 38 • Amends the Standard Land Use Table because of conflicting language.
- 40 • Amends the Commercial Farm ordinance to make the following changes:
 - 42 ○ Creates standards for the bed and breakfast uses:
 - 44 ▪ 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

44

2 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE
3 APPLICANT’S REQUEST FOR A CONDITIONAL USE PERMIT AND SITE PLAN
4 FOR AN ADDITIONAL COMMERCIAL USE EVENT BUILDING LOCATED AT 35
5 E. 400 N. WITH THE FOLLOWING CONDITIONS: 1. DUE TO THE CHANGE OF
6 USE OF THE BUILDING FROM AN AGRICULTURAL ACCESSORY BUILDING
7 TO A COMMERCIAL BUILDING ANY OUTSTANDING BUILDING CODE,
8 PERMITS, OR ENGINEERING REQUIREMENTS WILL BE ADDRESSED
9 AND APPROVED BY THE LINDON CITY BUILDING OFFICIAL. 2. THE
10 OCCUPANCY OF THE BUILDING WILL BE PROVIDED BY THE APPLICANT
11 ARCHITECT AND CLEARLY POSTED. 3. FOR ANY FOOD PROCESSING, ALL
12 HEALTH DEPARTMENT REGULATIONS WILL BE FOLLOWED, AND ANY
13 FOOD PROCESSING PERMITS BE OBTAINED. WORK WITH LINDON CITY
14 ENGINEERING TO DETERMINE IF A GREASE TRAP WILL NEED TO BE
15 INSTALLED. 4. ALL ITEMS OF THE STAFF REPORT AS PRESENTED.

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

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

23 THE MOTION CARRIED UNANIMOUSLY.

24
25 **12. Review & Action — Amend Site Plan and Conditional Use Permit Approval**
26 **to Convert an On-site Structure, “Red Barn,” for a Commercial Retail**
27 **Building. Wadley Farms 35 W. 400 N.** The applicant is requesting amended site
28 plan and conditional use permit approval to convert an existing onsite structure to
29 a commercial retail building in the Commercial Farm zone. (Parcel #14:071:0131
30 & 14:071:0362). The Planning Commission recommended approval of the
31 application to the City Council.

32
33 Mr. Florence presented this item to the council. He noted the Planning
34 Commission unanimously recommended approval to the city council with the condition
35 that a Main Street agreement be approved that will trigger Main Street to be dedicated
36 and constructed by the property owner when the Commercial Farm zoning is
37 abandoned.” Mr. Colledge is proposing to convert the existing “red barn” to a retail
38 boutique use that would sell produce grown on-site, sandwiches, ice cream, and other
39 farm to table items. The “red barn” was moved to the site in the 90’s and has been used
40 for agricultural uses since that time. The applicant proposes to develop the building into
41 something similar to the Wall Brothers Barn in Spanish Fork or the Rowley’s Barn in
42 Santaquin. A central discussion point for this application is the construction of Main
43 Street as noted on the Street Master Plan Map and discussed in the Application Analysis
44 section of this report.

2 Mr. Florence made note on the site plan for the “red barn”, parking is proposed to
be located in the future Main Street right-of-way. If the City decides that Main Street is
4 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
6 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
8 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
10 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
noting all requirements are met.

14
16 Councilmember Powell asked when main street will come into play, and what if it
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
18 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
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
22 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
commercial use he will be limited in the space and will still meet our ordinance. If there
26 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
feels the agreement is acceptable and equally protected. Mr. Haws agreed he also feels
32 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
amended site plan and conditional use permit approval to convert an on-site structure,
38 “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.
Hearing none she called for a motion.

42
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**
28 **Commercial Farm (CF).** Ordinance #2023-06-O. Alan Colledge with Wadley
30 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.

32 COUNCILMEMBER BRODERICK MOVED TO OPEN THE PUBLIC
34 HEARING. COUNCILMEMBER POWELL SECONDED THE MOTION. ALL
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
44 Farm. The parcels legal descriptions will also need to be consolidated into the existing
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
parcel was divided off from the property where Mr. Colledge has recently constructed his
8 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
	COUNCILMEMBER POWELL	AYE
44	COUNCILMEMBER VANCHIERE	AYE
	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
7 regarding impact fees, we don't believe that the city should waive or eliminate impact
8 fees. However, to help meet the State strategy that was adopted by the city, community
9 development staff recommends the city evaluate a percentage reduction in impact fees
10 that would apply to just those units identified as moderate-income units in a development.
11 For example, if a development was approved to come into the city and a percentage of
12 units were designated as moderate-income then the city would reduce the impact fees by
13 an adopted percentage for the moderate-income units. A good starting point for
14 discussion would probably be to reduce impact fees for moderate-income units by 25%.

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

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

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

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

28 Mr. Cowie led this discussion item by stating the city ordinance outlining the
29 Historic Preservation Commission purposes and duties requires the following:
30 *“a minimum of five members with a demonstrated interest, competence, or knowledge in
31 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
33 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
43 recommended individuals listed above to serve on the planning commission for a term of
44 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
6 COUNCILMEMBER POWELL MOVED TO HE RECOMMENDED THE
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.

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

12 COUNCILMEMBER HOYT	AYE
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
28 Approved – July 3, 2023

30
32 _____
Kathryn A. Moosman, City Recorder

34
36 _____
Carolyn O. Lundberg, Mayor