

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**  
3 **November 14, 2023 beginning at 6:00 p.m.** at the Lindon City Center, City Council Chambers,  
4 100 North State Street, Lindon, Utah.

**REGULAR SESSION – 6:00 P.M.**

6 Conducting: Sharon Call, Chairperson  
8 Invocation: Karen Danielson, Commissioner  
9 Pledge of Allegiance: Scott Thompson, Commissioner

10 **PRESENT**

11 Sharon Call, Chairperson  
12 Rob Kallas, Commissioner  
13 Mike Marchbanks, Commissioner  
14 Steven Johnson, Commissioner  
15 Scott Thompson, Commissioner  
16 Jared Schauers, Commissioner  
17 Karen Danielson, Commissioner  
18 Michael Florence, Community Development Director  
19 Britni Laidler, Deputy Recorder

**EXCUSED**

Mary Barnes, Associate Planner

22 1. **CALL TO ORDER** – The meeting was called to order at 6:00 p.m.

24 2. **APPROVAL OF MINUTES** –The minutes of the regular meeting of the Planning  
25 Commission meeting of October 10, 2023 were reviewed.

26 COMMISSIONER SCHAUERS MOVED TO APPROVE THE MINUTES OF THE  
27 REGULAR MEETING OF OCTOBER 10, 2023 AS PRESENTED. COMMISSIONER  
28 THOMPSON SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE  
29 MOTION CARRIED.

30 3. **PUBLIC COMMENT** – Chairperson Call called for comments from any audience  
31 member who wishes to address any issue not listed as an agenda item.

32 **Mark Davis:** Mr. Davis addressed the commission in hopes of encouraging the city to initiate  
33 discussion with the church and Alpine School District to allow access to the Temple through the  
34 200 South open field. Mr. Davis is concerned with all the traffic that will come to Center Street  
35 when the Temple opens, noting the schools that are along Center Street. He pointed out that  
36 Center Street is where a good portion of the students walk to and from school. He then noted that  
37 approximately 70% of temple visitors will be coming from the Orem side of 200 South,  
38 potentially using 900 East to get to the Temple. He stated that the traffic from Center Street and  
39 on 900 East upon the Temple opening will further put pedestrians at risk with the added traffic.  
40 Mr. Davis stated that he is hopeful that the city will work with the Alpine School District and the  
41 Church to come back to the table to figure this out and make a road from 200 South to go  
42 through the current field next to the Temple and behind Oak Canyon Jr. High School.

2 **CURRENT BUSINESS** –

4 **4. Conditional Use Permit Review – Hurt So Good Massage, 515 W. 550 N.** The  
planning commission will review compliance of the conditional use permit granted to  
6 Hurt So Good massage on October 11, 2022.

8 Mike Florence, Community Development Director presented this item noting that the  
applicant, Bridget Carpenter is present for this agenda item. Mr. Florence began with a history on  
this item, stating on October 11, 2022, the planning commission granted a conditional use permit  
10 to the applicant, with the condition of a 12-month review by the planning commission to ensure  
all other conditions are being followed. Ms. Carpenter has been operating her one-employee  
12 massage therapy business within Vero Health Chiropractic and Wellness Clinic for the past year  
and has indicated that business has been great.

14 Mr. Florence let the commission know that the applicant has been a great addition to the  
Lindon City business community and has continued to meet all the requirements for a Massage  
16 Establishment Business license. The applicant is also working towards ensuring that she meets  
all the conditions in the conditional use permit. It is expected that this business will continue to  
18 have minimal impact and will be compatible with the wellness and chiropractic clinic that it will  
be associated with.

20 There was then some general discussion by the commission regarding this item. They  
were in agreement that Ms. Carpenter appears to be in compliance with the conditional use  
22 permit granted for her business.

24 Chairperson Call called for any further discussion or comments from the commission.  
Hearing none she moved on to the next agenda item.

26 **5. Discussion and Work Item – Commercial Farm Zone** City Staff and the planning  
commission will discuss a potential ordinance amendment and feedback from the June  
28 19, 2023 city council meeting.

30 Mr. Florence also presented this item stating on June 19, 2023, the Lindon City Council  
approved the ordinance amendment for Bed and Breakfast uses in the Commercial Farm Zone.  
32 At that meeting the city council reviewed the current list of permitted and conditional uses  
allowed in the Commercial Farm Zone. The city council asked that the ordinance be reviewed to  
34 see if regulations and uses allowed in the zone need to be “tightened up” to ensure the original  
intent of the ordinance is met, with focus on the conditional use permits. At the city council  
36 meeting, there was discussion about adding additional standards to encourage strong agricultural  
uses to meet the intent of the zone. Mr. Florence noted that Mr. Jorgensen of Walker Farms, and  
38 Mr. Colledge of Wadley Farms were in attendance to help give input. Topics of discussion of the  
Planning Commission included the following:

- 40
- 42 1. Ensuring that the 40% open space/agricultural requirement in the Commercial  
Farm zone is one of the primary focuses of the zone. While the city does not audit  
44 or regulate the income from the 40% agricultural requirement the ordinance  
requires that there be a reasonable expectation of profit.

2 a) At the city council meeting, there was discussion about adding  
4 additional standards to encourage strong agricultural uses to meet the  
intent of the zone.

6 2. Reviewing the conditional uses that are allowed in the Commercial Farm zone. As  
8 the ordinance is currently written, a property owner in the Commercial Farm zone  
could obtain conditional use permit approval and incorporate each use within the  
zone. The following commercial uses are allowed by conditional use:

- 10 a) Caretaker's or farm-help accessory dwelling unit; commercial horse  
12 stables; farmers' market; greenhouses; plant or garden nursery; garden  
center; bed and breakfast guestroom units; educational programs and  
14 associated facilities; reception center; conference center; boutique; cafe;  
restaurant; veterinary clinic; and food manufacturing (not to exceed two  
16 thousand (2,000) square feet of processing and production area)
- 18 b) A property owner would need to meet the parking requirements for each  
use. Parking requirements would be reviewed with each conditional use  
application.
- 20 c) The city council did remove amphitheater uses from the zone as part of  
their review to protect surrounding neighborhoods.
- 22 d) The Commercial Farm zone, as it is currently written, requires a  
minimum of 40% agricultural area be preserved and limits the maximum  
24 building coverage of the site to 40%.
- 26 e) In regarding the uses how best should the city regulate those:
- 28 i. By building square footage
  - 30 ii. Reduce the percentage of allowable building coverage in the zone.
    - 32 a. Wadley Farms has an approximate building coverage of  
34 5%. A 40% building coverage would allow up 318,859  
square feet of building coverage.
    - 36 b. Walker Farms has an approximate building coverage of  
38 9%. A 40% building coverage would allow up to 105,589  
square feet of building coverage.
    - 40 c. Most likely neither commercial farm zone would meet their  
allowed building coverage due to parking requirements.
  - iii. Regulating the overall number of uses
  - iv. Regulating the number of uses by acreage
  - v. Follow something similar to the animal code where a property  
owner is allowed to have a certain number and type of uses  
depending on the overall acreage and type of uses

Mr. Florence went on to discuss the topic of conditional uses. He stated they wanted the  
commission to make sure that those listed are still appropriate and that they are evaluated to help  
protect the neighborhoods. Mr. Florence reminded the commission that once terms for  
conditional uses are listed, the city would have a hard time regulating them later on.  
Commissioner Thompson stated that he did note that the council removed the amphitheater use,  
Mr. Florence let the commission know that that the City Council wanted to make sure  
neighborhoods are protected in terms of noise.

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Chairperson Call asked about the restaurant terms and voiced her thoughts on restaurant verses café. She also voiced concern with the idea of a Vet Clinic, and how that could look in the future. Discussion on the Vet Clinic ensued. Mr. Florence then asked if the commission was happy with allowing all the uses as listed, or if they wanted to cap the limit on the number of uses on properties. Commissioner Marchbanks stated he didn't see a problem having all those options on their property, and that they will only do what fits on their property and fits their needs.

10 Following some general discussion Commissioner Kallas asked for any suggestions from the current owners with the Commercial Farm Zone.

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**Alan Colledge:** Mr. Colledge stated he helped work with the city years ago on how to preserve agriculture within the city. At that time, it was forward thinking, and what they thought they may see in 10 years. He stated that in trying to preserve Lindon, the conditional uses are what will help maintain those open spaces with the owners ability to supplement. He noted that he isn't sure what the future will hold, but these conditional uses will allow open spaces to remain. He stated that he didn't see any concern with the conditional uses as listed due to the city having input in making sure that any new Commercial Farms stay in compliance.

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**Mike Jorgensen:** Mr. Jorgensen noted that their property isn't near the size of Wadley Farms, so they are somewhat limited in what they can do. He voiced that the Farm Zone is more about open space, but you can't make a profit on farming now as you used to be able to. Mr. Jorgensen then stated it's important to keep the open space, to avoid another subdivision. He stated that if a conditional use is listed, the actual property size of the commercial farm zone may not allow for some of them, so he saw no issue with the conditional list as is.

28 **Tanner Colledge** – Mr. Tanner Colledge noted he is the Project Manager at Wadley Farms. He thought that perhaps having any proposed uses go before the commission and council would help control any potential issues in the future instead of trying to predict the future. Mr. Florence gave his input that sticking with the amendment process would be better and give more control in the future.

34 **DeAnne Terry:** Ms. Terry asked the commission about adding something about storing unused or unusable items on the farm zone. Mr. Colledge stated that the current Commercial Farm Zone has a stipulation for fencing to help with this that is already in place.

38 Following some general discussion, the commission moved on to the discussion of whether or not to tighten up the 40% agricultural requirement. Chairperson Call asked Ms. Jill Jorgensen about the production they do on Walker Farms. Ms. Jorgensen let the commission know they produce yarn from their alpacas and that they do make some revenue from it. Discussion on reasonable revenue versus profit followed.

44 Commissioner Johnson wanted to have a clearer definition of intent of the city to preserve open space or to preserve production. Mr. Florence stated his feeling from the City Council meeting was the city wants to align more with its agricultural focus, with other purposes to help supplement. Discussion on changing the order of the ordinance to allow better

2 understanding was then discussed. Commissioner Schauers stated he would like more  
4 opportunities to visit these properties besides just weddings. He likes the idea of grabbing donuts  
6 and cider on the way home from work, or something like that which allows for people to enjoy  
the experience not only during weddings or events.

8 Mr. Florene then addressed the last item he would like to discuss with the commission on  
the 40% building coverage limit. He presented what 40% would look like on Wadley Farms and  
Walker Farms, and voiced concern with it taking up too much space on the lots. Following some  
10 general discussion, the commission found that the previous standards of 40% agricultural and the  
parking lot requirements will help control the amount of actual building coverage on a property.

12 Adjustments the commission decided on regarding this agenda item are as follows: 1) The  
14 commission did not want to change the list of conditional uses. They felt they were self-  
regulating with the parking and acreage requirements; 2) They recommended changing the word  
16 from profit to revenue in 17.51.015. Look at making this section more the focus so when a new  
application comes to the city that the primary focus will be evaluating the agricultural use first;  
18 3) Move the agricultural requirement ahead of the allowed commercial conditional uses; and 4)  
Clarify the building coverage if it applies to just commercial buildings or to all areas of the  
20 property including the agricultural areas.

22 Mr. Jorgensen then addressed the Commission asking about putting in a greenhouse on their  
property where planter boxes are currently located. Following some discussion regarding setback  
24 requirements it was decided that Mr. Jorgensen would need to file for an ordinance amendment  
with the city.

26 Following some additional discussion by the commission, Chairperson Call called for any  
28 further discussion or comments. Hearing none she moved on to the next agenda item.

30 **6. Discussion and Work Item – Subdivision, Zone and Land Development Policies,  
Standards Specifications and Drawings Manual.** City staff and the planning  
32 commission will discuss a proposed ordinance amendment and feedback to the Lindon  
City subdivision, zoning ordinances and Land Development Policies, Standards and  
34 Drawings

36 Mr. Florence presented this item. He stated that during the 2023 State of Utah legislative  
session the legislature passed SB 174 which establishes a new process for subdivision review and  
38 approval. One of the main points of the legislation is that it prohibits a city council from  
reviewing and approving a subdivision for single-family homes, two-family dwellings, or  
40 townhomes. He noted that that SB 174 stated Municipalities must adopt the provisions of SB 174  
by February 1, 2024. So that the city is consistent, staff is proposing that the planning  
42 commission is the administrative land use authority for all types of preliminary subdivisions.

44 The Development Review Committee, which consists of city engineers and city planners  
will continue to be the final land use authority and finalize all technical reviews. Some terms of  
46 this includes that the planning commission may only hold one public hearing, and City staff may  
only have four review cycles for each application. City staff must also ensure each time that the

2 applicant has responded to each review, or the city does not accept the review. The city then has  
15 days to review a preliminary subdivision application and 20 days for final subdivision review  
4 after application submittal. He noted Lindon City has an internal policy of 10 days for plan  
reviews.

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7 Mr. Florence then stated the legislation set up a new appeal process during the plan review  
8 phase where a dispute arises over a public improvement or engineering standard. The applicant  
has the right to appear to a panel of experts which would be made up of one licensed engineer  
10 designated by the municipality, one licensed engineer designated by the land use applicant and  
one licensed engineer that has no interest in the application in question in which both parties  
12 agree upon. The applicant will be required to pay 50% of the total cost of the panel, and the  
municipality will pay the remaining 50%. He noted that the panel's decision is final unless the  
14 municipality or applicant petition for district court review within 30 days after written decision.

16 Mr. Florence then noted that in addition, the Utah legislature also passed HB 406 and went  
over some of the changes that brings. Some of the highlights of those changes are: 1) defines  
18 residential roadway and 2) reduce the pavement for a residential roadway from 34' to 32'. He  
then brought up the topic of making any changes for Flag Lots making it easier for Flag Lots, the  
20 commission agreed they would like to make changes to those requirements. Mr. Florence let the  
commission know that in 2 weeks at the next meeting they will be presented the new ordinance  
22 and address the topics earlier discussed.

24 There was then some general discussion by the commission regarding this issue.  
Chairperson Call called for any further discussion or comments. Hearing none she moved on to  
26 the next agenda item.

#### 28 **7. Planning Director Updates – General city updates**

- General City Updates
- Lindon City Christmas Party in December

#### 32 **NEW BUSINESS**

34 Commissioner Thompson let the commission know that the City Council will be  
discussing the bond on Monday and encouraged anyone with input to attend. Commissioner  
36 Danielson asked for clarification at the last meeting which she was unable to attend, regarding an  
agenda item on accessory apartments in the Anderson Farms area. Mr. Florence explained the  
38 terms to Ms. Danielson. Commissioner Johnson addressed a topic of the training they had, and  
the topic of public hearings. Mr. Florence stated he spoke with the City Attorney, and we are  
40 fine doing the public hearing, however it is up to the commission on whether to keep it or change  
it. The commission decided to change the format to open a public hearing after presentations.  
42 Mr. Florence then gave the Commission an update on the Tim Clyde property, stating the  
ombudsman stated the applicant would have the option to do 20 ft of landscaping with a standard  
44 fence or a 7 ft wall could go on the property line. He stated Mr. Clyde went with 7ft wall and it  
was recently approved by the city.

#### 46 **ADJOURN –**

2 COMMISSIONER JOHNSON MADE A MOTION TO ADJOURN THE MEETING AT  
8:25 PM. COMMISSIONER KALLAS SECONDED THE MOTION. ALL PRESENT VOTED  
4 IN FAVOR. THE MOTION CARRIED.

6 Approved, November 28, 2023

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Sharon Call, Chairperson

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Michael Florence, Community Development Director