

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday, May**
3 **23, 2023 beginning at 6:00 p.m.** at the Lindon City Center, City Council Chambers, 100 North
4 State Street, Lindon, Utah.

REGULAR SESSION – 6:00 P.M.

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

10 **PRESENT**

EXCUSED

12 Sharon Call, Chairperson
13 Rob Kallas, Commissioner
14 Mike Marchbanks, Commissioner
15 Scott Thompson, Commissioner
16 Steven Johnson, Commissioner
17 Jared Schauers, Commissioner
18 Karen Danielson, Commissioner
19 Michael Florence, Community Development Director
20 Brian Haws, City Attorney
21 Kathy Moosman, Recorder

- 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
26 Commission meeting of May 9, 2023 were reviewed.

28 COMMISSIONER MARCHBANKS MOVED TO APPROVE THE MINUTES OF THE
REGULAR MEETING OF MAY 9, 2023 AS PRESENTED. COMMISSIONER JOHNSON
30 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

- 32 3. **PUBLIC COMMENT** – Chairperson Call called for comments from any audience
member who wishes to address any issue not listed as an agenda item. There were no
public comments.

CURRENT BUSINESS –

- 34 4. **Plat Amendment – Ken’s Cove Plat B – 377 N. 540 W.** Kaye Heaton requests a plat
36 amendment to combine the two lots located at 367 N. 540 W. and 387 N. 540 W. into
one lot (Parcel ID #'s 44:223:0007 & 44:223:0006)

38 Mike Florence, Community Development Director presented this item. Kaye Heaton was
in attendance for this agenda item. The applicant owns the two lots located at 387 N. and 367 N.
40 540 W. and is petitioning plat amendment approval to combine the two lots into one lot.
The applicant will be constructing one single-family home on the lot.

42 Mr. Florence noted the Lindon Minor Subdivision requirements are listed below. In
addition, Lindon City Code 17.32.070 references Utah Code for requirements amending a

2 subdivision plat. Under Utah Code 10-9a-608, an applicant may petition the Land Use Authority
(Planning Commission) to join two or more of the petitioner fee owner’s contiguous lots.

4 **10-9a-608. Vacating, altering, or amending a subdivision plat.**

6 (2) The public hearing requirement of Subsection (1)(d) does not apply and a land use authority
may consider at a public meeting an owner's petition for a subdivision amendment if:

8 (a) the petition seeks to:

- 10 (i) join two or more of the petitioner fee owner's contiguous lots;
- 12 (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not
result in a violation of a land use ordinance or a development condition;
- 14 (iii) adjust the lot lines of adjoining lots or parcels if the fee owners of each of the
adjoining lots or parcels join in the petition, regardless of whether the lots or parcels are
located in the same subdivision;
- 16 (iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction

18 Mr. Florence noted Ms. Heaton owns both lots located at 387 N. and 367 N. 540 W.
parcel numbers 44:223:0006, 44:223:0007. The plat amendment creates a one lot that meets the
Lindon City minimum lots size, frontage and area requirements. The proposed plat amendment is
20 located in the Residential R1-20 zone. He then referenced the table review showing the
subdivision and lot requirements for a residential lot in the R1-12 zone noting all requirements
22 are met.

24 Mr. Florence noted the City Engineer has reviewed the plat and is working on any final
technical changes. The City supports this subdivision and plat amendment. The proposed plat
amendment meets the city subdivision and zoning requirements. He then presented an Aerial
26 image and the Subdivision Plat followed by discussion.

28 After some general discussion the commission was in agreement this is a pretty
straightforward request and meets all requirements. Chairperson Call called for any further
comments or discussion from the commission. Hearing none she called for a motion.

30 COMMISSIONER KALLAS MOVED TO APPROVE THE APPLICANTS REQUEST
FOR PLAT AMENDMENT APPROVAL OF THE KEN’S COVE PLAT B SUBDIVISION
32 WITH THE FOLLOW CONDITIONS: 1. THE APPLICANT WILL CONTINUE TO WORK
WITH CITY STAFF TO MAKE ALL TECHNICAL CORRECTIONS AS NECESSARY TO
34 THE PLAT PRIOR TO RECORDING; 2. PRIOR TO PLAT RECORDING, THE APPLICANT
WILL UPDATE THE FINAL PLAT MYLAR TO INCLUDE NOTARIZED SIGNATURES OF
36 OWNERS’ CONSENT TO DEDICATION; AND OBTAIN SIGNATURES OF ALL ENTITIES
INDICATED ON THE SUBDIVISION PLAT ATTACHED HERETO; AND 3. ALL ITEMS
38 OF THE STAFF REPORT. COMMISSIONER THOMPSON SECONDED THE MOTION.
THE VOTE WAS RECORDED AS FOLLOWS:

40	COMMISSIONER CALL	AYE
	COMMISSIONER JOHNSON	AYE
42	COMMISSIONER SCHAUERS	AYE
	COMMISSIONER MARCHBANKS	AYE
44	COMMISSIONER KALLAS	AYE
	COMMISSIONER THOMPSON	AYE
46	COMMISSIONER DANIELSON	AYE

2 **5. Ordinance Amendment – Commercial Farm 17.51, Definitions 17.02 and Standard**
3 **Land Use Table.** Application is made by Lindon City.

4 COMMISSIONER KALLAS MOVED TO OPEN THE PUBLIC HEARING.
5 COMMISSIONER JOHNSON SECONDED THE MOTION. ALL PRESENT VOTED IN 38
6 FAVOR. THE MOTION CARRIED.

7
8
9 Mr. Florence also presented this item stating the items associated with the applications
10 found in this report have arisen to address code violations associated with a notice sent by the
11 city, general plan compliance, and additional development proposed by the property owner.

12 Mr. Florence stated the following applications have been made by Lindon City and
13 Wadley Farms. He noted he will go through each application separately and each application will
14 have a separate motion.

- 15 a. Ordinance amendment for Bed and Breakfast uses citywide and the Commercial Farm
16 zone. (City application)
- 17 b. Conditional Use Permit for Bed and Breakfast Uses (Wadley Farms application)
- 18 c. Amended Site plan and conditional use permit approval to convert a previously approved
19 agricultural accessory building to a commercial use building. (Wadley Farms
20 application)
- 21 d. Amended site plan and conditional use permit approval to convert an onsite structure,
22 “Red Barn,” to a commercial retail business. (Wadley Farms application)
- 23 e. To rezone two parcels (14:071:0359 & 14:071:0345) from Residential R1-20 to
24 Commercial Farm. (Wadley Farms application)

25 Mr. Florence explained the planning commission will be the recommending body for
26 these applications and the city council will make the final land use decisions. He then referenced
27 the notice that the city sent to Wadley Farms addressed three items:

- 28 1. The rear portion of the lot at 441 N. 150 E. was deeded to Colledge Properties LLC in
29 2018. It is a residential parcel being used as a construction and equipment storage yard.
- 30 2. A 2017 amended site plan for the “castle” conditioned the approval on installing
31 landscaping behind the building to screen the property.
- 32 3. Discussion and timing of Main Street improvements, Short-term rentals and Construction
33 yard on an R1-20 zone

34
35 Mr. Florence indicated the key issues that the planning commission and city council need
36 to address with these applications are the following:

- 37 a. As more commercial uses are proposed in the Commercial Farm zone do the application
38 proposals meet the intent and purpose of the zone?
- 39 b. Consideration of the Lindon City Street Master Plan Map and the construction of the
40 future Main Street connection.
- 41 c. Ensuring that each proposed use meets the requirements of the Commercial Farm zone.
- 42 d. The installation of public improvements that are required for all commercial zones.
- 43 e. The number of existing dwellings on the property and how this relates to the proposal for
44 bed and breakfast units.

2 Mr. Florence then went over the Purpose of the Commercial Farm Zone – 17.51.010 as follows:

4 “Commercial farm zones (CF) are established to provide encouragement of agricultural production and associated commercial activities that are compatible with and/or promote
6 agricultural uses within the city. Objectives of the zone include promoting and preserving agricultural production, promoting agricultural open space throughout the city, and allowing
8 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
10 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
12 before developing the land in conformance with the general plan land use map”

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

- 16 • 2000 – The City Council approved an ordinance amendment to allow an admission charge for private recreational grounds of 10 acres or more to host receptions and other events at the historic buildings.
- 18 • 2001 – a conditional use permit was granted by the planning commission for a reception center in the R1-20 zone.
- 20 • 2011 – Creation of the Commercial Farm zone and zoning ordinance. Also, a conditional use permit for the “castle building.”
- 22 • 2017 – amended site plan approval for an addition to the “castle building.”
- 24 • 2022 – zone change to add the new single-family home into the Commercial Farm zone.

26 Mr. Florence stated that 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. There are three dwellings that are allowed: a
28 single-family dwelling, an accessory dwelling unit apartment, and a caretaker or farm help dwelling.

30 He then referenced Lindon City Code 17.02.010 that defines the term “dwelling”. This section states a dwelling is “any building or portion thereof designed or used as the principal
32 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
34 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
36 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
38 not more than ten (10) guest room where, for compensation, lodging is provided for at least three (3) but not more than fifteen (15) person, but not including hotels/motels. This additional
40 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.

42 Mr. Florence noted a bed and breakfast is a conditional use allowed in the Commercial Farm Zone, but based on the fact that it is a dwelling, under the current ordinance it must be
44 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
46 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

2 plural, such as “stables”, “green houses” and “Educational Programs and associated facilities”
3 whereas other uses are only referred to in the singular, such as the “garden nursery”, “garden
4 center”, and the “bed and breakfast facility.”

5 He explained that the City Council made a deliberate choice to use the plural forms for
6 some uses, but not for others. Had it been the intent of the Council to allow multiple bed and
7 breakfast facilities, they would have used the plural form of the use as they did elsewhere in this
8 same Section.

9 Mr. Florence went on to say if a bed and breakfast facility was approved as a conditional
10 use permit the maximum dwellings that could be located in a Commercial Farm zone would be
11 four (single-family dwelling, an accessory dwelling unit apartment, a caretaker or farm help
12 dwelling, and bed and breakfast facility). Over the years the residential dwelling uses have
13 expanded at Wadley Farms. The property currently consists of six dwellings - 2 single-family
14 homes, one accessory dwelling unit above the garage at the new single-family home and 3 short-
15 term rentals.

16 Mr. Florence indicated that in 2014 a building permit was issued for a shop building in
17 the northeast corner of the property. In 2016, the project was changed and approved as a shop on
18 the first level and a care-taker or farm help dwelling residence above the shop. At some point
19 after, the care-taker residence was divided into two short-term rentals. The city does not have
20 record of the caretaker or farm help building being converted to two short-term rentals. There is
21 also one short-term rental located above the office. The short-term rentals were one of the items
22 discussed in the notice sent by the city.

23 Mr. Colledge desires to convert the short-term rentals into bed and breakfast units and in
24 the future use the “farm house” as an additional bed and breakfast unit. The ordinance that the
25 city drafted needs to be carefully evaluated by the planning commission and city council to
26 consider if the city is willing to increase the number of dwelling units on the site. This proposal
27 would also affect the Walker Farms development. Walker Farms consists of 6.5 acres which
28 under the proposed ordinance would have the ability to construct one bed and breakfast unit (1
29 per 4 acres).

30 Mr. Florence then referenced the proposed amendment outlines amendments as follows:

- 31 • Creates two separate definitions for Bed and Breakfast uses.
 - 32 o There is a general definition of Bed and Breakfast that will apply to areas outside of the
 - 33 Commercial Farm zone.
 - 34 o Bed and Breakfast Farm Retreat. This definition applies specifically to the two
 - 35 Commercial Farm zones (Wadley Farms and Walker Farms).
- 36 • Amends the Standard Land Use Table because of conflicting language.
- 37 • Amends the Commercial Farm ordinance to make the following changes:
 - 38 o Creates standards for the bed and breakfast uses:
 - 39 ▪ 1 guestroom per 4 acres
 - 40 ▪ Guestrooms maybe located in one facility or separate units.
 - 41 ▪ Development standards (setbacks, frontage, etc.) of the CF zone shall be met.
 - 42 ▪ Sanitation requirements as outlined in Utah Administrative Rules are met.
 - 43 ▪ Guestrooms shall comply with all building and fire codes.
 - 44 o Caps the total number of residential dwellings at 7 but also dependent upon acreage for
 - 45 the bed and breakfast.

2 COMMISSIONER KALLAS AYE
COMMISSIONER JOHNSON AYE
4 COMMISSIONER THOMPSON AYE
COMMISSIONER SCHAUERS AYE
6 COMMISSIONER DANIELSON AYE
THE MOTION CARRIED UNANIMOUSLY

8

10 **6. 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)

12

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

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

30 After some general discussion, Chairperson Call called for any further comments or discussion from the Commission. Hearing none she called for a motion for the Conditional Use Permit for three Bed and Breakfast Units in the Commercial Farm Zone located at Wadley Farms 35 W. 400 N.

34 COMMISSIONER KALLAS MOVED RECOMMEND APPROVAL TO THE CITY COUNCIL OF THE APPLICANT’S REQUEST FOR A CONDITIONAL USE PERMIT FOR A BED AND BREAKFAST RETREAT LOCATED AT 35 E. 400 N. WITH THE FOLLOWING CONDITIONS: 1. THE PROPOSED BED AND BREAKFAST RETREAT IS APPROVED FOR THREE BED AND BREAKFAST UNITS. 2. ANY OUTSTANDING BUILDING CODE REQUIREMENTS OR CHANGE OF USE FROM A CARETAKER UNIT TO BED AND BREAKFAST UNITS WILL BE ADDRESSED WITH THE LINDON CITY BUILDING OFFICIAL AND BUILDING PERMITS OBTAINED. 3. ALL TRANSIENT ROOM TAXES WILL BE PAID TO THE STATE OF UTAH FOR THE BED AND BREAKFAST USE. 4. ALL ITEMS OF THE STAFF REPORT. COMMISSIONER THOMPSON SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

46 COMMISSIONER CALL AYE
COMMISSIONER KALLAS AYE
COMMISSIONER MARCHBANKS AYE

2 COMMISSIONER JOHNSON AYE
COMMISSIONER THOMPSON AYE
4 COMMISSIONER SCHAUERS AYE
COMMISSIONER DANIELSON AYE
6 THE MOTION CARRIED UNANIMOUSLY.

8 **7. Amended Site Plan and Conditional Use Permit Approval to Convert a Previously**
9 **Approved Agricultural Accessory Building to a Commercial Building – Wadley**
10 **Farms 35 W. 400 N.** The applicant is requesting amended site plan and conditional use
11 permit approval for a commercial building in the Commercial Farm Zone. (Parcel ID #
12 14:071:0160)

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

- 22 • Office-Intimate business meetings wedding breakfasts
- 23 • bottling of grape juice
- 24 • yoga health
- 25 • complementary boutique shop

26 Mr. Florence then referenced the Commercial Farm Development Standards noting all
27 requirements are met.

28 After some general discussion, Chairperson Call called for any further comments or
29 discussion from the Commission. Hearing none she called for a motion for the amended Site
30 Plan and Conditional Use Permit Approval to Convert a Previously Approved Agricultural
31 Accessory Building to a Commercial Building at Wadley Farms located at 35 W. 400 N.
32

34 COMMISSIONER KALLAS MOVED TO RECOMMEND APPROVAL OF THE
35 APPLICANT’S REQUEST FOR A CONDITIONAL USE PERMIT AND SITE PLAN FOR
36 AN ADDITIONAL COMMERCIAL USE EVENT BUILDING LOCATED AT 35 E. 400 N.
37 WITH THE FOLLOWING CONDITIONS: 1. DUE TO THE CHANGE OF USE OF THE
38 BUILDING FROM AN AGRICULTURAL ACCESSORY BUILDING TO A COMMERCIAL
39 BUILDING ANY OUTSTANDING BUILDING CODE, PERMITS, OR ENGINEERING
40 REQUIREMENTS WILL BE ADDRESSED AND APPROVED BY THE LINDON CITY
41 BUILDING OFFICIAL. 2. THE OCCUPANCY OF THE BUILDING WILL BE PROVIDED
42 BY THE APPLICANT ARCHITECT AND CLEARLY POSTED. 3. FOR ANY FOOD
43 PROCESSING, ALL HEALTH DEPARTMENT REGULATIONS WILL BE FOLLOWED,
44 AND ANY FOOD PROCESSING PERMITS BE OBTAINED AND WORK WITH LINDON
45 CITY ENGINEERING TO DETERMINE IF A GREASE TRAP WILL NEED TO BE
46 INSTALLED. 4. ALL ITEMS OF THE STAFF REPORT. COMMISSIONER DANIELSON
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

2 COMMISSIONER CALL AYE
COMMISSIONER MARCHBANKS AYE
4 COMMISSIONER KALLAS AYE
COMMISSIONER JOHNSON AYE
6 COMMISSIONER THOMPSON AYE
COMMISSIONER SCHAUERS AYE
8 COMMISSIONER DANIELSON AYE
THE MOTION CARRIED UNANIMOUSLY.

10

12 **8. 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.
14 **400 N.** The applicant is requesting amended site plan and conditional use permit
approval to convert and existing onsite structure to a commercial retail building in the
Commercial Farm zone. (Parcel #14:071:0131 & 14:071:0362)

16

18 Mr. Florence indicated that 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
20 agricultural uses since that time. He also proposes to develop the building into something similar
to the Wall Brothers Barn in Spanish Fork or the Rowley’s Barn in Santaquin.

22

Mr. Florence noted 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
24 section of this report. Of 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 not
26 constructed as part of this conditional use permit then a condition of approval has been added
that the owner will relocate the parking stalls required for the business to a location that meets
28 city parking lot standards.

30

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

32

Following some general discussion Chairperson Call called for any further comments
34 from the Commission. Hearing none she called for a motion to amend the Site Plan and
Conditional Use Permit Approval to Convert an On-site Structure, “Red Barn,” for a
Commercial Retail Building at Wadley Farms located at 35 W. 400 N.

36

COMMISSIONER SCHAUERS MOVED TO RECOMMEND APPROVAL OF THE
APPLICANT’S REQUEST FOR A CONDITIONAL USE PERMIT AND SITE PLAN FOR A
38 RETAIL BUILDING LOCATED AT 35 E. 400 N. WITH THE FOLLOWING CONDITIONS:
1. DUE TO THE CHANGE OF USE OF THE BUILDING FROM AN AGRICULTURAL
40 BARN TO A COMMERCIAL RETAIL BUILDING, ALL BUILDING PERMITS
REQUIREMENTS WILL BE ADDRESSED AND APPROVED BY THE LINDON CITY
42 BUILDING OFFICIAL. 2. THE APPLICANT WILL CONTINUE TO WORK WITH THE
CITY ENGINEER AND FIRE DEPARTMENT TO MAKE ALL FINAL CORRECTIONS TO
44 THE CIVIL ENGINEERING DOCUMENTS. 3. PARKING IS PROPOSED TO BE
CONSTRUCTED WITHIN THE FUTURE MAIN STREET RIGHT-OF-WAY. WHEN MAIN
46 STREET IS CONSTRUCTED, THE OWNER WILL RELOCATE THE PARKING STALLS
REQUIRED FOR THE BUSINESS TO A LOCATION THAT MEETS CITY PARKING LOT

2 STANDARDS. 4. A MAIN STREET AGREEMENT BE APPROVED THAT WILL TRIGGER
4 MAIN STREET TO BE DEDICATED AND CONSTRUCTED BY THE PROPERTY OWNER
6 WHEN THE COMMERCIAL FARM ZONING IS ABANDONED AND 5. ALL ITEMS OF
8 THE STAFF REPORT. COMMISSIONER DANIELSON SECONDED THE MOTION. THE
10 VOTE WAS RECORDED AS FOLLOWS:

11 COMMISSIONER CALL AYE
12 COMMISSIONER KALLAS AYE
13 COMMISSIONER MARCHBANKS AYE
14 COMMISSIONER JOHNSON AYE
15 COMMISSIONER THOMPSON AYE
16 COMMISSIONER SCHAUERS AYE
17 COMMISSIONER DANIELSON AYE
18 THE MOTION CARRIED UNANIMOUSLY.

19 **9. Rezone of Two Parcels from Single-Family (R1-20) to Commercial Farm (CF).** Mr.
20 Colledge Colledge with Wadley Farms has made application for the above referenced
21 agenda items at 35 W. 400 N. (Parcel ID #'s 14:071:0345 & 14:071:0359).

22 Mr. Florence referenced a map identifying two parcels since 2018 that have been divided
23 from the residential properties and are being used or desired to be used as part of the Wadley
24 Farms development. He noted the residential parcels that these properties were divided from still
25 meet the minimum lot size. An issue with the parcel divisions is that these parcels are now
26 landlocked without proper frontage and don't meet the minimum lot size requirements. Mr.
27 Colledge is proposing to rezone the two parcels from R1-20 to Commercial Farm. The parcels
28 legal descriptions will also need to be consolidated into the existing Wadley Farms property to
29 remove the dividing property line if they haven't been by now.

30 Mr. Florence indicated that the most northern parcel is being used as a construction and
31 equipment storage yard to service the Wadley Farms development. Mr. Colledge has constructed
32 an 8' wall around the perimeter of this property (construction yard) to screen it from the
33 neighboring single-family home. However, this construction yard is adjoining three single-family
34 residential properties.

35 Mr. Florence went on to say the southern parcel was divided off from the property where
36 Mr. Colledge has recently constructed his new home. There has been discussion with Mr.
37 Colledge that this parcel will be used for agricultural uses. He pointed out that a fence will need
38 to be installed dividing the Commercial Farm property from the R1-20. Staff has included the
39 requirement that a 7' masonry or concrete fence be constructed.

40 After some general discussion, Chairperson Call called for any further comments or
41 discussion from the Commission. Hearing none she called for a motion to rezone the two
42 Parcels from Single-Family (R1-20) to Commercial Farm (CF).

43 COMMISSIONER KALLAS MOVED TO RECOMMEND APPROVAL OF
44 ORDINANCE 2023-06-O TO AMEND THE LINDON CITY ZONING MAP FROM SINGLE
45 FAMILY RESIDENTIAL (R1-20) TO COMMERCIAL FARM (CF) FOR PARCEL
46 NUMBERS 14:071:0359 & 14:071:0345) WITH THE FOLLOWING CONDITIONS: 1. THE
APPLICANT WILL COMBINE THE TWO PARCELS WITH THE OVERALL ACREAGE OF
THE WADLEY FARMS DEVELOPMENT; 2. A SEVEN-FOOT MASONRY OR CONCRETE

2 FENCE BE INSTALLED TO SCREEN THE PROPERTY PARCEL# 14:071:0359 FROM THE
ADJOINING SINGLE-FAMILY R1-20 ZONE PROPERTIES. 3. ALL ITEMS OF THE STAFF
4 REPORT. COMMISSIONER THOMPSON SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

6	COMMISSIONER CALL	AYE
	COMMISSIONER KALLAS	AYE
8	COMMISSIONER MARCHBANKS	AYE
	COMMISSIONER JOHNSON	AYE
10	COMMISSIONER THOMPSON	AYE
	COMMISSIONER SCHAUERS	AYE
12	COMMISSIONER DANIELSON	AYE

14 THE MOTION CARRIED UNANIMOUSLY.

16 Chairperson Call called for any public comments at this time. *Please note that the
motions listed above were taken following the public comment portion of the meeting.* There
were several in attendance who addressed the commission as follows:

18 **Robert and Jeanne Gardner:** Mr. & Mrs. Gardner stated they live directly to the east of the
20 Colledge property and have lived in Lindon for 35 years. In general, they love the Colledges and
they have been good neighbors. However, there are some things that give them concern. They
22 also referenced the map showing where they live. They have been overwhelmingly surrounded
by the growth of the Colledge commercial properties in what was a residential/agricultural area.
24 They have purchased and operate 6 rental properties on both sides of 150 East. They bought up
the land and houses to the north, the east and to the south. They have built the Castle with its
26 parking lot and lights, a huge 'shop' directly behind us and another huge 'shop' directly to the
northwest of us. We loved our little bit of country before it was surrounded by a commercial
28 enterprise. The “shop” building is 10 ft off their property line and the height is 35 ft. They have
sent emails to the commission with photos showing height in relation to the property around it.
30 They watched it be built from the get go and was told it was a shop; it is not a shop. This wasn't
built under the impression that was given by the city or by the Colledges and now they are faced
32 with a proposal that really concerns them. The pattern is clearly built first and ask permission
later. We loved our little bit of country before it was surrounded by a commercial enterprise.
34 They are asking for a restriction so that the property cannot be used to build yet another 'shop'
either as a true shop or an eventual vacation rental.

36 **Darin McKinney:** Mr. McKinney stated he lived here for 5 years and Lindon only keeps
38 getting busier with Bed and Breakfasts allowed back in the community. You as a city have to be
consistent and this should be done right and there shouldn't be a problem. Lighting seems to be
40 the biggest problem. Execution of these things are the biggest problem not that they are there.

42 **Mayor Jim Dain:** Mayor Dain commented when this zone was created it was to help save
orchards and green space. He pointed out that Wadley Farms and Walker Farms and the two
44 favorite places in the city and are beautiful spots in the city. The legitimate question is putting
the cart before the horse and he feels this is overly passionate. Mr. Colledge's passion is what
46 drives this. I think that the one thing he would say about the road is that he sees this as
alternative development. That is the key difference that Mr. Colledge is not a developer he is a

2 farmer. Also, there are temporary turnarounds all over the city. He feels these things occur and
we manage it and we will be okay with this one too.

4
Jim Peters: Mr. Peters stated he is a neighbor to Colledge's to the north of Wadley farms.
6 There has been talk on main street going through. Mr. Colledge is a good neighbor to have. He
is concerned about the community and he is not trying to do anything detrimental to the
8 community. He does volunteer work and when the Church wants something there, he donates it,
along with concerts in the orchards etc. and it all costs money. He is trying to contribute to the
10 community and the city should be aware of that. He feels the decision to complete main street is
premature. He pointed out that Mr. Colledge put in all the improvements per city code.

12
Jayson Reynolds: Mr. Reynolds moved here in 1980 and lives next to the Chateau. A lot of
14 things have changed over the years and it has increasingly gotten louder with all the events going
on at Wadley Farms. In the summer there are few nights that go by where we don't listen to
16 wedding speeches and dance music. It was always quiet and now during the summer there is not
a day goes by when there isn't noise. Years ago, they built a "shop" which my parents were
18 opposed to; the building abuts the end of my property. After construction it was clear it was not
intended to be a shop. When it was completed, it was a bed and breakfast. After they started
20 building the new "shop" it was obvious that it was not going to be a shop. I went to the city to
voice my concerns and I was assured it would not be anything but a shop. The Chateau was
22 supposed to be a "shop" too and is now an Airbnb. He is concerned that in going forward more
"shops" will be built and then turn into Airbnb's. That is why he is in opposition to the changes
24 of the current zoning. He is also upset that in the past there have been proposals, such as this,
which pass even though they have voiced opposition to it; proposals that they are directly
26 affected by. If this current proposal passes, I don't understand why they even send out
notifications for public input.

28
James Gardner: Mr. Gardner had a question on the limits on bed and breakfast and asked for
30 clarification. It seems there is a limit and they are not in compliance. Are you doing the
ordinance change so there will be in the limit. It seems like something goes in that is not in
32 compliance a then a change is made. He also pointed out it seems the location of the new
vineyard is north of the new primary residence. Around the farm house and barn, it surrounded
34 by beautiful trees etc. And behind the ugly walls or backs of the shops the unpleasant things go
next to the residents; it is certainly not beautiful from the back.

36
Melissa Greco: Ms. Greco lives by the Colledges and has lived there all her life. They hear
38 some noise too, but gave two points. Mr. Colledge is trying to preserve open space and you do
have to have resources to do that. If this goes away what will be put there, apartment buildings
40 She would rather have a few ugly buildings rather than big apartment buildings. Main street is
very busy right now and her concern is that more trees will be taken out. She feels Mr. Colledge
42 is trying to the best he can to keep it nice here in Lindon.

44
Richard Greco: Mr. Greco stated that 400 North is a super highway. If main street goes
through, will it become another super highway in our little bit of country town. It seems there is
46 just more and more roads and less green space; do we need another busy road in our
neighborhoods?

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Roger’s girls: They are here speaking for their dad. They support all of the Colledges and what they do. It seems there are a lot of comments on the back side of things. The Colledges are big supporters of recycling materials. The view from their lot on 150 East the walls don’t cover that at all and the light pollution and noise the Colledges try to keep that from the neighbors. They feel that Mr. Colledge respects relationships with neighbors and they support Mr. Colledge.

Chairperson Call called for any further public comments or discussion. Hearing none she called for a motion to close the public hearing.

COMMISSIONER JOHNSON MOVED TO CLOSE THE PUBLIC HEARING.
COMMISSIONER MARCHBANKS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Commissioner Marchbanks started by voicing agreement with former Mayor Dain’s comments on Main Street. He agrees that Main Street should stay on the Master Plan, and if this farm were not able to make a go of things, that would be the time that Main Street would be initiated and needed. He stated that until that development goes from a farm to a development, he believes there may be other remedies for safety concerns without putting it on Mr. Colledge to complete Main Street.

City Attorney, Brian Haws stated that although we are not voting on it, we do have to address the master plan road. This section of the parcel is developing within the code, so we do have to address the road. There are a lot of options, and they need to include how this development plays with the city code.

Commissioner Kallas stated he is interested in community comments, and it sounds as though Mr. Colledge is a great neighbor. Commissioner Kallas addressed Mr. Colledge on his lighting being low profile. Mr. Colledge stated that yes it currently is and answered additional questions regarding the lighting on his property. He did state that his lights turn of at 10 p.m. Councilmember Kallas then inquired about the 2 parcels in discussion and the diving wall between them and the neighbor. He then stated that Wadley Farms is a gem within Lindon and asset to the city and voiced the comparison between Wadley Farms and Apple Ridge in California, and how nice it is. He then stated that although it is a development, he doesn’t personally see it as a subdividing development that needs to be all developed, with attention to Main Street needing to be developed. He voiced agreement with commissioner Marchbanks, that until that area becomes something different, and subdivided with multiple homes developed, he doesn’t see the need for that main street to go through. He also stated he didn’t see much of a difference from a residential development going in verses the current development, in regard to neighbors and buildings near them. Mr. Florence interjected that with regards to the setbacks it would have a difference, at least regarding the shop that will now be commercial, with a setback difference of 10 ft.

Commissioner Johnson started by asking what the council constitutes as development and if this will constitute a change to our code. He referenced a letter sent out in 1994 and wanted

2 clarification on the code and development. Mr. Haws responded with pointing out that there are
many spots on main street, focusing on the Hawaiian Dance Studio, that is a small mom and pop
4 spot, and how they adjusted making them fall under the legal development definition. He then
pointed out that Mark Snow has a road down in his industrial area near Mountain State Steel, and
6 had a building put in on it, when it happened it didn't seem like a big deal due to it being a dead-
end road. The spirit of the law doesn't require roads, but the letter of the law does. So, an
8 agreement was made with Mr. Snow to allow that building, but the city reserves the road for later
development. Mr. Haws stated that he sees this as a potential option for the Main Street
10 discussion on this property if it ever moves out of the Farm Zone back to Residential. Mr. Haws
clarified that when he stated earlier that this needed to be addressed, he was stating that there
12 needs to be clarification on what would trigger the city the option to move forward on that road,
and for those changes to take effect. Commissioner Johnson the closed with giving his insight
14 that if this was coming to him prebuild from scratch how, the number of buildings he would want
there, would fall closer to the 5 range with it being a farm and in residential area.

16 Chairperson Call stated she appreciates the beauty that Wadley Farms brings. She wanted
to address some questions regarding the lighting that was brought up in the Gardner's statements
18 earlier. She wanted to make sure the lighting discussed earlier is shielded, to not cause problems
with the neighbors. She also inquired about the wall condition discussed earlier could be
20 addressed. He stated that was something that could be addressed. Commissioner Call then
addressed the master plan. She is concerned that parking for the Red Barn in the right of way,
22 that the parking lot would need to be moved at the owner's expense. Mr. Florence stated that was
a condition that was made. Commissioner Call then asked for more information on the roads
24 where the temporary turn around and if they can be repaired and was followed by discussion on
that.

26 Commissioner Danielson stated she is in agreement with Wadley being a beautiful
location and voiced excitement for the Red Barn addition. She then asked for clarification on the
28 lot the vineyard will go on and why it would be on the lot. Mr. Colledge clarified why it will be
on that lot, and that it is due to not having a crystal ball earlier and having to adjust due to
30 changes on property and allowing a more openness.

Commissioner Thompson let the commission know he lives near the Colledge property, so
32 he is a neighbor and wanted to share his input. He stated that he moved here from a concrete
jungle and voiced his fondness for Wadley Farms. He went on to say that Mr. Colledges vision
34 for Wadley Farms is why he left the concrete jungle. Commissioner Thompson then stated he
believes the 2 parcels and walls discussed earlier makes sense to him. He then stated they will be
36 able to work with the Gardner's when the time comes and have discussion with staff to mitigate
any concerns. He doesn't see the benefit of pushing this street through as it doesn't provide good
38 access as of right now, just to complete that part of the master plan. If the time comes when the
property goes from Farm to Residential that at that time, he could see the road making more
40 sense.

Commissioner Schauers stated he sees Mr. Colledge as being a good steward of the
42 property and can see the need for the property to be self-sustaining. He doesn't see Mr. Colledge

2 as trying to do these things for money or greed, it is more to set this up to be self-sustaining even
when he is no longer alive. Mr. Colledge responded by stating that he has set this property up to
4 carry on even after he is gone, and voice that we all have a sacred responsibility to the earth.
With no idea as to what the future holds, this property is set up to carry on that sustainability. His
6 motives with this property are pure.

Chairperson Call guided the conversation to decide whether 6 or 7 bed and breakfast units.
8 General discussion developed; the commission stated the staff can deal with the repair of the
wall and lighting issue as such.

10 Mr. Florence addressed the commission stating he and Mr. Haws would like direction on
the main street situation. Discussion on public access was discussed for emergency situations.
12 After some further discussion, it was decided to wait on it right now, but there will be work done
on some kind of agreement with attention to roads 450 North and 480 North in the meantime for
14 public access. The potential agreement would be incumbent if Mr. Colledge or future landowners
develop the land requiring the property to go from Farmland to Residential. At that point it
16 would trigger the main street requirement to be activated.

18 **10. New Business: Reports by Commissioners** – Chairperson Call mentioned that the
landscaping ordinance that went before the council and asked for an update. Mr.
Florence gave an update stating the council passed the ordinance with the irrigation
20 portion changed and didn't add the extension portion. She also mentioned the pool pass
applications are out and the also the Memorial Day ceremony is coming up.

22 **11. Planning Director Report** - General City updates.

- 24 • He will email the updated general plan to the commission
- 26 • Public Hearing on the General Plan will be held June 13th

28 Chairperson Call called for any further comments or discussion from the commission.
Hearing none she called for a motion to adjourn.

30 **ADJOURN** –

32 COMMISSIONER THOMPSON MADE A MOTION TO ADJOURN THE MEETING
34 AT 9:00 PM. COMMISSIONER SCHAUERS SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

36
38 Approved, June 13, 2023

40 _____
Sharon Call, Chairperson

42 _____
Michael Florence, Community Development Director

