

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, October 3,**
4 **2017, beginning at 7:00 p.m.** in the Lindon City Center, City Council Chambers, 100
North State Street, Lindon, Utah.

6 **REGULAR SESSION** – 7:00 P.M.

8 Conducting: Jeff Acerson, Mayor
Pledge of Allegiance: Tanner Weight
10 Invocation: Jake Hoyt, Councilmember

12 **PRESENT** **EXCUSED**

12 Jeff Acerson, Mayor
14 Matt Bean, Councilmember
Carolyn Lundberg, Councilmember
16 Van Broderick, Councilmember
Jacob Hoyt, Councilmember
18 Dustin Sweeten, Councilmember
Adam Cowie, City Administrator
20 Hugh Van Wagenen, Planning Director
Kathryn Moosman, City Recorder

- 22
- 24 1. **Call to Order/Roll Call**– The meeting was called to order at 7:00 p.m.
 - 26 2. **Presentations/Announcements** –
a) **Mayor/Council Comments** – There were no announcements at this time.
 - 28 3. **Approval of Minutes** – The minutes of the regular meeting of the City Council
meeting of September 19, 2017 were reviewed.

30

COUNCILMEMBER BRODERICK MOVED TO APPROVE THE MINUTES
32 OF THE REGULAR CITY COUNCIL MEETING OF SEPTEMBER 19, 2017 AS
AMENDED OR CORRECTED. COUNCILMEMBER SWEETEN SECONDED THE
34 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BEAN AYE
36 COUNCILMEMBER LUNDBERG AYE
COUNCILMEMBER HOYT AYE
38 COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER SWEETEN AYE

40 THE MOTION CARRIED UNANIMOUSLY.

- 42 4. **Consent Agenda** – No items.
- 44 5. **Open Session for Public Comment**– Mayor Acerson called for any public
comment not listed as an agenda item.

46

2 Sharon Jarman approached the Council at this time. Ms. Jarman expressed that
4 she supports sports and is fine with the Oak Canyon Jr. High School field being used for
6 sports. She brought up the issue at the end of 900 east on 200 south where it is not red
8 curbed and people park there all the way to the end of 200 south and it is dangerous at
10 that intersection because you can't see. She suggested that the intersection needs to be red
12 curbed. Mayor Acerson asked Mr. Cowie if we can accommodate this request. Mr. Cowie
14 confirmed the intersection can be red curbed. Mayor Acerson called for any further
16 comments. Hearing none he moved on to the next agenda item.

10 CURRENT BUSINESS

- 12
- 14 **6. Continued Action Item — Ordinance Amendment, Lindon City Code (LCC) 17.04.400; Ordinance #2017-12-O** This item was continued from the September
16 5, 2017 and September 19, 2017 City Council meetings for continued deliberation
18 by the Council. The Public Hearing on the item has been closed. Marc Udall, Dry
20 Canyon Ranch, requests an amendment to LCC 17.04.400, regulating Home
Occupation requirements, to allow for Summer Physical Education lessons to
have more vehicular traffic than what is currently allowed by ordinance. The
Planning Commission recommended denial of the request.

22 Hugh Van Wagenen opened this agenda item by explaining this issue was
24 continued from the September 5, 2017 City Council meeting. He noted that staff was
26 given direction to research possibilities for major and minor home occupations which
28 would allow additional traffic and customers beyond what LCC 17.04.400 allows. He
explained that the season physical education lessons, as proposed by the applicant, were
not considered an appropriate solution to the issue of a home occupation operating
beyond its legal scope of activities.

Mr. Van Wagenen then brought up the key issues for discussion as follows:

- 30 ○ Parking—off-street versus on-street
- 32 ○ Traffic flow—pick up and drop off
- 34 ○ Number of customers/trips per hour
- Does location matter, i.e. local road versus collector road?
- Should child instruction have different parameters than other home
occupations?

36 Mr. Van Wagenen explained that Lindon was compared to 14 other local cities
home occupation requirements in the following areas as follows:

- 38 ● minor and major home occupation options
 - 3 of 14 had major home occupation option
- 40 ● number of vehicle trips/customers allowed per hour
 - maximum allowed was 12 per day
- 42 ● number of parked vehicles allowed on lot
 - no other city regulated this
- 44 ● off-street parking required
 - 8 of 14 required this
- 46 ● number of off-site employees allowed

- 2 ○ maximum allowed was 3 under certain conditions

4 Mr. Van Wagenen pointed out that some cities had specific regulations for child
instruction that allowed additional patrons beyond typical allowances. For example, Lehi
6 allows swim lessons at a rate of six (6) students per session with a maximum of four (4)
sessions per day.

8

Mr. Van Wagenen then discussed the available options as follows:

- 10 1. Adopt applicant's proposed language for seasonal physical education lessons as
presented in ordinance 2017-12-O.
- 12 2. Maintain current code:
 - 14 ○ allowing 5 vehicles of traffic to be generated per hour
 - 14 ○ no more than 6 vehicles parked at residence at any time unless otherwise
approved
 - 16 ○ allow on-street parking in front of residence, but not in front of other
property
- 18 3. Allow patrons based on road designation where home has primary frontage; e.g.
more patrons allowed on a collector road because the overall traffic impact would
20 be less. He then went over the numbers.
- 22 4. Allow patrons based on ability to provide off-street parking.

24 Mr. Van Wagenen then presented the Home Occupation Comparison with other
cities (spreadsheet), Ordinance 2017-12-O , Home Occupation Requirements (LCC
17.04.400) and the Traffic Count Map followed by discussion. He then called for any
26 questions from the Council.

28 Councilmember Hoyt asked if option number three is pursued based on collector
roads and the larger amounts of traffic and what would those numbers look like. Mr. Van
Wagenen stated he there are currently no numbers directly but he will consult with the
30 city engineer to see what the collector roads currently carry and when it becomes an
impact and to come up with a less than arbitrary number.

32 Councilmember Sweeten commented it appears most of the concern isn't about
the traffic being generated but more concerns with the parking. Mr. Van Wagenen
34 replied that both have been a concern, but the violation is the number of vehicles coming
to the house every hour and more than the six that is allowed.

36 Mayor Acerson commented that the question of focus is if we want to increase the
number, leave it status quo or change it. Mr. Van Wagenen pointed out that technically
38 they are not out of violation with how they are parking. Councilmember Hoyt questioned
if a patron were to park in Mr. Walker's driveway and if he called the police department
40 can they be ticketed for that offense. Mr. Van Wagenen stated he assumes that is the case
but he would have to consult with the police department; you can park on a public street
42 but you can't block a driveway.

44 Councilmember Bean asked what the differentiator between a minor and major
home occupation and what the criteria is. Mr. Van Wagenen explained the different
criteria between a minor and major home occupation explaining that typically minor

2 home occupation is permitted by a business license and a major home occupation would
fall under a conditional use permit.

4 Mr. Udall stated that the most practical option would be to put the parking behind
the pool because it bothers Mr. Walker, but the cost would be \$12,500 to put in a parking
6 lot that would include the gravel, a mat and the fencing. Mrs. Udall pointed out that the
parking has not been the issue because patrons can park on Center Street and in front of
8 their house. She added they have the acreage and frontage and they have plenty of
parking that is available. She also questioned the numbers wondering if they were taken
10 during school hours or in the summer time as it would make a big difference in the
numbers. Mr. Van Wagenen stated the study was done in January (during school time).

12 Councilmember Lundberg mentioned the type of parking (perpendicular or
lateral) to the property that was discussed at the last meeting and asked Mr. Van
14 Wagenen to expound on that issue. Mr. Van Wagenen stated in the last staff report the
applicant provided a parking diagram on the home front (perpendicular on frontage). He
16 noted it is a little unusual as to how it has been exercised throughout the years as it has
been perpendicular; if this were a new home occupation coming in it wouldn't be
18 allowed; it is the standard. Mr. Udall commented that they would be willing to
compromise and have parking on Center and behind the pool as they are just trying to
20 satisfy everyone.

22 Mayor Acerson stated there has been a lot of discussion on this issue and there
has been a lot of people who have weighed in on this issue. Councilmember Broderick
asked the applicants if they have thought of the option of carpooling to reduce traffic. Mr.
24 Udall replied he has talked to the city about carpooling (from the school parking lot) and
that was not an option. Mr. Van Wagenen stated the code is ambiguous (on parking at
26 the school) and if they parked at other properties they would need permission from those
residents. Mrs. Udall pointed out they let the patrons know where to park when they sign
28 up for classes.

30 Mayor Acerson advised the Council at this time that they need to decide what
they want to permit in an effort to resolve this issue.

32 Councilmember Sweeten asked if the current ordinance restricts patrons or just
the number of vehicles. Mr. Van Wagenen confirmed it is the number of vehicles.
Councilmember Hoyt stated he loves the swimming lessons and what they provide and it
34 is an amenity in the city. He also sees this as an issue of options with good, better and
best scenarios. He has become comfortable with the ordinance because we are increasing
36 it up to 13 trips but they have to be parked legally which is the key. He also pointed out
there are not a lot of places that are going to be doing summer physical education lessons
38 that fit the criteria; the ordinance governs itself. He stated he is comfortable moving
forward with the ordinance and to compromise to change the current code to allow
40 certain amount of trips based on off street parking, however he feels some time will be
needed to allow staff the time to rewrite the ordinance.

42 Councilmember Lundberg suggested to Mr. Udall rather than creating a two lane
road that brings patrons all the way to the pool they could just take a small portion for
44 some parking. She agrees this is a unique situation as the Udall's have more property
frontage to park than most properties. She questioned at the last meeting in regards to
46 home occupations on large properties or others with frontages similar to the Udall's if we

2 can set a specific number parked at any given time rather than cap it. Mr. Van Wagenen
4 stated it can be on street or off street parking as long as patrons are not parking in front of
6 other properties and only in front of the applicant's property. Councilmember Bean stated
8 his concern is with the new part of the proposed code and the trips generated (he assumes
those numbers are generated by the Udall's and tailored to them) and he has concerns that
we may end up with unforeseen circumstances. He would like to see the Udall's do some
kind of an accommodation for onsite parking as it is driven by the amount of frontage the
applicant's have.

10 Councilmember Sweeten stated on one side he feels uncomfortable with changing
12 the code as he has concerns what we will create down the road. If we were to make the
14 change he would like to see it based on the size of the property and also provide off street
parking. Councilmember Broderick asked about the cost of off street parking and
realizes it is an expense. He would love to see the lessons continue but he wants to see
the neighbors respected also; he feels we are getting close to a resolution.

16 Mr. Van Wagenen asked if the Council wants to see him differentiate between
18 customer based and non business parking or not; currently it is overall parking and not
specified. The Council agreed to have staff specify it in the ordinance.

20 Mr. Udall suggested grandfathering in the perpendicular parking as the house has
22 been there for almost 50 years. Josh Udall stated it appears that this is somewhat of an
unfair burden for one residence that happens to be paved in front of their house with no
curb and gutter when everyone else along that street should be required to follow under
24 the same ordinance (no perpendicular parking). This may affect other residents as there
are other places in the city that have perpendicular parking also. Mr. Cowie stated he
believes there is nothing specific in the code stating perpendicular parking is not allowed,
26 but part of the concerns brought up is the fact that it has been striped off and the aspect of
allowing a private business to use a public right of way and if the city would be liable.

28 Mr. Udall stated they are willing to put the parking lot for patrons and are asking
30 that the perpendicular parking not be removed from their family/private use (they will
also remove the striping). There was then some general discussion regarding the
perpendicular parking and right of way issues. Mr. Boyd Walker suggested that they park
32 on a 45 angle. Mr. Van Wagenen stated due to the questions about where angle parking
may be permitted he read the portion of the Lindon City Code that states the City
34 Administrator and Chief of Police can determine upon what street angled parking shall be
permitted so there is a method to determine that.

36 Mr. Van Wagenen asked that the council to continue this item in order to allow
38 staff the time to craft the proposed language changes and bring it back before the Council
for approval.

40 Mayor Acerson called for any further comments or discussion from the Council.
Hearing none he called for a motion.

42 COUNCILMEMBER HOYT MOVED TO CONTINUE THE APPLICANT'S
44 REQUEST FOR ORDINANCE 2017-12-O WITH THE RECOMMENDTION TO
ALLOW STAFF TO MAKE THE CHANGES AS DISCUSSED AND TO LOOK INTO
THE OFFSTREET PARKING ORDINANCE. COUNCILMEMBER SWEETEN
46 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

2 COUNCILMEMBER BEAN AYE
COUNCILMEMBER LUNDBERG AYE
4 COUNCILMEMBER HOYT AYE
COUNCILMEMBER BRODERICK AYE
6 COUNCILMEMBER SWEETEN AYE
THE MOTION CARRIED UNANIMOUSLY.

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7. **Continued Action Item — Zone Map Amendment, Request: Commercial Farm Zone Walker Farms of Lindon 55 South 400-500 East. Ordinance #2017-14-O.** This item was continued from the September 19, 2017 City Council meeting for continued deliberation by the Council. The Public Hearing on the item has been closed. Mike Jorgensen requests approval of a Zone Map Amendment to reclassify multiple parcels from Residential Single Family (R1-20) to the Commercial Farm (CF) zone on the following parcels: 47:184:0002 (Michael B & Jill Jorgensen 55 South 400 East), 14:073:0201 (Michael & Jill Jorgensen 85 South 400 East), 47:184:0003 (Michael B & Jill Jorgensen 53 South 500 East), and 14:073:0028 (Michael B Jorgensen on behalf of MJ Real Estate Holdings LLC 484 East Center Street). Total land area of 5.19 acres. *The Planning Commission recommended denial of the request.*

22 *Councilmember Hoyt disclosed at this time for the public record that he is*
24 *employed at Rock Canyon Bank where the applicant's do their banking but he does not*
26 *have any banking relationship with the Jorgensen's accounts or business transactions*
through Rock Canyon Bank.

Mr. Van Wagenen gave some background stating the Council voted to continue this item from the September 19, 2017 meeting and requested the following information: (1) examples of the building being proposed on the property; (2) traffic counts on Center Street; and (3) review of buffering requirements between commercial and residential properties.

- 32 1. Home Values
- 34 2. Building examples
- 36 3. Center Street Traffic Counts
- 38 4. Buffering requirements:
 - 40 a) Screening and Fencing in the *CF* zone requires
 - 42 i. a six (6) foot high site obscuring fence shall be constructed and
 - 44 maintained along any property line between a residential use or
 - 46 residential zone and a commercial building in the CF zone when the
 - commercial building is closer than 30' from the property line. The fence
 - shall be placed along the property line at an area parallel to the
 - commercial building and shall extend a minimum of 50' along the
 - property line from both directions from the ends of the building;
 - ii. any commercial structure closer than 30' to a residential use or residential
 - zone shall provide a minimum 10' wide tree-lined buffer from the
 - commercial building to the adjacent residential use or zone. Trees shall be

- 2 planted at least every 10' along the buffer area adjacent to the residential
use or residential zone. Trees must be a minimum of 2" caliper measured
4 one foot off the ground and at least 6' tall when planted. In addition to
any required fencing, trees shall be of a variety that will mature to a height
6 of at least 20' tall in order to provide an increased visual barrier between
the commercial use and the residential use;
- 8 iii. residential dwelling units and agricultural accessory buildings are not
considered commercial structures.
- 10 b. Screening and fencing in *other commercial zones* requires
- 12 i. a 40 foot building setback to a residential property;
- 14 ii. a masonry or concrete fence seven feet high be constructed along any
property line between nonresidential development and a residential
use/zone;
- 16 iii. any off-street parking lot adjacent to a residential use/zone shall provide a
minimum 10 foot landscape buffer from the parking lot to the adjacent
residential use/zone with trees planted every 10 feet.

18 Mr. Van Wagenen explained the Commercial Farm (CF) zone was created in
20 2011 to “provide encouragement of agricultural production and associated commercial
activities that are compatible with and/or promote agricultural uses within the city.
22 Although the intent of the zone is to promote agricultural uses within the city, the zone
may be utilized as “holding zone” to allow reasonable options for income from
24 agricultural and/or commercial uses for a period of time before developing the land in
conformance with the General Plan Land Use Map.” The applicant is requesting a rezone
26 of the subject properties in order to build a reception/event center while raising and
breeding alpacas and selling alpaca wool.

28 Mr. Van Wagenen stated the applicant has provided a brief business plan and
concept site plan for the property (see attached).

- 30 • Business Plan for the Commercial Farm
- 32 ○ “We will have 14 alpacas. Our intent is to sell the offspring as breeding pairs,
or what’s called a starter pack. This will consist of a pregnant female and an
unrelated male. We can also sell the wool which can be quite expensive and
34 highly sought after.”
- 36 ○ The reception/event center will be an additional revenue source for the alpaca
operation. This is a conditionally permitted use in the CF zone.

38 One of the main requirements for CF zone consideration is listed in LCC 17.51.015
and states:

- 40 • Agricultural Production Required
- 42 1. At least 40% of the property must be maintained in active agricultural
production and be managed in such a way that there is a reasonable
expectation of profit. Land used in connection with a farmhouse, such as
44 landscaping, driveways, etc., cannot be included in the area calculation for
agricultural production eligibility.
- 46 2. For the purposes of this chapter, “agricultural production” shall be defined as

2 the production of food for human or animal consumption through the raising
of crops and/or breeding and raising of domestic animals and fowl (except
4 household pets) in such a manner that there is a reasonable expectation of
profit.

6 Mr. Van Wagenen noted the application does meet the requirements for lot area,
lot width, lot depth, and lot frontage. However, the parcels presented are not currently
8 under identical ownership as required in LCC 17.51.020. This should be a requirement if
an approval is granted.

10 Mr. Van Wagenen further explained the concept site plan does show the existing
single family home in addition to a caretaker dwelling that is currently being restored
12 (Center and 500 East). The caretaker dwelling being restored has nonconforming
setbacks due to the age of the original construction. Although the application appears to
14 meet the requirements for the properties in question to be rezoned, this is a legislative
action. Therefore, the City Council is not obligated to approve if the Council decides the
16 request is not in the best interest of the public and Lindon City. In looking to the future,
the home on this site will have to be associated with the proposed reception/event center
18 because of the minimum size requirements of the Commercial Farm zone. As we have
recently seen with other properties, this can be problematic when the current owner
20 moves on and the property is sold to future operators.

Mr. Van Wagenen stated if the applicant's request is granted, a separate site plan
22 application will need to be submitted to ensure all site requirements are met regarding
parking, landscaping, fencing, building height, etc.

24 Mr. Van Wagenen pointed out the Planning Commission heard this request on
September 12, 2017. Several citizens came to the public hearing and opposed the
26 applicant's request. There were concerns about traffic and noise from the proposed
event/reception center. He noted the Commission considered the item for an hour,
28 discussing the positives and negatives of the request. One motion to approve the request,
with the consideration that a future reception center would be a conditional use permit
30 where conditions could be placed on the property to mitigate negative effects on the
neighborhood was defeated. No member of the Commission offered an alternative
32 motion. Lack of an approved motion automatically becomes a recommended denial of the
request to the City Council.

34 Mr. Van Wagenen then referenced the draft ordinance 2017-14-O, and aerial
photo of the proposed area to be rezoned, the current zoning map, the conceptual site
36 plan, the information provided on alpaca farming, LCC 17.51 Commercial Farm Zone,
building examples and the center street traffic counts followed by discussion. At this time
38 he called for any questions from the Council.

Councilmember Sweeten asked for clarification on the intent of this ordinance
40 that it was not drafted for just one property and not for others. Mr. Cowie clarified the
intent noting they looked at a specific site to address issues but knowing that it may be
42 utilized by other properties. He noted this is a unique use but everyone thought it was a
benefit to the community and to help keep the agricultural open space in Lindon. Mr. Van
44 Wagenen clarified this is a legislative decision noting they can meet the commercial farm
ordinance but they are under no obligation otherwise to approve. At this time
46 Councilmember Hoyt read several lines from an email sent by the City Attorney noting it

2 is important to know that this can be reasonably debatable in moving forward and in
making a decision.

4 Councilmember Sweeten pointed out the original Wadley Farms has a lot of
similar things to this proposal and to remember what the intent was and what the original
6 ordinance was. Councilmember Lundberg stated she has thought about this historically
and the fact that Wadley Farms had a conditional use for many years with their original
8 event barn, so they were really able to establish themselves to be a good neighbor and it
was not an inherit right to continue on and they had to prove their model; they had to give
10 weight to the neighbors to show they would be a good neighbor. She noted this is a
divisive issue and we must give weight to the fact that this has been a residential zone and
12 the event facility itself has been so divisive; it would be nice to stage this and see how it
progresses through stages.

14 Councilmember Sweeten stated the comments received are almost split down the
middle with half for pro and half for con, but he is hearing a lot of positives especially
16 from those neighbors who are in close proximity to the applicant; if he lived across the
street from this proposal he would be okay as it is proposed. Councilmember Lundberg
18 stated she has received some additional emails from neighbors who feel they will be
impacted by the noise and traffic.

20 At this time Mr. Van Wageningen stated the applicants are in attendance to address the
council and provide additional information if needed.

22 Mr. Jorgensen made note of the letters they have received that are for and against
noting it appears that those who live near to them (who this may impact the most) are in
24 support of them and those who aren't supportive live further away. Shelly Savage, direct
neighbor to the Jorgensen's stated she is in favor of this proposal. She also pointed out that
26 some of the residents who were in attendance showing support to the Jorgensen's did not
send emails. Mr. Jorgensen pointed out that he has been looking at the minutes from when
28 the commercial farm zone was put in to place and the arguments made (he read portions
from the minutes from 2011). He also referenced the zone map. Mr. Jorgensen stated they
30 are going to great expense to acquire and preserve these properties for the very reason
Lindon City adopted this ordinance in the first place. This will be a great event center for
32 the community. He understands these concerns but they will be mitigated through a
conditional use permit. They have been here for 18 years and this will be a good thing for
34 the community and it will be a nice addition. He pointed out their property is bordered by
two collector roads and will not make much more of an impact on traffic than what is
36 already generated.

Councilmember Broderick stated it is interesting on the number of comment, texts
38 and emails pointing out that all are favorably to the Jorgensen's integrity. He has been to
the property at least five times with those who are pro and con and walked through and
40 looked at the areas and some changed their mind after walking through (both pro and con).
He is for preserving the residential area based on the zoning so he will not be in favor.

42 Councilmember Hoyt stated he values residential properties and he is familiar with
this property location in question. He stated he reached out to and was given the opinion of
44 three real estate agents and all had similar answers and they all agreed in the best case
scenario that the home values would be minimally affected. He went back to two meetings
46 ago where they discussed preserving residential areas. The General Plan is written to decide

2 where residential areas should be and we don't want them negatively affected. This is a
controversial issue and he has concerns about the buffering and noise. He appreciates the
4 Jorgensen's and the thought gone into this, but he worries that it may be too much
infringement on a general planned residential area and therefore he will not be in favor.

6 Councilmember Bean stated when this commercial farm zone was initiated he and
Councilmember Lundberg were on the Planning Commission so there is some related
8 institutional knowledge and background here tonight. At the time the Wadley Farms
property had been operating for about 10 years and they wanted to expand it and it is
10 probably bigger now than what would have been foreseen. Being that Wadley Farms is a
historical farm site was significant and the 18 acres provides a large buffer. He is aware
12 that Wadley Farms has expanded and the applicant's proposal is much smaller. In
retrospect he would have liked to see the minimum size (in the ordinance) be larger than 5
14 acres as he feels they did not anticipate future applicant's putting together parcels to
achieve the 5 acre minimum; he has mixed feelings but they have met the ordinance.

16 Councilmember Sweeten asked the Council where in the city they would like to see
this ordinance used if not at this location as he feels it is a great location to see this
18 ordinance used; if not here then why do we even have this ordinance. Councilmember
Lundberg stated the ordinance was put in place to encourage saving some open space; that
20 was the intent of the ordinance and she personally likes the concept. The only issue that
seems to be divisive is this plan that can bring in several hundred people multiple times a
22 week. She agrees it is on a collector street so it is not a super quiet residential area.
Councilmember Sweeten questioned the Council if it were 10 acres would it be okay.
24 Councilmember Lundberg stated for her it is the distance from a conditional use event
center to an adjacent residential home and if there is enough of a buffer. Mr. Jorgensen
26 stated it was approved by the past council as a 5 acre piece and questioned what has
changed since then. Mr. Jorgensen expressed that he feels they are not being treated fairly
28 and this appears to be a double standard (as it pertains to Wadley Farms) as they have come
in under that same ordinance.

30 Councilmember Lundberg stated Wadley Farms has been operating in that activity
for many years and they have established good neighbor relationships for the operation of
32 that business and she is sure the Jorgensen's have that same intention. Where we are going
in changing a zone to accommodate this we should have to give weight to those folks who
34 want to maintain a residential area. Mr. Jorgensen said their property was a farm long
before it was residential and it was a great idea then but why not now and why and what
36 better place to put another one. He pointed out this is named Walker Farms, a historical
name synonymous with Lindon. We need these zones...it was a great idea then and if not
38 here then where in the city would you want this? What has changed since then?

40 Michael Travis, resident in attendance, pointed out that the Udall's were raked over
the coals tonight for their trip count and their requirements and looking at this proposal
there has been no discussion addressed that this proposal is across the street from the
42 elementary school which will induce mass chaos with traffic. He questioned if this is in an
appropriate location; he feels it is not. Mr. Van Wagenen pointed out there are buffering
44 comparisons included in the staff report.

46 Mayor Acerson stated the Council has weighed in on this issue and called for action
at this time.

2

4

At this time Mr. Jorgensen asked to read a prepared statement for the record as follows:

6

I do not feel that our application has been treated the same as other similar applications that have been made over the years and I have several examples that I want to get on the record.

8

10 *Back in 2011, Alan Colledge of Wadley Farms requested Lindon City to draft a new zone that would accommodate his plans to expand his reception business. According to his comments in this room at our last meeting, (which are recorded) he helped write the language for the zone change. Taking from that same recorded testimony, "there were no other parcels in the city at that time that this new zone could be applied to, and so we set the minimum acreage for the zone to 5."*
12 *Minutes from Lindon Council records:*

18 *LCC 9-20-2011: The council was asked to review and give feedback concerning a proposed concept of creating a new zone to better accommodate future needs of his farm and reception facility at 35 East 400 North in the R1-20 zone.*

22 *PZ 9/27/2011: In the Planning Directors Report, Mr. Cowie reported that; "Mr. Colledge is requesting to expand the reception center to accommodate a 300 person capacity, which will need an ordinance change. Mr. Cowie noted that this could be a potential farm zone, which is currently zoned residential. The City Council felt strongly enough about preserving this property that they directed the planning staff to prepare an ordinance change for farm use.*

28

30 *This will be coming to the Planning Commission the end of October for a CUP, Ordinance Change and a Zone Change. Basically a done deal!*

32

PZ 10/25/2011:

Add a Commercial Farm Zone

34

Approve Wadley Farms for the new zone change Approve a CUP, (even before the CC approved) Approved Approved Approved*

36

38 **NO hard questions, no concerns about traffic, noise, impact of home values, no requests for what his new building would look like...*

40

None of the questions that Councilwomen Lundberg asked at our last meeting were asked at that meeting by any of them, including then Commissioner Lundberg.

42

LCC 11/1/2011:

*Mr. Cowie opened the discussion by stating this proposed ordinance is a **city initiated***

2 change to add a commercial farm zone to the Lindon City ordinances.
Mr. Cowie also noted that *this ordinance would be intended for other people to*
4 *use this in other areas of the city.*

6 *Mr. Cowie noted some key items for discussion as follows:*

- 8 • *a minimum 5 acre lot size*
- *40% agricultural required*
- 10 • *Lot width and depth and frontage as same as residential zone*
- *Number of dwellings per lot (not more than one single family dwelling).*
- 12 • *Setback requirements. Any potential commercial building should have*
same setbacks as residential units.
- 14 • *Maximum building height of 35 ft. with an additional 10 ft. for other uses, i.e.*
cupola, HVAC.
- 16 • *Distance of 10 ft. between buildings as required by building code. Permissible*
lot coverage of 40% of the lot area.
- 18 • *40% of front yard setback must be landscaped.*
- *Screened fencing.*

20 *Mr. Cowie then went over permitted uses and conditional uses. He also noted that*
22 *there are enough conditions in the Conditional Use Permit to set limits and make it*
compatible. Mr. Cowie also mentioned concerns regarding potential nuisances such
24 *as odors, flies, loose animals, etc. Mr. Cowie asked if there were any concerns with*
any of the listed uses. Councilmember Bayless noted that the Planning Commission
26 *discussed this issue thoroughly. There were no other concerns or comments.*

28 *Fast Forward to PZ April 11 2017:*

30 *Site Plan Amendment — Wadley Farms, Alan Colledge requests amended site*
plan approval for a 5,500 square foot addition to the Wadley Farms Castle.

32 *Mr. Van Wagenen stated they are providing vehicle parking for up to 1,645 persons,*
34 *Note: with only one entrance and exit to the site.*

36 ***THERE WERE NO CONCERNS RAISED BY ANY COMMISSIONERS***

38 ***COMMISSIONER KALLAS MOVED TO APPROVE THE APPLICANT'S***
40 ***REQUEST FOR A 5,500 SQUARE FOOT ADDITION TO THE COMMERCIAL***
BUILDING

42 ***Our Experience:***

2 *PZ 9112/2017: This was a request for a zone change. We shouldn't have even been*
3 *discussing what our intended use of the property could be. That should have*
4 *happened when and if we applied for a CUP after approval of our zone change*
5 *While I appreciate the support of Commissioners Johnson and Marchbanks, I am*
6 *concerned about comments made by other commissioners, specifically Rob Kallas. He*
7 *stated that he could get behind anything else but the "R" word, reception center. He*
8 *was especially critical of the lights and noise that would spill over to the neighbors*
9 *around us and he used the Linden Barn as an example. Note: I've personally known*
10 *Rob for 30 years and I found this to be ironic since he and his employer, the Woodbury*
11 *Corporation have systematically wiped out literally blocks of single family homes in*
12 *expanding their University Mall (Place).*

14 *This was the same PZ commissioner who just 5 months ago made the motion to approve*
15 *Wadley Farms request to build an additional 5500 sf. This addition will take their total*
16 *amount of reception center space to more than 23,000 sf, and accommodate 1645*
17 *people, and not one of them made a peep.*

18 *LCC 9119/2017:*

20 *Mr. Wadley was allowed to make a speech TO THE AUDIENCE, his back to the*
21 *council, and made these comments:*

- 22 • *Your neighborhood will never be the same,*
- 23 • *Your relationships with your neighbors will never be the same,*
- 24 • *You are putting your foot in a bear trap,*
- 25 • *and questioned our ability to control our guest's behaviors.*

26 *I know he had a right to be there and take his 3 minutes, but why he, as a competitor,*
27 *would be allowed to make such a long presentation with NO attempt from the council*
28 *to stop or remind HIM of the rules regarding the format of the meeting.*

30 ***In Summary:***

32 *What is before you is an application for a zone change. What we do with our*
33 *property after that SHOULD have been dealt with under a completely separate*
34 *application and process.*

36 *Lindon City created a Commercial Farm Zones (CF) to provide encouragement of*
37 *agricultural production and associated commercial activities that are compatible*
38 *with and/or promote agricultural uses within the city. Objectives of the zone include*
39 *promoting and preserving agricultural production, promoting agricultural open*
40 *space throughout the city, and allowing associated commercial activities which*
41 *could be used as additional revenue sources to help sustain and support agricultural*
42 *industry within Lindon and it is still on the books.*

2 *We meet ALL of the city's requirements for the zone and while there are those who*
4 *oppose this, (and they have that right) public clamor is not an acceptable reason for*
6 *the city to deny our application. If the majority of the citizens of Lindon want to*
8 *change or eliminate this zone, there is a process to do it and they are free to do so.*
This meeting should be about whether or not we meet the requirements for a zone
change and after that we should be discussing our CUP, but that horse has long left
the barn.

10 *Our project and its use is exactly what the Zone was intended for. It's located on one*
12 *of the few remaining pieces of the original Walker Farms, with the house that most of*
them grew up in being painstakingly restored.

14 *The location couldn't be better as it is bordered on 2 of 3 sides with Major Collector*
16 *roads according to Lindon City Street Master Plan. Also, we have 2 ways in and 2 ways*
out on 2 separate roads

18 *The criteria laid out in the Zone dictates a small size for our operation. Our proposed*
20 *Event Barn is only 4900 sf. (21% the size of Wadley Farms) and our occupancy is*
22 *220 (13% of Wadley's). We are providing more off street parking that the city*
requires (9 more spaces).

24 Following the statement Mr. Jorgensen thanked the Mayor and Council for their
time and consideration in this matter.

26 Councilmember Bean asked Mayor Acerson to voice his comments. Mayor
Acerson commented that these issues arise in the city and you have heard the council weigh
28 for support or non support on this issue. This is a different council from years past and
things change. We want a "little bit of country" in Lindon but this is a divisive issue and
the fear of the unknown exists. There is a chance over time that those who are opposed
30 may find these fears are unfounded. The Council has to weigh in on all comments from all
citizens and the council is going to vote the way they feel. His greatest desire is to ensure
32 that all citizens can voice their opinion and in the end this legislative body has to make a
decision whether right or wrong. The challenge is that Lindon is growing and Lindon likes
34 open space and large properties with open areas. This is a situation where we all need to
work together; the Council is trying to be the voice of the people.

36 Councilmember Lundberg commented that her comments are not put verbatim in
the minutes and are summarized. She noted there was a lot of healthy discussion with
38 Wadley Farms and the zone and she is leaning to approval. She expressed that we need to
be respectful to everyone and they did neighbor to neighbor work to mitigate concerns and
she wants to be careful because there may be those who will be impacted but the event
40 center will have a conditional use associated with it to mitigate the issues and concern. She
feels 5 acres is sufficient but the use of the building and the buffering is a concern. She
42 stated it appears Mr. Jorgensen is starting the groundwork to establish good relationships
and earn the respect and rapport with the neighbors and she would like to see that continue.

44 Mayor Acerson then called for any further comments or discussion from the
46 Council. Hearing none he called for a motion.

2

COUNCILMEMBER HOYT MOVED TO DENY THE APPLICANTS
REQUEST FOR APPROVAL OF ORDINANCE 2017-14-O WITH NO CONDITIONS.
COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

COUNCILMEMBER BEAN	NAY
COUNCILMEMBER LUNDBERG	NAY
COUNCILMEMBER HOYT	AYE
COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER SWEETEN	NAY

12 THE MOTION FAILED 3 TO 2.

14 Mayor Acerson called for another motion because the motion failed.

16 Councilmember Lundberg brought up the issues at hand: traffic, location, off
street parking. She asked Mr. Jorgensen if he would be willing to do this incrementally
and get the feedback from the community and develop relationships and build a good
rapport with the neighbors as to mitigate the concerns and issues. Mr. Jorgensen agreed
that they would be happy to do this incrementally and to continue to mitigate any issues
as to alleviate the neighbors concerns. Councilmember Lundberg clarified this is only the
zone change tonight and not the conditional use permit.

24 COUNCILMEMBER SWEETEN MOVED TO APPROVE THE APPLICANTS
REQUEST FOR APPROVAL OF ORDINANCE 2017-14-O WITH THE CONDITION
THAT ALL PARCELS BE UNDER THE SAME OWNERSHIP. COUNCILMEMBER
BEAN SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BEAN	AYE
COUNCILMEMBER LUNDBERG	AYE
COUNCILMEMBER HOYT	NAY
COUNCILMEMBER BRODERICK	NAY
COUNCILMEMBER SWEETEN	AYE

32 THE MOTION PASSED 3 TO 2.

34

8. **Discussion Item — Parks & Recreation Facilities Visioning; Park Signs;
Field Rental Fees; etc.** Lindon City Parks & Recreation Director, Heath
Bateman, will review several items for discussion and feedback including long-
term visioning and intended use of the Community Center & Veterans Hall,
review possible park & sports field rental policies and fees, standardizing park
entry signage, possible pavilions and expanded fencing around the Aquatics
Center, and other matters pertaining to the Parks & Recreation Department.

42

Heath Bateman, Parks and Recreation Director, was in attendance to review
several items for discussion and feedback including long-term visioning and intended use
of the Community Center & Veterans Hall, review possible park & sports field rental
policies and fees, standardizing park entry signage, possible pavilions and expanded

44

46

2 fencing around the Aquatics Center, and other matters pertaining to the Parks &
Recreation Department. He then referenced 4 items of business for City Council
4 Discussion as follows:

1. Field rental policy and suggested fee schedule changes
2. Standardizing Parks Signs
3. Visioning of the Community Center
4. Visioning of the Vet's Hall

FIELD RENTAL POLICY AND RECOMMENDED FEES.

10 In the past few years, we have been faced with a few problems regarding park use
as well as there could be potential revenue to help offset our maintenance costs.
12 Currently, we have rentals available in the Parks Pavilions, Community Center,
Veterans Hall and Aquatics Center. I am proposing adding the following:

BASEBALL FIELDS

- **Facilities available**

16 (Regardless of rental availability restrooms do not open until May 1 and close
October 15 of each year.)

- **Lindon City Center Park**

18 East Baseball Field 60' bases; 45' mound; no lights; no homerun fence
20 West Baseball Field 70' bases; 50' mound; lights available; no homerun fence

- **Pheasant Brook Park**

22 East Field 60' bases; no mound; no lights; no homerun fence
West Field 70' bases; no mound; no lights; no homerun fence

MULTIPURPOSE FIELDS (SOCCER, LACROSSE, ULTIMATE, ETC)

- **Pheasant Brook Park**

26 (150' x 600')

- **Pioneer Park**

28 (350' x 200')

- **Fryer Park**

30 (80' x 240' E/W section; 225'x100' N/S section)

- **City Center Park**

32 (60' x 125') (Painting of lines and boundaries will be prohibited.)

PICKELBALL/TENNIS COURT

- **Pickleball court (2)**

34 2 courts only (only up to two courts rentable; max 2 hour block)

- **Tennis Court (1)**

HORSE ARENA

- (100' x 250')

WALKS, RACES (BIKES AND RUNNING)

- Lindon City Special Events Application
- Rental survey from our neighboring cities.
- City Baseball Field Soccer Field

44 **He then referenced the proposed Fee Schedule change to be discussed at the next
budget opening.**

Baseball

- 2 • **Pheasant Brook Park** (2) \$20.00 per hour per field with 1 hr minimum and 4
hour maximum (Does not include field preparation)
- 4 • **City Main Park** (2) \$20.00 per hour per field with 1 hr minimum and 4 hour
maximum (Does not include field preparation)
- 6 • *Field Preparation \$40 per diamond: \$50 per diamond (Saturday and
Holidays)
- 8 • **All field preparation request must be approved by the
Director of Parks & Recreation and may or may not be available due
to season and/or staffing level.**
- 10 • **Field Lighting** \$20 per hour (only West Field of Main Park)
- 12 • **Deposit** \$100 per field
- 12 • **Multipurpose Fields**
- 14 • **Pheasant Brook Park** \$20 per hour per field for youth teams: \$30 p/h for adult
teams
- 16 • **Pioneer Park** \$20 per hour per field for youth teams: \$30 p/h for adult teams
- 16 • **Fryer Park** \$20 per hour per field for youth teams: \$30 p/h for adult teams
- 18 • **City Center Park** \$20 per hour
- 18 • **Deposit** \$100 per field
- 20 • **Lindon Horse Arena**
- 20 • **Arena Surface Preparation** \$30
- 22 • **Special Surface Requests** \$30
- 22 • **Riding Clubs** \$25 a season
- 24 • **For-Profit Events** \$200 per day.
- 24 • **Lights** \$50
- 26 • **Pickleball/Tennis Court** (Max 2 courts per day)
- 26 • **South East Court** \$10 per hour; 2 hour blocks only)
- 28 • **South West Court** \$10 per hour; 2 hour blocks only)
- 28 • **Tennis Court**
- 30 • **Hollow Park Court** \$20 per hour; 2 hour maximum

Challenges

- 32 ○ Need for reservation signage at every rental location.
- 32 ○ Staff will need to place weekly reservations forms
- 34 ○ Policing the reservations and occasional problems
- 34 ○ Enforcing start times and end times
- 36 ○ Keeping the deposit for damages and breaking rules. (supervision and
enforcement)

38

SIGNS (STANDARDIZING SIGNS AT PARKS)

40

Option 1 Metal Signs

42

VISIONING OF THE LINDON COMMUNITY CENTER

44

The Lindon Community Center is a 19,850 sq./ft. building built in 1949 and
purchased from the LDS Church in 2008 and opened to the community in June

2 2011. We do have some needs and some items that may make our programs more
successful for consideration.

4 **Issues:**

- 6 • Gym Floor Refinished (should be done yearly max. every 3rd year. Approx
\$3,500
- 8 Gym Floor Replacement (10 years)
 - Carpet Replacement (5 to 10 years)
 - Boiler rebuild (5 to 10 years)
 - 10 • Replace light fixtures in CCA
 - Install ADA doors for Seniors
 - 12 • Enclose patio (storage, useable space, etc.)
 - Adjustable Backboards (for youth basketball leagues)
 - 14 • Lobby Furniture
 - Roll down movie screen in CCA
 - 16 • South Kitchen update (tile, paint, dishwasher)
 - North Kitchen update (disposal, dishwasher)
 - 18 • Update room 6 to new floor, wallpaper, double doors for patio, etc.
 - Senior exercise room equipment upgrade
 - 20 • Lighting and security for art shows and exhibits
 - Replace windows (clear glass) and blackout curtains in CCA and Lunchroom.

22

24 Mr. Bateman noted in 2015 a survey was sent out to know email addresses
(website and notification lists) regarding the PARC Tax, Parks & Recreation
opportunities. They received 179 responses to the survey as follows:

- 26 • Do you feel the city provides enough family recreation opportunities/programs in
Lindon?
 - 28 ○ 146 (81.6%) responded about the right amount
 - 24 (13.4%) responded not enough opportunities
- 30 • With regards to Parks & Recreation facilities in Lindon, do you believe Lindon
has about the right amount or not enough?
 - 32 ○ 129 (72.1%) about the right amount
 - 39 (21.8%) not enough facilities
- 34 • Which of the following amenities would you like to see the PARC tax revenue
expended toward? (Choose 3)
 - 36 1. 83 (46.3%) Lindon Fitness & Recreation Center
 - 38 2. 80 (44.9%) Trails and Trail Amenities
 - 3. 77 (46.6%) Replace aging parks play structures
 - 4. 65 (36.5%) New Park amenities – restrooms/pavilions
 - 40 5. 48 (27 %) New Additional Playground equipment
- 42 • The city currently offers youth programs and classes, aquatics programs, youth
sports programs including indoor soccer, basketball, baseball, outdoor soccer.
What other recreation programs should the city offer? (If you don't know, leave
44 blank) Total comments received was 49
 - 1. Recreation Center (9 comments)

2 Utah Division of Emergency Management received approval of the Plan meeting federal
4 requirement, pending its adoption by the MAG local jurisdictions. FEMA requires each
6 jurisdiction to pass a resolution adopting the Plan to ensure each City is eligible for all
benefits under the Act. There was then some general discussion regarding the Pre-
Disaster Hazard Mitigation Plan and the attached resolution.

8 Mayor Acerson called for any further comments or discussion from the Council.
Hearing none he called for a motion.

10 COUNCILMEMBER BRODERICK MOVED TO APPROVE RESOLUTION
12 #2017-19-R ADOPTING THE 2017 MOUNTAINLAND PRE-DISASTER HAZARD
MITIGATION PLAN. COUNCILMEMBER LUNDBERG SECONDED THE
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

14 COUNCILMEMBER BEAN AYE
14 COUNCILMEMBER LUNDBERG AYE
16 COUNCILMEMBER HOYT AYE
16 COUNCILMEMBER BRODERICK AYE
18 COUNCILMEMBER SWEETEN AYE
THE MOTION CARRIED UNANIMOUSLY.

20

7. COUNCIL REPORTS:

22

24 **Councilmember Hoyt** – Councilmember Hoyt reported on the Community Center
Advisory Board noting he would like to see them be experts as an Advisory Board as it
26 pertains to the Community Center. He also reported the recent Tri Chamber lunch at Los
Hermanos was well attended and informative.

28 **Councilmember Broderick** – Councilmember Broderick reported he attended the North
Union Irrigation Company Board meeting where assessments were set up. He also
30 attended the police officer training at the Provo facility noting it was very intense and he
would like to ensure our police officers are provided with the best equipment. He added
32 that he is glad they do this training as it is vital.

34 **Councilmember Bean** – Councilmember Bean reported the Planning Commission had
discussion about the Lindon Village and how to limit certain types of land development
36 and tax revenue. This issue will be eventually coming to the city council for discussion.

38 **Councilmember Lundberg** – Councilmember Lundberg reported she attended a recent
Orem hospital event. She also reported on the Holy Cow Boutique that was recently held
40 at the community center that was well attended and the highest attendance recorded to
date. She added she would like to be sure those who have classes there are always
42 accommodated during the boutique times.

44 **Councilmember Sweeten** – Councilmember Sweeten reported he attended the traffic stop
on Geneva Road that was done by the Lindon Police Department noting there were 2
46 arrests and 5 cars impounded so it was very productive.

2

Mayor Acerson – Mayor Acerson reported he attended the North Utah Valley Animal Shelter Board meeting last week. He noted they are concerned about this legislative season with push back from animal rights activists but he feels they are making some headway. He also gave a UTA update noting the bus rapid transit will have a dedicated pathway for busses between 5 and 8 minutes; they are over budget and there may be some push back. He also mentioned the upcoming executive summit at Sundance.

10 **Administrator’s Report:** Mr. Cowie reported on the following items followed by discussion.

12

Misc Updates:

14

- September newsletter
- October newsletter article: Mayor Acerson - Article due to Kathy last week in September.
- Results from Sept 23rd Administrative Check-Point (DUI enforcement) on Geneva Road & Center St. Over the course of 4 hours: 3 persons were arrested for DUI, 6 for drug offenses, 3 for warrants, 2 for open containers of alcohol in their vehicle, and one for an ignition interlock device violation. Approx. 30 officers from Lindon and other agencies in Utah County participated.
- Geneva Park property sale – Interest, but no firm offers. Is Council willing to consider zone change to LI zone on 9-acre parcel before receiving an offer? May assist in marketing the property.
- UDOT road widening concepts – will be reviewed in meeting.
- Items of interest / concern for work session State Legislators on Oct 17th
- Misc. Items:

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Upcoming Meetings & Events:

- October 12th at 7pm – Meet the Candidates night, Lindon Community Center
- October 17th – Council work session with State Legislators
- November 7th – General Election Day (No Council meeting)

32

Mayor Acerson called for any further comments or discussion from the Council. Hearing none he called for a motion to adjourn.

36

Adjourn –

38

COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING AT 11:55 PM. COUNCILMEMBER SWEETEN SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

40

42

Approved – October 17, 2017

44

Kathryn Moosman, City Recorder

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4

Jeff Acerson, Mayor