The Lindon City Redevelopment Agency held a meeting on **Wednesday, May 28, 2025** beginning at approximately 5:30 pm in the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

Conducting: Jeff Wilson,Vice-Chairperson

| **PRESENT** | **ABSENT** |
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| Jeff Wilson, Vice- Chairperson | Jeff Southard, Chairperson |
| Glen Mitchell, Boardmember | Steve Smith, Boardmember |
| Greg Slater, Boardmember | |
| Mike Florence, Community Development Director | |
| Britni Laidler, City Recorder | |

1. **Call to Order**
   The meeting was called to order at 6:21 p.m.

2. **Review of Minutes** – The minutes of the Board Meeting of May 17, 2023 were reviewed.

BOARDMEMBER SLATER MOVED TO APPROVE THE MINUTES OF THE MEETING OF MAY 17, 2023 AS PRESENTED. BOARDMEMBER MITCHELL SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

**CURRENT BUSINESS** –

3. **An appeal of a decision by Lindon City to revoke building permit number 4779-2024 to construct a billboard on the property located at 315 S. 1250 W.**
   Application is made by Darren Green and David Lambert.

Parties present introduced themselves as follows:

- Larame Marrot – Attorney representing Board of Adjustments
- Dave Lambert and Rich Peterson – Attorneys representing appellant Darren green
- Taylor Kordsiemon – Attorney Representing Lindon City

David Lambert, representing Mr. Green, began by explaining that the purpose of the appeal was to reinstate the building permit, which the Board of Adjustment has the power to do under the Lindon City Code. He then provided an overview of the situation, stating that Mr. Green has property adjacent to the freeway and for years and years it had a billboard on its property, noting the billboard was on the property when he purchased it. He went on to state that Mr. Green builds tubs and sauna with his business on this property. Mr. Lambert explained that in May 2022, Mr. Green made initial contact with the Lindon City Development Office to inquire about changing the arrangement regarding the billboard. Mr. Green's initial contact was to get the lay of the land and understand the requirements for such a change. In 2023, Mr. Green applied online for a permit to

construct a new billboard. The city took over three months to review the application, during which time they conducted a thorough investigation. Mary Barnes, an employee of the city, was involved in the review process and communicated with Mr. Green to clarify aspects of the application. During this period, Ms. Barnes expressed in an email that Mr. Lambert presented to the board stating that the city was almost finished with her review of Mr. Green's permit, noting that it was a lengthy process as it was her first time reviewing an electronic billboard permit. Mr. Lambert stated that a good amount of conversation between Mr. Green and Ms. Barnes was in person. It was noted then that Ms. Barnes reached out to Mr. Green for information regarding the history of the existing sign and asked whether he had any documentation or could provide a year when the existing sign was built. This suggests the review included verifying details about the existing billboard. Mr. Lambert further elaborated that Mr. Green had been open about his plans, sharing all the requested information and responding promptly to questions from city officials, which included inquiries from Ms. Barnes about whether Mr. Green was entering into a contract with another billboard company and why he could not simply add an electronic face to the existing structure.

The city issued the building permit on October 16, 2023. Mr. Lambert stated that Mr. Green made it clear to the city that he didn't want to terminate his agreement with YESCO unless he had a permit for the new billboard. Mr. Green then terminated his lease with YESCO and proceeded to enter into an agreement with Compass for a new electronic billboard at this time. As part of this new arrangement, Mr. Green made a $41,000 down payment on a total $330,000 contract. Mr. Green had communicated his intentions to the city and relied on the permit approval to move forward. Mr. Lambert, argued that YESCO then intervened in a way that aimed to disrupt or even undermine the validity of the permit. This intervention, Lambert suggested, was a deliberate attempt by YESCO to protect its business interests after Mr. Green had decided not to renew the lease with them. Furthermore, the city was said to have sent a letter to Mr. Green in March 2024, directing him to cease any further work, followed by a letter in June 2024, which officially revoked the permit. Mr. Lambert contended that this revocation was done without offering Mr. Green any kind of formal hearing or opportunity to respond to the allegations or issues that YESCO had presumably raised against him. Mr. Lambert then stated that they are requesting the permit be reinstated.

Mr. lambert then turned time over to Mr. Darren Green. Mr. Green then provided his personal testimony. He explained his background as a business owner in Lindon for over 25 years, detailing how he started his bathtub business and eventually acquired the property with the billboard. He described his interactions with YESCO in detail, noting the longevity of his business relationship with them and the billboard's presence on his property. Mr. Green recounted how he had initially been approached by YESCO, who offered to continue their lease agreement under improved terms from what he had been receiving. The offer included a significant extension to a 40-year term with almost double the monthly payments, signaling YESCO strong interest in retaining their billboard's location. However, he noted he was wary of committing to such a lengthy contract.

His decision to explore replacing the existing billboard with an electronic one was spurred by a conversation with Paul Magelby, a local business owner and customer. Mr. Magelby shared with Mr. Green the benefits he had experienced by upgrading his own static billboard to an electronic one, emphasizing the financial gains in doing so. Mr. Magelby also informed Mr. Green that with advancements in billboard technology, switching to an electronic format could yield much higher revenue. He explained that such billboards could generate significantly more income, potentially up to $7,000 a month, compared to the $700 monthly income Green had been receiving under the existing agreement with YESCO. This insight

piqued Mr. Green's interest, given the potential for a substantially increased revenue stream. Mr. Green stated that he asked YESCO about the potential of doing a electronic billboard, and stated YESCO let him know they do not do business that way, revenue sharing with a land owner, and would not be doing an electronic billboard in that location. This discussion encouraged Mr. Green to research the feasibility of undertaking of how to do an upgrade on his own with the billboard on his property, eventually leading him to consult with the city and begin the application process for the electronic billboard conversion. Mr. Green then emphasized that he had been transparent with the city throughout the application process, relying on their guidance and expertise. He detailed his communications with Mary Barnes and other city officials, stating that he had answered all their questions and provided all requested information. He then expressed frustration with the city's decision to revoke the permit, especially after he had terminated his lease with YESCO and made significant financial commitments based on the approved permit.

Taylor Kordsiemon, Counsel for Lindon City, then presented the city's case, stating that at the core this is a relatively simple issue: Lindon's municipal code limits the number of billboards in the city to 10, and there are already 16 billboards. This discrepancy, he explained, originated because the existing billboards had been grandfathered in when the ordinance was enacted in 2002, and no new billboards can be approved if it would increase that number. He clarified that the additional billboards were legally permitted to remain due to a state law that allows existing billboard owners to relocate and retain their billboards within municipal boundaries. He further emphasized that the city is obligated to comply with its ordinances, which means they cannot allow any new billboards that would increase the current count, which already exceeds the stipulated 10. This was the reason why the permit issued to Mr. Green was in violation, as it would have effectively added a new billboard rather than simply replacing the old one, given that YESCO, the original billboard owner, retained the right to relocate their structure.

Mr. Kordsiemon contended that the permit was issued based on a misunderstanding of facts, particularly the misconception that Mr. Green owned the existing billboard when, in fact, he did not. This misunderstanding came to light as a result of the application materials, which indicated that the plan was to replace an existing billboard when, in reality, the existing structure belonged to YESCO. Mr. Kordsiemon cited that the city code permits the revocation of permits that are issued on the basis of material omissions, misstatements of fact, or violations of any ordinance. He pointed out that during the review process, there were communications with Ms. Barnes where it was assumed that Mr. Green had a billboard there, and he wanted to replace it, which implied ownership. However, YESCO, as the true owner, had state statutory rights to relocate the billboard within the city's boundaries, and Mr. Green's actions would increase the total number of billboards, which was against local law. Mr. Kordsiemon emphasized that this critical misunderstanding - who owned the billboard - led to the incorrect issuance of the permit and warranted its revocation to adhere to city regulations.

The Board sought to understand the specific details regarding who legally owned the existing billboard and how the ownership impacted the issuance of the building permit. Chairperson Wilson raised questions about whether the application process for billboards included specific information on who the owner of the billboard was. Mr. Kordsiemon responded that he needed to look at the application materials but mentioned that he believed it wasn't

specifically asked. Mr. Kordsiemon then stated that the applicant stated that it was a replacement of a billboard, which isn't true, it was for a new billboard. He then noted that had the application had been filled out by Mr. Green, without any assistance, it would be understandable for the confusion. However, the application shows a signature of Joshua Mitchell, a representative from Compass Billboards, a major billboard company. So, it was filled out with the assistance of someone who has a great knowledge about billboards, and the inner workings, and they still put down this was a replacement of an existing billboard.

Mr. Kordsiemon stated that the city was under the impression that Mr. Green owned the billboard, and notwithstanding whether there was an omission or misunderstanding, it violates ordinances, which gives the city the right to revoke the permit. State statute states that a municipality may not allow a non-confirming billboard to be rebuilt or replaced by anyone other than the billboards owner. So this states that only owners are allowed to rebuild or replace a non-confirming billboard, which this would be because it is an excess of the ordinance of 10. There was misrepresentation in the application, whether they were on purpose or not, and noted you are not allowed to rely on random statements from city employees are not binding on the city.

Mr. Kordsiemon then asked Mr. Mike Florence, Community Development Director, to address the board to give his testimony. Mr. Florence stated that Ms. Barnes handled much of the information for this application and would periodically come to him and the city attorney with general questions and plans, such as the angle of the sign and if it met city ordinances. She never talked to them, however, about the replacement of the pole structure, so he was in the understanding that they were dealing with the same pole and same ownership. When he was made aware of YESCO filed a demolition permit to take down their pole to relocate, it was made clear at that time, that this would be a new pole being installed and would not be allowed in city code. At that time, Mr. Florence called and talked with Mr. Green letting him know the city had found issue, and were trying to resolve it, but his permit may be revoked. In March, a letter was submitted to Mr. Green because of this, and then another notice in June letting Mr. Green know the permit was revoked. Mr. Kordsiemon stated that the city did its part to let Mr. Green know well in advance why the permit may be revoked, and Mr. Green didn't do anything to clear it up, until after the city revoked the permit.

The Board then turned time back to the applicants counsel Mr. Lambert, whom asked Mr. Green to state how application process went. Mr. Green stated he did everything they asked him to do, and jumped through all the hoops, and followed all the steps. He then stated he doesn't like that he's being made to look like he is trying to defraud the city. He never tried to hide it was a YESCO sign, he relied completely on the city to guide him through the process. He then stated that he had a 5-hour mediation with the city, after that the city stated they were going to talk with the city council regarding the ordinance at their next meeting. However, that meeting came and went, and he never heard anything. He closed by stating he has done all he can to keep communication open between him and the city. Mr. Lambert then presented documents regarding communication between Mr. Green and Ms. Barnes, along with the letters of revocation of the permit to the board.

The board then turned the time back to Mr. Kordsiemon to address comments made by the counsel for the appellant. He reiterated that it was under impression of the city that Mr.

Green owned the billboard and presented evidence in exhibits of emails between Mr. Green and Ms. Barnes. He then addressed a canceled meeting that Mr. Green made, not saying that canceling a meeting is nefarious, but it shows a failure to due diligence. He then continued to say that in order for the rules of estoppel to apply, there should be due diligence. Mr. Green stated he didn't understand much about this, and canceled the meeting, however he should have kept meeting if he didn't know. Mr. Kordsiemon went on to clarify what the ordinance states and the limits it has.

Chairperson Wilson then asked if there was any public present that would like to address the board. The following comments were made:

Nathan Young - began by explaining that just because a billboard appears to be owned by a certain company, it does not always mean that the company owns the structure. He clarified that ownership could come down to a number of factors, such as sublease agreements, where a company is contracted to sell on behalf of another owner. Mr. Young mentioned that even companies like Compass and YESCO typically do not build the structures themselves but rather subcontract that work. He also highlighted how fluctuating conditions in the billboard industry could affect ownership perception. He noted that YESCO had attempted to renew the lease with Mr. Green and had even offered a substantial financial incentive to do so, reflecting the significant investment and costs involved in potentially relocating a billboard. He also discussed how all the billboard companies, such as YESCO, Compass, Saunders, and Reagan, have a large team of staff that know each city's ordinances. Additionally, Compass's team is familiar with the State billboard code and city ordinances.

Justin Matkin legal counsel for YESCO - followed by elaborating on the legal perspective and focused on the fairness of applying billboard regulations evenly across all companies. Mr. Matkin pointed out that YESCO was invested in making sure laws were applied fairly and equally and that the importance was on having the laws apply the same to everyone. He noted that no new billboard permits have been issued along I-15 on the Wasatch Front for about 20 years and that granting Mr. Green a permit would effectively provide a significant advantage that other companies cannot receive. Matkin further argued that Mr. Green knew the implications of canceling the lease because he had confirmed the permit was in hand before doing so, indicating awareness that without it, they might not have been able to proceed. Mr. Matkin emphasized that the regulatory framework exists to ensure fairness, and YESCO was committed to maintaining equal application of the law.

Closing Arguments

Mr. Lambert argued that it would be inequitable for the city to revoke the permit, which Mr. Green relied upon, thus invoking the principle of zoning estoppel. He highlighted that Mr. Green had acted in good faith, relying on the permit to invest in a new electronic billboard and terminate his existing lease with YESCO. Mr. Lambert refuted the city's claims that Mr. Green misled them, stating that the latter had been transparent and communicated regularly with Ms. Barnes and other city officials during the application process. Mr. Lambert emphasized that the

issue was not Mr. Green's failure to disclose, but rather a misunderstanding regarding the billboard ownership that should not lead to penalizing the appellant who followed due process.

Facing questions from the Board, Mr. Lambert and Mr. Green reiterated that all actions were based on assurances from the city and proper legal advice. Mr. Lambert also challenged the suggestion that Mr. Green was involved in any nefarious activity, dismissing the idea that the cancellation of a particular meeting had any bearing on the final decision. In response to prior arguments, Mr. Lambert claimed that the rejection of an earlier mediation settlement by Mr. Green was due to a preference for ensuring the billboard could legally remain on his property rather than settle for monetary compensation that doesn't serve the ultimate goal. Mr. Lambert maintained that the actions of both Mr. Green and the city were based on mutual trust established through a long-standing relationship, which ideally would have precluded this scenario.

Mr. Kordsiemon, representing Lindon City, argued the city's stance was based on the municipal code, which limits billboards to ten. He asserted that the permit was issued based on incorrect assumptions of ownership due to misstatements or omissions in the application materials that indicated a replacement of an existing structure when, legally, such replacement was not possible without proper ownership. Mr. Kordsiemon underscored that the city's responsibility lay in ensuring compliance with local ordinances and State Law and regulating the number of advertisements to avoid violating established laws. He posited that even if there had been mistakes in the application, they were not a result of intentional miscommunication from the city, which merits the revocation.

Mr. Kordsiemon further emphasized that Lindon City offered to cover Mr. Green’s down payment expenses upon permit revocation, reflecting a good faith effort toward resolution. He argued that since no physical construction had yet occurred on the site, the claim of zoning estoppel did not apply. Mr. Kordsiemon closed by reminding the Board that the principle of equitable treatment necessitates adherence to local and State statutes to protect public interests and maintain fair conditions for all operating entities, including Mr. Green. In doing so, he indicated that the Board’s decision to sustain the permit would expose Lindon City to potential legal liabilities and create precedent for future jurisdictional conflicts that do not align with voter-backed city policies.

After extensive discussion, the Board members expressed that they needed more time to review the briefs and consider the information presented. Boardmember Slater noted the complexity of the case and emphasized that every time he heard from a different party, his perspective shifted, making it difficult to reach a conclusion. The Board discussed their lack of specialized training for such legal matters and acknowledged the importance of carefully reviewing all materials received, including the briefs and documents. Chairperson Wilson observed issues surrounding the Lindon City ordinance, ownership assumptions, and the implications of state statutes, highlighting the significance of fully understanding both sides. Boardmember Mitchell mentioned his empathy for Mr. Green as a business owner but noted the necessity of verifying who was responsible for determining sign ownership. Ultimately, the Board concurred that continuing the meeting would be beneficial to ensure a well-considered decision based on thorough analysis and not a rushed judgment. They agreed that the

continuation would involve reviewing the existing materials, gathering further insights, and reconvening publicly to finalize their decision.

BOARDMEMBER SLATER MOVED TO CONTINUE THE HEARING AS A PUBLIC MEETING BUT THE DECISION WOULD BE BASED AND TESTIMONTY TONIGHT THAT WAS PRESENTED AND WOULD BE DECIDED BY THE BOARDMEMBERS PRESENT THIS EVENING. BOARDMEMBER MITCHELL SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

BOARDMEMBER SLATER AYE
BOARDMEMBER WILSON AYE
BOARDMEMBER MITCHELL AYE
THE MOTION CARRIED UNANIMOUSLY

**ADJOURN** -

BOARDMEMBER SLATER MOVED TO ADJOURN THE MEETING AT 8:53 P.M. BOARDMEMBER MITCHELL SECONDED. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – July 30, 2025

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Jeff Wilson, Vice-Chairperson

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Mike Florence, Planning Director