

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
3 **November 12, 2013 at 7:00 p.m.** at the Lindon City Center, City Council Chambers, 100
4 North State Street, Lindon, Utah.

6 **REGULAR SESSION** – 7:00 P.M.

7 Conducting: Sharon Call, Chairperson
8 Pledge of Allegiance: Carolyn Lundberg, Commissioner
9 Invocation: Rob Kallas, Commissioner

10 **PRESENT**

ABSENT

12 Sharon Call, Chairperson
13 Ron Anderson, Commissioner
14 Del Ray Gunnell, Commissioner
15 Carolyn Lundberg, Commissioner
16 Rob Kallas, Commissioner
17 Mike Marchbanks, Commissioner
18 Hugh Van Wagenen, Planning Director
19 Kathryn Moosman, City Recorder
20 Special Attendee: Councilmember Bean

- 22 1. **CALL TO ORDER** – The meeting was called to order at 7:03 p.m.
24 2. **APPROVAL OF MINUTES** – The minutes of the regular meeting of October
25 22, 2013 were reviewed.

26 COMMISSIONER GUNNELL MOVED TO APPROVE THE MINUTES OF
28 THE REGULAR MEETING OF OCTOBER 22, 2013. COMMISSIONER KALLAS
30 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
31 CARRIED.

- 32 3. **PUBLIC COMMENT** –

34 Chairperson Call called for comments from any audience member who wished to
35 address any issue not listed as an agenda item. There were no public comments.

36 **CURRENT BUSINESS** –

- 38 4. **PLAT AMENDMENT:** *Canberra Heights Plat H, 71 South Kings Peak Drive.*
40 This is a request by the Erin Shelley for a one (1) lot plat amendment located in
41 the Residential Single Family (R1-12) zone. Recommendations will be made to
42 the City Council at the next available meeting.

44 Hugh Van Wagenen, Planning Director, gave a brief summary of this agenda
45 item. He explained this is a request by Erin Shelley (who was in attendance) for a one lot
46 plat amendment located in the Residential Single Family (R1-12) zone. Mr. Van
47 Wagenen explained that the Shelley's own the current Lot 32 in Canberra Heights Plat A
48 in addition to a parcel behind that lot. He added that this action will essentially erase the

property line dividing the two pieces of property and combine them into one new subdivision lot to be known as Canberra Heights Plat H. He further explained that the proposed amendment meets the Lindon City Code for subdivision lots in this zone. Recommendations will be made to the City Council at the next available meeting.

Mr. Van Wagenen stated that this plat amendment is pretty straightforward. Chairperson Call questioned if the purpose is to make it all one lot and what is the advantage of having one lot as opposed to separate lots. Ms. Shelley replied that the purpose is to clearly define the setback lines and easements for the back parcel. Mr. Van Wagenen confirmed that statement. Commissioner Marchbanks commented that approval of this amendment only makes sense for tax purposes. Following some additional general discussion Chairperson Call called for a motion.

COMMISSIONER MARCHBANKS MOVED TO APPROVE THE ONE LOT PLAT AMENDMENT TO BE KNOWN AS CANBERRA HEIGHTS PLAT H AND RECOMMEND APPROVAL TO THE CITY COUNCIL. COMMISSIONER LUNDBERG SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL	AYE
COMMISSIONER ANDERSON	AYE
COMMISSIONER GUNNELL	AYE
COMMISSIONER LUNDBERG	AYE
COMMISSIONER KALLAS	AYE
COMMISSIONER MARCHBANKS	AYE

THE MOTION CARRIED UNANIMOUSLY.

5. **MINOR SUBDIVISION**: *Maxine Meadows, 425 East 400 North*. This is a request by John Davis for a three (3) lot subdivision located in the Residential Single Family (R1-20) zone. Recommendations will be made to the City Council at the next available meeting.

Mr. Van Wagenen opened the discussion by giving a brief overview of this agenda item and noted this is a request by John Davis (who was in attendance) for a three (3) lot subdivision located in the Residential Single Family (R1-20) zone. Mr. Van Wagenen stated, as is noted on the plat, several of the out buildings will be removed as the process moves forward. He noted that the proposed lots do meet frontage and minimum acreage requirements of 20,000 square feet for the zone. He added that recommendations will be made to the City Council at the next available meeting.

Mr. Van Wagenen noted one condition mentioned in the staff report to possibly include in the motion. He stated the preliminary plat shows a jog between Lot 1 and Lot 2, and the jog encroaches on the 30 foot rear yard setback of Lot 1 and therefore needs to be shifted to the west so that no point of the existing house on Lot 1 is within 30 feet of any point of Lot 2. Mr. Van Wagenen noted that staff does not see any problems with this issue. At this time Chairperson Call took a comment from an audience member who lives directly east of the proposed subdivision. She questioned if the proposed lots will face 400 East and if the entrance of lot one will stay on 400 North or be moved. She also commented that this proposed subdivision is not an ideal situation for them as property owners. Mr. Davis stated the entrance of the existing house will remain where it is and the other two will be on 400 East. He added that there are no plans to remove the

existing home on lot one. Commissioner Anderson commented that this request meets all of the city ordinances and requirements. Mr. Van Wagenen stated that it also meets all setback requirements. There was then some general discussion regarding this agenda item. Chairperson Call reiterated that this does meet all requirements and city ordinances.

Chairperson Call asked if there were further discussion or comments. Hearing none she called for a motion.

COMMISSIONER ANDERSON MOVED TO APPROVE THE THREE (3) LOT SUBDIVISION TO BE KNOWN AS MAXINE MEADOWS WITH THE CONDITION THAT THE LINE BETWEEN LOT ONE AND LOT TWO WILL BE DRAWN TO SHOW THE SETBACKS FROM THE HOMES AT THE PROPER DISTANCE AND RECOMMEND APPROVAL TO THE CITY COUNCIL. COMMISSIONER MARCHBANKS SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL	AYE
COMMISSIONER ANDERSON	AYE
COMMISSIONER GUNNELL	AYE
COMMISSIONER LUNDBERG	AYE
COMMISSIONER KALLAS	AYE
COMMISSIONER MARCHBANKS	AYE

THE MOTION CARRIED UNANIMOUSLY.

- SITE PLAN:** *Osmond Senior Living, 175 North State Street.* This is a request by Jared Osmond for approval of a 90 bed assisted living facility located in the General Commercial (CG)/Senior Housing Facility Overlay (SHFO) zone. Recommendations will be made to the City Council at the next available meeting.

Mr. Van Wagenen opened the discussion by explaining this is a request by Jared Osmond (who was in attendance) for approval of a 90 bed (maximum allowed by city code) assisted living facility located in the General Commercial (CG)/Senior Housing Facility Overlay (SHFO) zone. Mr. Van Wagenen noted this site will consist of remodeling the former “Somewhere Inn Time” building and also an expansion consisting of two additional wings to be done in phases. He further noted that the Planning Commission may add conditions to the site approval as is necessary for the health, welfare, and safety of the public. Mr. Van Wagenen stated recommendations will be made to the City Council at the next available meeting.

Mr. Van Wagenen explained that large care facilities are *conditionally* permitted in the General Commercial zone and have to meet the following site requirements:

- Facility Separation Requirement. Large facilities shall not be within one-thousand five-hundred (1500) feet of any other approved small or large care facility, group home for the elderly, group home for persons with a disability, juvenile group home or transitional/treatment group home as defined by the Lindon City Code. **Requirement met; map attached.**
- Lot Size Requirement. Lot size shall be according to the zone where proposed. **Requirement met.**
- Project Site and Design Requirements. Large facilities shall be subject to the architectural, site plan, height and setback requirements of the commercial zone were proposed. **Setbacks met; height verified at time of building permit approval.**

- 2 4. Landscaping. A minimum of thirty (30) percent of the lot shall be maintained in
permanent landscaped open space. Requirement met; 48% in landscaping.
- 4 5. Parking. Off-street parking shall be provided to accommodate staff and one (1)
6 visitor per three (3) residents. If at such time parking is deemed insufficient by the
Lindon City Planning Commission and/or City Council, facility operators may be
8 required to increase the number of parking stalls on their site or reduce the
number of residents in their facility. Requirement met; 39 stalls provided, 30 for
visitors and 9 for staff.
- 10 6. Facility Size. Large facilities shall provide a minimum of four-hundred (400)
square feet of floor area per resident. Requirement met; over 40,000 total square
feet provided or 444 per resident.
- 12 7. Architectural Design. The architectural design of care centers shall comply with
14 architectural design guidelines as established in the respective commercial zone
where the facility is proposed. Elevations provided.

16 There was then some general discussion following review of the site requirements
listed above.

18
20 Chairperson Call asked what the timing of the development phases will be. Mr.
Osmond stated that everything is approved and funded and they are just waiting to submit
22 plans. He added they should be on target after they meet with the City Council and they
are ready to move forward. He noted they will be phasing one of the two wings first (50
24 rooms), with the idea to build both wings as soon as possible. They will also finish all
landscaping before getting the occupancy permit.

26 Chairperson Call inquired how this facility will function, on a day to day basis, in
the city. Mr. Osmond commented that this is a compassionate business taking care of
elderly people as they struggle with memory loss and daily functions. He added that
28 Assisted Living has taken the place of the skilled nursing facilities (which are
government funded) and they will ensure that they have the proper amount of staff. Mr.
30 Osmond stated that Assisted Living in Utah is classified as a Type I or a Type II facility.
A Type II facility is where you can have a resident live there, with the proper amount of
32 care, through the end of their lives, which is a peaceful thought for family members who
don't want to continue to move them around. Mr. Osmond stated they are dedicated to
34 keeping the same model that they currently have and to do this right.

36 Mr. Van Wagenen then asked Mr. Osmond to speak about the exterior finishes.
Mr. Osmond stated that the vinyl siding on the building will be changed to hardy board.
He noted the colors may change a little, maybe even the roof color, but it will all be made
38 very uniform and nice. The front of the building will be changed for bus access. The wrap
around porch will stay and will include a gathering place with connections between the
40 wings with everything retrofitted. Mr. Osmond noted that as far as the materials go, the
brick will match and there will be areas of stucco and also the hardy board in place of the
42 vinyl siding.

44 Chairperson Call stated that this meets the separation and lot size requirements,
architectural design, site plan, height and setback requirements, landscaping, parking, and
46 facility size. She added with this meeting all of the parts of the ordinance the only
question left is the height limit and to stay within the height limits. Mr. Osmond stated
48 that they have looked at the height issues extensively to ensure they stay within the limits,
and they feel confident that they will be in conformance.

2 Mr. Van Wagenen mentioned the issue of fencing and asked what they are
3 proposing for fencing in the area. Mr. Osmond commented that he will be coordinating
4 with the group that bought the back piece (Jeff Southard) on the fencing. He added that
5 they will find a fence that will look great (perhaps an ornamental iron fence). As far as
6 privacy fencing goes, they are open to suggestions. Commissioner Kallas questioned
7 with the approval of the Ivory subdivision and the development to the south, would the
8 code require a 7 ft. high masonry fence. Mr. Van Wagenen confirmed that a 7 ft. high
9 masonry fence (or other fencing as approved by the Planning Commission) is required
10 between commercial and residential use.

11 Commissioner Kallas asked Mr. Osmond to speak about the demand in the market
12 for these types of facilities. Mr. Osmond commented that the demand is there because of
13 the aging demographic and the overall demographic in Utah with the increase in
14 population. He added that there are other facilities like this currently being built, but like
15 any business the demand will be there and it will depend on how it is done; quality will
16 drive the demand. Commissioner Kallas voiced his concerns that if the second building is
17 built and they do not finish it, the code would only require that it could be used as an
18 assisted living facility. Mr. Osmond commented that the State would not allow it, as they
19 cannot be mixed and it would have to be self-contained. Mr. Osmond commented that he
20 feels confident that they will develop something great here and the 90 beds will fill.
21 There was then some additional general discussion by the Commissioners.

22 Chairperson Call asked if there were further discussion or comments. Hearing
23 none she called for a motion.

24 COMMISSIONER LUNDBERG MOVED TO APPROVE THE REQUEST FOR
25 A 90 BED ASSISTED LIVING FACILITY TO BE KNOWN AS OSMOND SENIOR
26 LIVING LOCATED AT 175 NORTH STATE STREET AND RECOMMEND
27 APPROVAL TO THE CITY COUNCIL. COMMISSIONER MARCHBANKS
28 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

29 CHAIRPERSON CALL	AYE
30 COMMISSIONER ANDERSON	AYE
31 COMMISSIONER GUNNELL	AYE
32 COMMISSIONER LUNDBERG	AYE
33 COMMISSIONER KALLAS	AYE
34 COMMISSIONER MARCHBANKS	AYE

35 THE MOTION CARRIED UNANIMOUSLY.

- 36
- 37 8. **PUBLIC HEARING:** *Ordinance Amendment, LCC 17.48 Commercial Zones*
38 *and LCC Standard Land Use Table.* This is a request by Creig Fryer to amend
39 LCC 17.48 to create the General Commercial Storage (CG-S) zone and reflect
40 said zone in the SLU table. Permitted uses in the CG-S would include self-
41 storage units as well as permitted and conditional uses in the General Commercial
42 (CG) zone. Recommendations will be made to the City Council at the next
43 available meeting.

44

45 COMMISSIONER KALLAS MOVED TO OPEN THE PUBLIC HEARING.
46 COMMISSIONER ANDERSON SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

2 Mr. Van Wagenen opened the discussion by giving a summary of this agenda
item. He noted that this is a request by Creig and Brad Fryer (who are in attendance) to
4 amend LCC 17.48 to create the General Commercial Storage (CG-S) zone and reflect the
zone in the SLU table. Mr. Van Wagenen noted that permitted uses in the CG-S would
6 include mini-storage units as well as existing permitted and conditional uses in the
General Commercial (CG) zone. He added that recommendations will be made to the
City Council at the next available meeting.

8 Mr. Van Wagenen then referenced the changes made to the ordinance draft since
the last meeting. Mr. Van Wagenen also referenced the benefits. He noted there are
10 several properties located in the CG zone that do not have frontage along major traffic
corridors. Properties without frontage do not have the same appeal as lots with frontage
12 for traditional commercial uses. Mr. Van Wagenen noted that creating the CG-S zone
allows one additional use of mini-storage units to optimize the use of properties not along
14 major corridors. A new zone also allows for the regulated development of mini-storage
developments, as any request for a zone change comes before the Planning Commission
16 and City Council.

18 Mr. Van Wagenen noted that before the Commission tonight is the newly created
zone (Chapter 17.48) which references commercial zones. He added that in these
different sections anything underlined is new, but nothing was stricken from the last
20 draft, essentially they are just adding CGS to the other zones. He went on to say there is
also a new column that references setbacks, lot size, height of building etc.
22 Commissioner Lundberg asked for a more clearly defined definition of mini storage. Mr.
Van Wagenen stated that the language comes from the Standard Land Use Table and it is
24 defined as any type of self storage. Commissioner Anderson asked if this will include
outdoor storage. Mr. Van Wagenen replied that it may be permitted if it is orderly and
26 not posing a nuisance. He added if the Commission has other feelings the language could
be amended to say indoor storage only. There was then some lengthy discussion
28 regarding this issue.

30 Chairperson Call asked if a temporary conditional use permit would go with the
property or expire. Mr. Van Wagenen stated that temporary CUP's are good for a year or
two and designed for people in a transitional period which would allow them to operate
32 and get their business going while phasing into a permitted use and meeting all of the
requirements. Commissioner Marchbanks asked if the expiration date is determined by
34 the planning commission and city council. Mr. Van Wagenen stated that it is determined
in the code, and there may be a provision for an extension but fixed upon approval.

36 Chairperson Call commented that right now we are not looking at approval of the
property; we are just approving the zone and the ordinance language. Commissioner
38 Kallas voiced his concerns if storage units could be built on a commercial corridor on
State Street and be permitted to have outdoor storage, there could be some residential
40 individuals that may be impacted. Chairperson Call called for any public comment from
any audience members at this time.

42 Lindsey Bayless, resident in attendance, had several comments. Ms. Bayless
commented that changing the use and allowing this type of use on State Street is not a
44 good option. She voiced her concerns that by developing properties behind State Street it
will have an impact on the residential areas, and particularly with the size of Gillman
46 Lane. She further stated that this type of development does not generate sales tax revenue
which cuts into the State Street businesses.

2 Commissioner Lundberg mentioned that in Bloomington, Minnesota they have in
3 their ordinance that states outdoor storage can not be more that 25% of the ground floor
4 space storage and require that there be 10% space allotted for vehicles. Chairperson Call
5 expressed her feelings of putting a cap on the amount of outdoor storage or it should be
6 considered a temporary conditional use permit. Chairperson Call stated the specific site
7 will be addressed on the next agenda item. Mr. Van Wagenen noted that sales tax does
8 not benefit the city as a whole and so looking at off parcels is why this idea has been
9 entertained. Commissioner Kallas noted that he has concerns of too many storage units
10 going in (like car lots) on State Street, and suggested adding language to protect it.

11 Mr. Van Wagenen then showed the aerial photo of the property in question and
12 referenced the master plan. Mr. Van Wagenen stated that the only thing this zone
13 creation does is create a new permitted use of vault security mini storage and all of the
14 other commercial ordinance requirements apply to this, so there are no changes specific
15 to this permitted use. Chairperson Call asked what the feeling is of limiting the outdoor
16 storage to 25% or putting a cap on it. Mr. Van Wagenen stated that language could be
17 included. Commissioner Anderson asked if it would it be easier to make the whole thing
18 a Conditional Use Permit. Mr. Van Wagenen stated unless there is something specific,
19 beyond the site plan they come in with, and there would be a higher charge. There was
20 then some discussion regarding this issue.

21 Chairperson Call commented that we need to have outdoor storage as part of the
22 ordinance itself rather than a conditional use permit. Commission Anderson suggested
23 defining what can be stored outdoors unless specified in the ordinance and commercial
24 vs. residential. Commissioner Kallas agreed to have a certain percentage and limiting the
25 outdoor storage and defining it. Commissioner Lundberg then shared some other cities
26 definitions that were added into their code. She noted that she feels the definition needs
27 to be more clearly defined. She then read the definition again. The Commission was in
28 agreement that they liked the language Commissioner Lundberg read. Mr. Van
29 Wagenen also liked the definition and asked Commissioner Lundberg to send her the
30 language. Mr. Van Wagenen then revised the ordinance with the suggested definition.

31 Chairperson Call asked if there were any further questions or comments. Hearing
32 none she called for a motion.

33
34 CHAIRPERSON CALL MOVED TO APPROVE THE ORDINANCE
35 AMENDMENT TO LCC 17.48 SPECIFICALLY MODIFYING, AMENDING, AND
36 REVISING 17.48.010, 17.48.020, 17.48.030, 17.48.040, 17.48.080, AND TABLE
37 17.48.020 AND THE STANDARD LAND USE TABLE WITH ADDITIONS AS
38 AMENDED AS PRESENTED WITH THE NEW CG-S COLUMN WITH NO
39 CONDITIONS. COMMISSIONER ANDERSON SECONDED THE MOTION. THE
40 VOTE WAS RECORDED AS FOLLOWS:

41 CHAIRPERSON CALL AYE
42 COMMISSIONER ANDERSON AYE
43 COMMISSIONER GUNNELL AYE
44 COMMISSIONER LUNDBERG AYE
45 COMMISSIONER KALLAS AYE
46 COMMISSIONER MARCHBANKS AYE
THE MOTION CARRIED UNANIMOUSLY.

2 9. **PUBLIC HEARING:** *Zoning Map Amendment, 439 West Gillman Lane.* This is
a request by Creig Fryer to rezone property currently split zoned Residential
4 Single Family (R1-20) and General Commercial (CG) to the General Commercial
– Storage (CG-S) zone. Recommendations will be made to the City Council at
the next available meeting.

6
8 Mr. Van Wagenen opened the discussion by explaining this is a request by Creig
and Brad Fryer (who were in attendance) to rezone property currently split zoned
10 Residential Single Family (R1- 20) and General Commercial (CG) to the General
Commercial Storage (CG-S) zone. He noted this change would permit mini-storage units
as a permitted use on the property. He added that recommendations will be made to the
12 City Council at the next available meeting.

14 Mr. Van Wagenen further explained this action will be contingent upon creation
of the CG-S zone. The CG-S zone will only exist upon approval of the ordinance
amendment that creates the CG-S zone. Mr. Van Wagenen noted there are several
16 properties located in the CG zone that do not have frontage along major traffic corridors,
and the Fryer property is one of them. Mr. Van Wagenen noted that rezoning this
18 property allows an additional permitted use on the property mini-storage units that allows
the owners to realize a viable use of the property and a nice transitional use. Mr. Van
20 Wagenen went on to say the applicant has provided a concept sketch and several pictures
of existing storage facilities that he hopes to mimic.

22 Mr. Van Wagenen commented that the City received a letter from the Bayless
family. He then read the letter from the Bayless family. There was then some general
24 discussion regarding fencing, lighting, security issues, flood plane, increased traffic, and
the narrowness of Gillman Lane at the location. Chairperson Call noted that this property
26 does meet the new zone they have created. She added that it sounds like there would be
minimal traffic implications.

28 Chairperson Call asked if there were any public questions or comments. Hearing
no further comments she called for a motion to close the public hearing.

30
32 COMMISSIONER ANDERSON MOVED TO CLOSE THE PUBLIC
HEARING. COMMISSIONER MARCHBANKS SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

34
36 Chairperson Call asked if there were any further questions or comments from the
Commission. Hearing none she called for a motion.

38 COMMISSIONER LUNDBERG MOVED TO APPROVE THE ZONING MAP
AMENDMENT FROM GENERAL COMMERCIAL/SINGLE FAMILY
40 RESIDENTIAL TO CG-S ON THE PROPERTY LOCATED AT 439 WEST GILLMAN
LANE CONDITIONED UPON APPROVAL OF THE CREATION OF THE CG-S
42 ZONE WITH THE CONDITION THAT THE APPLICANTS WILL MEET THE
FENCING REQUIREMENTS AND RECOMMEND APPROVAL TO THE CITY
44 COUNCIL. COMMISSIONER KALLAS SECONDED THE MOTION. THE VOTE
WAS RECORDED AS FOLLOWS:

46 CHAIRPERSON CALL AYE
COMMISSIONER ANDERSON AYE
48 COMMISSIONER GUNNELL AYE

COMMISSIONER LUNDBERG AYE
2 COMMISSIONER KALLAS AYE
COMMISSIONER MARCHBANKS AYE
4 THE MOTION CARRIED UNANIMOUSLY.

6 10. **CONCEPT REVIEW**: *Timpview RTC, 200 North 1400 West*. This is a request
by Lynn Loftin to review the possible expansion of a non-conforming group home
8 use located in the Heavy Industrial (HI) zone.

10 Mr. Van Wagenen opened the discussion by explaining that the Timpview
Residential Treatment Center, run by Heritage Youth Services, is in need of some major
12 repairs. With the expense of the repairs, Mr. Loftin is exploring the idea of a more
extensive remodel that would accommodate additional clients and staff at the facility.
14 Currently, the site houses more clients than allowed by Lindon City Code and is therefore
a nonconforming use. Mr. Loftin would like to get some feedback from the Commission
16 on whether or not to pursue permission to expand the existing nonconforming use which
would allow the facility to make some significant upgrades and improvements. Mr. Van
18 Wagenen stated that no motion is necessary for a concept review.

Lynn Loftin, Christy Barker were in attendance to address the commission. Mr.
20 Loftin commented that they have been operating their residential treatment center for
boys since 2006 on Anderson Lane. He stated that after the initial purchase in 2006 they
22 had to clean up mold, replace sheet rock in the basement and replaced doors and painted
the entire house. Mr. Loftin stated they also replaced carpet, shingles; siding painted the
24 brick and closed in the garage.

Mr. Loftin referenced their current needs as follows:

- 26 1. Septic System needs to be replaced.
- 27 2. Basement has plumbing problems that need to be addressed
- 28 3. Electrical problems with the heating system.
- 30 4. State of Utah changed requirements of supervision of youth from 1 to 4 ratio to
1 to 6 staff to youth ratio.

Mr. Loftin then mentioned their proposed solutions as follows:

- 32 1. Removing the bathroom water heater and water softener system from the
basement to the upstairs would eliminate the need to pump sewage from the
34 basement out of the house.
- 35 2. Replace the existing septic system.
- 36 3. Replace the existing electric heating system with a forced air propane furnace.
- 38 4. Building an addition to the house to move the resident's bedrooms and bathrooms
from the basement to the main floor and add an additional staff to increase
supervision.

40 Mr. Loftin stated to get to their objectives they need to be allowed to increase
42 their capacity from 12 to 16 youths. He noted by increasing 4 youths would allow them
to have 3 staff per shift instead of 2 per shift as well as hiring a part time therapist. He
44 went on to say that the additional building improvements create a hardship for their
business. Their estimate of the costs of the improvements will be between \$200,000 and
46 \$250,000 dollars. The additional youth are needed to pay for the expense of payroll for
extra staff and the construction costs. Mr. Loftin then referenced the applicable Lindon
48 City Code, Section 17.16.030.

In conclusion, Mr. Loftin presented the Pros and Cons as follows:

Pro's

- Provides an opportunity for 4 more local kids and families to get help.
- Fixes the continual plumbing, electrical, and heating problems.
- Creates a few new jobs for the community.
- The program has a proven track record of operating safely in the community since 2006.

Con's

- Traffic flow on Anderson Lane: Estimate that there will be 2 ½ additional trips per day due to staff.
- Worry about the additional youth in the community.
- The non-conforming use permit is in a heavy industrial area. The program is in an isolated area of the city surrounded by open fields.

Following some general discussion Chairperson Call directed Mr. Loftin to work with staff regarding the suggested changes. Mr. Loftin then thanked the commission for their consideration in this matter and for their continued support.

Chairperson Call asked if there were any further questions or comments from the Commission. Hearing none she moved on to the next agenda item.

- PUBLIC HEARING:** *Ordinance Amendment, LCC 17.09 Table #1.* This is a city initiated request to amend the Land Use and Appeal Authorities for certain land use applications as specified in LCC 17.09 Table #1. Recommendations will be made to the City Council at the next available meeting.

COMMISSIONER GUNNELL MOVED TO OPEN THE PUBLIC HEARING.
COMMISSIONER KALLAS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Mr. Van Wagenen opened the discussion by explaining in an effort to streamline the approval process for land use applications within the City and to make the most efficient use of public meeting time, the City is considering changes to LCC 17.09 Table #1. This table designates what body is the final land use authority and appeal authority for specific land use applications.

Mr. Van Wagenen noted the proposed changes are adding a major subdivision category with the City Council as the Final Authority and Board of Adjustment as the Appeal Authority; adding a minor subdivision category with the Planning Commission as the Final Authority and City Council as Appeal Authority; allowing the Planning Commission to be the Final Authority on Plat Amendments with the City Council acting as the Appeal Authority.

Mr. Van Wagenen noted that all of the changes are shown below:

LCC 17.09, Table #1		
Land Use Application	Land Use Authority	Appeal Authority
General Plan Amendment	City Council	None
Zone Change & Zoning Ordinance Amendments	City Council	None
Major Subdivisions	City Council	Board of Adjustment

Minor Subdivisions*	Planning Commission	City Council
Plat Amendment*	City Council Planning Commission	Board of Adjustment City Council
Alteration of Non-Conforming Use	City Council	Board of Adjustment
Reimbursement Agreement	City Council	Board of Adjustment
Property Line Adjustment*	City Staff	Planning Commission
Building Permit*	City Staff	Planning Commission
Temporary Site Plan*	City Staff	Planning Commission
Site Plan*	Planning Commission	City Council
Conditional Use Permit*	Planning Commission	City Council
Temporary Conditional Use Permit*	Planning Commission	City Council
Variances	Board of Adjustment	None
Other Administrative actions as listed in code or performed through department policy*	City Staff, Planning Commission, City Council	Board of Adjustment
Other Legislative actions	City Council	None

*In cases where the City Council implements LCC 17.08.090 and becomes the land use authority, the appeal authority becomes the Board of Adjustment.

There was then some general discussion regarding the changes to the table as listed above. Chairperson Call asked if there were any public questions or comments. Hearing none she called for a motion to close the public hearing.

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

Chairperson Call asked if there were any further questions or comments from the Commission. Hearing none she called for a motion.

COMMISSIONER MARCHBANKS MOVED TO APPROVE THE ORDINANCE AMENDMENT TO LCC 17.09, TABLE #1 AS SHOWN WITH NO CONDITIONS. COMMISSIONER KALLAS SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL AYE
 COMMISSIONER ANDERSON AYE
 COMMISSIONER GUNNELL AYE
 COMMISSIONER LUNDBERG AYE
 COMMISSIONER KALLAS AYE
 COMMISSIONER MARCHBANKS AYE
 THE MOTION CARRIED UNANIMOUSLY.

6. NEW BUSINESS – Reports by Commissioners.

Chairperson Call called for any new business or reports from the Commissioners. Commissioner Kallas mentioned that Orem City's meetings start at 5:00 and thought it may be an option for Lindon City meetings to start at an earlier time. There was then some general discussion regarding this issue. Chairperson Call called for any other comments or reports from the Commissioners. Hearing none she moved on to the next agenda item.

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7. **PLANNING DIRECTOR'S REPORT** –

Mr. Van Wagenen reported on City Council updates as follows:

- Elections:
 - Jeff Acerson, Mayor; Jacob Hoyt, Councilmember;
Van Broderick, Councilmember
 - Term begins in January
 - Council will appoint new member after applications are received
- Signatures needed
- Planner job opening
- City Events
 - Mayor's Thanksgiving Dinner; volunteers welcome

Chairperson Call asked if there were any other comments or discussion from the Commissioners. Hearing none she called for a motion to adjourn.

ADJOURN –

COMMISSIONER LUNDBERG MADE A MOTION TO ADJOURN THE MEETING AT 10:55 P.M. COMMISSIONER GUNNELL SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – November 26, 2013

Sharon Call, Chairperson

Hugh Van Wagenen, Planning Director