

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

4
5 Conducting: Sharon Call, Chairperson
6 Invocation: Carolyn Lundberg, Commissioner
7 Pledge of Allegiance: Collin Andrew, Boy Scout

8
9 PRESENT

10 Sharon Call, Chairperson
11 Ron Anderson, Commissioner – arrived 7:05
12 Del Ray Gunnell, Commissioner
13 Carolyn Lundberg, Commissioner
14 Rob Kallas, Commissioner
15 Vaughan Austin, Commissioner
16 Hugh Van Wagenen, Planning Director

ABSENT

Mike Marchbanks, Commissioner
Kathryn Moosman, City Recorder

17
18 SPECIAL ATTENDEES

19 Matt Bean, Councilmember
20 Cody Cullimore, Chief of Police
21 Brian Haws, City Attorney

22
23 The meeting was called to order at 7:00 p.m.

24
25 APPROVAL OF MINUTES – The minutes of the regular meeting of February 26, 2013
26 were reviewed.

27
28 COMMISSIONER GUNNELL MOVED TO APPROVE THE MINUTES OF THE
29 REGULAR MEETING OF FEBRUARY 26, 2013. COMMISSIONER KALLAS
30 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
31 CARRIED.

32
33 PUBLIC COMMENT –

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

36
37 CURRENT BUSINESS –

- 38
39 1. **ANNUAL REVIEW OF GROUP HOME FACILITY — *Housing Authority***
40 ***of Utah County*** – 365 East 400 North. This is a required annual review of a
41 group home owned by the Housing Authority of Utah County. The facility was
42 approved to provide housing for up to three physically disabled adults. No
43 changes are proposed to the facility as this is only a review of the current use to
44 ensure conformance with City Code and conditions of approval.

45
46 Mr. Van Wagenen gave a brief overview of the facility. He noted that a
47 Conditional Use Permit for the Housing Authority of Utah County was approved in 2003
48 to allow permanent residency for three physically disabled residents. He further noted in
49 2003 the following conditions were imposed:

- 50
51 1. The occupancy limited to three adult persons with disabilities.

- 1 2. The park access in front of the home be painted red and signed for no
2 stopping or parking. In 2006 it was determined this item had not been
3 completed but would not be required unless parking along the entrance
4 road becomes a problem
5 3. The number of parking spaces be reviewed upon complaint. No known
6 complaints have come to staff during the past year. A copy of the 2012
7 review minutes was provided in the staff report and nothing substantial
8 stood out in those minutes.
9

10 Ms. Smith, the director of the home, was in attendance to answer questions, as well as
11 Chief Cullimore. Chairperson Call stated there are four items for review as follows:
12

- 13 • That the facility is only providing housing for people with disabilities.
14 *Ms. Smith confirmed that statement and stated there are 3 wheelchair-bound,*
15 *single ladies who are severely disabled that live at the home.*
16 • That the home has adequate insurance coverage.
17 *Ms. Smith provided a copy of the liability insurance. Ms. Smith stated that the*
18 *housing authority is named as a certificate holder. The building is rented to*
19 *Danville Services, which locates the tenants and does the case management.*
20 • That the individuals currently housed in the facility do not pose any threat to
21 others within the home or community.
22 *Ms. Smith stated they do not. The facility is staffed 24/7. There are caretakers*
23 *there at all times as long as the clients are there. The residents live in a 4*
24 *bedroom unit, 3 bedrooms are occupied by residents and the 4th is used as an*
25 *office.*
26 • The next question was regarding staffing levels, which Ms. Smith had already
27 answered.
28

29 Chairperson Call opened up the discussion to questions from Commissioners.
30 Commissioner Kallas asked if occupants are usually local residents. Ms. Smith stated she is not
31 sure if they are local residents as Danville Services screens them. Chairperson Call asked if they
32 have all been the same that have lived there for a while, to which Ms. Smith replied that they
33 have been the same three originally. Chairperson Call asked if they enjoy having groups come to
34 entertain them. Ms. Smith stated that the residents enjoy having people come in and noted the
35 groups are arranged by contacting Danville Services. Chairperson Call asked if there were
36 any further discussion or comments from the Commissioners. Hearing none she moved
37 on to the next agenda item.
38

- 39 **2. Annual Review of Group Home Facility — Lindon Care & Training Center**
40 *– 680 North State Street.* This is a required annual review of a group home for
41 disabled adults owned by RHA Community Services of Utah. The facility
42 provides housing for multiple tenants. No changes are proposed to the facility as
43 this is only a review of the current use to ensure conformance with City Code.
44

45 Mr. Van Wagenen noted that Christine Christensen, RHA Community Services
46 Administrator, and Brandon Lindsey, Maintenance Director, were in attendance for the
47 annual review of the Lindon Care & Training Center. Mr. Van Wagenen gave a brief
48 overview of the center and noted that the home is located at 680 North State Street in a
49 commercial zone, and has been in existence for quite some time. He went on to say that in
50 2006 it received final site plan approval for a new office building on the property, and at

1 that time agreed to meet with the city on a regular annual basis. The facility houses
2 disabled adults and provides and coordinates job training opportunities for the tenants. In
3 2009, staff report reviews showed concern with the number of emergency calls at the home.
4 But there have been fewer calls during this past year.

5 Ms. Christensen stated that when she started working at the home in March of
6 2012, there were a lot of unnecessary 911 calls, and she worked to make sure residents
7 were not calling dispatch but instead asking staff for help. She went on to say that residents
8 with severe behavioral problems that probably shouldn't have been living at the home, have
9 now been moved from the facility, which has helped to decrease the number of incidents
10 that were occurring.

11 Chief Cullimore commented that the home has shown a reduction in calls of about
12 17% between 2011-2012. He went on to say that about half of the calls responded to have
13 been for disorderly conduct and minor assaults, which would be expected, and there is
14 much better control than in the past under different management. He commented that the
15 home should be commended for job they've done in the last year.

16
17 The Commission then asked the following questions of Ms. Christensen:

- 18
19 • Is the facility only providing housing to those with disabilities and their caretakers?

20 Ms. Christensen confirmed that statement. Chairperson Call asked how they
21 determine which residents to remove from the home (as referred to above). Ms.
22 Christensen stated that the residents that were causing incidents where the police had to be
23 called, and who were causing injury to staff and other residents, who were higher
24 functioning and should have been at the State Mental Hospital, but because they have a
25 mental retardation diagnosis the State Mental Hospital does not take individuals like that.
26 The home worked with Medicaid program through the Utah Department of Health, the
27 Utah State Developmental Center, and DSP, the division of services for people with
28 disabilities, to move the aforementioned patients to a more appropriate setting for care.
29 She stated there are currently 61 residents at the home. All of them but seven have jobs and
30 work Monday through Friday. The other seven are currently in school.

- 31
32 • Does the facility have adequate insurance coverage?

33 Mr. Van Wagenen stated that a certificate of insurance was received by the city in
34 December 2012 that is good until December 2013.

35
36 Commissioner Lundberg stated that in last year's review there was mention of an
37 exposed pipe between the sidewalk and the street and it was uncertain how it would be
38 resolved. Ms. Christensen stated that she worked with UDOT and the State of Utah to get
39 it repaired and re-landscaped. Commissioner Gunnell asked the age of the residents and
40 Ms. Christensen replied that the ages range from 15-72 yrs. Some of the residents are in
41 the aging population but choose to stay living at the facility instead of going to a retirement
42 facility because they still want to maintain their jobs. Commissioner Anderson mentioned
43 that at one time some of the residents were shoplifting. Ms. Christensen stated that those
44 were some of the residents that were transferred to different facilities. Ms. Christensen
45 stated she doesn't believe they have had incidents of theft for quite a while. Chief
46 Cullimore agreed that it has been some time.

- 47
48 • What are the staffing levels at the facility?

49 Ms. Christensen stated that they staff one direct care staff per eight individuals.
50 They also have a nurse on the floor 16 hrs/day and on weekends. Other staff includes
51 UAPS that work in the nursing areas and help administer medication, three housekeepers,
52 and the maintenance director. Commissioner Lundberg asked if the staffing levels are

1 consistent throughout all shifts. Ms. Christensen stated that they have three different shifts:
2 an a.m. shift, a p.m. shift and a graveyard shift. The staffing levels are 1 to 8 on the a.m.
3 and p.m. shifts, and 1 to 16 on the graveyard shift. They also always have on-call staff.
4 Ms. Christensen, Mr. Lindsey and the Health Services director are on-call 24/7 and live
5 near the facility. Outside of the staff, included in the 1 to 8 ratio, other staff members
6 include Staff Developers, Secretaries, two Administrative Nurses, and a Home Manager.

7
8 **3. Annual Review of Group Home Facility — Heritage Youth**

9 *Services/Timpview Residential Treatment Center – 200 North Anderson Lane.*

10 This is a required annual review of a juvenile group home approved for up to 12
11 youth not over the age of 18. The facility provides housing and social activities
12 for the youth and is located in the HI zone. At the 2012 review there was
13 concern regarding the status of residents admitted to the facility. This review
14 will propose additional language to the current conditions in order to clarify the
15 type of individual to be served at the facility. Beyond clarification language, no
16 changes are proposed to the facility as this is only a review of the current use to
17 ensure conformance with City Code.

18
19 Mr. Van Wagenen noted that Mr. Lofton and Mr. Lindy were in attendance for the
20 review of the facility owned by Heritage Youth Services Juvenile Group Home at 200
21 North Anderson Lane. A conditional use permit was issued in 2005 for this home. It was
22 approved for housing of 12 youth not over the age of 18 yrs old. Mr. Van Wagenen stated
23 that in the staff report a list of the current conditions for the home was provided and he then
24 referenced the list:

- 25
26 1. Occupancy limited to 12 youth.
27 2. No sex offenders reside at the home.
28 3. No youth over the age of 18 reside at the home.
29 4. An alarm system on the windows and doors was to be installed, which was
30 completed and inspected in 2005.
31 5. Any onsite instruction must be an accessory use and not a primary function
32 of the facility, which was updated in 2009 from no onsite schooling.
33 6. 15 mph speed limit signs be posted on Anderson Lane, which was
34 completed in 2005
35 7. Signs directing traffic to the group home were to be installed so that
36 children are not dropped off at the Anderson residence, which was
37 completed in 2007.
38 8. Supervision ratio shall be no less than 1 staff member to 6 youth, 24
39 hrs/day, which was updated in 2011 to require 1 staff member to every 4
40 youth between the hours of 6 a.m. to 11 pm, and 1 staff member to every 6
41 youth from 11 p.m. to 6 a.m.
42 9. Site shall be open to visitation by the police and city officials without
43 notice.
44 10. Training shall be provided for employees and residents regarding speed
45 limit and illegal trespassing on neighboring private property.
46 11. CUP shall be reviewed annually or upon change of program directors.
47 12. All other requirements and limits as per city ordinance adhered to.

48
49 At last year's review there was some discussion regarding condition number two.
50 Mr. Lofton and Mr. Lindy have been in discussion with Mr. Haws, Lindon City's Attorney,
51 in drafting language that addresses confusion from the last review. Mr. Van Wagenen

1 stated that Mr. Haws was in attendance to answer questions and also stated that new
2 conditions were proposed in the Staff Report, which Mr. Van Wagenen then referenced:

- 3
- 4 1. Applicants will not accept any residents into its facility who are in custody
5 of or supervision of the state's Juvenile Justice services
- 6 2. Applicants shall accept no residents into its facility who are designated as
7 needing a care continuum level higher than level 5 as defined by the state's
8 protocols and standards manual, also known as NOJOS.
- 9

10 Commissioner Kallas asked for clarification on the meaning of Level 5. Mr. Haws
11 provided the following clarification regarding the levels of youth offenders that the state
12 designates:

13 Level 1 – the youth needs education or counseling.

14 Up to level 3 the youth stays in their home and receives different levels of
15 schooling and therapy.

16 Level 4 – the youth goes to a foster home with 3 kids or less typically with
17 supervision by a mother and father.

18 There is not much distinction between Level 4 and 5, but the youth at

19 Level 5 – are minimal risk, but would do better in group home setting
20 where they learn social skills and interaction.

21 Level 6 – is much more intense and the levels continue up to incarceration.

22

23 Mr. Haws stated that there are two systems concerning youth offenders. More
24 serious youth offenders are taken into the Juvenile Justice System and the others are
25 supervised by the DCFS, Division of Child and Family Services, and although there are
26 some JJS offenders who could come into a Level 5 home, Heritage Group has agreed not to
27 take those offenders.

- 28
- 29 3. The applicants shall adopt and implement policies and procedures for 24 hr
30 supervision of all residents.
- 31 4. The applicant shall maintain resident to staff ratio no greater than 6 to 1.
- 32 5. The applicant shall adopt and implement policies and procedures for
33 behavior management consistent with those that are required by Utah
34 Administrative Code R501-2-7 to help ensure the safety of the residents
35 and protection of community
- 36

37 Mr. Haws stated that Heritage Youth Services has already adopted all of these
38 conditions that were asked to be put into place and would not need to do anything
39 additional to what they've already done. When Mr. Haws talked to DCFS to get a better
40 understanding of this type of facility, they recommended Heritage Schools as a good
41 example before they even knew which facility Mr. Haws was inquiring about.

- 42
- 43 6. The applicant shall adopt and implement policies and procedures to ensure
44 that all potential residents including referrals from Utah DCFS are screened
45 by mental health professionals to ensure that the potential resident's history
46 and level of risk in treatment plans are consistent with a level 5 facility and
47 that they do not pose or present an unreasonable risk to other residents or to
48 the community.
- 49
- 50 7. The applicant shall adopt and implement policies and procedures to hold
51 youth accountable for their behavior in the facility and to all in the
52 community and to provide a safe environment for the residents in which to

1 get help. Such policies and procedures shall include provisions for the
2 removal of a resident from the facility should their psychological
3 conditions worsen or should they become ungovernable in their current
4 level of care.
5

6 Mr. Van Wagenen reiterated Mr. Haw's statement that all of these conditions are
7 instituted and in place, but this review helps to clarify again the type of residents the facility
8 houses. Mr. Van Wagenen also stated that all original conditions of the facility would
9 apply, with the exception of condition number two [that no sex offenders reside at the
10 home], which shall be removed as a condition, and for clarification condition number eight
11 of the original conditions will be replaced by number three and four of the new proposed
12 conditions.
13

14 Chairperson Call stated the following items must also be confirmed:
15

- 16 • That no tenants are allowed to use alcohol or tobacco – the applicants replied that
17 that is true.
- 18 • That the applicants have adequate insurance coverage – Mr. Van Wagenen stated
19 that the certificate the city currently has expired in October, 2012. The applicants
20 stated they will provide a current certificate to the city.
- 21 • That no individuals housed in the facility pose a direct threat to others' safety –
22 Chairperson Call summarized that previous discussion already addressed this issue
23 and although there is the potential, it appears that the facility has provided adequate
24 protection.
25

26 Chief Cullimore stated that although there was an increase in the number of calls
27 from 2011 to 2012, it is still substantially down from 2010, and he thinks that they have
28 taken great strides in supervision. He stated that currently the level of calls is at a very
29 normal level. He also stated that in comparison of this home to others within the city, they
30 receive about a third as many calls. There were only 13 calls in 2012, the types of which
31 were runaways, assaults, thefts, and minor juvenile offenses. In 2011, there were several
32 instances of sex offenses in the home, but, when prosecuted, the facility cooperated well.
33 There were no recorded sex offenses in the last year.

34 Mr. Lofton indicated that they use different measures, including the court system
35 and police department, to hold the youth accountable and put safety foremost. They
36 include the families in their work as well. Mr. Lofton also stated that the instruction
37 provided at the home is an accessory use and not the primary use of the facility. He also
38 stated that he and Mr. Lindy are at the facility several times per week or more. He added
39 that the staff also includes a full-time therapist, program managers and supervisors and
40 residential staff. Mr. Lofton stated that all the youth in the home are young men.

41 Commissioner Anderson posed the question that if condition number two of the
42 original conditions is stricken, does it turn the facility into a sex offender home. Mr. Lofton
43 replied that they have always worked with kids that have had sexual problems and want
44 people to understand that there is a continuum vs. an absolute standard. Mr. Lindy stated
45 that the type of youth in the home has not changed, but the changes in the conditions are
46 intended to help with clarification. Mr. Haws stated that when he went to find the legal
47 definition of "sex offender" it was very broad. The more specific language in the new set
48 of proposed conditions, that the youth not be classified higher than Level 5, is to help
49 clarify. It was noted that the numbering system between the original conditions and the
50 new set of proposed conditions is not meant to match up.

51 Chairperson Call asked if there were any further comments. Being none, she called for a
52 motion.

1 COMMISSIONER KALLAS MOVED TO APPROVE THE PROPOSED
2 CONDITIONS AND REPLACE CONDITIONS NUMBER TWO AND NUMBER
3 EIGHT, ADD THE NEW CONDITIONS TO THE ORIGINAL CONDITIONS AND
4 APPROVAL OF THE OPERATION OF THE TIMPVIEW RESIDENTIAL
5 TREATMENT CENTER. COMMISSIONER GUNNELL SECONDED THE MOTION.
6 THE VOTE WAS RECORDED AS FOLLOWS:

7 CHAIRPERSON CALL AYE
8 COMMISSIONER ANDERSON AYE
9 COMMISSIONER GUNNELL AYE
10 COMMISSIONER KALLAS AYE
11 COMMISSIONER AUSTIN AYE
12 COMMISSIONER LUNDBERG AYE

13 THE MOTION CARRIED UNANIMOUSLY.

14
15 **4. Public Hearing — Ordinance Amendment: LCC Appendix A**

16 This is a continued item of a city initiated change. This ordinance is still under
17 revision and will be continued. The commission will consider revisions to LCC
18 Appendix A—Standard Land Use Table. Appendix A concerns permitted land
19 uses within the various zones of the city. The “Public Assemblies &
20 Amusements” and “Agriculture & Resource Extraction” portions of the Table
21 will be reviewed.

22
23 COMMISSIONER GUNNEL MOVED TO OPEN THE PUBLIC HEARING.
24 COMMISSIONER LUNDBERG SECONDED THE MOTION. ALL PRESENT VOTED
25 IN FAVOR. THE MOTION CARRIED.

26
27 Hugh Van Wagenen, Planning Director, stated that they would be addressing the
28 Public Assemblies and Amusements and Agriculture and Resource Extraction sections of
29 the Lindon City Code, Appendix A – Standard Land Use Table, line by line during this
30 meeting and will continue to review the sections in future meetings.

31
32 Clarification or changes to Appendix A – Standard Land Use Table were made as follows:

- 33
34 • (Sexually-Oriented Businesses addressed under different section of code) – **Not**
35 **addressed**
- 36 • Amphitheatres – Discussion was made regarding the definition of an amphitheatre.
37 It was determined that the table is referring to a commercially run, for-profit
38 amphitheatre and not those that are an amenity to a park. No modifications were
39 made to this category.
- 40 • Dance Clubs – It was determined that Music Venues where bands playing and
41 crowds are standing would be categorized in the Dance Clubs category.
- 42 • Golf Driving Ranges – It was determined that these are stand-alone Golf Driving
43 Ranges and not those that are amenities of Golf Courses. No changes were made
44 to this category.
- 45 • Golf Courses &/ or Country Clubs – Driving ranges that are amenities of a Golf
46 Course are considered part of this category. No changes were made to this
47 category.
- 48 • Tennis Courts – Private – It was determined that these are membership-based
49 tennis clubs. After discussion 7 of the 12 columns of the Standard Land Use Table
50 were changed for this category. Original code showed NNNNNNNPNCP and
51 was changed to NCCCCCPNCP.

- 1 • (Skate Board Parks – Publicly Owned addressed under different section of code) –
- 2 **Not addressed**
- 3 • Bowling Lanes – After discussion, 3 of the 12 columns of the Standard Land Use
- 4 Table were changed for this category. Original code showed NNNNNCCCPNNN
- 5 and was changed to NNNNNPPPNNN.
- 6 • (Health spas – previously changed to Services category) – **Not addressed**
- 7 • Indoor Gun Ranges – After discussion, 3 of the 12 columns of the Standard Land
- 8 Use Table were changed for this category. Original code showed
- 9 NCCNNNNNCNCN and was changed to NCCNNCCCCNCN.

10
11 Mr. Van Wagenen stated that he would like to review the introductory language of
12 Lindon City Code Appendix A in future meetings. Chairperson Call asked if there were any
13 other comments. Being none, she called for a motion.

14
15 COMMISSIONER LUNDBERG MOVED TO CONTINUE THE ORDINANCE
16 AMENDMENT TO LINDON CITY CODE APPENDIX A. COMMISSIONER AUSTIN
17 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

18 CHAIRPERSON CALL	AYE
19 COMMISSIONER ANDERSON	AYE
20 COMMISSIONER GUNNELL	AYE
21 COMMISSIONER KALLAS	AYE
22 COMMISSIONER AUSTIN	AYE
23 COMMISSIONER LUNDBERG	AYE

24 THE MOTION CARRIED UNANIMOUSLY.

25
26 COMMISSIONER ANDERSON MOVED TO CLOSE THE PUBLIC HEARING.
27 COMMISSIONER GUNNELL SECONDED THE MOTION. ALL PRESENT VOTED
28 IN FAVOR. THE MOTION CARRIED.

29
30 **NEW BUSINESS – Reports by Commissioners**

31
32 New Planning Commissioner, Vaughan Austin was introduced. The commission
33 welcomed Commissioner Austin and expressed their appreciation for his appointment to
34 the Commission. Chairperson Call asked if there were any other new business. Hearing no
35 further reports she moved to the next agenda item.

36
37 **PLANNING DIRECTOR’S REPORT**

38
39 Mr. Van Wagenen reported on City Council updates as follows:

- 40
- 41 • The Commission reviewed the Project Tracking List.
- 42 • City Council Items:
 - 43 • Senior Housing Concept Review – Mr. Van Wagenen
 - 44 stated there were some follow-up questions. Mr.
 - 45 Gneiting met with Mr. Van Wagenen regarding how to
 - 46 move forward and about impact fees.
 - 47 • CUP for exotic/wild animals.
 - 48 • Proposed fireworks restriction was continued. No decision has
 - 49 been made yet.
 - 50 • The Utah American Planning Conference will take place on
 - 51 Friday, April 19th. Let the Planning Dept. know if they will be
 - 52 attending.

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- Digital staff reports for discussion. The City is considering replacing paper staff reports with digital copies. A tablet would be provided or subsidized. The City Council will probably institute this within the next month. Purchases would probably be made in the next budget year, which starts in July.
- The marquee language is not prepared yet but Staff is working on it.
- Western Ornamental Iron has a Conditional Use Permit and they are taking steps to bring the site into compliance.

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

ADJOURN –

COMMISSIONER KALLAS MADE A MOTION TO ADJOURN THE MEETING at 9:30 P.M. COMMISSIONER AUSTIN SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – March 26, 2013

Sharon Call, Chairperson

Hugh Van Wagenen, Planning Director