

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
3 **June 12, 2012** beginning at 7:00 p.m. in the Lindon City Center, City Council Chambers,
4 100 North State Street, Lindon, Utah.

5 Conducting: Sharon Call, Chairperson
6 Invocation: Carolyn Lundberg, Commissioner
7 Pledge of Allegiance: Mike Marchbanks, Commissioner

8 **PRESENT**

ABSENT

9 Sharon Call, Chairperson
10 Ron Anderson, Commissioner
11 Del Ray Gunnell, Commissioner
12 Carolyn Lundberg, Commissioner
13 Angie Neuwirth, Commissioner
14 Mike Marchbanks, Commissioner
15 Rob Kallas, Commissioner
16 Adam Cowie, Planning Director
17 Woodworth Mataele, Planner II
18 Kathryn Moosman, City Recorder

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

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21 **APPROVAL OF MINUTES** – The minutes of the regular meeting of May 22, 2012
22 were reviewed.

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25 COMMISSIONER LUNDBERG MOVED TO APPROVE THE MINUTES OF
26 THE REGULAR MEETING OF MAY 22, 2012 AS AMENDED. COMMISSIONER
27 MARCHBANKS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR.
28 THE MOTION CARRIED.

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30 **PUBLIC COMMENT** –

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

34
35 **CURRENT BUSINESS** –

- 36
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38 **1. Minor Subdivision:** *Lindon Treasury Plat “B” – 70 West 200 South.* This is
39 a request by Millhaven Construction for approval of a 3-lot minor subdivision.
40 The proposed subdivision will be entitled Lindon Treasury, Plat “B”.
41 Recommendations for the subdivision approval will be made to the City
42 Council at their next available meeting after review by the Planning
43 Commission.

44
45 Mr. Mataele opened the discussion by explaining this is a request by Jeremy
46 Ackley with Millhaven Construction for approval of a 3 lot minor subdivision. Mr.

2 Mataele noted the proposed subdivision will be entitled Lindon Treasury, Plat "B" and is
4 location in the R1-20 zone. He went on to say that currently the area consists of two
6 parcels located along 200 South and 70 West in Lindon. The applicant is proposing to
8 subdivide these parcels into three (3) lots. Mr. Mataele further explained that the
10 proposed lots meet the 20,000 sq/ft minimum lot size for the zone and also the minimal
12 lot width of 100' as required by city code. Mr. Mataele then showed aerial views and
14 other photos of the property site. Mr. Mataele noted this application is straightforward
16 and staff has no concerns at this time. He added that recommendations from the Planning
18 Commission will be made to the City Council at their next available meeting for final
20 approval.

22 Chairperson Call asked the applicant if he had anything to add to the discussion.
24 The applicant stated that he felt Mr. Mataele had covered everything and he had nothing
26 more to add. Chairperson Call asked the commission if they had any concerns or
28 questions. Commissioner Kallas asked about the existing curb and gutter at the site and if
30 they will continue it. The applicant noted they will continue the curb and gutter along
32 with a fire hydrant as requested by staff.

34 Chairperson Call asked if there were any additional questions. Hearing none she
36 called for a motion.

38 COMMISSIONER MARCHBANKS MOVED TO APPROVE LINDON
40 TREASURY PLAT B SUBDIVISION AND RECOMMEND APPROVAL TO THE
42 CITY COUNCIL. COMMISSIONER LUNDBERG SECONDED THE MOTION. THE
44 VOTE WAS RECORDED AS FOLLOWS:

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

2. **Concept Review:** *Ordinance Amendment: Terry Reid – Digital Billboards.*
This is a request for review by Terry Reid for a concept review to allow
digital face changes on off-premise signs, specifically billboards. This item
will be forwarded to the City Council at their next available meeting after
review by the Planning Commission.

Chairperson Call invited the applicant, Terry Reid, forward. Mr. Mataele opened
the discussion by explaining this is a request for review by Terry Reid for a concept
review to allow digital face changes on off-premise signs, specifically billboards. He
noted this is a review to gauge the Commission's feelings on the proposed change. Mr.
Mataele further discussed that the applicant is proposing a concept review of an
amendment to the current sign code, Section 18.03.030 (Changeable Copy Signs)
electrical or mechanical. He went on to say the applicant's proposal will distinguish

2 regulations for off-premise and on-premise changeable copy signs. He added these
3 regulations address size and intervals for these digital signs.

4 Mr. Reid explained his reason for coming before the commission is to request
5 approval to convert a billboard sign on I-15 to a digital face billboard. Mr. Reid then
6 explained in some detail the need for digital billboards because of the change and growth
7 in the billboard industry over the past years in regards to technology, advertising, etc. He
8 also mentioned the need for modernization as to be more cost effective and to catch up
9 with the times. Mr. Reid noted that the code was written before digital boards were even
10 around. Mr. Reid commented that in order to do this, the ordinance needs to be amended
11 for off premise and on premise signs to change the face on an existing billboard sign. Mr.
12 Mataele then presented photos of digital signs similar to the proposed digital face
13 billboard.

14 Chairperson Call asked if the Commissioners had any questions. She noted that
15 there has been a lot of discussion on this issue. Mr. Reid then gave an overview of the
16 recent discussion on the billboard issues in the industry that has generated a lot of
17 discussion. Commissioner Kallas asked Mr. Cowie if the city receives revenue from
18 billboard tax. Mr. Cowie stated that the city does not receive any tax revenue from
19 billboard signs. Commissioner Kallas asked Mr. Reid what the average numbers of
20 advertisers are. Mr. Reid confirmed the number of advertisers is approximately 7 on
21 average. Commissioner Neuwirth asked about the dimensions of the billboard signs. Mr.
22 Reid stated the signs are typically 14' x 48' with some larger sizes in the metro markets.
23 Commissioner Kallas asked Mr. Reid if he is going to invest the money to change to
24 digital billboard would the construction of the billboard also be upgraded. Mr. Reid
25 confirmed the actual billboard would be upgraded to meet building code requirements.
26 Commissioner Marchbanks asked how many billboard signs Mr. Reid has of the 17 signs
27 along the I-15 corridor. Mr. Reid replied that he has 2 structures with 4 faces in Lindon,
28 of which he plans on changing only one face at this time.

29 Chairperson Call commented that when this issue came up in the Legislature there
30 was a lot of concern by the cities regarding what kind of controls they would have over
31 billboards. Mr. Reid stated that Reagan Advertising sponsored a bill that stated no city
32 could stop any billboard company from converting any sign they wanted to a digital face
33 at any time. He went on to say that the concept is that cities are licensed under the state
34 by class, and therefore they serve the state and the constitution, so if the legislature wants
35 to pass the law the cities have to abide by it. He added that was the whole objection, more
36 about the concept of having the legislature telling every city and town what they could
37 and could not do. The bill failed for lack of votes. There was then some general
38 discussion between the commissioners and Mr. Reid regarding on and off premise signs.
39 Commissioner Lundberg stated that she appreciates the background and that the business
40 model makes sense, but the bottom line is how does this affect our city and what the pro's
41 and con's are to allowing this change.

42 Chairperson Call stated she feels the Planning Commission believes that billboard
43 signs will probably go the direction of digital at some time in the future and it would be a
44 more effective way of advertising. Chairperson Call added this item is for discussion
45 only and there is no motion required. Mr. Mataele noted this item will go to the next City
46 Council meeting. Chairperson Call stated the commission appreciates the information
47 provided from Mr. Reid regarding billboard signs and stated she hoped that the

2 commission had provided some good feedback on the issue. Mr. Reid then thanked the
4 commission for their input and consideration of this matter. Chairperson Call asked if
there were any other questions or comments. Hearing none she moved on to the next
agenda item.

6 **3. Public Hearing: Ordinance Amendment: LLC Title 6 – Animal Ordinance.**

8 This is a request for an ordinance amendment to the LCC Chapter 6 – Animal
10 Ordinance. Proposed changes will help clarify the current language within this
12 ordinance. A review of the current allotted amounts of animals permitted
within the specific lots sizes in Lindon will also occur. Recommendations will
be made to the City Council at their next available meeting after review by the
Planning Commission.

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

18 Adam Cowie, Planning Director, opened the discussion by stating the intent of the
20 animal ordinance update is to clarify some of the language and to add some new
22 definitions to try to make it more understandable. Mr. Cowie then presented photos of
24 different areas in the city depicting animal issues for discussion. Mr. Cowie then
26 referenced the general plan that mentions the rural character of Lindon and animal rights
should be preserved and protected as is appropriate for lot size. He added he felt there
was enough emphasis in the general plan that it should also be emphasized in the
ordinance that if animal rights are allowed to know that animals come with odors and
flies and they cannot be completely eliminated. There was then some general discussion
between the commissioners and Mr. Cowie regarding the photos and how they relate to
the animal ordinance issues i.e., setbacks, upkeep, distance to public right-of-ways etc.

30 Commissioner Neuwirth stated that she had talked to several of her neighbors
32 who live next to residents who have large animals, and they indicated that they came to
Lindon knowing that there were animals (that come with flies) and they came here
34 realizing that but they wanted the rural feel of the community. Chairperson Call also
spoke with residents and she indicated that she got the impression that residents are not
36 opposed to the animals themselves but the owners who do not take care of the corals or
pastures properly, or when things are not maintained the way they should be to the point
where it can become a health condition. Commissioner Kallas asked if there was a way
to tie the ordinance to something somewhat similar to the setbacks on a residential home.
38 Mr. Cowie replied the setback on a home is 30 ft. and noted that would be a big change
and would impact a lot of people. Commissioner Lundberg added that she feels that the
40 large properties, large lot sizes, and large animals are a big part of the appeal of living in
Lindon. Commissioner Kallas added that a pasture with the 10 ft. or 5 ft. set back from a
42 sidewalk looks a lot nicer than a coral. Commissioner Anderson suggested that there be
language in the ordinance that states if there is a problem it can be corrected and
44 enforced, but also thought it is best to keep it on a complaint based basis.

46 Mr. Cowie then reviewed the current definitions of corals and pastures. Mr.
Cowie stated his proposed definition for a pasture as a fenced area of land covered with at

2 least 50% grass or other living plants suitable for the grazing of livestock. He added if
4 the area has less than 50% vegetation it would be classified as a coral. Mr. Cowie stated
6 there have been 11 complaint based issues regarding animals since January of 2009
which is a very small percentage of overall complaints. Mr. Cowie also noted there
needs to be some additional tweaks and clarification to the draft and he feels this item
will be continued.

8 Mr. Cowie then referenced some proposed specific language items in the
ordinance draft for discussion and feedback from the commission and public comment as
follows:

- 10 1. Definition of purpose and intent.
- 12 2. Definition of code enforcement officer.
- 14 3. Definition of coral vs. pasture.
- 16 4. Definition of cattle.
- 18 5. Definition of enclosures and kennels.
- 20 6. Definition of horse, hog and goat, mule, and donkey.
- 22 7. Definition of disturbing the peace (nuisances) in regards to all animals.
- 24 8. Definition of mature animals and definition of weaned.
- 26 9. Conditions of animal ownership and responsibility of owner.
- 28 10. Definition of lot size and number of animals.
- 30 11. Definition of agricultural and accessory buildings (setbacks).
- 32 12. Beekeeping.

34 There was then some general discussion between Mr. Cowie and the Commission
regarding the above referenced items.

36 At this time, Chairperson Call called for any public comment. Lori Kay Banks,
38 Lindon resident, was in attendance to address the commission. She began by stating that
she, and other residents she has spoken with, feels that there is not a lot in the ordinance
that needs to be changed. She noted that Mr. Cowie has done a phenomenal job on the
ordinance draft. She then referenced some sections of the ordinance and suggested some
of the language be changed as to be more subjective.

34 Mrs. Banks noted her family moved to Lindon for the rural feel in the community
and the animal rights. She also stated it is very important to her and her family to protect
those rights. Mrs. Banks added her intent is to remind the commission that there a lot of
people in Lindon that feel the same way, and just the fact that you can have animals is a
comfort. Mrs. Banks stated that she is grateful for the comments she has heard from the
commission here tonight. She concluded by observing the purpose of the changes are to
give people more rights and choices, but yet to not infringe on someone else's rights.

38 Chairperson Call stated that it is not the intention to take away animal rights but
just to clarify the language so people can easily follow the direction of the ordinance.
40 Chairperson Call asked if there were any further public questions or comments. Hearing
none she called for a motion.

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44 COMMISSIONER NEUWIRTH MOVED TO CONTINUE THE ORDINANCE
AMENDMENT TO LCC TITLE 6 – ANIMAL ORDINANCE. COMMISSIONER
46 MARCHBANKS SECONDED THE MOTION. THE VOTE WAS RECORDED AS
FOLLOWS:

CHAIRPERSON CALL AYE
2 COMMISSIONER ANDERSON AYE
COMMISSIONER GUNNELL AYE
4 COMMISSIONER NEUWIRTH AYE
COMMISSIONER LUNDBERG AYE
6 COMMISSIONER KALLAS AYE
COMMISSIONER MARCHBANKS AYE
8 THE MOTION CARRIED UNANIMOUSLY.

10 **4. Public Hearing:** *Ordinance Amendment: LCC Appendix A – “Standard Land*
12 *Use Table.”* This is a request for an ordinance amendment to the LCC
Appendix A - ‘Standard Land Use Table’. This proposal would provide
14 necessary additions to the ‘Standard Land Use Table’ and address the recently
created zones within the City and its’ permitted land uses (CG-A8, CG-A).
16 Recommendations will be made to the City Council at their next available
meeting after review by the Planning Commission.

18 Mr. Mataele opened the discussion by explaining this is a city initiated item for an
ordinance amendment to LCC Appendix A “Standard Land Use Table.” This action will
20 provide necessary additions to the “Standard Land Use Table” as well as add the
additional zones that were recently added to the Lindon City zone map. Mr. Mataele then
22 indicated the specific conditions at the bottom of the Standard Land Use Table that are
replicating what is in the CG zones with the addition of the used auto car dealership being
24 permitted. Mr. Cowie noted that the City Council did not approve used auto sales on 700
North. Mr. Mataele stated that recommendations from the Planning Commission will go
26 to the City Council for final approval.

Chairperson Call asked if there were any questions or public comment.
28 Hearing none she called for a motion to close the public hearing.

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

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

36 COMMISSIONER NEUWIRTH MOVED TO APPROVE THE ORDINANCE
38 AMENDMENT LCC APPENDIX A, “STANDARD LAND USE TABLE” AND
RECOMMEND APPROVAL TO THE CITY COUNCIL. COMMISSIONER
40 MARCHBANKS SECONDED THE MOTION. THE VOTE WAS RECORDED AS
FOLLOWS:

42 CHAIRPERSON CALL AYE
COMMISSIONER ANDERSON AYE
44 COMMISSIONER GUNNELL AYE
COMMISSIONER NEUWIRTH AYE
46 COMMISSIONER LUNDBERG AYE

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

4 **NEW BUSINESS** – Reports by Commissioners.

6
Chairperson Call called for any new business or reports from the Commissioners.
8 Chairperson Call mentioned the fire on the mountain above Pleasant Grove today. She
also mentioned several areas in the city where the grass is quite high and very dry. Mr.
10 Cowie made a note of the locations to inform the Fire Department.

12 Chairperson Call asked if there were any other new business or discussion. Being
none she moved on to the next agenda item.

14 **PLANNING DIRECTOR'S REPORT** –

16 Mr. Cowie reported on City Council updates as follows:

- 18 ● The Commission reviewed the Project Tracking List.
- 20 ● Zone Creation: Commercial Zones were approved.
- 22 ● Employee summer party will be held on June 21st at the aquatics
center from 6:30 to 8:30.
- 24 ● Ordinance Amendment - Mixed Commercial was approved.
- 26 ● The Planning Commission for June 26th is cancelled due to the Primary
Election, the next meeting will be held on July 10th. The next City
Council meeting will be held on July 17th.
- 28 ● Upcoming items: Continued Discussion with Timpview boys group
home.

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

32 **ADJOURN** –

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

38 Approved – July 10, 2012

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42 _____
Sharon Call, Chairperson

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46 _____
Adam Cowie, Planning Director