

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
3 **July 10, 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: Del Ray Gunnell, Commissioner
7 Pledge of Allegiance: Rob Kallas, 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 Kathryn Moosman, City Recorder

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

19 **APPROVAL OF MINUTES** – The minutes of the regular meeting of June 12, 2012
20 were reviewed.

21 COMMISSIONER MARCHBANKS MOVED TO APPROVE THE MINUTES
22 OF THE REGULAR MEETING OF JUNE 12, 2012. COMMISSIONER KALLAS
23 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
24 CARRIED.

25 **PUBLIC COMMENT** –

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

28 **CURRENT BUSINESS** –

- 29 **1. Public Hearing:** *Ordinance Amendment: LLC Title 6 – Animal Ordinance.*
30 This is a continued public hearing to review an ordinance amendment to the
31 LCC Chapter 6 – Animal Ordinance. Proposed changes will help clarify the
32 current language within this ordinance. A review of the current allotted
33 amounts of animals permitted within the specific lots sizes in Lindon will also
34 occur. Recommendations will be made to the City Council at their next
35 available meeting after review by the Planning Commission.

2 COMMISSIONER ANDERSON MOVED TO OPEN THE PUBLIC HEARING.
3 COMMISSIONER GUNNELL SECONDED THE MOTION. ALL PRESENT VOTED
4 IN FAVOR. THE MOTION CARRIED.

6 Adam Cowie, Planning Director, opened the discussion by stating this is a
7 continued discussion to review the ordinance amendment to LCC Chapter 6 – Animal
8 Ordinance, to tweak some of the language and to add some new definitions to try to make
9 it more understandable. Mr. Cowie then referred to the proposed ordinance changes. He
10 noted the double underlined sections are new wording added since the last review and the
11 highlighted words are issues that require further discussion. He also stated that the
12 commission will spend more time in this review discussing the numbers of animals
13 permitted on larger lots and he also noted he will be outlining the methodology used to
14 come up with the new tables.

16 Mr. Cowie noted one idea that was discussed at the last meeting that is not
17 incorporated into the draft is the issue of a neighboring property adding an addition to
18 their home and pushing the setbacks closer to the property line, and if there is a way to
19 protect the animal rights on the adjacent property. He added that part of the concern is
20 the tracking, and if some lots retain animal rights that don't meet the setbacks and others
21 don't have that ability to be closer; there is the equity concern to be thinking about. Mr.
22 Cowie added that he would like feedback from the commission to come up with a way to
23 make it equitable. There was then some discussion on setbacks adjacent to homes.
24 Chairperson Call inquired how many residences don't comply with the setbacks. Mr.
25 Cowie stated there are only around 10 or 15 locations that don't comply with the 60 ft
26 setback from adjacent homes.

28 There was then some general discussion between the commissioners and Mr.
29 Cowie regarding setback issues. Chairperson Call expressed her concerns that ordinances
30 should be put into place that fits all areas of the city. Commissioner Kallas stated that
31 may be very tough to do, considering the Canberra development for example, the
32 requirement on a lot size is different than it is on the west side of the city. To require that
33 both sides of the city have the same ordinance is almost impossible. Commissioner
34 Neuwirth commented that she would not want to see the rights of a property owner taken
35 away because of who you live next door to. Mr. Cowie stated that something could be
36 written into the ordinance (similar as to what was done at the Fieldstone Development)
37 that says this is an area where there are existing agricultural and farming uses, and you
38 are moving into an area with these types of uses and they city will not address any
39 complaints about these types of uses. He added that his concern is being able to track it
40 and also the longevity issues; there would be a lot of variables. Commissioner Kallas
41 suggested that a side yard measurement may be easier to administer.

43 Commissioner Neuwirth mentioned setbacks on dog houses. There was then some
44 general discussion regarding animal shelter setbacks. Commissioner Kallas pointed out
45 that the neighbor needs to be protected not the person against themselves. He also stated
46 that property line setbacks as opposed to dwelling setbacks may be an option to go by.
Commissioner Anderson agreed that would be easier to administer. Mr. Cowie then
showed a photo of a property (long time resident) that received a complaint within the
last year that did not meet the 60 ft. setback requirement. There was then some
discussion between the Commissioners and Mr. Cowie regarding this complaint.

2 Chairperson Call noted that it comes back to if the people who choose to have
3 animals should not impose adverse impacts to those who choose not to have animals.
4 Commissioner Lundberg brought up a possibility of implementing a site obscuring fence
5 so they could utilize more of their property up to the property line. Commissioner
6 Neuwirth suggested a 5 foot strip may be an option.

7 Mr. Cowie then referenced “Animals at Large” and “Animals under Restraint.”
8 He noted that Chief Cullimore wanted more clarification as the Police Department has
9 been confronted with these issues. Mr. Cowie then read the definitions for review. There
10 was then some lengthy discussion regarding “Animals at Large” and “Animals under
11 Restraint.” Mr. Cowie then reviewed the “Restraint by Owner” definition. There was
12 also some lengthy discussion regarding this issue. Mr. Cowie then referenced the age
13 dogs are required to be licensed. The Commission was in agreement to leave the
14 requirement at 4 months to license a dog.

15 Mr. Cowie noted new definitions added in from the last meeting. There was then
16 some general discussion on the new definitions (nuisance animals) on page 6 of the draft.
17 The Commission was in agreement to add “these types of animals must be contained
18 within the owner’s property.” Mr. Cowie also referenced the Utah County Animal
19 Shelter language corrections. He noted that they offer a 1, 2, or 3 year dog license.

20 Mr. Cowie referenced the exceptions on exotic animals. There was some general
21 discussion on domestic and wild animals. Mr. Cowie then read the definitions. The
22 Commission agreed to combine wild and exotic animals as defined in the ordinance and
23 allowing them by a Conditional Use Permit from the Planning Commission. Mr. Cowie
24 noted he will draft a list of the prohibited wild and exotic animals and bring it to the next
25 meeting. The Commission also discussed the possibility of lowering the fees for a
26 Conditional Use Permit from the present fee of \$500.00.

27 Mr. Cowie then referenced the tables on the ordinance draft. He noted issues for
28 the commissioners to be thinking about; right now there is no cap, and in the current
29 ordinance there is a cap at 40,000 square feet, which caps all animals except horses.
30 There was then some lengthy discussion on amounts and species of animals as referenced
31 in the table. Mr. Cowie stated he will bring back the groups at the next meeting with
32 more selection without limiting the large animals and with the ability to choose more
33 species. He will also bring back some new ideas for discussion and review.
34 Commissioner Kallas asked if other city ordinances have been looked at. Mr. Cowie
35 noted that no other cities animal ordinance comes close to ours, and Lindon City’s
36 ordinance is much more complex.

37 Chairperson Call called for any public comment. Lori Kay Banks, Lindon
38 resident approached the commission. She noted she had a few questions to address to the
39 commission. She referred to the Community Vision Statement, and asked if it refers only
40 to animal rights in general or if it protects the rights of neighbors etc. Mr. Cowie stated
41 that some of the language in the Community Vision is identical to the General Plan. Mrs.
42 Banks also noted that one of the issues that have been raised is what kind of impact some
43 of these animal restrictions or lack of them impact the neighbors. She also indicated that
44 the language is pretty strong, and one way will protect the landowner and the other will
45 protect the neighbor, and there are priorities. She also noted that to keep the “Little bit of
46 Country” feel here in Lindon, with the larger lots etc., the intention is to allow some of

2 these animal rights to exist. Mrs. Banks added that Lindon is one of the last cities that
3 have this kind of atmosphere, and it is important to hold on to these rights.

4 Chairperson Call asked if there were any further public questions or comments.
5 Hearing none she called for a motion.

6 COMMISSIONER KALLAS MOVED TO CONTINUE THE ORDINANCE
7 AMENDMENT TO LCC TITLE 6 – ANIMAL ORDINANCE. COMMISSIONER
8 LUNDBERG SECONDED THE MOTION. THE VOTE WAS RECORDED AS
9 FOLLOWS:

10 CHAIRPERSON CALL AYE
11 COMMISSIONER ANDERSON AYE
12 COMMISSIONER GUNNELL AYE
13 COMMISSIONER NEUWIRTH AYE
14 COMMISSIONER LUNDBERG AYE
15 COMMISSIONER KALLAS AYE
16 COMMISSIONER MARCHBANKS AYE
17 THE MOTION CARRIED UNANIMOUSLY.

18
19 COMMISSIONER MARCHBANKS MOVED TO CLOSE THE PUBLIC
20 HEARING. COMMISSIONER ANDERSON SECONDED THE MOTION. ALL
21 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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

23
24 Chairperson Call called for any new business or reports from the Commissioners.
25 Commissioner Lundberg mentioned the controversy over the proposed 9 story
26 Missionary Training Center structure in Provo. She noted the public was assured the
27 building would be no more than 5 stories.

28
29 Chairperson Call stated that Orem is reviewing their accessory apartment ordinance
30 again. She added that they have not allowed accessory apartments in the city since 2003.
31 Chairperson Call also noted that the American Fork City Planners have been encouraging
32 more diverse neighborhoods with larger and smaller lots and discussing density issues
33 with 4-plexes etc. and trying to bring people of different income levels living together.
34 Commissioner Gunnell asked if there had been any progress with the Maeser school
35 situation. Commissioner Lundberg stated they are still discussing the options and the
36 Board is reviewing a new traffic plan.

37
38 Chairperson Call asked if there were any other new business or discussion. Being
39 none she moved on to the next agenda item.

40 **PLANNING DIRECTOR'S REPORT** –

41
42 Mr. Cowie reported on City Council updates as follows:

- 43
44 ● The Commission reviewed the Project Tracking List.
45 ● 2012-2013 Budget was adopted.
46 ● City Council discussed the CARE Tax for the next fiscal year.

