

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**  
3 **August 28, 2012** beginning at 7:00 p.m. in the Lindon City Center, City Council  
4 Chambers, 100 North State Street, Lindon, Utah.

5 Conducting: Sharon Call, Chairperson  
6 Invocation: Angie Neuwirth, Commissioner  
7 Pledge of Allegiance: Del Ray Gunnell, Commissioner

8 **PRESENT**

**ABSENT**

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

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

22 **APPROVAL OF MINUTES** – The minutes of the regular meeting of July 10, 2012 and  
24 August 14, 2012 were reviewed.

26 COMMISSIONER MARCHBANKS MOVED TO APPROVE THE MINUTES  
27 OF THE REGULAR MEETING OF JULY 10, 2012 AS AMENDED.  
28 COMMISSIONER NEUWIRTH SECONDED THE MOTION. ALL PRESENT  
29 VOTED IN FAVOR. THE MOTION CARRIED.

30 COMMISSIONER KALLAS MOVED TO APPROVE THE MINUTES OF THE  
32 REGULAR MEETING OF AUGUST 14, 2012 AS AMENDED. COMMISSIONER  
33 GUNNELL SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE  
34 MOTION CARRIED.

36 **PUBLIC COMMENT** –

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

40 **CURRENT BUSINESS** –

- 42
- 44 **1. Site Plan:** *Goodfellows/K&L Dirt – 390 North 2000 West.* This is a request  
45 by Lange Fay with Goodfellows/K&L Dirt for approval of a site plan to  
46 construct an addition to their existing building located in the Light Industrial  
(LI) zone. The applicant's plans also include additional landscaping to the site

2 and the replication of the existing architectural façade throughout the  
3 proposed addition.

4 Woody Mataele, Assistant Planner, opened the discussion by stating this item is a  
5 request by Rich Hansen with Goodfellows/K & L Dirt for approval of a site plan to  
6 construct an addition to their existing building, which has been at that location for many  
7 years. He noted that the existing building is located in the Mixed Commercial (MC)  
8 zone, and the addition would essentially double the current building size. Mr. Mataele  
9 also stated that this addition would trigger architectural standards for the exterior of the  
10 building in the MC zone. He added that the addition would be a metal structure. Mr.  
11 Mataele explained that the applicant is looking for a waiver in the architectural standards  
12 or permitting the proposed design/materials to meet the architectural requirement. The  
13 applicant's plans also include additional landscaping to the site and the replication of the  
14 existing architectural façade throughout the proposed addition. Additionally the  
15 applicant's proposed addition would trigger some additions and improvements to the site  
16 itself.

17 Mr. Mataele further explained that the proposed addition would be subject to the  
18 amended site plan requirements as per Lindon City Code Section 17.17.130; the addition  
19 would require the site to be brought into substantial compliance with all current city  
20 codes and ordinances (i.e. landscaping parking, water drainage, fencing, etc.) Mr.  
21 Mataele stated that the Planning Commission can waive, modify or adjust some of the  
22 requirements in the ordinance if they feel it meets the requirements (LCC 17.17.130(5)).  
23 Mr. Mataele then showed photos of the existing site plan along with additional photos.  
24 He noted that the applicant has also submitted the elevation plans. He went on to say the  
25 applicant came through the Planning Commission last April as a concept review. Mr.  
26 Mataele also showed photos of the proposed site and the proposed addition. Mr. Mataele  
27 stated that the applicant is in attendance to answer any questions the commission may  
28 have.

29 Chairperson Call asked the applicant if he had any additional comments or  
30 information to add. Mr. Hansen commented that Mr. Mataele had basically covered all  
31 of the issues. Mr. Hansen did have a question concerning curb and gutter. He noted that  
32 currently there is not curb and gutter and inquired what standards they would be held to  
33 because their machinery is so heavy it would just tear it out any curb and gutter. Mr.  
34 Cowie stated that the engineering comments were referring to the ramps going into the  
35 parking area, not curb and gutter. Mr. Cowie added that they will have discussion with  
36 the engineer regarding this issue. Mr. Hansen stated that they did obtain signatures from  
37 the utility companies as requested by the city and inquired if there were any other  
38 requirements needed.

39 Chairperson Call commented that the plans indicate that improvements on the  
40 landscaping will be made and inquired what the applicant intends to do. Mr. Hansen  
41 stated that they are installing a rock structure (with a waterfall) by the front entrance gate  
42 with additional pine trees on the addition. He added that their theme is the "old west  
43 style" with railroad ties, wood chips and pine trees etc so very similar to the existing  
44 building. Chairperson Call asked if they plan on leaving the vinyl fence in or if they plan  
on installing a masonry fence. Mr. Hansen stated that the vinyl fence is owned by the

2 Fieldstone Development and they installed the fence. There was then some general  
discussion regarding fencing and parking issues.

4 Chairperson Call asked if the addition will be built with the same materials so it  
will match the existing building. The applicant confirmed they will use the same  
materials. Commissioner Anderson inquired how tall the additional building will be. Mr.  
6 Hansen stated that the additional building will be 60 x 90 and 18 feet tall.

8 Commissioner Lundberg asked about the 15 % landscape requirement of the total  
area and inquired if he has an estimate of how much is currently landscaped. Mr. Cowie  
replied that from the description there is more landscaping planned to put in next to the  
10 addition that is not depicted on the new plan. Mr. Cowie ran a quick number and he  
noted there is 5.8 acres just on the north lot and 15% is 8/10 of an acre, so that is a big  
12 amount for an amended site plan.

14 Commissioner Gunnell asked if it was zoned mixed commercial when they  
moved there. Mr. Hansen replied that it was zoned light industrial 10 years ago and  
added that they did not correspond with the Fieldstone Development.  
16 Mr. Mataele asked the applicant about exhaust fans and lighting that will be up against  
the Fieldstone homes. The applicant stated that they will put the yard lighting and  
18 exhaust fans on the south and the west side as to not to pose a nuisance to the neighbors.  
Commissioner Kallas asked if the garbage and trash refuse dumpsters will be enclosed.  
20 The applicant stated that it will not be enclosed as they use industrial size roll off  
dumpsters. He also has a regular dumpster that is not enclosed. Commissioner Kallas  
22 stated that the dumpster should be enclosed. Mr. Hansen noted he will enclose the  
dumpster.

24 Chairperson Call commented that she observes the following conditions:  
26

1. 15% landscaping requirement waived.
- 28 2. Lighting adjusted away from the Fieldstone Homes.
3. Masonry enclosure around the dumpster.
- 30 4. Architectural design materials waived.
- 32 5. Vinyl fencing instead of the masonry fence along the Fieldstone Development.

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

36 COMMISSIONER NEUWIRTH MOVED TO APPROVE THE SITE PLAN  
FOR GOODFELLOWS/K & L DIRT WITH THE FOLLOWING CONDITIONS:

- 38 1) LIGHTING BE ADJUSTED AWAY FROM THE FIELDSTONE HOMES;
- 40 2) A MASONRY ENCLOSURE BE INSTALLED AROUND THE GARBAGE  
DUMPSTER PER CITY STANDARDS;
- 42 3) THAT THE ARCHITECTURAL DESIGN GUIDELINES PREVIOUSLY  
DISCUSSED IN THE CONCEPT REVIEW BE APPROVED AND APPLIED;
- 44 4) FENCING BETWEEN THE COMMERCIAL DEVELOPMENT AND THE  
FIELDSTONE DEVELOPMENT REMAIN AS IS (6' VINYL);

5) 15% LANDSCAPING REQUIREMENT BE WAIVED, BUT ADDITIONAL  
LANDSCAPING AS DISCUSSED BY THE APPLICANT TO BE INSTALLED NEAR  
THE DRIVEWAY ENTRANCE TO THE SITE AND NEAR THE NEW BUILDING.  
COMMISSIONER MARCHBANKS SECONDED THE MOTION. THE VOTE WAS  
RECORDED AS FOLLOWS:

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

2. **Public Hearing:** *Ordinance Amendment: LCC Chapter 18.03 “Definitions & Regulations” and LCC Chapter 18.04 “Billboard Advertising”*. This is a request for approval by Terry Reid for an ordinance amendment to allow digital face changes on off premise signs, specifically billboards. Recommendations will be made to the City Council at their next available meeting after review by the Planning Commission.

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

Chairperson Call invited the applicant, Terry Reid, forward. Mr. Mataele opened the discussion by explaining this is a request by Terry Reid for an ordinance amendment to allow digital face changes on off-premise signs, specifically billboards. Mr. Mataele further discussed that the applicant is proposing an ordinance 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 regulations for off-premise and on-premise changeable copy signs. He added these regulations address size and intervals for these digital signs. He noted that a few of the changes were added and are noted in bold to clean up the ordinance. Mr. Mataele stated that the proposed language comes from state code. He added that currently this type of digital face billboard is not permitted in Lindon and these changes would allow it. Mr. Mataele then showed photos provided by the applicant. He also noted that staff did send out notices to the advertising companies to let them know of this proposed ordinance amendment.

Mr. Reid addressed the commission at this time. He noted that basically this includes what was discussed previously and he noted that all language in the draft conforms to state and federal law. Chairperson Call commented that she understands this action will add on electronic changeable copy signs to billboards to the ordinance and will make it possible for any billboards in Lindon to be converted to digital. Mr. Reid stated that the only change from what the ordinance was before to now is that it had limited the small leader boards were permitted, and also some general housekeeping issued to make it all fit together. Mr. Cowie stated that there are 17 billboards signs in the

2 Lindon City boundaries. Chairperson Call asked Councilmember Bean, who was in  
attendance, if after hearing Mr. Reid’s presentation, did the council have any concerns  
4 with this issue. Councilmember Bean stated that the council did not have any strong  
concerns about this issue. There was then some general discussion regarding the time  
6 frame change out on electronic changeable copy signs and also proposed changes in the  
ordinance draft.

8 Chairperson Call asked Mr. Cowie to clarify what the “T Zone” is. Mr. Cowie  
stated that it an overlay zone that was adopted by ordinance and is an area that extends  
500 feet on the other side of the freeway (north and south). Anything within that zone  
10 (1.000 ft strip) is the area that is approved to locate a billboard.

12 Commissioner Lundberg questioned the new LED signage and what the  
repercussions may be for onsite premise businesses wanting this type of new technology  
where it is not currently allowed. Commissioner Marchbanks stated that this was  
14 previously discussed and there is no reason to restrict it but cost alone will drive the  
technology until it gets cheaper. Mr. Cowie commented that the LED signs are currently  
16 permitted but limited in size. There was then some discussion of the proposed changes in  
the ordinance. Mr. Reid then thanked the commission for their time and consideration of  
18 this matter.

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

22 COMMISSIONER KALLAS MOVED TO APPROVE ORDINANCE  
AMENDMENT LCC CHAPTER 18.03 “DEFINITIONS AND REGULATIONS” AND  
24 LCC CHAPTER 18.04 “BILLBOARD ADVERTISING” CHANGES AS DISCUSSED  
AND RECOMMENDED APPROVAL TO THE CITY COUNCIL. COMMISSIONER  
26 MARCHBANKS SECONDED THE MOTION. THE VOTE WAS RECORDED AS  
FOLLOWS:

28 CHAIRPERSON CALL AYE  
COMMISSIONER ANDERSON AYE  
30 COMMISSIONER GUNNELL AYE  
COMMISSIONER NEUWIRTH AYE  
32 COMMISSIONER KALLAS AYE  
COMMISSIONER MARCHBANKS AYE  
34 COMMISSIONER LUNDBERG AYE  
THE MOTION CARRIED UNANIMOUSLY.

- 36  
38 **3. Continued Public Hearing:** *Ordinance Amendment: LCC Title 6 (Animal  
Ordinance).* This is a continued public hearing to review an ordinance  
40 amendment to LCC Chapter 6 (Animal Ordinance). Proposed changes will  
help clarify the current language within this ordinance. A review of the  
42 current allotted amounts of animals permitted within the specific lots sizes in  
Lindon will also occur. Recommendations will be made to the City Council  
44 after final review by the Planning Commission.

46 Adam Cowie, Planning Director, opened the discussion by stating there are a few  
items that need to be addressed from the last review. He referenced the proposed

2 ordinance changes, and noted that the double underlined sections are new wording added  
3 since the last review and the highlighted wording are issues that need to be discussed  
4 further. Mr. Cowie explained that the discussion will include the numbers of animals  
5 permitted on larger lots. He noted that after the last discussion there is a fair amount of  
6 change on the issue of “Wild and Exotic Animals”.

7 Mr. Cowie then referenced draft one, “Animal under Restraint”. He stated that  
8 there was discussion from the commission to try to tighten up the language. He then  
9 discussed the items that were added and changed on section 6.04.005.  
10 He then referenced draft 12 and “Wild and Exotic Animals”. He noted at their last  
11 meeting it was discussed to possibly allow some wild and exotic animals by a conditional  
12 use permit. Mr. Cowie then referenced the changes in language and noted that after  
13 discussion, a list of permitted wild and exotic animals was created. The Commission was  
14 in agreement with the changes and additions on wild and exotic animals.

15 Mr. Cowie then referenced draft 17 and noted some additional changes and added  
16 language and conditions. There was then some general discussion regarding the setbacks  
17 of agricultural buildings, barns, corrals and animal enclosures. Mr. Cowie questioned the  
18 way barns have been identified; they require a lesser setback by 10 ft. to the adjacent  
19 homes, but a greater setback from the street than a corral that has animals. He stated that  
20 he wants to confirm that the commissioner is in agreement on this issue. Commissioner  
21 Neuwirth stated that she would like to see the setbacks not related to a how close a  
22 neighbors house is to the property line and just be based on the setback from their own  
23 property line. Mr. Cowie commented that he is not sure of a good way to accomplish that  
24 without creating a lot of non-conforming uses. Commissioner Lundberg commented that  
25 a lot of people are using their fence line as one of their boundary’s. Mr. Cowie agreed  
26 that the majority of people are using the fence line as a boundary. Mr. Cowie also  
27 mentioned the issue of changing the 60 ft. setback, and noted as staff looked at a lot of  
28 other city ordinances they found that all of the cities are different and unique and there is  
29 not a set standard.

30 Mr. Cowie stated that a provision could be added that states alterations or changes  
31 on adjacent properties can’t eliminate another property owners existing distance, but  
32 would make every home different and difficult to track. Commissioner Kallas stated that  
33 the way the draft is written it eliminates or prevents a person from building a barn or  
34 corral on the side of their home but puts it more in the back of the home. Mr. Cowie  
35 confirmed that currently they could not be in the front 30 ft yard or side yard. Mr. Cowie  
36 stated that it is difficult to write in the language for pre-existing conditions without  
37 having scenarios where everyone has a different standard in the same subdivision.  
38 Commissioner Anderson commented that it would sure be a lot easier to administer if it  
39 was based off of the property lines and deal with the non-conforming issues on a  
40 complaint basis.

41 Councilmember Bean commented that the problem is when there is a lot of time  
42 spent on the exceptions it can be difficult to get the language right. He suggested if there  
43 are concerns about the distance like 50 or 60 ft he suggested making the setback language  
44 uniform between the two, and if there are concerns about odors then grandfather it in. He  
45 went on to say for those who choose to build an accessory apartment next to an existing  
46 barn or corral, they have made the choice and the city can track it by the issuing of a  
building permit; and if they choose to build, the city is not going to require the neighbor

2 to move his barn or coral to meet the setbacks, as he is grandfathered in. There was then  
3 some discussion between the commissioners regarding the issue of grandfathering on  
4 existing properties. Commissioner Marchbanks noted that he has talked with some  
5 residents and indicated that the feeling is why should something be fixed (animal  
6 ordinance) that isn't broken because of those few who have had complaints about  
7 animals; and there has been controversy between the neighbors and usually does not end  
8 well and creates bad feelings.

9 Chairperson Call commented that we do need to protect owner's rights for  
10 animals, but also need to protect the neighbors who do not choose to have animals.  
11 Chairperson Call also noted that a decision needs to be made on draft 17. There was then  
12 a straw poll taken from the commissioners on whether to recommend a 50 ft. or 60 ft.  
13 setback from the dwellings and containment structures. After the straw poll was taken the  
14 commission was unanimous on the 50 foot setback. Mr. Cowie suggested adding the  
15 sentence "encroachment on these prescribed setbacks by new residential additions or uses  
16 shall not prohibit pre-existing corrals, barns or other animal enclosures". He also stated  
17 that the city can then track it the best they can. The commission was in agreement to add  
18 the language. Mr. Cowie then reviewed the proposed changes as discussed.

19 Mr. Cowie then referenced the issue of "Beekeeping". He noted that the language  
20 from the last meeting recommending the allowance of mason bees; currently the  
21 ordinance only regulates honey bees and he suggested removal of other types of  
22 beekeeping. Mr. Cowie then asked about the number of hives to allow. The number of  
23 hives to allow was then discussed. The Commission was in agreement to allow 3 hives  
24 on lots less than 20,000 square feet and then 1 additional hive for every additional 10,000  
25 square feet of property. Mr. Cowie then discussed page 20, "flyway barrier" and the  
26 placement and setbacks of the hives. Mr. Cowie then referenced the animal restriction  
27 tables. There was then some lengthy discussion by the commissioners regarding the  
28 tables.

29 Chairperson Call asked if there were any public questions or comments. She also  
30 called for any further discussion from the commission. Hearing no further comments  
31 Chairperson Call then suggested that the commission continue the animal ordinance to  
32 see the suggested changes presented one last time before sending to the City Council.

33  
34 COMMISSIONER MARCHBANKS MOVED TO CONTINUE THE  
35 PROPOSED ORDINANCE AMENDMENT TO LCC TITLE 6 'ANIMAL  
36 ORDINANCE'. COMMISSIONER KALLAS SECONDED THE MOTION. THE  
37 VOTE WAS RECORDED AS FOLLOWS:

38 CHAIRPERSON CALL AYE

39 COMMISSIONER ANDERSON AYE

40 COMMISSIONER GUNNELL AYE

41 COMMISSIONER NEUWIRTH AYE

42 COMMISSIONER KALLAS AYE

43 COMMISSIONER MARCHBANKS AYE

44 COMMISSIONER LUNDBERG AYE

THE MOTION CARRIED UNANIMOUSLY.

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

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

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Chairperson Call called for any new business or reports from the Commissioners.  
8 Councilmember Bean invited Commissioner Neuwirth forward to be recognized with a  
plaque in appreciation for her years of service on the planning commission. He also  
10 expressed his appreciation for her knowledge and contribution to the commission.

12 Chairperson Call noted the upcoming hearing on the center street crossing to be  
held on September 4<sup>th</sup>. Commissioner Anderson inquired about the pavilion at the City  
Center Park being surplusd and asked if there had been any consideration in moving it to  
14 another park. Mr. Cowie stated that it was his understanding that it is to be scrapped out  
and a new pavilion built at that location. Councilmember Bean noted that he will bring  
16 the issue up to the council about the possibility of relocating the pavilion.

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

20 **PLANNING DIRECTOR'S REPORT** –

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

- 24 ● The Commission reviewed the Project Tracking List.
- Utah APA Fall Conference will be held on October 4<sup>th</sup> and 5<sup>th</sup>.
- 26 ● Woody Mataele, Planning Assistant, has submitted his resignation.

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

30 **ADJOURN** –

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COMMISSIONER GUNNELL MADE A MOTION TO ADJOURN THE  
34 MEETING AT 10:25 P.M. COMMISSIONER NEUWIRTH SECONDED THE  
MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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38 Approved – September 11, 2012

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Sharon Call, Chairperson

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Adam Cowie, Planning Director