

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
3 **July 27, 2010** in the Lindon City Center, City Council Chambers, 100 North State Street,
4 Lindon, Utah.

5 Conducting: Gary Godfrey, Chairperson

6 Invocation: Gary Godfrey

7 Pledge of Allegiance

8 **PRESENT**

ABSENT

9 Gary Godfrey, Chairperson

Debra Cullimore, City Recorder

10 Ron Anderson, Commissioner

Matt Bean, Commissioner

11 Chris Burton, Commissioner

12 Sharon Call, Commissioner

13 Mark Johnson, Commissioner

14 Angie Neuwirth, Commissioner

15 Adam Cowie, Planning Director

16 Woodworth Mataele, Assistant Planner

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

18 **APPROVAL OF MINUTES** – The minutes of the meeting of June 8, 2010 were
19 reviewed.

20 COMMISSIONER NEUWRITH MOVED TO APPROVE THE MINUTES OF
21 THE MEETING OF JUNE 8, 2010. COMMISSIONER CALL SECONDED THE
22 MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

23 **PUBLIC COMMENT** –

24 Chairperson Godfrey called for comments from any audience member who
25 wished to address an issue not listed as an agenda item. There was no public comment.

26 **CURRENT BUSINESS** –

- 27 1. **Ordinance Amendment** – *City Initiated – LCC 17.02.010(59) – Definitions –*
28 *“Family.”* This is a City initiated request for approval of an ordinance change
29 to Lindon City Code Section 17.02.010(59). The proposed updates to the
30 subject section would bring the current section in conformance with changes
31 to the State Code. Recommendations for the Planning Commission will be
32 forwarded to the City Council for final actions.

33 Mr. Cowie explained that this proposed amendment will bring the City Code into
34 compliance with State code 10-9a-505.5 regarding the definition of a family. Changes
35 would permit up to four unrelated individuals to live in a single dwelling unit.

2 Municipalities with student populations of 20,000 or more can restrict the number of
unrelated individuals living in a single dwelling unit to three.

4 Commissioner Call inquired as to whether the ordinance would require the home
to be owner occupied. Mr. Cowie stated that the City ordinance and the State code do not
6 require the home to be owner occupied. Commissioner Call inquired as to how
occupancy would be enforced. Mr. Cowie stated that enforcement would typically be
8 complaint based, as it is difficult to determine the number of residents living at a home by
driving by. If the City receives a complaint, occupancy will be investigated and
appropriate action taken. Commissioner Call inquired as to parking requirements for this
10 type of living arrangement. Mr. Cowie stated that two off street parking spaces are
required for each dwelling unit.

12 The Commission went on to discuss rental of accessory apartments to unrelated
individuals. Mr. Cowie explained that homes with accessory apartments must be owner
14 occupied. The property owner has the option to live in the main dwelling or the
accessory apartment, and could potentially rent the home or the apartment to up to four
16 unrelated individuals. Mr. Cowie felt that Lindon would not experience a significant
increase in homes being rented to students.

18 Chairperson Godfrey inquired as to whether there has been much resistance to the
State law since implementation, and whether the law is likely to change in the near
20 future. Mr. Cowie stated that there is no indication that the State statute will be amended
in the foreseeable future.

22 Commissioner Neuwirth noted that parking may become an issue in some areas if
single family homes have four vehicles and only two off street parking spaces. Mr.
24 Cowie noted that on street parking is legal.

26 Commissioner Johnson noted that there is a potential in situations where a group
of single men live in a home that issues such as disturbing the peace may arise as other
individuals congregate at the home. Mr. Cowie stated that ordinances are in place to
28 address problematic situations, and that enforcement would take place through property
owners rather than renters.

30 Chairperson Godfrey noted that the City Code is required to comply with State
statute. He called for a motion.

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34 COMMISSIONER NEUWIRTH MOVED TO APPROVE ORDINANCE #2010-
2-O AMENDING LCC 17.02.010(59) – DEFINITION OF FAMILY – OF THE
LINDON CITY CODE AND RECOMMEND APPROVAL TO THE CITY COUNCIL.
36 COMMISSIONER JOHNSON SECONDED THE MOTION. ALL PRESENT VOTED
IN FAVOR. THE MOTION CARRIED.

- 38
40 2. **Ordinance Amendment** – *City Initiated – LCC 17.04.230 – Height*
Limitations, Exceptions. This is a City initiated request for approval of an
42 ordinance change to Lindon City Code Section 17.04.230. The proposed
changes to the subject section would provide a clearer understanding of the
code. Recommendations from the Planning Commission will be forwarded to
44 the City Council for final action.

2 Mr. Cowie explained that ordinance amendments clarify specific exceptions to
height limitations. Several specific structures were removed from the list of exceptions,
4 including silos and water tanks. Flag poles are addressed in a separate ordinance and will
be removed from this section as well. The Commission also requested that smoke stack
6 structures be struck from the list of exceptions. Structures which are permitted to exceed
the height limit in any zone are permitted to exceed the limit by a maximum of 10 feet. A
8 church may have architectural features erected up to 50% of the building height or 20 feet
above the zone height limit, whichever is greater. The Commission discussed
10 requirements for silos in agricultural areas. Mr. Cowie explained that silos could be
constructed to the maximum height limit of the zone where the silo is located. The
12 Commission discussed unique circumstances which may come up, such as amusement
devices at amusement parks. Mr. Cowie stated that those situations could be addressed
on a case by case basis through ordinance changes or review by the Board of Adjustment.

14 Chairperson Godfrey called for further comments or discussion. Hearing none, he
called for a motion.

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18 COMMISSIONER CALL MOVED TO APPROVE ORDINANCE #2010-3-O
AMENDING LCC 17.04.230-HEIGHT LIMITATIONS – EXCEPTIONS, INCLUDING
20 THE STRIKING OF SMOKE STACKS AND FLAG POLES AND RECOMMEND
APPROVAL TO THE CITY COUNCIL. COMMISSIONER BURTON SECONDED
22 THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

- 24 3. **Ordinance Amendment** – *City Initiated – LCC 17.74 – Wind Energy
Conversion Systems*. This is a City initiated request for approval of an
26 ordinance addition of LCC 17.74 to the Lindon City Code. The proposed
addition would provide regulations for Wind Energy Conversion Systems
(WECS). Recommendations from the Planning Commission will be
28 forwarded to the City Council for final action.

30 Mr. Mataele explained that the City Council instructed staff to draft an ordinance
to address Wind Conversion Energy Systems(windmills). Staff reviewed existing
32 ordinances from several municipalities. He presented photographs of existing windmills
in residential areas in Saratoga Springs and Highland. He noted that while on site taking
34 the photographs, he spoke with neighboring residents who expressed no concerns
regarding the windmill structures. They reported that they have not experienced any
36 negative impacts resulting from noise generated by the windmills, and felt that the
structures were not detrimental to the neighborhood.

38 Commissioner Neuwirth inquired as to whether vendors of the structures had been
consulted in drafting the ordinance. Mr. Cowie explained that the City Council is
40 pursuing this ordinance based on the recommendations and request of a vendor who
attended a City Council meeting. The vendor informed the Council that three
42 applications had been received from Lindon residents to install windmills.

44 The proposed ordinance addresses General Regulations and Standards, Building
Permit and Inspection requirements, Setback and Height requirements, and issues related
46 to Safety, Sound and Visual Appearance. Mr. Cowie noted that without this ordinance,
windmills would technically fall under the previous ordinance reviewed by the

Commission relative to height limitations. Mr. Mataele reviewed specific elements of the proposed ordinance. He noted that windmill structures less than 20 feet in height would be exempt from the building permit requirement.

Commissioner Anderson expressed concern regarding the provision which allows two windmills per parcel. He noted that in residential zones, two windmills on a small residential lot may negatively impact neighbors. Mr. Cowie noted that the location of windmills will be somewhat self-regulating based on the cost of units. Commissioner Neuwirth suggested the possibility of limiting structures to one per quarter acre. Commissioner Anderson suggested allowing one structure per residential lot which is a half acre or smaller.

Commissioner Burton inquired as to whether power is stored in batteries on site. Chairperson Godfrey stated that power can be stored in batteries, transferred into the power grid or used as available. Commissioner Call agreed with concerns expressed by Commissioner Anderson relative to lot size. Mr. Cowie noted that required setbacks would limit proliferation of windmills in residential zones.

Commissioner Burton inquired as to whether the rotor radius should be more specifically addressed in the ordinance. Mr. Mataele explained that the setback would include the rotor radius, not just the pole structure. He noted that this ordinance is somewhat more restrictive than ordinances in other municipalities.

Chairperson Godfrey inquired as to whether an owner of a WECS would be required to notify the power company if the windmill will not be connected to the power grid. Mr. Cowie explained that if the windmill will be connected to the power grid, the utility company must be notified. However, the owner has the option to notify or not notify the power company if the windmill will not be connected to the grid.

Chairperson Godfrey requested clarification regarding language which refers to power sources for the windmill. Mr. Cowie explained that any exposed power lines which are connected to the windmill must be concealed from public view.

Chairperson Godfrey expressed concern that the specified setbacks may be excessively restrictive. Mr. Cowie explained that setbacks are intended to protect neighboring structures in the event the windmill fell for any reason. The ordinance specifies that the minimum setback distance for all WECS shall be no less than 20 feet from all property lines, including the blade radius. Chairperson Godfrey felt that the required setbacks may require placement of the windmill too close to homes or in the middle of yard areas. Mr. Cowie presented examples of potential placement of a 55 foot windmill structure on several residential lots.

The Commission went on to discuss visual appearance requirements which are intended to minimize visual impacts to neighboring properties. The Commission also discussed potential noise impacts. Mr. Cowie noted that he does not anticipate that the noise from windmills which would be installed in residential areas would exceed the noise from air conditioning units.

Chairperson Godfrey noted that the ordinance can be amended as necessary if problems are identified as WECS applications are processed. Mr. Cowie noted that the vendor who requested that the City draft an ordinance is planning to attend the City Council meeting when this ordinance is considered to answer questions or give input. Mr. Mataele noted that municipalities who have adopted similar ordinances have not experienced a large influx of WECS applications.

2 Chairperson Godfrey called for further comment of discussion. Hearing none, he called for a motion.

4 COMMISSIOENR ANDERSON MOVED TO APPROVE ORDINANCE #2010-
6 4-O CREATING CHAPTER 17.74, WIND ENERGY CONVERSION SYSTEM
(WECS) AND RECOMMEND APPROVAL TO THE CITY COUNCIL WITH THE
8 FOLLOWING RECOMMENDATION:

10 1. THAT LARGE ACREAGE PARCELS BE PERMITTED TO HAVE MORE
12 THAN TWO STRUCTURES BASED ON ACREAGE AND SETBACKS.
14 COMMISSIONER NEUWIRTH SECONDED THE MOTION. ALL PRESENT
16 VOTED IN FAVOR. THE MOTION CARRIED.

18 **NEW BUSINESS** – Reports by Commissioners

20 Commissioner Call inquired as to news stories regarding private donations which
22 have been made for various City projects. Mr. Cowie explained that all the donations
24 have been made by a single donor, but will be used for several different projects,
including Orchard Park, the Veterans Memorial monument, and the Senior Citizens
Center.

26 Commissioner Burton inquired as to when the Lindon Heritage Trail will be
28 completed to Utah Lake. Mr. Cowie stated that grant funding has been awarded to
30 extend the trail to the west. The grant will fund in 2012, but that preliminary work will
begin in 2011. Available funding will not complete the trail to Utah Lake, but additional
funding will be sought in future grant cycles.

32 Commissioner Call inquired as to the Community Center Committee, and whether
34 that committee has been formed. Mr. Mataele stated that the committee has been formed
and has begun meeting to discuss design and programming for the Community Center.
36 Mr. Cowie explained that the Mayor appointed members of that committee. Mr. Cowie
explained that the Senior Center area will be renovated using donated funds and CDBG
funds. Other areas of the facility will not be extensively renovated in the near future.

38 Commissioner Call asked when the Commission would start review of General
40 Plan revisions. Mr. Cowie stated that the General Plan Committee has reviewed the Plan
extensively, and is currently soliciting public input on several issues. The Planning
42 Commission and City Council will briefly review changes in September to gauge the
general direction of proposed revisions. A public Open House is scheduled for
44 November 30th to take public comment on revisions. In depth review of final changes
will be reviewed by the Planning Commission and City Council in approximately
46 February 2011. Mr. Cowie invited Commissioners to take the survey available on the
City website concerning General Plan and recreation issues.

PLANNING DIRECTOR'S REPORT –

Mr. Cowie reported on the following items:

1. The City Council met with Steve Maddox to discuss proposed changes to the development agreement relative to the Creekside Retirement subdivision. The Council expressed general opposition to the proposed changes which would

- 2 open the development for sales to any age buyer, and felt the development
should be constructed as specified in the development agreement.
- 4 2. Karl G. Maeser Preparatory Academy has started construction on their new
school facility. The new school will not be completed by the start of the
6 school year. The City has entered into a lease agreement with the school to
use the new Community Center facility as a part of the school for several
8 months until the new facility is completed.
3. The City Council approved the Orchard Park master plan.

10 **ADJOURN** –

12 COMMISSIONER NEUWIRTH MOVED TO ADJOURN THE MEETING AT
14 8:27 P.M. COMMISSIONER CALL SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

16 Approved – August 24, 2010

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Gary Godfrey, Chairperson

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Adam Cowie, Planning Director