

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday, March**
4 **28, 2023 beginning at 6:00 p.m.** at the Lindon City Center, City Council Chambers, 100 North
State Street, Lindon, Utah.

REGULAR SESSION – 6:00 P.M.

6 Conducting: Sharon Call, Chairperson
8 Invocation: Mike Marchbanks, Commissioner
Pledge of Allegiance: Jared Schauers, Commissioner

PRESENT

EXCUSED

12 Sharon Call, Chairperson
Scott Thompson, Commissioner
14 Rob Kallas, Commissioner – arrived 7:15
Mike Marchbanks, Commissioner
16 Renee Tribe, Commissioner
Steven Johnson, Commissioner
18 Jared Schauers, Commissioner
Mike Florence, Economic Development Director
20 Mary Barnes, Associate Planner
Brian Haws, City Attorney
22 Britni Laidler, Deputy Clerk

24 **1. CALL TO ORDER** – The meeting was called to order at 6:00 p.m.

26 **2. APPROVAL OF MINUTES** –The minutes of the regular meeting of the Planning
Commission meeting of March 14, 2023 were reviewed.

28 COMMISSIONER JOHNSON MOVED TO APPROVE THE MINUTES OF THE
REGULAR MEETING OF MARCH 14, 2023 AS AMENDED. COMMISSIONER
30 SCHAUERS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE
MOTION CARRIED.

32 **3. PUBLIC COMMENT** – Chairperson Call called for comments from any audience
member who wishes to address any issue not listed as an agenda item. There were no public
comments.

34 **CURRENT BUSINESS** –

36 **4. Clarification of Site Plan Approval – Colts Neck Fence – Approximately 200 W.**
400 N. The applicant requests a clarification on the fencing material requirement from the
December 13th planning commission, for a commercial fence along 400 N. (Parcel ID
38 #14:068:0163)

40 Mike Florence, Community Development Director presented this item. He noted the
planning commission previously granted site plan approval for the Fence Specialists storage yard
on December 13, 2022. The applicant Tim Clyde is requesting the planning commission to

2 review the fence type to be installed, in which he is requesting it be chain link fence with privacy
slats along 400 N. The applicants' original plans that were reviewed by the planning commission
4 and city staff did not include fence material and only identified the fence location.

6 Mr. Florence stated City staff has provided direction to the applicant that the planning
commission has been consistent in its prior applications of the ordinance that masonry or
concrete has been the standard fence requirement. Title 17.48.040 requires a masonry or concrete
8 fence along any property line between a nonresidential development and a residential use or a
residential zone. Staff's interpretation is that even though the applicant is required to install 20'
10 of landscaping along the street, the setback does not relieve that applicant from meeting the
masonry or concrete fencing requirement. However, 17.48.040 does allow the planning
12 commission to approve a fence other than a masonry or concrete fence. It is noted that the zoning
directly abutting this site along 400 N. is zoned Residential R1-20 and the applicant will be
14 installing a masonry or concrete fence along the east property line which abuts the single-family
and R1-20 zoning. Title 17.48.050 also includes requirements for outdoor storage and
16 merchandise, and it states that the storage must be in an area approved as part of the site plan and
shall be within an area enclosed with a sight obscuring fence of at least six feet in height.

18 Mr. Florence indicated city staff does not believe that a chain link fence with privacy
slats is the appropriate fencing material to be installed along 400 N. to meet the zoning
20 requirements for a fence abutting a residential use or zone. An ariel shot and zone map of the
property in question was presented showing the property transitions to a single-family
22 neighborhood that has single-family homes and zoning directly across the street and next door.
Staff is not aware of any commercial locations where the planning commission has approved
24 chain link fencing along a street frontage. He pointed out the purpose of using the concrete or
masonry fence is to properly obscure outdoor storage on the site and to maintain the longevity
26 and durability of the fence. The area behind the fence will be used for storage of vinyl fence
products and equipment and needs to be adequately obscured over the long-term. The applicants
28 chain link proposal is to install black privacy slats on black chain link. The slats are factory
installed. The material pamphlet provided to city staff by the applicant and attached to this
30 report, identifies that the pre-installed slats have a 98%-99% approximate privacy.

32 The applicant, Tim Clyde addressed the commission at this time. He let the commission
know that there are two separate issues he wanted to address tonight. The first being code
17.48.040, where it states, "A masonry or concrete fence seven feet (7') high shall be constructed
34 and maintained along any property line between a nonresidential development and a residential
use or a residential zone." He stated that the reason it is worded like this is because it is actual
36 data points and doesn't include reference points, such as setbacks or anything else. In the site
plan it is very clear that this is to be included on the east side of the property. He stated it is hard
38 to find any other situation within the city where this particular situation has happened. He was
able to locate two locations he wanted to reference, one being 550 N. near Walmart where there
40 is commercial and residential. Currently the lot referenced is undeveloped and has a two-rail
fence. According to his interpretation, there should be a 7' masonry wall there, however there is
42 not.

2 Mr. Clyde then referenced a location on 600 N. near Low Book Sales, stating that again,
according to his interpretation, there should be a 7' masonry wall there. He recalled the meetings
4 for those locations when citizens came with those locations, and their main concern being
lighting and delivery trucks. He stated that he feels with his property being much like those two
6 he referenced, he should not be required to have the masonry wall.

8 Mr. Clyde then addressed section 17.48.050 where it states "For outdoor storage areas
required to be visually obscured, the planning commission may approve a landscaping screen in
10 lieu of a fence, a fence other than a sight obscuring fence or approve a fence height greater than
six feet (6') if it makes the following findings: a. The proposed fence/landscape screen provides
12 an adequate buffer for the adjoining uses. b. The appearance of the fence/landscape screen will
not detract from adjoining uses and/or use of the property. c. The proposed fence/landscape
14 screen will shield the adjoining uses from noise, storage, traffic or any other characteristic of the
storage use that is incompatible with adjoining uses. d. The planning commission may waive or
16 adjust this fence/screening requirement upon findings that the fence is not needed to protect
adjacent uses from adverse impacts and that such impacts can be mitigated in another appropriate
18 manner." He stated that he proposes based on this code section, that he should be able to use
chain-link with slats to fulfill this requirement. He noted that there are many different types, and
20 he has presented the type of fencing and slats he wants to use. He stated that this will allow the
fence to disappear into the landscaping. He presented a picture of what he wants to install to
22 fulfill the sight obscuring requirement referenced. He informed the commission know that for his
business he would need a 20-foot gate in order to allow deliveries to come in and out, and that it
would be hard to do with a masonry wall.

24 Mr. Florence addressed the council to clarify a few things. He stated the distinction with
the property in question is it is a storage yard. He also presented an aerial shot of the property
26 showing the commission what the fence would be obscuring from residents.

28 Chairperson Call asked for clarification on the way the planning commission has defined
a sight obscuring fence and if it has always been masonry walls. Mr. Florence confirmed in the
time he has been working with the commission there have been no changes. Commissioner
30 Thompson clarified the breakdown of the code 17.48.050 stating that the fence must meet the
findings, and it doesn't state just one must be met, but all 3 must be met. He focused on where it
32 states the proposed fence will shield the adjoining uses from noise, storage and traffic He doesn't
believe a chain-link fence will block noise as well as a masonry wall would. He also discussed
34 other observations he had with other city locations referenced previously by Mr. Clyde. Mr.
Thompson stated he believes the commission should be consistent and that they should screen
36 the neighbors from adverse impact of the storage yard.

38 Chairperson Call clarified that the commission has always interpreted that a sight
obscuring fence to be a solid masonry wall, stating that it isn't fair to other instances in the past
to change that now. Ms. Call asked for clarification from City Attorney, Brian Haws on the
40 matter. Mr. Haws stated that where it might not be clearly referenced in that specific section, it is
clearly referenced in other places within the code. He stated that the interpretation has always
42 been interpreted as a masonry wall with the commission.

2 Commissioner Johnson stated that he has a hard time reconciling the two codes together.
He was trying to focus more on 17.48.050 and that the challenge to the commission is clarifying
4 if a chain-link would be a sight obscuring fence. He referenced his situation with his building
and the specifics of that issue within his own business. Mr. Johnson then stated he not decided
6 yet if a chain-link fence qualifies as a sight obscuring fence. Commissioner Schauers voiced that
he recalled when this previously came before the commission, that there was quite a lot of
8 emotional input by the neighbors. He stated that installing a masonry wall would show that the
applicant has done everything possible to shield the neighbors from sight and noise of the storge
10 yard.

12 Commissioner Marchbanks stated this is not comparing apples to apples to the previously
mentioned Walmart or Low Book Sales locations. However, he can see both sides of this
discussion. Commissioner Tribe stated that she thinks the fence is very nice looking and is
14 sympathetic to the cost difference of the fence types. She believes the black chain-link fence with
slats would look nice and with the 8ft height that the applicant stated he plans to do.

16 Following some additional general discussion, Chairperson Call called for any further
comments or discussion from the Commission. Hearing none she called for a motion.

18
20 COMMISSIONER THOMPSON MADE A MOTION TO AMEND THE EXISTING
SITE PLAN FOR COLTS NECK FENCE AT 200 W. 400 N. TO INCLUDE A
CLARIFICATION ON THE TYPE OF FENCING ALONG THE NORTH PARAMETER OF
22 THE PROPERTY TO BE CONSISTENT WITH 17.48.040 AND CONSISTENT WITH THE
RECOMMENDATION FROM STAFF. COMMISSIONER SCHAUERS SECONDED THE
24 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

26	COMMISSIONER CALL	YAY
28	COMMISSIONER JOHNSON	NAY
30	COMMISSIONER SCHAUERS	YAY
	COMMISSIONER THOMPSON	YAY
	COMMISSIONER MARCHBANKS	YAY
	COMMISSIONER TRIBE	NAY

THE MOTION CARRIED FOUR TO TWO.

32
34 **5. Discussion – Acknowledging Existing Accessory Apartments** Strategy 1 of the
2022 Lindon City Moderate Income Housing Plan includes finding a way to acknowledge the
existing accessory apartments that have not been officially approved

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38 Mike Florence presented this item. He stated that with the most recent update to the
Lindon City Moderate-Income Housing Plan, the city discussed ways that we can increase the
number of accessory dwelling units by helping homeowners who have an existing unapproved
40 unit to bring those into compliance. He noted Lindon has approximately 250 legal accessory
dwelling units but also many unapproved units. City staff are proposing an acknowledgement
42 process whereby a homeowner, with an unapproved accessory apartment, can have that unit
acknowledged as an approved unit by the city.

44 Mr. Florence stated each year municipalities are required to submit a Moderate-Income
Housing Report to the Utah Department of Workforce Service reporting on how the city is

2 accomplishing its affordable housing goals. Starting in August 2023, Lindon City will be
4 required to report on how many accessory dwelling units were approved each year. Lindon City
is very favorable of accessory dwelling units and is interested in working with property owners
to increase the number of approved units in the community.

6 Mr. Florence indicated they looked at a lot of different options and different states. He
pointed out the City would promote this to get the homeowner's response. There will be an
8 application and he explained the process that would help people increase the city's number of
accessory apartments.

10 Commissioner Tribe asked if this doesn't pass what would happen. Mr. Florence stated
that safety issues would need to be corrected. He noted smaller issues like parking will have
12 more leniency where the notice would state you're in conformance except for this particular
issue.

14 Commissioner Schauers noted Orem City's list of legal accessory apartments that allows
those who may not know if their accessory apartments are legal or not to reference.

16 Commissioner Johnson stated it is good to allow citizens to know why they are not legal,
and why the hazard crisis and that the city gets credit for what we are already doing with the help
18 of the homeowner letting the city know those accessory apartments there are.

20 Chairperson Call stated a letter with a lot of this information should be sent to residents
so they can become informed and be more likely to participate. The commissioners agreed a
22 mailer to citizens could be beneficial to get more input agreeing to using the verbiage
conforming and non-conforming verses legal and non-legal.

24 Mr. Florence updated the commission on where the city currently stands on the moderate-
income housing requirements with the state noting the city council just approved, we are no
longer charging impact fees on accessory apartments. They also discussed impact fees with
26 clarification of costs that shouldn't be waived verses those that could be.

28 Staff then presented, Accessory Dwelling Unit Acknowledgement process and Adopted
Moderate-Income Housing Goals followed by discussion.

30 Following some additional discussion, Chairperson Call called for any further comments
or discussion from the Commission. Hearing none she moved on to the next agenda item

32 **6. Planning Director Report - General City updates.**

- 34 • Mr. Florence presented a gift to Commissioner Tribe from the commission in
appreciation for all the years of service she provided.
- 36 • New planning commissioner Karen Danielson will start serving at the joint meeting on
03/29/2023
- 38 • City Council application with Wadley Farms that will be coming from the city council.
- Next meeting will be held on April 11th and will be a joint meeting with the City Council.

40 After general discussion, Chairperson Call called for any further comments or discussion
42 from the commission. Hearing none she called for a motion to adjourn.

44 **ADJOURN** –

2 COMMISSIONER TRIBE MADE A MOTION TO ADJOURN THE MEETING AT
8:00 PM. COMMISSIONER THOMPSON SECONDED THE MOTION. ALL PRESENT
4 VOTED IN FAVOR. THE MOTION CARRIED.

Approved April 11, 2023

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8 Sharon Call, Chairperson

10 Michael Florence, Planning Director
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