

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
3 **December 10, 2013 at 7:00 p.m.** at the Lindon City Center, City Council Chambers, 100
4 North State Street, Lindon, Utah.

6 **REGULAR SESSION** – 7:00 P.M.

7 Conducting: Ron Anderson, Vice Chair
8 Pledge of Allegiance: Del Ray Gunnell, Commissioner
9 Invocation: Carolyn Lundberg, Commissioner

10 **PRESENT**

11 Ron Anderson, Vice Chair
12 Del Ray Gunnell, Commissioner
13 Carolyn Lundberg, Commissioner
14 Mike Marchbanks, Commissioner
15 Hugh Van Wagenen, Planning Director
16 Kathryn Moosman, City Recorder
17 Matt Bean, Councilmember

10 **ABSENT**

11 Sharon Call, Chairperson
12 Rob Kallas, Commissioner

- 20 1. **CALL TO ORDER** – The meeting was called to order at 7:03 p.m.
21
22 2. **APPROVAL OF MINUTES** – The minutes of the regular meeting of November
23 26, 2013 were reviewed.
24

25 COMMISSIONER MARCHBANKS MOVED TO APPROVE THE MINUTES
26 OF THE REGULAR MEETING OF NOVEMBER 26, 2013. COMMISSIONER
27 LUNDBERG SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR.
28 THE MOTION CARRIED.

30 3. **PUBLIC COMMENT** –

31 Vice Chair Anderson called for comments from any audience member who
32 wished to address any issue not listed as an agenda item. There were no public
33 comments.
34

35 **CURRENT BUSINESS** –

- 36
37 4. **MINOR SUBDIVISION**: *Homesteads at Coulson Cove, Plat C*. This is a
38 request by Steve Phelon for approval of a three (3) lot subdivision located at
39 approximately 720 North Coulson Drive on 1.17 acres in the Residential Single
40 Family (R1-20) zone.
41

42 Hugh Van Wagenen, Planning Director, gave a brief summary of this agenda
43 item. He explained that this is a request by Steve Phelon (who was in attendance) for
44 approval of a three (3) lot subdivision to be known as Homesteads @ Coulson Cove Plat
45 C. Mr. Van Wagenen noted this new plat includes a vacation of Lot 17 Plat B. He added
46 that the subdivision meets City ordinances for subdivisions. Mr. Van Wagenen then
47 showed an aerial view of the property in question.
48

2 Mr. Van Wagenen further discussed that Lots 21 and 22 were not part of an
earlier Homesteads @ Coulson Cove plat due to FEMA flood zone designations.
4 However, due to construction and infrastructure improvements of the Highlands at Bald
Mountain subdivision to the northeast, the flood zone (FEMA) designation on these lots
6 has been mitigated and now can be platted as buildable lots. He stated that Lot 23
changes the existing Lot 17 Plat B through modifying a property line.

8 Mr. Van Wagenen went on to say that lots in the R1-12 zone require 12,000
square feet to meet minimum lot size. He noted that Lot 21 is 14,794 square feet and Lot
10 22 is 14,595 square feet, with Lot 23 being 18,038 square feet. Mr. Van Wagenen stated
that lots in residential zones require 50 feet of street frontage and the proposed lots meet
12 this standard. He further stated that additionally, all lots require 100 feet of width when
measured 30 feet back from the property line and the proposed lots meet this standard.
14 Mr. Van Wagenen mentioned due to recent approval minor subdivisions can now be
approved by the Planning Commission without having to go before the City Council.

16 There was then some general discussion regarding this agenda item.
Commissioner Marchbanks commented that this request looks pretty straightforward with
18 the flood zone designation being mitigated. Vice Chair Anderson asked if there were any
further questions or comments. Hearing none he called for a motion.

20 COMMISSIONER MARCHBANKS MOVED TO APPROVE THE THREE (3)
LOT SUBDIVISION TO BE KNOWN AS HOMESTEADS @ COULSON COVE
22 PLAT C WITH NO CONDITIONS. COMMISSIONER GUNNELL SECONDED THE
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

24 CHAIRPERSON ANDERSON AYE
COMMISSIONER GUNNELL AYE
26 COMMISSIONER LUNDBERG AYE
COMMISSIONER MARCHBANKS AYE
28 THE MOTION CARRIED UNANIMOUSLY.

- 30 5. **MAJOR SUBDIVISION:** *Green Valley*. This is a request by Mark Stevenson
for approval of a four (4) lot subdivision located at approximately 600 North
32 Main Street on 2.96 acres in the Residential Single Family (R1-20) zone.
Recommendations will be made to the City Council at the next available meeting.

34
36 Hugh Van Wagenen, Planning Director, opened the discussion by explaining the
agenda item is a request by Mark Stevenson for a four (4) lot subdivision located in the
Residential Single Family (R1-20) zone that will straddle either side of main street just
38 south of 600 north. He noted that recommendations will be made to the City Council at
the next available meeting. Mr. Van Wagenen further explained that lots in the R1-20
40 zone require 20,000 square feet to meet minimum lot size. He noted that Lot 1 is 20,000
square feet and Lot 2 is 20,000 square feet and Lot 3 is 34,009 square feet with Lot 4
42 being 21,781 square feet. Mr. Van Wagenen then referenced photos depicting the area of
followed by some general discussion.

44 Mr. Van Wagenen stated that lots in residential zones require 50 feet of street
frontage and the proposed lots meet this standard. Additionally, all lots require 100 feet
46 of width when measured 30 feet back from the property line and the proposed lots meet
this standard. Mr. Van Wagenen discussed that Lindon City has a master planned 10'
48 wide trail along the east side Main Street that will be constructed with this development.

2 He noted that the existing half-street that was constructed with the Peters development
will be finished along the lots, but Main Street will not connect with 480 North.

4 Mr. Van Wagenen stated that here is a possibility that sidewalk will be
constructed to 480 North in order to further encourage pedestrian movement and access.
6 Mr. Van Wagenen went on to say that the latest set of plans show the pressure irrigation
line as existing beyond the constructed asphalt, however the line actually ends at the
8 current southern edge of asphalt. He added that the line will have to be extended to serve
Lots 1 and 2. Mr. Van Wagenen stated that the soils report has been provided to the City
10 Engineer. He noted that the data contained in the soils report may indicate the need for a
thicker pavement design than is shown on the preliminary plan. Mr. Van Wagenen also
12 suggested that approval should be conditioned upon the developer complying with
requests from the City Engineer that may result from the soils report.

14 At this time Vice Chair Anderson invited the applicants to address the
Commission. Mark Stevenson, Alan College, and Coleman Woods were in attendance to
address this agenda item. Mr. College stated this four (4) lot subdivision will straddle
16 Main Street just south of 600 North. Mr. Stevenson commented that the original design
coming down off of Mr. College's property was built with a half improved road, and they
18 would like to do a half plus 10 ft. street and not continue the trail and encourage people
not to come down into his property. Mr. Van Wagenen commented that the city
20 ordinance states that there must be a justifiable reason for a half street to go in (they are
normally not permitted) and typically the way this is treated is if the adjoining property
22 owner is willing to participate and dedicate the road. Regarding this situation, staff's
viewpoint is that the property is controlled on either side by the same property owner and
24 this isn't a situation where we are waiting for future development to happen; this is why
staff encouraged Mr. Stevenson to have the road come all of the way down and to be the
26 full width adjacent to lots 1 & 2. Vice Chair Anderson suggested that they could do the
road but maybe not the trail and just bond for it, if they have concerns about pedestrian
28 traffic. Mr. Van Wagenen stated that could be a possibility, as they have done sidewalk
bonds in the past.

30 Mr. Stevenson commented that there will be a deer and cattle fence in place for
privacy reasons. This will be a long term open space area that Mr. College would like to
32 preserve for generations to come and will never developed as long as he can foresee.
Commissioner Lundberg commented that to have a little leg of a trail there that connects
34 to nothing else does not make sense to require that as an improvement at this time
especially because the east side is zoned commercial farm zone now. She agreed with
36 Chairperson Anderson that bonding may be a possibility if the intent is to never develop
that area and to keep it as a historical open space property. Mr. Van Wagenen then read
38 the portion of the code that references partial width roads and the requirements.
Commissioner Lundberg asked for clarification if Mr. Stevenson is proposing to forgo
40 the 10 ft. wide trail and in addition minimize the road to a half width. Mr. Stevenson
confirmed they are proposing the half width plus 10 ft. and to eliminate curb and gutter
42 on the side of the trail and all of the asphalt. She also inquired if the upper portion
(where that would be fully widened), if the 10 ft. trail included in the 66 ft. width of the
44 street. Mr. Van Wagenen confirmed that it is part of it.

46 Vice Chair Anderson then opened the meeting to public comment at this time.
There were several residents in attendance to address the commission as follows:

2 **Roger Gillis:** Mr. Gillis stated that he lives in the Green Valley Condos. He asked if
4 there will possibly be a trail to connect so Green Valley residents can walk to Church
6 instead of having to go all the way around the property. Mr. Van Wagenen stated that
8 even if the road isn't punched through along the Kirby property, the City would be
10 interested in putting sidewalk (path) in for pedestrian access between 480 and Main
12 Street, not specifically a part of this specifically, but the City may look into having it be
14 done at the same time.

16 **Mr. Kirby:** Mr. Kirby asked about sidewalk elevations and if he would be responsible.
18 Mr. Van Wagenen stated that they will be looking at options for the sidewalk to tie it in
20 with this project (but not part of the project) and they are still evaluating it. He added that
22 the City owns a portion of the Main Street easement. Mr. Van Wagenen noted that it
24 would not be Mr. Kirby's responsibility.

26 **Jim Peters:** Mr. Peters voiced his concerns about drainage as far as the trail going
28 through lots 3 & 4. He noted that a lot of water comes down the half street on his
30 property and dumps at the end. He mentioned that there will be a lot of water coming
32 down the street on the one side where it extends down on the west side that doesn't go the
34 field and there is not a storm drain. Mr. Peters also requested a "dead end" sign be
36 installed. Mr. Van Wagenen stated that he will check with Public Works department on
38 that issue.

40 Mr. College re-iterated that they are proposing to put in a half street plus 10 ft.
42 which would give adequate access. Mr. College noted that the City would like to them to
44 put in a full street and curb and asphalt through the east section, but they would like to
46 maintain "green and open space" for future generations and they are not looking to
48 develop and feels that would be a waste of resources. Mr. College stated they will put a
50 berm in that takes the waste water down to a collection ditch and any exceeding storm
52 drainage will run down to the gardener ditch (which is piped). Mr. College also showed
54 photos of the area in question. Mr. Van Wagenen stated that staff has no real concerns
56 with this issue. He noted that Mr. College owns lots one and two at Wadley Farms and
58 added that the turnaround is on Mr. College's property.

60 Vice Chair Anderson asked if there were any further questions or comments.
62 Hearing none he called for a motion.

64 COMMISSIONER MARCHBANKS MOVED TO APPROVE THE FOUR (4)
66 LOT SUBDIVISION TO BE KNOWN AS GREEN VALLEY WITH THE
68 FOLLOWING CONDITIONS: 1. EXTEND THE PRESSURE IRRIGATION LINE TO
70 SERVE LOTS ONE (1) AND TWO (2) AND 2. THE DEVELOPER COMPLY WITH
72 REQUESTS FROM THE CITY ENGINEER THAT MAY RESULT FROM THE
74 SOILS REPORT AND 3. THEY PROVIDE THE APPROPRIATE CROSS SECTION
76 OF THE STREET TO THE CITY COUNCIL FOR REVIEW BASED ON THE HALF
78 STREET PLUS 10 FT. OF ASPHALT. COMMISSIONER LUNDBERG SECONDED
80 THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

82 VICE CHAIR ANDERSON AYE
84 COMMISSIONER GUNNELL AYE
86 COMMISSIONER LUNDBERG AYE
88 COMMISSIONER MARCHBANKS AYE

THE MOTION CARRIED UNANIMOUSLY.

- 2
- 4 6. **PUBLIC HEARING:** *Alteration of Non-Conforming Use, Timpview RTC.* This is a request by Lynn Loftin of Heritage Youth Services to expand the Timpview Residential Treatment Center from 12 to 16 residents and build a 1,901 square foot addition to the existing facility. The Center is located at 200 North Anderson Lane in the Heavy Industrial (HI) zone.

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

12

14 Mr. Van Wagenen opened the discussion by explaining that Lynn Loftin is requesting approval for the alteration of a nonconforming use of a group home located in the Heavy Industrial zone. Mr. Van Wagenen explained the expansion will include a remodel of the facility and an increase of residents from the current 12 residents and want to expand to 16 residents with one (1) additional staff. He added that Mr. Loftin came before the Commission previously with a concept review regarding this expansion and based on the feedback decided to move forward. Mr. Van Wagenen noted that Mr. Loftin has provided information regarding this request. Mr. Van Wagenen mentioned that he did speak with Commissioner Anderson about possible road improvements along 1400 west Anderson Lane. He noted that currently it is a private road not a city street, and staff feels that having any sort of improvements (master planned road) may be inappropriate for the situation as there are not other facilities in that area and it doesn't connect to any greater part of the city or its residents. Therefore, the city would not be asking for any road improvements in front of the home or dedication of road in the area from the applicants with this expansion. Mr. Van Wagenen then referenced the approval requirements in the code section as follows including photos of the home and the property in question:

30 Lindon City Code 17.16.030 which gives the Planning Commission authority to approve alterations of nonconforming uses:

- 32
- 34 2. The Planning Commission may authorize the expansion, alteration, or enlargement of a nonconforming use, structure, building, parcel, or lot, or movement of parcel lines, only after holding a public hearing and finding that:
- 36 a. the expansion, alteration or enlargement of the nonconforming building, structure, parcel, lot, or use will to reasonable extent bring the property, building, structure, parcel, lot or use as close as reasonably possible to conformance with requirements and regulations of the zone in which the nonconformity is located; and,
- 38 b. the proposed change does not impose any unreasonable burden upon the lands located in the vicinity of the nonconforming use or structure or violate the development policies adopted in the Lindon City Master Plan; and,
- 40 c. the use, building, or structure, existing or proposed, will be brought into compliance, where possible, with design and architectural standards of the zone where proposed.
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- 44
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2 Mr. Van Wagenen further noted that Mr. Loftin has provided responses to the
3 three requirements above and, additionally, with regards to requirement 2.c., the Heavy
4 Industrial zone does not have any architectural standards. Mr. Van Wagenen explained
5 as noted that the septic tank needs replacing at this time and Mr. Loftin has been working
6 with Utah County to determine the proper upgrade of the system. Mr. Van Wagenen
7 stated that any approval of this expansion should be conditioned upon the septic tank
8 upgrade being able to handle the additional residents and staff that will be at the facility.

9 Mr. Loftin and his associates addressed the Commission at this time to present
10 their slideshow presentation. He gave a quick summary of the Heritage Youth Services,
11 noting that they have been in operation since the early 1970's. He added they have been
12 operating the residential treatment center for boys on 200 North Anderson Lane in
13 Lindon since 2006. Mr. Loftin stated the boys are placed by the Utah Division of Child
14 and Family Services and are mostly from the Utah County area; which allows the
15 opportunity for families to see their boys without putting a burden of additional travel
16 expenses and also allows them to participate in therapy. He noted that the scope of
17 service will stay the same. Mr. Loftin went on to say that after the initial purchase of the
18 property, they needed to remodel the home to make it a suitable treatment center. He
19 noted they spent thousands of dollars cleaning up mold, replacing sheet rock in the
20 basement, replacing doors, and painting the house. He stated that they also replaced all
21 of the carpet, shingles, new siding, and closed in the garage. Mr. Loftin commented that
22 the property went from unlivable to a nice place for the boys to temporarily live to get the
23 help they need.

24 Mr. Loftin then reviewed the "Current Issues" that require more than a basic
25 remodel as follows:

- 26 1. Install a new septic system that will accommodate the number of people in the
27 facility and the high water table.
- 28 2. Remove the basement bathroom, water softener, and water heater to the main
29 floor, eliminating the need to pump sewage from the basement. Since there is not
30 enough living space to accommodate moving the bathroom and bedrooms the
31 main floor, they will need to build an addition to the north end of the house for
32 new bedrooms and bathroom for the youth. The State of Utah requires that the
33 square footage be 60 sq. ft. for rooms with more than one person and 80 sq. ft. in
34 single rooms. One bathroom for every six youth. They would remodel the
35 basement in offices for staff instead of bedrooms. The addition would give
36 enough square footage to accommodate moving the youth to the main floor of the
37 house.
- 38 3. Replace the existing electric heating system with a propane forced air furnace
39 system.
- 40 4. Be allowed to increase the capacity from 12 to 16 youth allowing them to hire an
41 additional staff and a part-time therapist. The additional 4 youth will only
42 increase their capacity to 16 and keeping them in compliance with Utah
43 requirements for Medicaid of no more than 16 youth in a program. With the
44 addition of only 4 youth this will allow them to be over the required ratio of 1
45 staff to 6 youth.

46 Mr. Loftin stated that this is an opportunity for them to make needed
47 improvements to the building and property to make it a better place for the youth to live
48 and for the employees to work. He added without the increase in capacity to 16 youth it

is impossible for them to fund the addition to the building and pay for the additional staff. Mr. Loftin noted that the estimate of the cost of the improvements will be between \$200,000 and \$250,000. They would finance the construction expenses and pay the loan off over time. The additional four (4) youth are needed to pay for the on-going expenses of payroll for extra staff and the construction costs.

Mr. Loftin then reviewed the “Pro’s and Con’s” of the proposal as follows:

Pro’s

1. The additional capacity would provide an opportunity for four (4) more local kids and families to get help.
2. Allowing the resources to fix the continual plumbing, electrical, and heating problems making the building a nicer place to work and live.
3. Expanding the program creates a few new jobs for the community.
4. Since it is a small increase of 4 youth, the impact on the community will be less noticeable and the program has a proven track record of operating safely in the community since 2006.

Con’s

1. Traffic flow on Anderson Lane is a concern. They estimate that they will have 2.5 additional round trips per day due to staff. Since families usually visit on Saturday or Sunday, this should be less noticeable because the professional staff and school staff are not working. But most families don’t visit every weekend, so overall, this could account for 2 additional round trips over the weekend due to the additional youth. The traffic is a concern for the Anderson’s since they use tractors and are frequently crossing the road. They will continue to work with the staff to obey the 15 mph speed limit and use their employee corrective action plan if an employee violates the conditional use agreement.
2. Some people worry about having additional youth in the community. Their youth are well supervised and they have a proven track record of operation safely in the community since 2006 at the location on Anderson Lane.

Mr. Loftin then referenced Lindon City Code section 17.16.030: Amendments, additions, enlargements and moving of nonconforming parcels or uses followed by some general discussion.

He referenced section 17.16.020

2.a. The expansion, alteration or enlargement of the nonconforming building, structure, parcel, lot, or use will to a reasonable extent bring the property, building, structure, parcel, lot or use as close as reasonably possible to conformance with requirements and regulations of the zone in which the nonconformity is locate;

Mr. Loftin discussed that the non-conforming use permit is located in a heavy industrial area and most residential treatment centers located in residential areas are commercial areas of the city. He noted that although the program is in an isolated area of the city and surrounded by open fields, there is a natural buffer from the community. He went on to say that the isolation from neighborhoods or commercial areas has additional advantages in that other members of the community may be less impacted.

2 2.b. *The proposed change does not impose any unreasonable burden upon the lands*
4 *located in the vicinity of the nonconforming use or structure or violate the development*
policies adopted in the Lindon City Master Plan;

6 Mr. Loftin explained there are not any proposed changes to the programs purpose,
operation, or functioning by the requested changes. With the additional four (4) youth
8 and staff will require few more round trips than are currently occurring. They will
continue to educate visitors and staff about obeying the speed limit on Anderson Lane. A
10 separate issue about water drainage in front of the property has been a concern in the
past. He noted they have spoken with the City Engineer regarding the impact the new
12 addition would have on water drainage. He reported that he sees no obvious impact due
to the addition. They also discussed the ditches currently surrounding the property and
14 the drainage problems that have existed in the past. Mr. Loftin stated that although it is
the responsibility of the owner of the property directly behind the facility they have
16 maintained the ditch surrounding the house. If they had not, there would be issues in the
spring with heavy runoff that would run through the yard and across the road into the
18 Anderson's pasture. He noted that they cut a hole in the pip to allow the water to drain
into the ditch on the north end of the driveway.

20 *2.c. The use, building, or structure, existing or proposed, will be brought into*
22 *compliance, where possible, with design and architectural standards of the zone where*
proposed.

24 Mr. Loftin stated that the addition on the north end of the house will be designed
26 to blend in with the existing brick and siding. By design the exterior will look more
homelike than institutional but designed to function as a residential treatment center. He
28 noted the other homes are a similar rambler type construction. The proposed addition to
the house will be hidden in the back and not visible from the street. There was then some
30 general discussion with the Commission regarding this issue.

32 Vice Chair Anderson asked if there were any public questions or comments.
Hearing none he called for a motion to close the public hearing.

34 COMMISSIONER LUNDBERG MOVED TO CLOSE THE PUBLIC
36 HEARING. COMMISSIONER GUNNELL SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

38 Following some additional general discussion the Commission was in agreement
40 that there is a definite need for this type of facility in the City. Vice Chair Anderson
called for a motion.

42 COMMISSIONER MARCHBANKS MOVED TO APPROVE THE REQUEST
44 FOR THE ALTERATION OF NONCONFORMING USE KNOWN AS TIMPVIEW
RTC IN THE HEAVY INDUSTRIAL ZONE WITH THE FOLLOWING
46 CONDITIONS: 1. THE SEPTIC TANK UPGRADE HAVE THE CAPACITY TO
ACCOMMODATE THE ADDITIONAL RESIDENTS AND STAFF AS PROPOSED
48 BY THE EXPANSION AND 2. PRIOR TO OCCUPANCY OF THE NEW ADDTION

2 THE WATER ISSUE BE REMEDIATED THAT HAS BEEN FLOODING THE
3 ANDERSON PROPERTY. COMMISSIONER GUNNELL SECONDED THE
4 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

4 VICE CHAIR ANDERSON AYE
5 COMMISSIONER GUNNELL AYE
6 COMMISSIONER LUNDBERG AYE
7 COMMISSIONER MARCHBANKS AYE
8 THE MOTION CARRIED UNANIMOUSLY.

10 3. **NEW BUSINESS** – Reports by Commissioners.

12 Vice Chair Anderson called for any new business or reports from the
13 Commissioners. Hearing none he moved on to the next agenda item.

14 4. **PLANNING DIRECTOR'S REPORT** –

16 Mr. Van Wagenen reported on City Council updates as follows:

- 18 • City Council
 - 19 ○ CG-S zone was approved
 - 20 ○ Land Use Authority Table
 - 21 ○ Bed & Breakfast
- 22 • Jordan Cullimore is the new Associate Planner and will be
23 starting in January.
- 24 • Lindon Christmas Party December 24th @ noon. Commissioners
25 and their families are invited to attend.

26 Vice Chair Anderson asked if there were any other comments or discussion from
27 the Commissioners. Hearing none he called for a motion to adjourn.

30 **ADJOURN** –

32 COMMISSIONER LUNDBERG MADE A MOTION TO ADJOURN THE
33 MEETING AT 9:05 P.M. COMMISSIONER GUNNELL SECONDED THE MOTION.
34 ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

36 Approved – January 14, 2014

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41 Ron Anderson, Vice Chair

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45 Hugh Van Wagenen, Planning Director