

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**  
3 **January 8, 2019 beginning at 7:00 p.m.** at the Lindon City Center, City Council  
4 Chambers, 100 North State Street, Lindon, Utah.

6 **REGULAR SESSION – 7:00 P.M.**

8 Conducting: Sharon Call, Chairperson  
9 Invocation: Rob Kallas, Commissioner  
10 Pledge of Allegiance: Jared Schauers, Commissioner

12 **PRESENT** **EXCUSED**

13 Sharon Call, Chairperson  
14 Rob Kallas, Commissioner  
15 Mike Marchbanks, Commissioner  
16 Charlie Keller, Commissioner  
17 Steven Johnson, Commissioner  
18 Mike Vanchiere, Commissioner  
19 Scott Thompson, Commissioner  
20 Jared Schauers, Commissioner  
21 Mike Florence, Planning Director  
22 Anders Bake, Associate Planner  
23 Kathy Moosman, Recorder

24

1. **CALL TO ORDER** – The meeting was called to order at 7:00 p.m.

26

2. **APPROVAL OF MINUTES** –The minutes of the regular meeting of the  
28 Planning Commission meeting of December 11, 2018 were reviewed.

30

COMMISSIONER MARCHBANKS MOVED TO APPROVE THE MINUTES  
OF THE REGULAR MEETING OF DECEMBER 11, 2018 AS PRESENTED.  
32 COMMISSIONER JOHNSON SECONDED THE MOTION. ALL PRESENT VOTED  
IN FAVOR. THE MOTION CARRIED.

34

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

38

At this time, Mike Florence, Planning Director presented outgoing  
Commissioner, Charlie Keller, with a plaque in appreciation for his service (2  
40 years) on the Planning Commission.

40

42 **CURRENT BUSINESS** –

44 4. **Subdivision Plat Amendment Approval -Tom Gardner, Lindon Hidden**  
45 **Meadows Subdivision - 37 North 800 East and 775 East Center Street.** Tom  
46 Gardner, requests Subdivision Plat Amendment Approval of the Lindon Hidden  
Meadows Subdivision to consolidate three existing parcels into two lots located in  
48 the R1-20 zone. (Parcel #'s 14:073:0240, 14:073:0239, 45:6511:0015).

2

Mike Florence, Planning Director, led this discussion by stating the applicant, Melissa Gardner is in attendance tonight to request Subdivision Plat Amendment Approval for the Lindon Hidden Meadows Subdivision to consolidate three existing parcels into two lots located in the R1-20 zone. Ms. Gardner is petitioning to consolidate three parcels she owns into two lots. He noted this approval is amending a portion of the Lindon Hidden Meadows Subdivision Plat B that was approved in 2016. The property is zoned Residential R1-20 and both buildable lots have single family homes constructed on the property.

Mr. Florence stated Lindon City Code 17.32.00 references Utah Code for requirements amending a subdivision plat and this meets the minimum lot size per code. Under Utah Code 10-9a-608, an applicant may petition the Land Use Authority (Planning Commission) to join two or more of the petitioner fee owner's contiguous lots (he then referenced state law).

Mr. Florence indicated the City Engineer is working through any technical issues related to the plat and will conduct a final review if the planning commission approves the plat amendment. He noted Ms. Gardner owns all three parcels which will be amended as part of the application for two lots and no new building lots will be created from the subdivision amendment. The proposed subdivision amendment meets the minimum lot size and frontage requirements.

Mr. Florence then presented the Utah County Parcel Map and the Proposed subdivision plat followed by discussion. He indicated Staff is recommending two conditions as follows:

1. The applicant will continue to work with city staff to make all technical corrections as necessary to the plat prior to recording;
2. Prior to plat recording and occupancy of any new development within this plat, the applicant must update the final plat mylar to include notarized signatures of owners' consent to dedication consistent with item one above; and obtain signatures of all entities indicated on the subdivision plat attached hereto;
3. All items of the staff report.

Commissioner Kallas asked Ms. Gardner how this Plat Amendment came to be. Ms. Gardner gave a brief explanation of how they acquired the property site noting it happened over the course of time by purchasing several parcels (and house) from Nyal Richins with the intent to sell parcel #1. Chairperson Call addressed the recommended conditions adding she doesn't have any further questions.

Chairperson Call called for any further comments or discussion from the commission. Hearing none she called for a motion.

COMMISSIONER MARCHBANKS MOVED TO APPROVE THE APPLICANT'S REQUEST FOR PRELIMINARY APPROVAL OF AN AMENDMENT TO THE LINDON HIDDEN MEADOWS SUBDIVISION PLAT WITH THE FOLLOWING CONDITIONS: 1. THE APPLICANT WILL CONTINUE TO WORK WITH CITY STAFF TO MAKE ALL TECHNICAL CORRECTIONS AS NECESSARY TO THE PLAT PRIOR TO RECORDING; 2. PRIOR TO PLAT RECORDING THE APPLICANT MUST UPDATE THE FINAL PLAT MYLAR TO INCLUDE NOTARIZED SIGNATURES OF OWNERS' CONSENT TO

2 DEDICATION CONSISTENT WITH ITEM ONE ABOVE; AND OBTAIN  
SIGNATURES OF ALL ENTITIES INDICATED ON THE SUBDIVISION PLAT  
4 ATTACHED HERETO; 3. ALL ITEMS OF THE STAFF REPORT. COMMISSIONER  
VANCIERE SECONDED THE MOTION. THE VOTE WAS RECORDED AS  
6 FOLLOWS:

CHAIRPERSON CALL	AYE
8 COMMISSIONER MARCHBANKS	AYE
COMMISSIONER KALLAS	AYE
10 COMMISSIONER JOHNSON	AYE
COMMISSIONER VANCIERE	AYE
12 COMMISSIONER THOMPSON	AYE
COMMISSIONER SCHAUERS	AYE

14 THE MOTION CARRIED UNANIMOUSLY.

16 **5. Open Public Meeting Presentation - City Attorney, Brian Haws**

18 Mr. Florence stated Brian Haws, City Attorney is in attendance tonight to present  
the yearly training on the Open Public Meetings Act. He noted this training is required  
20 by state law. Mr. Haws then gave his power point presentation on the Open and Public  
Meetings Act highlighting some of the following bullet points:

22

**Purpose:**

- 24 • To conduct the people’s business with *transparency*
- Deliberations must be conducted *openly*
- 26 • Actions must be taken *openly*

28 **Who must comply:**

- 30 • Any “administrative, advisory, executive, or legislative body of the state or its  
political subdivisions that is . . .
- Created by statute, rule, ordinance or resolution
- 32 • Has two or more people
- Expends or is supported by tax revenue
- 34 • Has authority to make decisions regarding the public’s business.

Examples:

- 36 • City Council
- Planning Commission
- 38 • Board of Adjustments
- Advisory Boards
- 40 • Historic Preservation Commission
- Tree Advisory Board
- 42 • etc.

**Who is NOT Covered:**

44 **Law does not apply to:**

- 46 • Political parties, groups or caucuses
- Conference committees, rules committees, or sitting committees of the  
legislature

2 **Open Meetings:**

4 All “meetings” of public entities are presumed to be open to the public unless they are  
6 expressly exempt under the Open Meeting Act, or are closed pursuant to the specific  
procedures in that Act.

8 **Examples:**

- 8 • Regular meetings
- 10 • Special meetings
- 10 • Workshops
- 12 • Site Visits
- 12 • Traveling Tours
- 14 • Work-shops and Regular meeting held on the same day must be held  
in the same location, unless the workshop is a site visit and proper  
16 notice is given.

18 **Definition of a Quorum:**

- 18 • “Quorum” means:
- 20 • “a simple majority of the members of the public body unless otherwise  
defined by applicable law.”
- 22 • Quorum does not include:
  - 24 • 3 or fewer members of the Planning Commission meeting as a  
subcommittee.

26 **Open Meetings:**

28 **Electronic Meetings**

- 28 • A public meeting convened or conducted by means of a conference  
using telephonic or electronic communications.
- 30 • City must adopt specific procedures for conducting it.
- 32 • Must have an anchor location where regular meetings are held.
- 34 • Must give proper notice to both public and members of the public  
body.
- 36 • Must have equipment set up so public can hear and participate in open  
portions of the meeting.
- 38 • Nothing here restricts a member of a public body from transmitting  
emails and texts to other members of the public body when the body is  
not convened in an open meeting.

40 **Closed Meetings:**

42 Again, All Meetings are Deemed to be Open Meetings, unless they are Closed According  
to statute.

44 **A closed meeting may only be held: For what purpose?**

- 44 • To discuss the character, professional competence, or physical or  
mental health of an individual
- 46 • For strategy sessions to discuss:
- collective bargaining

- 2 • pending or reasonably imminent litigation
- 4 • purchase, exchange, or lease of real property or water rights/shares
- 6 • sale of real property or water rights/shares
- To discuss the deployment of security personnel, devices, or systems
- To investigate proceedings regarding allegations of criminal conduct

8 **A Closed Meeting may NOT be used to:**

- 10 • Approve any ordinance, resolution, rule, regulation, contract or appointment
- 12 • Interview a person to fill an elected position
- Take final action (final votes must be open and, on the record,)

14 **How do we close a meeting?**

- 16 • Must first hold a public meeting with proper notice
- A quorum must be present
- 18 • 2/3 vote of the body must vote to close the meeting
- The body must publicly disclose:
- 20 • How of each member voted (for or against entering into a closed meeting)?
- 22 • The reasons for closing the meeting

24 **Information Discussed in Closed Sessions:**

- 26 • The information discussed in Closed Sessions is confidential and may not be discussed outside of the meeting, including with members of the public or family or friends.

28 **Public Notice of Meetings:**

**Public Notice Must Be Given**

- 30 • Annually, by listing all regularly scheduled meetings to be held throughout the year.
- 32 • Not less than 24 hours before each individual meeting, even if included in the annual notice.
- 34 • As required by specific state or local statutes based on the subject matter of agenda items for a given meeting.

36 **Public Notice of Meetings:**

38 **Public Notice Must Include**

- 40 • The Date, time and place for the meeting
- An Agenda for the meeting

42 **Public Notice of Meetings**

**Agenda**

- 44 • The agenda must provide reasonable specificity to notify the public as to the topics to be considered at the meeting
- 46 • A topic raised by the public may be discussed during an open meeting, even if not included on the agenda

- However, except for emergency meetings, the public body may not take any formal action on a topic not listed on the agenda

**Public Notice of Meetings:**

**Public Notice**

Is Satisfied by:

- Posting written notice
- At the principal office or the building where the meeting will be held; and
- On the Utah Public Notice Website

**Public Notice of Meetings:**

**Exceptions – Emergency Meetings**

- Regular notice requirements may be disregarded if:
- Because of unforeseen circumstances, it is necessary to hold an emergency meeting to consider matters of an emergency or urgent nature
- Still required to give the best notice practicable
- May not hold an emergency meeting unless:
- An attempt has been made to notify all the members of the public body; and
- A majority of the members approve the meeting

**Meeting Minutes and Recordings:**

**Minutes of open meetings**

- Public body must keep written minutes and a recording
- Written minutes shall include:
- The date, time, and place of the meeting
- The names of members present and absent
- The substance of all matters proposed, discussed, or decided by the body which may include a summary of comments made by members of the public body
- a record, by individual member, of each vote taken by the public body
- the name of each person who is not a member of the public body who provided invited testimony or comments to the public body
- the substance, in brief, of the testimony or comments provided above
- any other information that any member requests be entered in the minutes

**Meeting Minutes and Recordings:**

**Recordings of Open Meetings**

- A recording of an open meeting shall be a complete and unedited record of all open portions of the meeting from the commencement of the meeting through adjournment
- Recordings must be available to the public within 3 business days after the meeting.

- 2 • No recording is required for Site visits if no official action is taken during that site visit.
- 4 • Any member of the public may record a meeting on their own as long as their recording does not interfere with or disrupt the meeting.

6  
8 **Meeting Minutes and Recordings:**

8 **For closed meetings**

- 10 • Public body must make a recording of the closed meeting
- 10 • Meetings to discuss an individual's character or to discuss security do NOT need to be recorded
  - 12 • Presiding officer shall sign a sworn statement affirming that these are the sole purposes for the meeting
- 14 • Public body may keep detailed written minutes that disclose the content of the meeting
- 16 • The recording and any minutes shall include
  - 18 • The date, time, and place of the meeting;
  - 18 • The names of members present and absent; and
  - 20 • The names of all others present except where confidentiality is needed to preserve the purpose of the closed meeting

22 **Penalties:**

22 **Are there penalties for violating the requirements of the Act?**

- 24 • Any member of a public body who intentionally violates the closed meeting provisions is guilty of a class B misdemeanor
- 26 • A court can void any action taken in violation of the open meetings laws
- 28 • The public body may have to pay court costs and attorney's fees if successfully challenged in court on a violation

30 Following some general discussion, Chairperson Call thanked Mr. Haws for the presentation and informative training. She then called for any further comments or discussion. Hearing none she moved on to the next agenda item.

34 **6. Proposed ordinance amendment to Title 17.44.090 regarding allowed projections into required corner side yard setbacks. This item is for information and discuss only and will be presented at the planning commission meeting.**

38  
40 Mr. Florence gave an overview of this discussion item stating Lindon City is proposing to make a general amendment to Title 17.44.090 regarding deck projections into a residential corner side yard setback. He noted this item will be for discussion and general direction from the commission only with no action taken.

42 Mr. Florence further explained this discussion was initiated by a resident with a deteriorating deck he was trying to rebuild, but it was encroaching into the side setback when he was trying to get his permit. It brought the question if this would apply to many properties in Lindon. Mr. Florence then referenced the draft ordinance amendment as follows:

48 **17.44.090 Projections into Yards.**

- 2 1. The following structures may be erected on or project into any required yard setback:
- 4 a. Fences and walls in conformance with the Lindon City Code and other City codes  
or ordinances;
- 6 b. Necessary appurtenances for utility service.
- 8 2. The structures listed below may project into a minimum front, side, or rear yard not  
more than the following distances:
- 10 a. The following may project into a minimum front, side or rear yard not more than  
twenty-four (24) inches: Cornices, eaves, belt courses, sills, buttresses, or other  
12 similar architectural features; fireplace structures and bays (provided that they  
are not wider than eight (8) feet, measured generally parallel to the wall of  
which they are a part), awnings and planting boxes or masonry planters.
- 14
- 16 b. The structures listed below may project into a rear yard not more than twelve  
(12) feet: A shade structure or uncovered deck (which does not support a roof  
18 structure, including associated stairs and landings) extending from the main floor  
level and/or ground level **first story** of a building, provided such structure is open  
20 on at least three (3) sides, except for necessary supporting columns and  
customary architectural features.
- 22 c. The following may project into a front, side or rear yard (above or below grade)  
not more than four feet as long as they are uncovered (not supporting a roof  
24 structure): unenclosed stairways, balconies, landings, and fire escapes. (Ord.  
2009-3, amended, 2009; Ord. 2003-15, amended, 2003; Ord. 111 §1, amended,  
26 1985; Prior code §12-111-8)
- 28 *d. Properties with a corner street side yard setback of at least thirty (30) feet, an  
uncovered deck located at and accessible from the first story or below the first  
30 story, inclusive of stairs, may project not more than twelve (12) feet into a  
required street side yard setback.*
- 32

**Amend and add the following definitions**

34 “Basement” means a *floor level below the first story in a building* which floor is more  
than twelve inches (12”) below the average level of the adjoining ground, but where no  
36 more than one-half (½) of its floor-to- ceiling height is below the average contact level of  
the adjoining ground. A basement shall be counted as a story for purposes of height  
38 measurement and as a half-story for the purpose of side yard determination.

40 *First Story – The ground floor level and lowest Story, not including basement, in a  
building provided the floor level is not more than four feet (4') below Final Grade for  
42 more than fifty percent (50%) of the perimeter.*

44 *Story - That portion of a building included between the upper surface of any floor and  
the upper surface of the floor next above, except that the topmost story shall be that  
46 portion of a building included between the upper surface of the topmost floor and the  
ceiling or roof above.*

2 *Ground Floor – The first story of a building other than the basement.*

4 Following some general discussion regarding the ordinance draft and definitions,  
6 the Commission agreed this appears to be a reasonable amendment/change to the code  
8 and will be limited to corner lot properties in the city. Mr. Florence stated he will notice  
10 for the public hearing in two weeks.

8 Chairperson Call asked if there were any further comments or discussion.  
10 Hearing none she moved on to the next agenda item.

12 7. **New Business: Reports by Commissioners** – Chairperson Call called for any  
14 new business or reports from the Commissioners.

14 Chairperson Call asked about the valley visioning workshops that were posted on  
16 the city website page. Mr. Florence explained the various workshops that are being  
18 offered and encouraged the Commissioners to attend.

18 At this time there was also discussion on who will chair the meetings for the  
20 coming year. Following discussion, the Commission was in agreement to have Sharon  
22 Call remain Chair and Rob Kallas as Vice Chair for 2019. Following some additional  
24 discussion Chairperson Call called for a motion. The vote was recorded as follows.

24 COMMISSIONER MARCHBANKS MADE A MOTION TO APPOINT  
26 SHARON CALL AS PLANNING COMMISSION CHAIR AND ROB KALLAS AS  
28 VICE CHAIR FOR 2019. COMMISSIONER JOHNSON SECONDED THE MOTION.  
30 THE VOTE WAS RECORDED AS FOLLOWS:

28 CHAIRPERSON CALL	AYE
30 COMMISSIONER MARCHBANKS	AYE
32 COMMISSIONER KALLAS	AYE
34 COMMISSIONER JOHNSON	AYE
36 COMMISSIONER VANCHIERE	AYE
38 COMMISSIONER THOMPSON	AYE
40 COMMISSIONER SCHAUERS	AYE

42 THE MOTION CARRIED UNANIMOUSLY.

36 8. **Planning Director Report** – Mr. Florence mentioned the turn signal on 700  
38 north. He noted city Staff met with UDOT and they feel it is warranted and they  
40 are working on it and will make a decision soon.

40 Chairperson Call called for any further comments or discussion. Hearing none she  
42 called for a motion to adjourn.

44 **ADJOURN** –

46 COMMISSIONER JOHNSON MADE A MOTION TO ADJOURN THE  
48 MEETING AT 8:20 PM. COMMISSIONER THOMPSON SECONDED THE  
MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

2  
4  
6  
8  
10

Approved – January 22, 2019

---

Sharon Call, Chairperson

---

Michael Florence, Planning Director