

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**  
3 **March 26, 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: Jared Schauers, Commissioner  
10 Pledge of Allegiance: Rob Kallas, Commissioner

12 **PRESENT** **EXCUSED**

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

22

**Special Attendee:**

24 Matt Bean, Councilmember

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

28 2. **APPROVAL OF MINUTES** –The minutes of the regular meeting of the  
29 Planning Commission meeting of March 12, 2019 were reviewed.

30

31 COMMISSIONER SCHAUERS MOVED TO APPROVE THE MINUTES OF  
32 THE REGULAR MEETING OF MARCH 12, 2019 AS PRESENTED.  
33 COMMISSIONER THOMPSON SECONDED THE MOTION. ALL PRESENT  
34 VOTED IN FAVOR. THE MOTION CARRIED.

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

40 **CURRENT BUSINESS** –

42 4. **Continuing Business** — A recommendation to the Lindon City Council to amend  
43 ordinance 17.64 by removing unrestricted habitation time limits in Recreational  
44 Vehicle Parks and amending associated definitions, adding Recreational Vehicle  
45 Parks as a conditional use under the RMU-W land use district in the Appendix A  
46 Standard Land Use Table and adopting a new ordinance section 17.78 titled  
47 Recreational Vehicle Parks. – Ron Madsen

48

2 COMMISSIONER KALLAS MOVED TO OPEN THE PUBLIC HEARING.  
3 COMMISSIONER SCHAUERS SECONDED THE MOTION. ALL PRESENT VOTED  
4 IN FAVOR. THE MOTION CARRIED.

8 Michael Florence, Planning Director, led this discussion by giving a brief overview  
9 of this item explaining at the planning commission meeting held on March 12, 2019, the  
10 planning commission asked for a second review of the ordinance with the following  
11 recommended changes:

- 12 • Increase the waiting period from three days to seven days between the last day an  
13 occupant leaves the Recreational Vehicle Park and rents a new pad site in the  
14 same Recreational Vehicle Park
- 15 • Allows for temporary and removable skirting for recreational vehicles
- 16 • Allows for hard-sided skirting for Park Model Recreational Vehicles
- 17 • Changes are highlighted in “red” in the ordinance

18 Mr. Florence then reviewed the proposed ordinance noting the changes in red.  
19 Following some general discussion Commissioner Johnson suggested adding the word  
20 “consecutive” to the 14 days wording section in the ordinance. Following some  
21 additional discussion, the commission was in agreement to add the word “consecutive” to  
22 clarify the language in the ordinance.

23 Chairperson Call asked if there were any public comments or discussion. Hearing  
24 none she called for a motion to close the public hearing.

26 COMMISSIONER MARCHBANKS MOVED TO CLOSE THE PUBLIC  
27 HEARING. COMMISSIONER THOMPSON SECONDED THE MOTION. ALL  
28 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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

32 COMMISSIONER MARCHBANKS MOVED TO RECOMMEND APPROVAL  
33 TO THE CITY COUNCIL ORDINANCE AMENDMENT 2019-4-O AS PRESENTED  
34 WITH THE ADDED LANGUAGE CHANGE TO INCLUDE THE WORD  
35 “CONSECUTIVE” TO 14 DAYS AS DISCUSSED. COMMISSIONER KALLAS  
36 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

38 CHAIRPERSON CALL	AYE
39 COMMISSIONER KALLAS	AYE
40 COMMISSIONER MARCHBANKS	AYE
41 COMMISSIONER JOHNSON	AYE
42 COMMISSIONER THOMPSON	AYE
43 COMMISSIONER SCHAUERS	AYE
44 THE MOTION CARRIED UNANIMOUSLY.	

46 5. **Public Hearing** - A recommendation to the Lindon City Council to amend  
47 ordinance 14.64.100 to increase the allowable height and square footage for  
48 detached accessory apartments. – Paul Johnson

2 COMMISSIONER JOHNSON MOVED TO OPEN THE PUBLIC HEARING.  
3 COMMISSIONER THOMPSON SECONDED THE MOTION. ALL PRESENT  
4 VOTED IN FAVOR. THE MOTION CARRIED.

6 Mr. Florence led this discussion by stating Paul Johnson has made application to  
7 amend Title 17.64.100 pertaining to height and size requirements for detached accessory  
8 apartments. Mr. Florence stated Paul and Orva Johnson (who are in attendance) are  
9 requesting the following changes for detached accessory apartments:

- 10 • Increase the livable floor area from 1,000 square feet to 1,500 square feet or 30%  
11 of the primary residence, whichever is less;
- 12 • Increase the maximum height requirement from 20 feet to a height not to exceed  
13 the height of the primary residence or 30 feet high, whichever is less.
- 14 • Mr. Johnson also desires to construct a detached accessory apartment above a new  
15 garage.

16 Mr. Florence noted Lindon City Code currently allows detached or substantially  
17 attached accessory structures with the following requirements:

- 18 • Height: Single story with a maximum height of 20 feet, whichever is less
- 19 • Setbacks: Same setbacks as the primary structure. Rear 30, Sides 10
- 20 • Size: Minimum 300 square feet with a maximum square footage of 1,000 and a  
21 maximum number of bedrooms of three Entrances to detached accessory  
22 apartments shall also not face a street unless the detached accessory apartment is  
23 placed behind the primary residence so that the entrance is not substantially  
24 visible from the street. The purpose of this requirement is to preserve the single-  
25 family residential appearance of the single-family dwelling and/or the detached  
26 accessory apartment.
- 27 • Garages and accessory buildings substantially attached to the main building by  
28 covered walkways, breeze ways, and covered porches may include an accessory  
29 apartment. In such instances, the garage/accessory building shall not be more than  
30 a distance of eighteen feet (18') from the main dwelling unit measured linearly  
31 between the foundation lines of the two structures, and the apartment may not  
32 exceed 60% of the footprint of the primary residence livable floor area, but in no  
33 case shall it exceed one thousand two hundred (1,200) square feet of maximum  
34 livable floor area.

35 Mr. Florence indicated if the planning commission approves the proposed  
36 changes, staff recommends that additional items be added to the ordinance for detached  
37 accessory apartments as follows:

- 38 • Any stairways for access to the second story shall be constructed on the interior of  
39 the accessory building/apartment. No exterior staircases unless required by  
40 building code. This is to maintain the residential appearance of the home;
  - 41 • To minimize direct views to adjacent neighboring properties and to preserve  
42 privacy, clerestory windows shall be required no less than 6 feet above the  
43 finished floor if the two-story structure is located between 10-15 feet from the  
44 side property line.
- 45

- 2 • The total livable square footage applies to the entire two-story apartment and is  
4 not applied to each floor area. For example, an apartment could not be 1,500  
6 square feet per floor.
- If a deck is constructed on the second story then the deck may only be oriented to  
the primary residence on the same parcel.

8 Mr. Florence went on to say as staff researched detached accessory apartment  
ordinances throughout the country, many ordinances limit the maximum size to 1,200  
10 square feet. Danville, California is an exception which allows a square footage of up to  
2,000 square feet but the lot size has to be a minimum of 40,000 square feet. In regards to  
12 height, every city has varying standards due to neighborhood characteristics as well goals  
for the community. Typically, heights range between 20 and 25 feet but many  
14 communities also allow the accessory structure to be the same height as the primary  
residential structure on the property. In addition, many two-story detached accessory  
16 apartment ordinances require that the living space be above the garage. He noted Lindon  
City currently allows single family homes to be built to 35 feet in height.

18 Mr. Florence stated after reviewing City records, the City has approved 192  
accessory apartments with most of all of those being within or attached to a single-family  
20 home. This is probably due to the construction expense of building a detached apartment  
and, for some, meeting the 30-foot rear setback may be a hardship due to lot size. The  
22 City does have a number of detached accessory garages that have game rooms or offices  
above a garage.

24 Mr. Florence pointed out since Lindon City already allows detached accessory  
apartments, the planning commission should consider whether the proposed changes will  
26 help to support additional detached accessory apartments within the community while  
also considering how the proposed changes are contextually sensitive to residential  
28 neighborhoods.

Mr. Florence mentioned one option would be to allow accessory apartments  
30 above a garage only so that the two-story structure is more architecturally compatible  
with the neighborhood. Residents are already accustomed to accessory structures such as  
32 detached garages or sheds in their back yard and accessory apartments above a garage  
may have less of an impact. He then referenced some examples. Mr. Florence then turned  
34 the time over to the applicant for comment.

36 Mr. Johnson then spoke on the purpose for this request. He explained they are  
selling their home in Orem and downsizing. Their daughter and son in law bought a lot to  
38 build a home in Lindon and they would like to build them a detached accessory  
apartment. He explained they want to be next door to their daughter but in a detached  
dwelling. He noted the house they are building is 8,500 sq. ft for the primary dwelling  
40 with a separate garage and they want to put the accessory apartment above it.

42 Mr. Johnson expressed he feels they need 1,500 square ft. as the 1,000 ft.  
(maximum allowed) is not large enough and they think the current ordinance tries to fit a  
44 one size fits all. They also believe it would look better and would not take away from the  
main dwelling. Mr. Johnson indicated they believe using a sliding scale up to a maximum  
46 of 1,500 square ft. would not violate any of the stated purposes in the ordinance for  
accessory apartments. This will also serve the objection for residents and seniors to  
48 remain in their homes and neighborhoods in Lindon and will provide a wider range of  
affordable housing. It would also increase the benefit and lend strength to the purpose of

2 the accessory apartment ordinance. Mr. Johnson stated they would propose to keep the  
1,000 sq. ft. maximums for smaller homes but to also allow any home over 5,000 sq. ft to  
4 have up to a 1,500 sq. ft accessory apartment. He noted the planning department thought  
it would be best to make a 30% limitation or whichever is less, but that penalizes the  
6 smaller ones.

Mr. Johnson stated they agree with the other addition's that staff is recommending  
8 in the ordinance except for the deck having to face the primary dwelling, as there is no  
residence at least 160 ft. from their property line. They would ask for some consideration  
10 on this point. They are only asking for 30 ft. in height but would suggest making the  
height limit 35 ft.

12 Commissioner Marchbanks commented he thinks this is a reasonable request and  
feels this is the way the ordinance should have always been. He asked if their daughter's  
14 house plans have been drawn up and if it works out with the accessory apartment. Mr.  
Johnson confirmed that statement. Commissioner Marchbanks also questioned staff if  
16 this can only be a 2-story accessory apartment as he would not want to limit it to a 2-story  
building. Mr. Florence confirmed the ordinance states it is already limited to a maximum  
18 of two stories.

Commissioner Marchbanks stated he likes the way the ordinance is written  
20 pointing out there will not be a lot of similar requests coming to the city because they  
have to fit in the buildable envelope. Commissioner Kallas spoke on building footprints  
22 and livable space. He suggested implementing something to the effect of using the lesser  
of 40% or 1,500 square feet.

24 At this time Chairperson Call asked if there were any public comments or  
discussion. Hearing none she called for a motion to close the public hearing.

26  
28 **COMMISSIONER KALLAS MOVED TO CLOSE THE PUBLIC HEARING.  
COMMISSIONER MARCHBANKS SECONDED THE MOTION. ALL PRESENT  
VOTED IN FAVOR. THE MOTION CARRIED.**

30  
32 Chairperson Call called for any comments from the commissioners at this time.  
Commissioner Thompson suggested scaling it based towards lot size not to the home  
size. Commissioner Kallas asked staff if accessory apartments have to have the same  
34 sewer and water connections as the primary dwelling. Mr. Florence stated the ordinance  
states except for sewer everything can be separate.

36 Commissioner Kallas added, looking at staff recommendations, he would like  
clarification on internal stairwells. Mr. Florence stated it is just for the visual aspect and  
38 acts like a residence. Commissioner Kallas also addressed the height limit of 30 ft. Mr.  
Florence pointed out that the average single-family home is 28 to 30 ft in height.  
40 Following discussion, the commission was in agreement to implement the lesser of 40%  
(instead of 30%) or 1,500 sq. ft., the deck meets all setbacks, and a standard 30 ft. height  
42 limit.

44 Chairperson Call stated her concerns noting she does not want to make this site  
specific so this can apply to any home in the city. Chairperson Call would suggest  
continuing this item and directed staff to look at the recommendations discussed and  
46 rewrite the ordinance and bring it back before the commission. She also made note that  
the commission's recommendation will go to the city council for approval.

2 Chairperson Call called for any further comments or discussion from the  
Commission. Hearing none she called for a motion to continue.

4  
6 COMMISSIONER KALLAS MOVED TO CONTINUE ORDINANCE  
AMENDMENT 2019-5-O TO ALLOW STAFF THE TIME TO MAKE CHANGES TO  
THE ORDINANCE AS DISCUSSED. COMMISSIONER MARCHBANKS  
8 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:  
CHAIRPERSON CALL AYE  
10 COMMISSIONER KALLAS AYE  
COMMISSIONER MARCHBANKS AYE  
12 COMMISSIONER JOHNSON AYE  
COMMISSIONER THOMPSON AYE  
14 COMMISSIONER SCHAUERS AYE  
THE MOTION CARRIED UNANIMOUSLY.

16  
18 *Chairperson Call excused herself from the meeting at this time (8:00 pm) and  
turned the meeting chair over to Vice Chair Kallas.*

- 20 6. **Public Hearing** - A recommendation to the Lindon City Council to amend  
Appendix A Standard Land Use Table to remove Recycling businesses as a use  
22 category from the Standard Land Use Table. – Lindon City

24 COMMISSIONER MARCHANKS MOVED TO OPEN THE PUBLIC  
HEARING. COMMISSIONER SCHAUERS SECONDED THE MOTION. ALL  
26 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

28 Anders Bake, Associate Planner, led this discussion item by stating  
Lindon City is proposing an amendment to Appendix A Standard Land Use Table to  
30 remove Recycling businesses as a use category from the Standard Land Use Table. He  
noted the Standard Land Use Table currently lists Recycling businesses as a conditional  
32 use in the Heavy Industrial (HI) and Light Industrial (LI) zones and as not permitted in all  
other zones. He pointed out that Lindon City has seen significant commercial and  
34 industrial investment specifically in the industrial and commercial areas that surround the  
Light and Heavy Industrial zones. He noted City Staff recommends this change.

36 Mr. Bake explained the City wants to continue to promote new growth through  
economic development. He noted Recycling businesses is a broad classification but  
38 would include those businesses that collect solid waste (refuse) or materials for recycling  
like cardboard or construction materials for processing and transfer to another location.

40 Mr. Bake indicated the purpose of removing Recycling businesses is to reduce the  
incompatibility of recycling uses with new and existing development. He added recycling  
42 businesses can create undesirable secondary effects with outdoor storage, odors, dust, and  
noise, which discourage businesses from locating in the neighboring areas. Currently,  
44 only the Utah County North Point Solid Waste Special Service District is located in the  
City.

46 Mr. Bake then reviewed the Summary of Lindon City Code Amendments as  
follows: Removes the following Permitted Primary Use from the Standard Land Use

2 Table: Recycling businesses (Indoor processing only. Outdoor product storage areas  
require sight obscuring fencing. Applications must meet SLU compatibility standards.)  
4 Commissioner Marchbanks commented there is not that much light industrial areas  
left so he believes this change is timely and makes total sense and should be supported.  
6 Mr. Bake then presented the Lindon City Zoning Map and Proposed Ordinance  
followed by discussion. Vice Chair Kallas asked if there were any public comments or  
8 discussion. Hearing none he called for a motion to close the public hearing.

10 COMMISSIONER THOMPSON MOVED TO CLOSE THE PUBLIC HEARING.  
COMMISSIONER JOHNSON SECONDED THE MOTION. ALL PRESENT VOTED  
12 IN FAVOR. THE MOTION CARRIED.

14 Vice Chair Kallas called for any further comments or discussion from the  
Commission. Hearing none he called for a motion.

16  
18 COMMISSIONER MARCHBANKS MOVED TO RECOMMEND TO THE  
CITY COUNCIL APPROVAL OF ORDINANCE AMENDMENT 2019-6-O AS  
PRESENTED. COMMISSIONER JOHNSON SECONDED THE MOTION. THE  
20 VOTE WAS RECORDED AS FOLLOWS:

22 COMMISSIONER KALLAS AYE  
24 COMMISSIONER MARCHBANKS AYE  
COMMISSIONER JOHNSON AYE  
26 COMMISSIONER THOMPSON AYE  
COMMISSIONER SCHAUERS AYE  
THE MOTION CARRIED UNANIMOUSLY.

28 7. **New Business: Reports by Commissioners** – Vice Chair Kallas called for any  
new business or reports from the Commissioners.

30  
32 Commissioner Marchbanks asked for an update on the Geneva Road lift station  
project. Mr. Florence stated he will get an update from the Public Works Director and  
send it to the commissioners. Commissioner Thompson asked about the easement on 650  
34 North that is being closed in noting he has been approached by residents stating they  
would like to reclaim their property.

36 Councilmember Bean said this issue will be a council discussion item noting the  
city has a right of way at that location. Commissioner Schauers asked about the fencing  
38 appeal discussion from the last meeting. Mr. Florence replied they have been working  
together to get the issue resolved noting they have extended the deadline.

40  
42 8. **Planning Director Report** –

- 44 • Next meeting (April 9<sup>th</sup>) site plan approval for the Mark Weldon  
Development Phase - lot #4
- 46 • Accessory Apartment information

48 Vice Chair Kallas called for any further comments or discussion. Hearing none he  
called for a motion to adjourn.

2 **ADJOURN** –

4 COMMISSIONER THOMPSON MADE A MOTION TO ADJOURN THE  
6 MEETING AT 8:30 PM. COMMISSIONER SCHAUERS SECONDED THE MOTION.  
8 ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

8 Approved – April 9, 2019

10

12

---

Sharon Call, Chairperson

14

---

16 Michael Florence, Planning Director