

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
3 **July 9, 2013** beginning at 7:00 p.m. in the Lindon City Center, City Council Chambers,
4 100 North State Street, Lindon, Utah.

6 Conducting: Sharon Call, Chairperson
7 Invocation: Ron Anderson, Commissioner
8 Pledge of Allegiance: Mike Marchbanks, Commissioner

10 **PRESENT**

ABSENT

11 Sharon Call, Chairperson
12 Ron Anderson, Commissioner
13 Del Ray Gunnell, Commissioner
14 Carolyn Lundberg, Commissioner
15 Mike Marchbanks, Commissioner
16 Rob Kallas, Commissioner
17 Vaughan Austin, Commissioner
18 Hugh Van Wagenen, Planning Director
19 Kathryn Moosman, City Recorder
20 Special Attendee:
21 Matt Bean, Councilmember

- 22
- 23 1. **CALL TO ORDER** – The meeting was called to order at 7:05 p.m.
 - 24 2. **APPROVAL OF MINUTES** – The minutes of the regular meeting of June 25,
25 2013 were reviewed.

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27 COMMISSIONER ANDERSON MOVED TO APPROVE THE MINUTES OF
28 THE REGULAR MEETING OF JUNE 25, 2013 AS AMENDED. COMMISSIONER
29 MARCHBANKS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR.
30 THE MOTION CARRIED.

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- 32 3. **PUBLIC COMMENT** –

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34 Chairperson Call called for comments from any audience member who wished to
35 address any issue not listed as an agenda item. There were no public comments.

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- 37 4. **CURRENT BUSINESS** –

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- 39 4. **REVIEW AND ACTION:** *Conditional Uses Permit: A Family Inn, 105 South*
40 *1170 East.* This is a request by Ghislaine Caussat for a conditional use permit to
41 operate a two-room Bed & Breakfast in the Single-Family Residential Zone (R1-
42 12).

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44 Mr. Van Wagenen opened the discussion by explaining this is a request
45 By Ghislaine Caussat to operate a two-room Bed & Breakfast from the basement of her
46 home located at 105 South 1170 East. He noted the applicant has provided a description
47 of the proposal along with a submitted floor plan and parking plan. Mr. Van Wagenen
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2 stated the Standard Land Use Table lists Residential Bed & Breakfast Facility (3 rooms
or less) as a conditionally permitted use in all residential zones.

4 Mr. Van Wagenen noted that several neighbors have contacted staff regarding the
conditional use permit request with general concerns of a commercial use intruding into a
residential neighborhood. This includes concerns over traffic, parking, and noise.

6 Mr. Van Wagenen then referenced two letters submitted to the City regarding this issue.
He also noted that additionally, the applicant provided a copy of a letter she distributed to
8 neighbors trying to calm concerns over the Bed & Breakfast.

10 Mr. Van Wagenen further explained that a conditional use permit is reviewed by
the Planning Commission in a public meeting, but not a public hearing. Therefore, it is up
to the Planning Commission Chair as to whether to accept public comment or not while
12 the application is being considered. He also stated that Utah State Code defines a
conditional use as “a land use that, because of its unique characteristics or potential
14 impact on the municipality, surrounding neighbors, or adjacent land uses may not be
compatible in some areas or may be compatible only if certain conditions are required
16 that mitigate or eliminate the detrimental impacts.”

18 Mr. Van Wagenen discussed that it is the Planning Commission’s responsibility to
place reasonable conditions to mitigate or eliminate detrimental impacts from conditional
uses. Conditional uses are permitted uses that can only be denied by state code if
20 “reasonable anticipated detrimental effects of a proposed conditional use cannot be
substantially mitigated by the proposal, or by the imposition of reasonable conditions to
22 achieve compliance with applicable standards.” However, conditions can be placed upon
the application and the applicant by the Planning Commission, at their discretion, to help
24 mitigate concerns or any possible negative effects that the use may have on the
surrounding area. Mr. Van Wagenen noted that Chairperson Call sent him an email about
26 what kind of possible appropriate conditions can be placed on this conditional use. He
noted that he will follow up with the possible conditions after the applicant speaks.

28 Chairperson Call then invited the applicant forward. The applicant, Ms. Caussat,
mentioned that she moved to Lindon 18 months ago. She noted that their home is too big
30 for them and they wanted to utilize their empty basement. She contacted Mr. Van
Wagenen to discuss the possibility of a Bed & Breakfast as they do not want a year round
32 rental. Ms. Caussat commented that Bed & Breakfast facilities are a good way to travel as
they are quiet and have a homey atmosphere. Ms. Caussat noted that her vision is to have
34 a family atmosphere and to keep it low key and quiet with no disturbances for neighbors
or for themselves. Ms. Caussat also mentioned that after 10:00 p.m. the city code states
36 that people must be quiet anyway. She noted that they also plan on installing a driveway
for the two additional vehicles. Ms. Caussat mentioned that she would be happy to show
38 the house etc. to the neighbors. She also noted that they did send letters to the neighbors
and she would be happy to work with everyone to make them feel comfortable and happy
40 with this proposal.

42 At this time Chairperson Call called for public comments. There were several
citizens in attendance to address the commission as follows:

44 **Mike Dunn:** Mr. Dunn commented that he lives on the corner directly across the street
from the applicants. Mr. Dunn commented that he appreciates the manner in which the
46 Caussat’s provided the information regarding this proposal. He noted that he is aware of
the minimum amount that has to be shared and they were informed well ahead of time;
48 however, this proposal makes him nervous. He expressed his concern that if approved,

2 there will be a high amount of traffic in the neighborhood. He noted that the Caussat's
home is a large home, and he understands where the need is coming from, but he worries
4 because it is a residential area. Mr. Dunn mentioned that they already have four (4)
vehicles at the home and they will be adding two (2) more. This will be magnifying the
6 amount of traffic to the corners in the neighborhood and he does not believe it is safe, and
increasing the traffic could pose a dangerous safety issue. Mr. Dunn concluded by stating
8 the Caussat family are fabulous hosts and neighbors, but the inherent dangers warrant
that the Planning Commission needs to look at this issue carefully as to this will also
10 affect other neighborhoods in the city and may cause a domino effect and his concerns of
what may happen next. He would also suggest limiting the marketing.

12 **Ann Smith:** Ms. Smith inquired where the new driveway will be located and how long
and wide it will be. Ms. Smith noted that her husband submitted a letter regarding the
14 permit and she further noted that she also agrees with Mr. Dunn's comments.

16 **Tom Peterson:** Mr. Peterson expressed that he agrees with Mr. Dunn's comments. He
did mention that he had hoped, as citizens, that they would have had the opportunity to
18 voice their concerns before the decision was made. He noted that all of the items could
have been weighed, and now it is almost after the fact. Mr. Peterson stated that they
20 would have brought up all of the points of concern; noise, traffic, and the type of clientele
that would come with the facility. He further noted that one never knows what people
22 from out of the country or state are here for. Mr. Peterson stated that these are things the
Planning Commission should consider in making their decision. He went on to say that
24 he likes Bed & Breakfast facilities, but there should be a place in the city designated for
them, not in a residential area. He suggested that the Planning Commission designate
26 areas specifically for Bed and Breakfast facilities. Mr. Peterson stated that they need a
solution that works for the residents, and if this goes through and the Caussat' move out
28 they need to have some kind of control.

30 **Julie Packer:** Ms. Packer had a question in regards to property values and if Bed &
Breakfast establishments or accessory apartments affect property values. Ms. Packer also
32 voiced her concerns that the large driveway in the area won't look aesthetically good as it
is in a residential neighborhood. She did note that she appreciated the letter from Mrs.
34 Caussat.

Commissioner Lundberg stated her general observation. When a home is rented
36 out with an absentee owner the property may not be well maintained or cared for as well,
where as accessory apartment are owner occupied and are more likely to be maintained.
38 Typically the owner has a vested interest in the quality of people who are in the home
because they are residing with them as opposed to a rental.

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42 **Wendy Johnson:** Ms. Johnson noted that she is in favor of this proposal. She stated that
she has stayed in many Bed & Breakfast facilities and the type of people who frequent
44 them are usually upscale older people. It is a good way to meet people from all over the
world and she would prefer this over an accessory apartment.

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48 Chairperson Call pointed out that there are approximately 15-20 accessory
apartments already in the proposed area. She also mentioned that because this is currently
on the Standard Land Use Table it is an allowed use in residential areas and the Planning

Commission can't deny the application but can put conditions on the use. Mr. Van Wagenen then referenced some possible conditions as follows:

- Limit the number of vehicles
- Limit number of guests
- Limit number of days that can be occupied
- Limit the number of meals served
- Limit the check-in and check-out windows
- Mitigate the noise limits

Commissioner Gunnell commented that a Bed & Breakfast would pose less impact than an apartment with full time residents. Commissioner Anderson agreed that an accessory apartment would pose a bigger impact than a Bed & Breakfast. Chairperson Call commented that it is also difficult to control who comes and goes in your neighborhood.

Mr. Van Wagenen mentioned that the sign allowance for a home occupation facility would be 3 ft. high by 6 ft. in area for a directional sign and 2.5 square feet allowance for the house sign. There was then some additional general discussion by the commission regarding the conditional use permit and possible conditions put on the property.

Chairperson Call then suggested that the commission determine the conditions on the property that mitigates any concerns. Followed by some discussion the following conditions were suggested as follows:

1. Vehicles limited to two (2).
2. Off-street parking required.
3. Guests limited to eight (8) maximum at one time.
4. Guests limited to one party at a time.
5. Applicant must obtain a food handlers permit required from the Health Dept.
6. Lindon City business license required.
7. Three weeks (21 days) maximum stay for one party.
8. Site is owner occupied on the premises and present during visit.
9. Lindon City noise ordinance will be observed.
10. No serving of alcohol by the host or owner.
11. Must provide liability insurance coverage to the city.

Mr. Van Wagenen noted if there are any problems the neighbors can come in with their concerns and complaints. Commissioner Kallas inquired if this conditional use permit can be denied. Mr. Van Wagenen replied that if the vote is no, it has to be because the Commission has found that there is no reasonable conditions that can be place upon the application to mitigate residual effects. Commission Kallas expressed his concerns that after observing the neighborhood in question, he doesn't feel that a Bed & Breakfast should be incorporated into that neighborhood. He believes that all he has heard tonight is not bad, but he wonders if opening the door this may become a slippery slope and maybe the code needs to be looked at and perhaps add something that would limits these types of facilities.

Mr. Van Wagenen stated that the City Council has asked that the Commission look into this issue further and there are ways to move forward from here with recommendations from the Commission and City Council. Commissioner Marchbanks

mentioned that he likes the idea that Bed & Breakfasts are a conditional use and if there are problems it can come back before the Commission for review. Commissioner Marchbanks also noted that he does not see that there will be any traffic issues.

Chairperson Call asked if there were any further questions or comments. Hearing none she called for a motion.

CHAIRPERSON CALL MOVED TO APPROVE THE CONDITIONAL USE PERMIT REQUEST TO OPERATE A TWO-BEDROOM BED AND BREAKFAST ON PROPERTY LOCATED AT 105 SOUTH 1170 EAST WITH THE FOLLOWING CONDITIONS: 1. VEHICLES LIMITED TO TWO 2. OFFSTREET PARKING REQUIRED 3. LIMIT OF EIGHT GUESTS MAXIMUM AT ONE TIME 4. LIMITED TO ONE PARTY AT A TIME 5. APPLICANT REQUIRED TO OBTAIN A FOOD HANDLER'S PERMIT FROM THE COUNTY HEALTH DEPARTMENT 6. APPLICANT WILL BE REQUIRED TO OBTAIN A BUSINESS LICENSE 7. MAXIMUM STAY FOR A PARTY WILL BE 3 WEEKS OR 21 DAYS 8. LINDON CITY NOISE ORDINANCE WILL BE OBSERVED 9. HOME MUST BE OWNER OCCUPIED AND OWNER MUST BE ON THE PREMISES DURING GUEST VISITS 10. ALCOHOL MAY NOT BE SERVED BY THE HOST OR OWNER OF THE HOME 11. PROVIDE LIABILITY INSURANCE COVERAGE VERIFICATION TO THE CITY. COMMISSIONER GUNNELL SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL	AYE
COMMISSIONER ANDERSON	AYE
COMMISSIONER GUNNELL	AYE
COMMISSIONER LUNDBERG	AYE
COMMISSIONER MARCHBANKS	AYE
COMMISSIONER KALLAS	AYE
COMMISSIONER AUSTIN	AYE

THE MOTION CARRIED UNANIMOUSLY.

Commissioner Kallas noted for the record that he voted yes because he doesn't have the option to oppose. He further stated that he has concerns regarding this conditional use permit, as the facility does not fit into this densely populated neighborhood and he feels that the ordinance needs to be looked at again. Chairperson Call stated that it seems the City Council also would like to look at the ordinance further and noted there will be a public hearing. Mr. Van Wagenen stated that citizens can apply for an ordinance change and to contact his office with questions.

5. **PUBLIC HEARING**: *Ordinance Amendment: Appendix A SLU Table*. This is a city initiated item that would prohibit Waste Transfer Stations as a permitted use within the city.

COMMISSIONER ANDERSON MOVED TO OPEN THE PUBLIC HEARING. COMMISSIONER LUNDBERG SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Mr. Van Wagenen gave some background by explaining that this is a city initiated item. He further explained that neighboring cities have recently received applications for

2 approval of Waste Transfer Station sites. He noted that Lindon City Code does not
3 specifically address Waste Transfer Stations at this time, and that Lindon currently has
4 one station that the North Pointe Solid Waste Service District operates at the west end of
5 200 South.

6 Mr. Van Wagenen stated that this ordinance change would prevent any additional
7 Waste Transfer Stations from being built within the city. However, the North Pointe
8 Solid Waste Service District would still be allowed to legally operate due to its existing
9 use prior to this ordinance change. There was then some general discussion regarding
10 this ordinance amendment.

11 Chairperson Call asked if there were any public comments. Hearing none she
12 called for a motion to close the public hearing.

13 COMMISSIONER MARCHBANKS MOVED TO CLOSE THE PUBLIC
14 HEARING. COMMISSIONER AUSTIN SECONDED THE MOTION. ALL
15 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

16 Chairperson Call asked if there were any further discussion or comments.
17 Hearing none she called for a motion.

18 COMMISSIONER MARCHBANKS MOVED TO APPROVE THE
19 ORDINANCE AMENDMENT TITLED LCC APPENDIX A STANDARD LAND USE
20 TABLE, WASTE TRANSFER STATIONS. COMMISSIONER AUSTIN SECONDED
21 THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

22 CHAIRPERSON CALL	AYE
23 COMMISSIONER ANDERSON	AYE
24 COMMISSIONER GUNNELL	AYE
25 COMMISSIONER LUNDBERG	AYE
26 COMMISSIONER MARCHBANKS	AYE
27 COMMISSIONER KALLAS	AYE
28 COMMISSIONER AUSTIN	AYE

29 THE MOTION CARRIED UNANIMOUSLY.

30 **6. NEW BUSINESS** – Reports by Commissioners.

31 Chairperson Call called for any new business or reports from the Commissioners.
32 Chairperson Call inquired if the cause of the recent water situation was determined.
33 Mr. Van Wagenen stated that the cause has not been discovered yet, but noted there
34 were two cross connections problems. He stated that it is difficult to verify where the
35 contamination came from. He further noted that the water is clean and safe to drink.
36 Mr. Van Wagenen added that the Public Works Department will now be checking the
37 water on a bi-monthly basis to stay on top of it.

38 Chairperson Call also inquired how often the water tanks are cleaned. Mr. Van
39 Wagenen noted that he will check on that issue and get back with the information.
40 Chairperson Call also mentioned the fireworks restrictions that are in place and if they
41 worked out well. Mr. Van Wagenen stated that he had not heard of any problems but
42 will find out more specifics at staff meeting tomorrow. Chairperson Call called for
43 any further new business or reports from the Commissioners. Hearing none she
44 moved on to the next agenda item.

7. **PLANNING DIRECTOR'S REPORT** –

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

- City Council Items:
 - Senior Housing Facility Overlay – The City Council reviewed the overlay talking points.
 - Sign Ordinance (Vivint)

Chairperson Call asked if there were any other comments or discussion from the Commissioners. Being none she called for a motion to adjourn.

ADJOURN –

COMMISSIONER AUSTIN MADE A MOTION TO ADJOURN THE MEETING AT 9:05 P.M. COMMISSIONER MARCHBANKS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – July 23, 2013

Sharon Call, Chairperson

Hugh Van Wagenen, Planning Director