

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
3 **September 11, 2018 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: Steven Johnson, Commissioner
10 Pledge of Allegiance: Porter Bruce, Scout Troop1215

12 <u>PRESENT</u>	12 <u>EXCUSED</u>
13 Sharon Call, Chairperson	13 Mike Vanchiere, Commissioner
14 Rob Kallas, Commissioner	14 Charlie Keller, Commissioner
15 Mike Marchbanks, Commissioner	
16 Steven Johnson, Commissioner	
17 Hugh Van Wagenen, Planning Director	
18 Brandon Snyder, Associate Planner	
19 Kathy Moosman, Recorder	

- 20 1. **CALL TO ORDER** – The meeting was called to order at 7:00 p.m.
22
23 2. **APPROVAL OF MINUTES** –The minutes of the regular meeting of the
24 Planning Commission meeting of August 28, 2018 were reviewed.

26 COMMISSIONER JOHNSON MOVED TO APPROVE THE MINUTES OF
27 THE REGULAR MEETING OF AUGUST 28, 2018 AS PRESENTED.
28 COMMISSIONER KALLAS SECONDED THE MOTION. ALL PRESENT VOTED
29 IN FAVOR. THE MOTION CARRIED.

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

34 **CURRENT BUSINESS** –

- 36 4. **Conditional Use Permit — JSR Inc.** Jeremy and Kara Stone, JSR Inc., request
37 conditional use permit (CUP) approval to breed and sell exotic reptiles (boa
38 constrictors and ball pythons) at 106 South 300 East – Lindon in the Residential
39 Single-Family (R1-20) zone.

42 Brandon Snyder, Associate Planner, noted the applicant, Jeremy Stone, with JSR
43 Inc., is in attendance to request a conditional use permit to breed and sell exotic reptiles
44 (boa constrictors and ball pythons) at 106 South 300 East in the Residential Single-
45 Family zone. Mr. Snyder stated the applicant relocated from 278 East 70 South to 106
46 South 300 East (across the fence from their previous residence) and the applicant is trying
47 to get their business license transferred to the new address. Mr. Snyder noted the
48 previously approved conditional use permit does not automatically transfer. Mr. Snyder

2 then presented information provided by the applicant that indicates the accessory building
they are using is a metal detached garage located in the back corner of the property.

4 Mr. Snyder stated the existing residence was built in 1979 and the existing
accessory building was built in 2000 by way of building permit #3592; the building is
6 1,440 square feet in area (30'X48"). Mr. Snyder indicated that Lindon City records (Code
Enforcement and Police) do not show any regular or ongoing nuisance complaints related
8 to smells or loose animals. He noted when they first started operating there were a few
concerns with smells but those were resolved. He noted the police have been called out
10 regarding alarms, theft and burglary.

12 Mr. Snyder explained that wild and exotic animals are regulated by Lindon City
Code, which indicates that wild and exotic animals, as defined in this title, shall only be
authorized in Lindon City by issuance of a conditional use from the Planning
14 Commission. The potential allowance of wild and/or exotic animal species and the
quantities of said species are subject to approval on a case-by-case basis. Conditions of
16 approval may be imposed by the Planning Commission as deemed necessary to protect
the public health, safety, and welfare including, but not limited to, increased setbacks,
18 fencing, size and type of enclosure or structure, etc. He stated third party public notices
were mailed on August 30, 2018 and no public comments have been received at this time.

20 Mr. Snyder further explained the purpose and intent of the animal control
ordinance is to provide a reasonable opportunity for the residents of Lindon to maintain
22 animals on their property within the constraints and limits of this provision. It shall also
be the purpose of this ordinance to provide regulations, constraints, and limits on the
24 number of animals kept and the manner in which the animals are maintained in order to
minimize the impact on neighboring property owners.

26 Mr. Snyder noted Lindon City also recognizes that the keeping of animals and
livestock is inherently associated with odors, animal excrete, flies, and some noises.
28 Unless otherwise stated within this Title, a reasonable level of tolerance will be permitted
for these inherent characteristics such as odors, flies, and animal noises that are common
30 to the keeping of animals and livestock in order to protect, preserve, and maintain the
rights of land owners to raise animals on their properties. He then turned the time over to
32 the applicant for comment.

34 Mr. Stone addressed the Commission at this time. He explained the current
building was constructed by the previous owner, and they have modified the building by
insulating the walls and ceiling to accommodate the temperature control they need to
36 maintain their business. They also permanently disabled the use of the two overhead
garage doors and insulated all around them as well to maintain adequate temperature
38 control. He indicated that all business is conducted in this structure and not in the main
family dwelling and the accessory building was existing on the property at the time of
40 purchase. He stressed the fact that this is not a new business, as they moved into their
previous home and accessory building in November 2005, and completed construction of
42 their home in March 2006. He noted they do volunteer work with scouts with merit
badges etc. He also has security cameras for fear of theft issues and monitors his
44 operation every step of the way. He also has signatures from all of his neighbors. Mr.
Stone stated they also keep all federal and state licenses up to date and consistent and pay
46 all state and federal taxes.

48 Mr. Stone stated they have maintained business licenses in Orem prior moving to
Lindon, and also in Lindon since they moved in 2006. The new location is located on the

2 back corner of their property, with a large empty lot surrounding the structure. They have
4 always been closed to the public and they employ two contractors who live in their
6 neighborhood so they walk to work. They have deliveries made from time to time, but
8 nothing unusual or that would impact the neighborhood in any way. He explained they
10 breed and sell exotic reptiles, boa constrictors and ball pythons, through their website.
12 They do not have a store front, and never intend to have a store front.

8 Mr. Stone stated the lot next to their building is sufficient to accommodate the
10 type of parking that would be required to handle the demand that causes no disruption to
12 the neighborhood. He noted their website is www.boaconstrictor.com. They are not
14 keeping any other animals off site and all are contained in their building. They have a tap
16 in the building for irrigation water, and a French drain was installed to dispose of any
18 waste water they may have to deal with. They are not impacting the sewer capacity or
disposing of any hazardous or dangerous liquids. They have been operating out of Lindon
for the past twelve years and just want to continue with their quiet online presence. They
love it here in Lindon and just want to continue to run their business in a legal and
approved way. He also stated, for the record, the comments (letter) received by the
Commission is absolutely false and defamatory.

20 Commissioner Kallas asked staff if there is any way to get the designation pulled
22 from the previous house as it is such a specific and narrow conditional use. Mr. Snyder
stated generally a conditional use can be revoked if it is not being in compliance.

22 Chairperson Call commented that she understands they have been operating since
24 2017 and they are just now getting a request for a Conditional Use Permit. Mrs. Stone
26 explained they had a problem with their server so they did not get notification from the
28 city and when received it in the mail they immediately paid the application fees and filled
30 out the paperwork. When they became aware they could not just transfer the business
license they immediately contacted the city and they came out to inspect the property and
set this meeting up; their business license is now current and up to date. Mr. Stone stated
he is only using a small storage shed with the permission of the new owner but does not
keep animals at that location; he has three part time employees.

32 Chairperson Call questioned city permits and state and federal regulations. Mr.
34 Stone stated he has all federal and state licenses noting inspections can be done randomly
36 but are generally done once a year. Commissioner Kallas commented the Commission
38 needs to think about what is in the best interest of citizens and the community. He
40 pointed out the use is not a problem unless there are issues with the neighbors. He does
have an issue of both locations having conditional use permits. Chairperson Call stated
she does not want to see several locations created and because of the conditional use
permit another snake operator could locate on the other property that would create an
impact. Chairperson Call stated this is not a public hearing but called for any comments
at this time.

42 Lori Peters, resident in attendance, addressed the Commission at this time. She
44 stated her property borders the property in question and they see everything that happens
46 there. Ms. Peters expressed her opposition to approve a new Conditional Use Permit at
48 this location. She stated this operation has been unappealing for several years as they are
venting towards their property that causes an odor nuisance. She noted other neighbors
have concerns but they don't feel comfortable coming to the meeting to address the
applicant and the issues. She pointed out the applicant does not have all the proper
building permits.

2 Ms. Peters stated there are the nuisances of smells and burning fires at night and
3 dead rats on the side of their shed; these things have been ongoing since 2004. She
4 respects Mr. Stone's business but feels it should be placed in a more appropriate area and
5 not in a residential area. It should be more isolated because it is a unique business that
6 comes with unique situations around it and should be located in a more industrial or
7 business area because over the past 14 years it has not been a good experience.

8 Chairperson Call asked Ms. Peters what conditions she would suggest the
9 Commission put on this use to mitigate her issues or concerns. Mr. Peters stated she
10 would ask the following:

- 11 1. How to police and monitor the business
- 12 2. What is housed in the building and if the building is appropriate for the use
- 13 3. How to manage the unpleasantities with venting and the odors.
- 14 4. Fires at night

16 Mr. Snyder reminded the Commission to focus on what a conditional use permit
17 identifies with the impacts on property or a neighborhood. He noted any valid concerns
18 are followed up by complaints and pointed out at the last location the city did not receive
19 a lot of complaints on this business. He suggested that potential odor sources could be
20 clarified. He indicated the main thing to consider is what the impacts are related to the
21 public safety, health and welfare of the community. He noted the code does not
22 distinguish a number of animals that can be housed.

23 Mr. Don Harvie addressed the Commission at this time. Mr. Harvey stated he is
24 the next-door neighbor of Mr. Stone and he has not been aware of any odors or smells in
25 the past 13 years. He added this operation has not been a problem and expressed he sees
26 nothing negative about it.

27 Commissioner Marchbanks asked staff if there have been any reports to the city as
28 there is another snake facility that was previously approved in Lindon in a commercial
29 zone that backs up to residential. Mr. Snyder stated there has only been one complaint.
30 Commissioner Marchbanks suggested to Mr. Stone to keep the rats in a fenced area.
31 Commissioner Johnson stated it appears there are things that can be mitigated like the
32 storage of the rats, the odors/smells and noise.

33 Blake Campbell, resident in attendance stated the general thing about odor
34 mitigation may be to address the scrubbers or reroute the venting.

35 Chairperson Call pointed out the Commission cannot issue a Conditional Use
36 Permit until City inspections are completed. Her concerns are as follows:

- 37 1. City inspections performed
- 38 2. Venting inspected by the Building Official
- 39 3. Potential odors mitigated
- 40 4. Business is operated from one location including rodent storage

41 Mr. Stone stated he would be happy to have all inspections performed and to
42 comply with all requests listed above.

43 Ms. Peters re-iterated that she would like to know, for her peace of mind, how
44 many and what type of snakes are held there and who is going to control and monitor it.
45 She re-iterated that she strongly opposes this CUP because it's in a residential area and
46

2 this operation is on a much larger scale. She feels it is not prudent to approve another
CUP on this business in a residential area.

4 Mr. Snyder pointed out the Commission has the right to continue this item for
further discussion. Commissioner Johnson also suggested that Mr. Stone provide
6 information on a standard to help put a number on the animals allowed. Mr. Stone
indicated there are federal guidelines. Mr. Stone also pointed out there has not been one
8 problem from his business with nuisances and he has followed all regulations and
requirements. He would be happy to pull federal records if the Commission would like to
10 review them to see if they are in compliance.

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

14 COMMISSIONER KALLAS MOVED TO CONTINUE THE APPLICANT'S
REQUEST FOR A CONDITIONAL USE PERMIT TO BREED AND SELL EXOTIC
16 REPTILES (BOA CONSTRICTORS AND BALL PYTHONS) OUT OF THE
ACCESSORY BUILDING ONLY, LOCATED AT 106 SOUTH 300 EAST, IN THE
18 RESIDENTIAL SINGLE-FAMILY (R1-20) ZONE TO GIVE STAFF TIME TO
INSPECT THE PROPERTY AND REVIEW ANY CONDITONS THAT MAY BE
20 MITIGATED AND ALLOW MR. STONE THE OPPORTUNITY TO PROVIDE
MORE INFORMATION REGARDING NUMBERS ALLOWED. COMMISSIONER
22 MARCHBANKS SECONDED THE MOTION. THE VOTE WAS RECORDED AS
FOLLOWS:

24 CHAIRPERSON CALL	AYE
COMMISSIONER MARCHBANKS	AYE
26 COMMISSIONER KALLAS	AYE
COMMISSIONER JOHNSON	AYE
28 THE MOTION CARRIED UNANIMOUSLY.	

- 30 5. **Public Hearing — Zoning Map Amendment, 150 S. Geneva Rd.** Adam Pulver,
BMC, requests approval of a Zoning Map Amendment to reclassify a parcel from
32 Residential Single Family (R1-20) to the Light Industrial (LI) zone. Parcel ID
#14:065:0131 Anderson Lumber Company (BMC Stock Holdings, Inc.). Total
34 land area of 1.25 acres. Recommendation(s) will be forwarded to the City
Council. (Pending Ordinance 2018-17-O).

36 COMMISSIONER JOHNSON MOVED TO OPEN THE PUBLIC HEARING.
38 COMMISSIONER KALLAS SECONDED THE MOTION. ALL PRESENT VOTED IN
FAVOR. THE MOTION CARRIED.

40 Hugh Van Wagenen, Planning Director, stated the applicant, Adam Pulver, with
42 BMC Stock Holdings, is in attendance to request approval to rezone the parcel from
Residential (R1-20) to the Light Industrial (LI) zone. The applicant is requesting the
44 rezone so that the zoning would match with the two adjacent parcels (West and
Southwest). The applicant also proposes to combine the parcels and will be replacing
46 some of the existing structures in the near future. A new structure will be placed partially
into the current area of the subject parcel. The parcel was created and purchased by

2 Anderson Lumber in April 1997 and the property has been used since at least 2000 for
outdoor storage.

4 Mr. Van Wagenen indicated the Single-Family Residential Zones are established
to provide areas for the encouragement and promotion of an environment for family life
6 by providing for the establishment of one-family detached dwellings on individual lots
that are separate and sheltered from non-residential uses found to be inconsistent with
8 traditional residential lifestyles customarily found within Lindon City's single-family
neighborhoods.

10 Mr. Van Wagenen noted staff found minutes from 1997 indicating a previous
rezoning from residential, however, they could not locate the files for when it was
12 rezoned back to residential; this took place between 1999 and 2001. He pointed out that
required Public Hearing Notices were mailed on August 30, 2018 and no public
14 comments have been received at this time.

16 Mr. Van Wagenen explained that currently the LI zone requires a minimum lot
area of 1 acre and 100 feet of frontage. He noted the Light Industrial (LI) zone allows for
the potential uses related to Manufacturing, Wholesale Trade, Retail Trade, and Services.
18 Mr. Van Wagenen then referenced the relevant General Plan information to consider in
determining whether the requested change will be in the public interest.

20 Commissioner Marchbanks commented he attended meetings back when these
properties were sold. His only concern is when these were rezoned there was
22 requirement that block wall fencing be put up against the residential and perhaps the
fencing has been pushed off because of the zoning. He feels this would be the time to
24 look at the fencing when we have a transition between residential and commercial. Mr.
Van Wagenen replied conditions can be placed on a re-zone and requiring that a wall
26 being placed could be a condition. Mr. Pulver stated they would like to put the fence in
after the foundation is in for the building.

28 Chairperson Call called for any public comments at this time. Several residents in
attendance addressed the Commission as follows:

30 Diane Campbell, resident in attendance, stated she owns property to the north of
the property in question. She said the property to the east is being leased by the
32 commercial property to the south where storage units will be. To the north of that
commercial property there is a piece currently being leased now with the condition to buy
34 the property. She questioned when they buy this property will they be required to install
a commercial fence and if so she would like a privacy fence. She also questioned if they
36 even need to go to the expense to put fencing on the east side as it will be commercial to
commercial. She would suggest putting one on the west side of her property and Mr.
38 Hill's property as there is quite an elevation change from her property to this parcel; it is
paved not dirt. She noted there is also about a 3 or 4 ft. difference in the fence height.
40 She added where the property line is the applicant had a surveyor come out to make sure
the fence is on their side.

42 Commissioner Marchbanks stated the property line issue will be resolved as it
gets platted and recorded. Mr. Pulver stated they plan to install the required masonry
44 fencing wherever there are residential zones which will be a site plan requirement.

46 Valerie and Jim King, residents in attendance, commented that it is their
understanding that the people who bought the property behind them don't know what the
property will look like or development into over the next year.

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

4 COMMISSIONER KALLAS MOVED TO CLOSE THE PUBLIC HEARING.
6 COMMISSIONER JOHNSON SECONDED THE MOTION. ALL PRESENT VOTED
IN FAVOR. THE MOTION CARRIED.

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

12 COMMISSIONER JOHNSON MOVED TO RECOMMEND APPROVAL OF
THE PROPOSED ZONING MAP AMENDMENT WITH THE CONDITION TO
14 COMBINE THE PARCEL WITH ADJOINING PARCELS PRIOR TO FUTURE LAND
USE DEVELOPMENT APPROVALS. COMMISSIONER MARCHBANKS
16 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

18 CHAIRPERSON CALL	AYE
COMMISSIONER MARCHBANKS	AYE
COMMISSIONER KALLAS	AYE
20 COMMISSIONER JOHNSON	AYE

THE MOTION CARRIED UNANIMOUSLY.

- 22
24 **6. Public Hearing — Ordinance Amendment, Lindon City Code 8.20 Public
Nuisances.** Lindon City requests approval of an amendment to Lindon City Code
Section 8.20.030 Nuisance – Definition subsection (2)(cc) Inappropriate Noise.
26 The proposal would address potential hours during which Inappropriate Noises
are not allowed. Recommendations will be forwarded to the City Council for final
28 approval. (Pending Ordinance 2018-9-O) (Item continued from 8/28/2018)

30 COMMISSIONER JOHNSON MOVED TO OPEN THE PUBLIC HEARING.
COMMISSIONER MARCHBANKS SECONDED THE MOTION. ALL PRESENT
32 VOTED IN FAVOR. THE MOTION CARRIED.

34 Mr. Van Wagenen noted this is the fourth meeting that a draft is before the
Commission tonight. Clarification on where noise is measured from, conflicts with the
36 Commercial Farm noise measurement, allowing Heavy Industrial to operate at 85 dBA at
night, and stipulating indoor noise levels have all been addressed with this latest draft. He
38 noted a copy of the ordinance draft has also been given to Police Chief Adams. Staff will
also inform the Commission of any feedback Chief Adams may provide.

40 Mr. Van Wagenen then referenced the sound level chart for context. He noted the
Commission also requested that some base noise level measurements be taken in areas of
42 the City and he then presented a chart showing the results of those measurements.
Additionally, Mr. Van Wagenen presented a part of the City's zoning map displaying the
44 different sound allowances for day/night in context. There was then some general
discussion by the Commission regarding the sound level chart and noise level
46 measurements for day/night context. Following discussion, the Commission was in
agreement to add language regarding agricultural activities.

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

4
6 COMMISSIONER KALLAS MOVED TO CLOSE THE PUBLIC HEARING.
COMMISSIONER JOHNSON SECONDED THE MOTION. ALL PRESENT VOTED
IN FAVOR. THE MOTION CARRIED.

8
10 Chairperson Call asked if there were any further comments or discussion.
Hearing none she called for a motion.

12 COMMISSIONER KALLAS MOVED TO RECOMMEND APPROVAL OF
14 ORDINANCE AMENDMENT 2018-9-O AS PRESENTED WITH THE ADDITIONAL
SENTENCE REGARDING AGRICULTURAL ACTIVITIES. COMMISSIONER
16 MARCHBANKS SECONDED THE MOTION. THE VOTE WAS RECORDED AS
FOLLOWS:

18 CHAIRPERSON CALL	AYE
COMMISSIONER MARCHBANKS	AYE
COMMISSIONER KALLAS	AYE
20 COMMISSIONER JOHNSON	AYE

THE MOTION CARRIED UNANIMOUSLY.

- 22
24 7. **Discussion Item — Lindon City General Plan, Land Use.** Planning Staff will
review the Land Use section of the General Plan with the Planning Commission.
This is an informative discussion item only. No motions will be made.

26
28 Mr. Van Wagenen presented information regarding the Lindon City General Plan
update by giving an overview of the Land Use section of the document. He noted this is
an informative discussion only with no formal action being taken at this time. There was
30 then some general discussion regarding the land use section of the general plan including
moderate income housing and accessory apartments. Mr. Van Wagenen noted the city has
32 done great things in Lindon but it may not be enough in providing for low income levels.
The state is waiting for cities to be proactive on this issue or they may mandate
34 compliance.

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

- 38 9. **New Business: Reports by Commissioners** – Chairperson Call called for any
40 new business or reports from the Commissioners.

42 Chairperson Call mentioned the elevations of Mr. Jorgensen’s building and how it
would it affect the setbacks. Mr. Van Wagenen stated the site plan will still come before
the Commission as it has not been finalized and the building heights will be addressed
44 through the Building Department. Chairperson Call also brought up the issue of a
resident’s high water bill and also the water pooling (drainage) on her neighbor’s
46 property. Mr. Van Wagenen stated he brought the issue up at staff meeting and the Public
Works Director will be checking into the issue. Chairperson Call also mentioned the
48 Conditional Use Permit for the snake facility discussed tonight. She questioned if it can

2 be revoked on the second location. Mr. Van Wagenen stated he will check with the city
attorney to see if we are able to legally revoke the original conditional use permit; staff
4 will also research what the options are. The Commission also agreed to schedule a field
trip to view the snake facility. Commissioner Johnson mentioned the street light issue
6 requirements as there are some street lights that are capped and shine out and into
residential homes and there have been some complaints.

8
10 **10. Planning Director Report** – Tonight is Mr. Van Wagenen’s last meeting as he
has accepted another position with the Wasatch Front Regional Council in Salt
Lake City.

12
14 At this time the Commission thanked Mr. Van Wagenen for his good works and
contributions to the city noting they will miss his expertise and friendship. They also
gave him a card and wished him the best in his future endeavors. Mr. Van Wagenen
16 thanked the Commission noting it has been a great pleasure and opportunity to work with
them these past six years.

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

20 **ADJOURN** –

22
24 COMMISSIONER MARCHBANKS MADE A MOTION TO ADJOURN THE
MEETING AT 9:50 PM. COMMISSIONER KALLAS SECONDED THE MOTION.
ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

26
28 Approved – September 25, 2018

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32 _____
Sharon Call, Chairperson

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Hugh Van Wagenen, Planning Director