



2 Mary Barnes, Associate Planner, led this agenda item by stating the applicant,  
3 Millhaven Construction is requesting a plat amendment on the behalf of Wade and  
4 Donnel Thompson to consolidate two existing lots into one lot. She noted Wade and  
5 Donnel Thompson own both properties and want to consolidate the north property into  
6 the existing south property. She noted with the proposed plat amendment for both lots,  
7 the owners will be able to use their full property and build an accessory building. Ms.  
8 Barnes stated Lindon City Code 17.32.070 references Utah Code for requirements  
9 amending a subdivision plat. Under Utah Code 10-9a-608, an applicant may petition the  
10 Land Use Authority (Planning Commission) to join two or more of the petitioner fee  
11 owner’s contiguous lots.

12 Ms. Barnes went on to explain that Wade and Donnel Thompson own the two  
13 properties that are a part of the plat amendment application. The proposed plat only  
14 eliminates one property line within the plat. She noted this proposed plat amendment is  
15 located in the Residential R1-20 zone. She then referenced the table that reviews the  
16 subdivision and lot requirements for a residential lot in the R1-20 zone.

17 Ms. Barnes indicated in regards to the easement requirement, that the applicants  
18 are currently in the process of getting approval from utility companies to abandon the  
19 PUE that runs straight through the plat and all other requirements are met. She noted the  
20 City Engineer has completed a review of the plat and all issues have been resolved. Ms.  
21 Barnes then presented an Aerial image with parcels, Proposed Plat “F”, Proposed Site  
22 Plan, Current Lindon Treasury Plat “A”, and Current Lindon Treasury Plat “D” followed  
23 by discussion. She then turned the time over to the applicant for comment.

24 Mr. Todd Trane addressed the commission at this time. Mr. Trane stated the  
25 presentation covered everything well and this is pretty straightforward. This is just  
26 consolidating the two parcels. He stated they have notarized approval from all utility  
27 companies in regards to the easement, all but one, and that should be coming soon and  
28 will be submitted to the city; they don’t foresee any potential issues. Mr. Florence stated  
29 the ordinance was passed by the city council.

30 Following some additional discussion, the Commission was in agreement to  
31 approve this plat amendment request with the conditions as listed in the motion.

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

34  
35 COMMISSIONER MARCHBANKS MOVED TO APPROVE THE  
36 APPLICANTS REQUEST FOR PLAT AMENDMENT APPROVAL OF THE LINDON  
37 TREASURY PLAT “F” WITH THE FOLLOWING CONDITIONS: 1. THE  
38 APPLICANT WILL CONTINUE TO WORK WITH CITY STAFF TO MAKE ALL  
39 TECHNICAL CORRECTIONS AS NECESSARY TO THE PLAT PRIOR TO  
40 RECORDING; 2. PRIOR TO PLAT RECORDING, THE APPLICANT WILL UPDATE  
41 THE FINAL PLAT MYLAR TO INCLUDE NOTARIZED SIGNATURES OF  
42 OWNERS’ CONSENT TO DEDICATION; AND OBTAIN SIGNATURES OF ALL  
43 ENTITIES INDICATED ON THE SUBDIVISION PLAT ATTACHED HERETO; AND  
44 3. ALL ITEMS OF THE STAFF REPORT COMMISSIONER KALLAS SECONDED  
45 THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

46 CHAIRPERSON CALL	AYE
47 COMMISSIONER MARCHBANKS	AYE
48 COMMISSIONER KALLAS	AYE

2 COMMISSIONER JOHNSON AYE  
COMMISSIONER SCHAUERS AYE  
4 COMMISSIONER TRIBE AYE  
THE MOTION CARRIED UNANIMOUSLY

6

5. **Petition of Relief for Reduction in Water Shares** – Millhaven Construction  
8 request a recommendation to the Lindon City Council for a petition of relief for  
providing the full amount of water shares or fee in lieu of shares for the property  
10 located at 578 N. 800 E.

14 Mike Florence, Planning Director, led this agenda item by explaining the planning  
commission recently approved the property in question for a minor subdivision and gave  
16 a Hillside Exemption. He noted now the applicants are petitioning for a relief of turning  
in all of the required water shares or paying a fee in lieu of shares since not all of the  
18 property can be irrigated.

Mr. Florence stated when the planning commission approved the hillside  
20 exemption on July 13, 2021 the applicants' presented a grading plan that showed the  
different slopes of the property. He pointed out that the Hillside ordinance prohibits  
22 development on slopes in excess of 30%. He explained due to the potential for increased  
erosion from slope saturation on hillside greater than 40% the applicants will not be  
24 landscaping or irrigating these areas. He noted the property is 4.47 acres and areas with a  
slope of 40% or greater are approximately 1.74 acres. Mr. Florence stated the applicants  
26 are now requesting a relief of turning in water shares or paying a fee in lieu of shares for  
the 1.74 acres; the applicants will be turning shares or paying the fee in lieu of shares for  
28 the remaining 2.73 acres. He added the city engineer has reviewed the applicants petition  
and agrees that the area should not be irrigated.

Mr. Florence indicated for this petition the planning commission will be making a  
30 recommendation to the city council on whether to grant the relief petition or not. He  
indicated for water shares, the city culinary and irrigation system is based of North Union  
32 Shares. If a property is one acre, then a property owner turns in one share of North Union  
Shares. If a property is one acre, then a property owner turns in one share of North Union  
34 water (or equivalent) or pays a fee in lieu of water shares to cover the one-acre share.  
Water shares are turned into the City when property is subdivided or when residents want  
36 to connect to secondary irrigation.

Mr. Florence went on to say the city engineer and the planning department have  
38 required the applicants request and found that in this specific case due to the 40% slopes  
of the property that the water share requirement should be modified for the property in  
40 question.

Mr. Florence then presented an aerial photo, grading plan, the applicant's relief  
42 petition letter, Landscape plan and the City Pressurized Irrigation System Ordinance  
followed by discussion. He then turned the time over to the applicant for comment.

44 The applicant, Mr. Todd Trane stated they are asking for a recommendation to  
reduce this because they feel being asked to provide the water to irrigate and then not  
46 ever being able to use it does not seem fair; that is what this petition is for. He added the  
client is proposing to leave the hillside as natural as possible. Mr. Florence referenced  
48 the landscape plan noting if it changes, the applicant will have to come back before the  
commission according to the ordinance.

2 Mr. Florence clarified the Commission is just making a recommendation to the city  
council and they will have to determine whether or not to approve this request.

4 Following some additional discussion, the Commission were in agreement to  
make a recommendation of approval to the city council for this request with the  
6 conditions as listed in the motion.

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

10 COMMISSIONER JOHNSON MOVED TO RECOMMEND APPROVAL OF  
THE APPLICANTS PETITION OF RELIEF OF WATER SHARE DEDICATION FOR  
12 THE PROPERTY LOCATED AT 578 N. 800 E. WITH THE FOLLOWING  
CONDITIONS: A) THE APPLICANT HAS MET THE REQUIREMENTS FOR  
14 PRESENTING INFORMATION TO BE SUBMITTED WITH A RELIEF PETITION;  
B) DUE TO THE 40% OR GREATER SLOPES ON THE PROPERTY AND  
16 POTENTIAL FOR HILLSIDE SLIDING IF THE SLOPES BECOME SATURATED  
FROM IRRIGATING, THAT THE APPLICANT NOT BE REQUIRED TO TURN IN  
18 WATER SHARES OR PAY THE FEE IN LIEU OF SHARES FOR PORTIONS OF  
THE PROPERTY WITH SLOPES OF 40% OR GREATER WHICH EQUALS 1.74  
20 ACRES; C) THE APPLICANT WILL TURN IN WATER SHARES OR PAY THE FEE  
IN LIEU OF WATER SHARES TO COVER THE REMAINING 2.73 ACRES FOR  
22 THE HONEYCOMB HEIGHTS SUBDIVISION PLAT; AND D) ALL ITEMS OF THE  
STAFF REPORT. COMMISSIONER MARCHBANKS SECONDED THE MOTION.

24 THE VOTE WAS RECORDED AS FOLLOWS:

26 CHAIRPERSON CALL	AYE
COMMISSIONER MARCHBANKS	AYE
COMMISSIONER KALLAS	AYE
28 COMMISSIONER JOHNSON	AYE
COMMISSIONER SCHAUERS	AYE
30 COMMISSIONER TRIBE	AYE

THE MOTION CARRIED UNANIMOUSLY.

- 32
- 34 **6. Concept Review - Live Work; Adam Maher – 564 W 550 S.** Adam Maher  
request concept review to construct a 20-unit mixed-use development at 564 W.  
36 550 N. A Concept Review allows applicants to receive planning commission  
feedback and comments on proposed developments. No formal approvals or  
motions are given, but general feedback is typically provided.

38

40 Mr. Florence stated this item has been pulled from the agenda at the request of the  
applicant. Chairperson Call called for any comments from the Commission. Hearing  
none she moved on to the next agenda item.

- 42
- 44 **7. Public Hearing for a Recommendation to the Lindon City Council to adopt  
Chapter 5.30 – Massage Establishments; Ordinance #2021-18-O.** Lindon City  
46 requests adoption of Chapter 5.30 to establish operational qualifications for  
massage establishments.

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

6 Mr. Florence led this agenda item by stating Lindon City is proposing to adopt a  
7 Massage Establishment Ordinance that will develop minimum zoning and business  
8 operating standards in regards to these establishments. He noted the proposed ordinance  
9 will be a new chapter under Title 5; Business Licensing and Regulations. He pointed out  
10 that some Utah County cities have recently seen an increase in illegal activities occurring  
11 in massages establishments. Mr. Florence stated the Lindon City Attorney has researched  
12 the best practices and minimum standards to ensure that reputable businesses can  
13 successfully operate in the city. He noted massage establishments and employees are  
14 generally regulated as well by the Utah Department of Professional Licensing.

15 Mr. Florence then referenced the list of general standards that are addressed in the  
16 proposed ordinance as follows:

- 17 • Sets forth licensing requirements for massage establishments and/or employees.
- 18 • Develops qualifications such as age, convictions of crimes, citizenship, licensing  
19 and background check.
- 20 • Massage establishments are only allowed in the CG, CG-A, CG-A8, CG-S, MC,  
21 and LI zones. Massage establishments are not allowed as a home occupation.
- 22 • Massage establishments are only allowed as a secondary use that is associated and  
23 operated in conjunction with at least one other permitted commercial use within  
24 the zone where the application is filed and may not occupy more than 25% of the  
25 total square footage of the building.
- 26 • Requires that the establishment be maintained in a sanitary condition.
- 27 • Restricts hours of operation from 10:00 p.m. to 7:00 a.m.
- 28 • Establishes prohibited acts for massage establishments.
- 29 • Establishes a procedure for denial, suspension or revocation of a license. It also  
30 establishes an appeal process

31 Mr. Florence then presented the Massage Establishment Ordinance Draft followed  
32 by some general discussion including secondary uses (and examples) and emergency  
33 exceptions.

34 City Attorney, Brian Haws was in attendance remotely to address the commission  
35 at this time. Mr. Haws explained in his 20 years at the city there have been 2 massage  
36 establishments they have prosecuted and both were a home occupation (without a  
37 business license). He noted we want to make sure these establishments are in appropriate  
38 locations and not in residential neighborhoods. He pointed out that massage  
39 establishments are the second highest purveyor of sex trafficking next to the export  
40 services throughout the United States.

41 Mr. Haws stated a number of massage establishments in Utah and Utah County  
42 are specifically associated with human trafficking. So, there is a strong need to make sure  
43 we are regulating this so they are legitimate and above board. Mr. Haws stated they did a  
44 survey when they drafted the ordinance and looked at American Fork, Pleasant Grove,  
45 Orem, South Salt Lake, Salt Lake City ordinances noting this is a conglomeration from  
46 the best sections of each of those city's ordinances.

2 Chairperson Call called for any further 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 MARCHBANKS SECONDED THE MOTION. ALL PRESENT  
VOTED IN FAVOR. THE MOTION CARRIED.

8  
10 Following some additional discussion, the Commission was in agreement to  
continue this item to allow time to review the ordinance for changes including issues of,  
12 secondary uses, home occupations, emergency exceptions and the possibility of allowing  
some of these primary establishments under a conditional use permit. Mr. Haws  
14 confirmed they will look at some options and refine the ordinance and come back to the  
commission with a revised draft of the ordinance.

16 Mr. Haws clarified having this type of ordinance gives us more tools to shut down  
those establishments with illegal activities occurring; we want to ensure these are  
legitimate establishments. The Commission commended Mr. Haws and Mr. Florence on  
18 their great work on the ordinance and agreed we are going in the right direction in what  
we are trying to prevent.

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

22  
24 COMMISSIONER JOHNSON MOVED TO CONTINUE ORDINANCE  
AMENDMENT 2021-18 -O TO ALLOW THE CITY ATTORNEY AND STAFF TO  
WORK ON THE ISSUES AS DISCUSSED. COMMISSIONER TRIBE SECONDED  
26 THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

28 CHAIRPERSON CALL AYE  
COMMISSIONER MARCHBANKS AYE  
COMMISSIONER KALLAS AYE  
30 COMMISSIONER JOHNSON AYE  
COMMISSIONER SCHAUERS AYE  
32 COMMISSIONER TRIBE AYE

THE MOTION CARRIED UNANIMOUSLY.

34  
36 **8. New Business: Reports by Commissioners** – Chairperson Call called for any  
new business or reports from the Commissioners.

38 Commissioner Johnson spoke on the approved Norton property development. He  
noted from resident feedback, there is a general feeling that the decision made by the city  
40 council (and their views changed dramatically) was made by pending legal action and  
those decisions and discussion was not discussed in a public meeting. Mr. Florence stated  
42 that specific question was brought up at the city council meeting and was explained very  
well in the meeting by Mayor Acerson and Mr. Haws to help residents understand where  
44 they were coming from on this issue. He also suggested to listen to the YouTube video to  
hear the actual discussion at the meeting.

46 Mr. Haws clarified we are limited to what we can discuss in relation to closed  
meetings. He would point out to the citizens that 3 to 4 public meetings were held and  
48 density was the main issue and the specific meeting on whether to open 570 North and

2 after that, the issue focused to density. Some of the council indicated they would feel  
comfortable with the development if we got the density down to 8 units and that reflects  
4 that understanding. The council felt it was best they go through a new application as to  
give everyone ample time for input and discussion in an open and public meeting. He  
6 clarified the council did not make any decisions in the closed meeting. The council  
looked at things based on discretion (not absolute discretion) and thought it best to rehear  
8 the application rather than go through the risks and costs to go through litigation. Mr.  
Haws stated clearly, we cannot and did not make any decisions in that closed meeting.  
10 Mr. Haws stated they discussed litigation strategy's, potential outcomes, strengths and  
weaknesses in our defense and the merits of their case. He clarified these are things he is  
12 not at liberty to disclose outside of that closed meeting.

Chairperson Call asked for an update on the proposed Rehabilitation Center on 200  
14 South. Mr. Haws stated he spoke with their attorney and they are still in the process of  
investigation and haven't submitted a new application. He indicated that some of the  
16 neighbors have filed a lawsuit over the CC&R's. He pointed out the city is not involved  
in this litigation as we don't know if or when they will file a new application.

18

**9. Planning Director Report – General City Updates.**

20

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

**ADJOURN –**

24

26 COMMISSIONER SCHAUERS MADE A MOTION TO ADJOURN THE  
MEETING AT 7:20 PM. COMMISSIONER MARCHBANKS SECONDED THE  
28 MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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Approved – October 12, 2021

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Sharon Call, Chairperson

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38 Michael Florence, Planning Director